Title of Report:	**Planning Committee Report – LA01/2023/0008/F**
Committee Report Submitted To:	**Planning Committee**
Date of Meeting:	**24 September 2025**
For Decision or For Information	**For Decision**
To be discussed In Committee YES/NO	**NO**

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	NO
Capital/Revenue	N/a
Code	N/a
Staffing Costs	N/a

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	No	Date:

	EQIA Required and Completed:	No	Date:
Rural Needs Assessment (RNA)	Screening Completed	No	Date:
	RNA Required and Completed:	No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	No	Date:
	DPIA Required and Completed:	No	Date:

No: LA01/2023/0008/F **Ward: LIMAVADY & BENBRADAGH**

App Type: Full Planning

Address: Lands Approximately 1.86km WSW of 175 Gelvin Road, in the townlands of Brishey and Currgahlane, approx 4.8km E of Dungiven

Proposal: Construction of a windfarm comprising up to 6no. turbines (to a maximum blade tip height of 150 metres) an electrical substation/control building, internal access tracks, spoil depostion areas, temporary construction compound, delivery route junction improvements and all associated ancillary works.

Con Area: n/a **Valid Date: 08.02.2023**

Listed Building Grade: n/a **Target Date: 31.05.2023**

Agent: N/A

Applicant: Renewable Energy Systems Ltd, Willowbank Business Park Willowbank Road, Larne, BT40 2SF

Objections: 1268 Petitions of Objection: 0

Support: 219 Petitions of Support: 0

Executive Summary

- The proposal is for the construction of a Wind Farm comprising 4 no. Wind Turbines, with a maximum tip height of 150m, and associated infrastructure. The proposal will have a maximum generating capacity of up to 28.8MW. Off-site delivery route improvements are required to facilitate abnormal loads during turbine delivery.

- The proposal was originally for 6 turbines. However, the proposal was amended to reduce the number of turbines to 4 in order to address the Planning Department's concerns on visual impact and landscape character.

- As a major application this proposal was subject to the Proposal of Application Notice (PAN) process and the public consultation laid out within that before the application was submitted.

- The application was accompanied by an Environmental Statement.

- 1268 objections have been received regarding the proposed development.

- 219 letters of support have been received regarding the proposed development.

- The proposal has been assessed against the relevant policy, mainly Planning Policy Statement 18: Renewable Energy, and has been found acceptable in terms of the principle of development, impact on the public, safety, human health, residential amenity, visual amenity, landscape character, biodiversity, nature conservation, and local natural resources.

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.

- Approval is recommended subject to the proposed conditions.

Drawings and additional information are available to view on the Planning Portal-
https://planningregister.planningsystemni.gov.uk/simple-search

1.0 RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

2.1 The site is located within the townlands of Brishey and Curraghlane approx. 4.8km east of Dungiven. It is located in the northeast corner of the Sperrins Area of Outstanding Natural Beauty (AONB) with its boundary located approximately 2.5km to the north on Legavallon Road. It is proposed to cluster the wind turbines on the down gradient of the gentler eastern slopes of Benbradagh Mountain. Benbradagh mountain rises to +465m on its rounded summit and is prominent in views from the surrounding lowland areas towards Dungiven and the Roe Valley to the north-west, west and south. Access to the wind farm will be from the American Road to the northeast of the site which connects onto Gelvin Road.

2.2 There are several existing windfarms and single turbines in the locality. The closest is the 13 turbine Evishagaran Wind Farm located on the immediately adjacent lands to the east of the American Road.

2.3 The land is agricultural in nature and is currently used for grazing. From the 1940s to the 1970s, part of the site was used as a United States Military Base and Communications Centre. There are remains evident in the form of embankments, foundations, concrete drains and infrastructure across a levelled-out area excavated into the north-facing slopes of the mountain.

2.4 The site area is 52.3ha. However, the land take from the proposed wind farm (4.15ha) is relatively small in comparison. The actual permanent land take is limited to the area of the turbine bases themselves, the crane hardstanding, the access tracks and the

sub-station/control building. The proposed infrastructure has been designed to reuse and upgrade the existing extensive hardstanding (American Road) and there is to be no excavated track implemented in areas of potentially active peat, with any proposed infrastructure following veins of marshy grassland or rush pasture and avoiding areas of less disturbed blanket bog.

2.5 There are no occupied buildings, residential properties or farmsteads on or in proximity to the application site. The nearest residential property is No. 175 Gelvin Road, located approximately 1160 metres from the nearest proposed turbine (WTG4). There are scattered residential properties and farmsteads located along the surrounding Gelvin, Legavallon and Curragh Roads.

3.0 RELEVANT HISTORY

3.1 LA01/2022/0382/PAN - Construction of wind farm comprising up to 6no. wind turbines (to a maximum blade height of 150m), an electrical substation/control building, internal access track, spoil deposition areas, temporary construction compound, delivery route junction improvements, and all associated ancillary works - PAN Acceptable 12.04.2022

3.2 LA01/2024/0574/F - Installation of a meteorological monitoring mast, comprising of 80m high lattice masts, supported by cable anchors, at approximately 21m, 42m and 56m radii from the base for a period of 60 months – Approved 10.06.2025

4.0 THE APPLICATION

4.1 The proposal is for a wind farm comprising 4 turbines, an electrical substation/control building, temporary construction compound and associated ancillary works. The proposal will also involve off-site road improvements to facilitate the transport of abnormal sized loads. Each turbine will have a maximum tip height of 150m.

4.2 A 25m radius micro-siting buffer has been proposed around each turbine with the exception of WTGs 1 and 6. The micro-siting buffer around these turbines has been reduced to avoid sensitive features or other constraints.

4.3 Each turbine will have a maximum generational capacity of up to 4.8MW, giving a combined maximum generation capacity of up to 28.8MW.

4.4 The proposal originally consisted of 6 turbines. However, the number of turbines was reduced to 4 to address the Planning Department's concerns regarding visual impact and landscape character. This was the only amendment made.

4.5 The application was accompanied by a voluntary environmental statement.

Design & Access Statement

4.6 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is a major application. The application falls within the major category due to the maximum 28.8MW generation capacity of the wind farm.

4.7 The Design and Access Statement provides details of the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with.

4.8 In this application the report states how the site was selected and how the layout of the wind farm was considered giving regard to the landform, topography, and environmental/locational constraints while meeting the technical siting requirements of wind turbines.

4.9 The report demonstrates that the Applicant undertook significant consideration of the siting and number of the wind turbines and ancillary development such as avoiding scheduled monuments and maintaining suitable buffers to sensitive receptors and roads. This involved detailed assessment of the site during the EIA process which identified several constraints and led to layout changes to provide an acceptable scheme prior to submission of an application.

4.10 It is accepted that due to the inherent design characteristics of wind farms and for health and safety that there will be no requirement for access for member's of the public or those with disabilities onto the site.

5.0 PUBLICITY & CONSULTATIONS

External

5.1 One neighbour was identified for notification within the terms of the legislation. The application was advertised on 22 February 2023 in the local papers and again on 1 September 2023 to advertise receipt of an Environmental Statement.

5.2 1268 letters of objection have been submitted.

5.3 The issues raised in the letters include:

- Visual impact on the landscape, particularly Benbradagh Mountain and the AONB, including the cumulative impact with other windfarms and the size of the turbines;
- Impact on tourism;
- Impact on residential amenity in terms of visual and noise;
- Impact on natural environment including flora, fauna, peatland, species and aquatic environment;
- Impact on built heritage;
- Insufficient public consultation to the residents of Dungiven and the wider community;
- Not needed, already enough wind farms in area;
- No benefits to local people including no guarantee of cheaper electricity;
- Impact on local roads infrastructure;
- Light pollution from red lights on turbines;
- Photomontages disingenuous;
- Proliferation of wind farms in the area;
- Slope stability/bog slide;

5.4 129 letters of support have been submitted. The issues raised in the letters included:

- Clean form of green energy;
- Climate change;
- Economic benefit in the form of local jobs, rates and community fund;

- Meet Government targets with regard to renewable energy;

These issues are discussed below within the "Considerations and Assessment" section of the report.

Internal

5.6 See appendix 1 for details of consultations carried out and the responses provided. All the consultees that responded had no objection subject to conditions and informatives.

Proposal of Application Notice

5.7 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.

5.8 A Proposal of Application Notice was submitted on 31 March 2022 under LA01/2022/0382/PAN. The Applicant advised that they intended to undertake the following forms of consultation:

- Staffed public consultation event with information boards;
- Dedicated webpage;
- Provision of hard copies of information on request.

5.9 The public event was to be held on 9 June 2022 from 2pm to 8pm in Glenullin Resource Centre. Prior to this, the event was to be advertised in 2 local newspapers, on notices erected in Glenullin Resource Centre, Garvagh Community Centre and Dungiven Library and by information leaflets which were to be delivered to all properties within 2km of the proposed development site.

Community Consultation Report

5.10 The community consultation report was submitted as part of the planning application, received on 11 January 2023 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.

5.11 Copies of the following have been provided in the report:

- press notices;
- information leaflet and a distribution list;
- public notice/poster;

- photos of public event;
- information displayed at exhibition;
- event sign in sheet;
- completed feed back forms;
- website feedback and email response to website feedback;
- summary of issues raised.

5.12 The report states that the public exhibition was held on 9 June 2023 from 2pm to 8pm in Glenullin Resource Centre. Information leaflets were sent out and public notices were displayed in the Limavady and Coleraine Chronicles on 26 May 2023 and also in Glenullin Resource Centre, Garvagh Community Centre and Dungiven Library.

5.13 The exhibition was attended by 12 people and a school group from a local primary school. In total 11 feedback forms were filled completed at the event.

5.14 The website was live from 9 to 23 June 2023 and provided all the information which was available at the public event. The website gave the option to provide feedback online, via email or by phone. Two comments were received by email.

5.15 Copies of the above information has been provided in the PACC report. Overall, sufficient evidence has been provided to show compliance with section 27 of the Planning Act (Northern Ireland) 2011.

5.16 In total 13 feedback forms were submitted. Concerns raised included visual impact, impact on natural environment, impact on AONB, grid connection route, impact on local road networks, community and economic benefits resulting from the development. The report states that all aspects of feedback, verbal and written, have been considered in the final proposal submitted as part of the planning application

6.0 MATERIAL CONSIDERATIONS

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

determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is the Northern Area Plan 2016 (NAP). The site is within the Sperrin Area of Outstanding Natural Beauty (AONB).

6.3 The site is within Landscape Character Area (LCA) 36 Binevenagh which has been assessed to have a high to medium landscape sensitivity to impact from wind energy development.

6.4 The site is not within any European designations however it is hydrologically linked to the River Roe and Tributaries SAC.

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

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

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

6.8 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage
Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage

Planning Policy Statement 15: Planning and Flood Risk

Planning Policy Statement 16: Tourism

Planning Policy Statement 18: Renewable Energy

Planning Policy Statement 18: Renewable Energy – Best Practice Guidance

Planning Policy Statement 18: Renewable Energy – Supplementary Planning Guidance – Wind Energy Developments in Northern Ireland's Landscapes

PPS 21: Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: the principle of development, impact on the public, safety, human health, residential amenity, visual amenity, landscape character, biodiversity, nature conversation, and local natural resources.

Principle of development

8.2 The SPPS advises that the Council should take account of the proposal's contribution to the wider environmental benefits along with consideration of impact on health, safety and amenity, visual impact, impact on biodiversity and habitat, and future decommissioning.

8.3 An assessment was carried out under Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended) as the site is hydrologically linked to the River Roe and Tributaries SAC. The test of likely significance concluded 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 project provided the mitigation detailed in the ES are adhered to. Shared Environmental Service has advised mitigation should be controlled through conditions in the event of an approval.

8.4 The application was accompanied by a voluntary Environmental Statement because it was accepted that the proposal falls within Schedule 2, Class 3(j), of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and exceeds the threshold of 'more than 2 turbines'.

8.5 The Northern Area Plan 2016 is silent on the matter of wind farm development in this area.

SPPS Development in the Countryside and PPS 21 Sustainable Development in the Countryside

8.6 Planning Policy CTY 1 of PPS 21 allows for renewable energy projects in accordance with PPS 18 which is assessed below.

8.7 Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Also, CTY 14 of PPS 21 states that a planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area.

8.8 The proposal includes one permanent building (substation control building) with an associated hardstanding area. The substation control building will provide the housing for the switchgear and metering equipment necessary to connect the wind farm to the local distribution network. It is proposed that the building will be finished using traditional rough render and dark grey slate tiles to ensure that its appearance is in keeping with other buildings in the area. It is proposed to be 6m high with a footprint of 5.84m by 22m. The design and materials are acceptable.

8.9 The substation control building has been sited between proposed turbines WTG1 and WTG3 at an elevation of approx. 390m. The land rises from the substation to the south and west to the summit/ridgeline of Benbradagh which peaks at +465m AOD, therefore the substation will not be visible when the proposal is viewed from public viewpoints to the south or west.

8.10 The land falls away from the substation to the north and east and the substation control building will sit above surrounding public roads. However, existing forestry to the northeast of the site, and the intervening topography and roadside vegetation mean that the substation will not be readily visible when viewed from public view points to the north and east. If any views of the building are available from the north or east, the building will benefit from a backdrop provided by Benbradagh and will be read with the proposed turbines. Therefore, the building will not be a prominent feature in the landscape and will not cause a detrimental change to the rural character of the area.

8.11 A temporary construction compound is proposed as part of the proposal. This temporary compound is to be located adjacent to the permanent substation control building and will benefit from the same screening as described above. Therefore, as with the substation control building, the temporary construction compound will have a limited visual impact. The compound is temporary and will be removed following completion of the development, with the lands restored.

8.12 The SPPS also states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. Given the nature of a windfarm, it is difficult for it to integrate into the countryside. However, the proposal, including the turbines and the associated infrastructure, has been sensitively designed to respect rural character as much as it can. Although the Planning Department has concerns over the integration of the proposal, NIEA Countryside, Coast and Landscape Team has no objection and states that given the proximity of the proposal to the existing Evishagaran Wind Farm, the proposal will appear as an extension of the existing wind farm and is therefore acceptable. Significant weight is given to the position of NIEA CC&L Team as the competent authority on landscape matters.

SPPS Renewable Energy and PPS 18 Renewable Energy

8.13 Policy RE1 and paragraph 6.224 of the SPPS requires that all renewable energy development, associated buildings and infrastructure will not result in an unacceptable adverse impact on:

(a) public safety, human health, or residential amenity;

Public safety

8.14 Policy RE1 states that supplementary planning guidance *'Wind Energy Development in Northern Ireland's Landscapes'* (Best Practice Guidance) will be taken into account in assessing all wind turbine proposals.

8.15 Regarding safety, paragraph 1.3.54 of the guidance requires that the turbines should be set back at least fall over distance plus 10% from the "edge of any public road", right of way or railway line. The maximum base to tip height in this proposal is 150m which constitutes the fall over distance, therefore the fall over distance plus 10% is 165m. There is proposed micro-siting of 25m, taking

this into consideration, the distance required is 190m. The nearest turbine to a public road is turbine WTG3 which is approx. 900m from the end point of Curragh Road, where the road ends and becomes track. This is well over the required set back distance and therefore complies with policy.

8.16 In relation to public safety, paragraph 1.3.52 of the Best Practice Guidance states that *'for wind farm development the best practice separation distance of 10 times rotor diameter to occupied property should comfortably satisfy requirements'.* No minimum distance is specified. While the guidance acknowledges that wind turbines are a safe technology, it still stipulates a separation distance as there is still the potential for failure and injury. In this instance, the maximum rotor diameter proposed by the Applicant is 136m which equates to a separation distance of at least 1360m. The proposed 25m micro-siting must also be taken into consideration when determining the separation distances which means the distance required in some directions is 1385m i.e. 1360m +25m.

8.17 The nearest occupied property to the site is 175 Gelvin Road which is located approx. 1167m from the nearest turbine (WTG4). This is the only property within the 1385m safety separation distance of a proposed turbine, with the next nearest dwelling, 173 Gelvin Road, being approx. 1831m from turbine WTG4, well outside the separation distance. The Applicant states in the ES that 'all turbines are located well beyond the industry recommended clearance distances, which indicate that turbines should have a clearance of 2 x tip height from occupied properties, 300m in this instance (based on maximum worst-case scenario). This recommended clearance distance is supported by a recent Study regarding Wind Turbines carried out by the Health and Safety Executive in 2013. Therefore, all dwellings are well beyond the industry recommended clearance distance.

8.18 Although less than the recommended 1385m, these reduced separation distances are considered acceptable. This is in light of a Planning Appeals Commission decision on application LA01/2017/1654/F (appeal ref: 2018/A0199) Armoy Wind Farm where the PAC accepted a separation distance of 623m when the 10 times rotor diameter separation distance was 998m. In its decision, the PAC concluded that the use of the word 'comfortably' in the BPG allows a degree of latitude to be applied to separation

distances and that 10 times rotor diameter need not rigidly apply. Further, the BPG describes wind energy developments as safe technology and failure is unlikely. The PAC, therefore, concluded that the proposal wouldn't present a public safety risk and was satisfied that the appeal proposal would not cause significant harm or result in an unacceptable adverse impact on public safety. Policy RE 1 states "for wind farm development, a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply". In applying the PAC's logic, the distances in this case exceed 500m and are therefore considered acceptable.

Human Health

8.19 There is no indication from any consultees or other evidence to suggest that the proposed development will result in any detriment to human health. Environmental Health who is the competent authority on human health, has not raised any objections on these grounds.

Residential Amenity

8.20 Policy RE 1 stipulates that a separation distance of 10 times rotor diameter, with a minimum distance not less than 500m, will generally apply to protect residential amenity from noise. This is reiterated in the Best Practice Guidance at para 1.3.43 specifically in relation to noise. As outlined above, there is only 1 residential property within the 10 times rotor diameter buffer, but it is well outside the minimum 500m separation distance.

8.21 With regard to noise, Environmental Health (EHO) has assessed the proposal and have no objection to the predicted noise levels at any of the receptor locations. EHO note from the addendum report that when the proposed wind farm was considered in isolation there were no exceedances of the ETSU-R-97 limits at any of the identified receptors. However, for the cumulative assessment it was noted that there were exceedances at two of the identified receptors (175 Gelvin Road and 173 Gelvin Road). The report noted that 175 Gelvin Road is financially linked to Evishagaran wind farm and therefore when the higher financially involved ETSU-R-97good practice guidance limits were applied for this receptor, there were no exceedances in the cumulative assessment. The report also considered that the difference in impact between the proposed wind farm and the existing

Evishagaran wind farm was greater than 10 dB lower and therefore, in effect, Brishey Wind Farm would have no material impact on the cumulative noise levels at 175 Gelvin Road.

8.22 173 Gelvin Road is not financially linked and so the financially involved limits cannot be applied. EHO note that the consultant in this regard has therefore amended the lower fixed limit to 37.5 dB in line with the good practice guidance. EHO has no objection to this and has recommended conditions to be applied in the event of an approval.

8.23 Regarding shadow flicker, the Best Practice Guidance states that at distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. It also states that only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side. Only 1 property has been identified within the 10 times rotor diameter, 165 Gelvin Road.

8.24 The guidance also states that for dwellings within 500m, shadow flicker should not exceed 30 hours per year or 30 mins per day. No figure is given for properties outside this distance. If 30 hours of shadow flicker is acceptable at properties within 500m then it would also be acceptable at properties outside the 500m but within the 10 times rotor diameter.

8.25 It is predicted that 165 Gelvin Road will experience a maximum of 12.15 hours of shadow flicker per year, worst case scenario. This is well below the guideline figure of 30 hour per year and is therefore acceptable. The real case scenario, which better reflects the reality of the situation, reduces the predicted annual hours of shadow flicker experienced for the property to 2:08 hours per year, significantly below the limits set out in PPS18 BPG.

(b) visual amenity and landscape character;

8.26 Although highly visible by their very nature, wind farm developments are not prohibited as unacceptable features in the landscape. Their acceptability depends on the character and sensitivity of the landscape and the degree to which the proposal will impact on it.

8.27 The site is within the northeastern part of the Sperrin Area of Outstanding Natural Beauty (AONB) and within Landscape Character Area (LCA) 36 Binevenagh. In this case, NIEA Landscape Team, which is the competent authority, has considered the proposal, on balance, to be acceptable. This is laid out in detail below under "PPS18 Requirements for Wind Development".

8.28 The proposal also includes an electrical substation/control building, internal access tracks, spoil deposition areas, temporary construction compound, delivery route junction improvements and all associated ancillary works. The construction compound will be removed once the turbines are operational. These works will not have any significant visual impact. The control building is 6m high by 22m by 5.84m. It will be finished with traditional rough render and dark grey slate tiles. The size, design and finishes are acceptable in the countryside.

(c) biodiversity, nature conservation or built heritage interests;

8.29 The Environmental Statement has assessed the impact of the development on designated sites, habitats and species through conducting extensive survey works and has provided mitigation measures to avoid significant adverse impacts.

Priority Habitats and Species

8.30 The site contains the Northern Ireland priority habitats blanket bog, upland heathland (wet heath), purple moor-grass and rush pastures and rivers and streams. Blanket bog and wet heath are also Annex 1 Habitats of the EU Habitats Directive (92/43/EEC).NIEA Natural Environment Division (NED) has considered the impacts of the proposal on natural heritage biodiversity interests, and they have no objections, subject to conditions.

8.31 The site contains Northern Ireland priority habitats including blanket bog, upland heathland (wet heath), purple moor-grass and rush pastures and watercourses. The site also contains marshy grassland and small areas of acid grassland. Blanket bog and wet heath are also Annex 1 Habitats of the EU Habitats Directive (92/43/EEC) as defined by the Interpretation Manual of European Habitats and active blanket bog (active peatland) is a European

priority habitat. Northern Ireland has a legal duty under the Habitats Directive to maintain the favourable conservation status of these habitats.

8.32 NED welcomes the appropriate use of the Environmental Impact Assessment process to, where possible, avoid valuable habitats in the first instance and mitigate/compensate for their loss in second instance. The proposal will result in the loss of 0.56ha of blanket bog, 0.11ha of wet heath and 2.86ha of purple moor-grass and rush pastures. However, the most valuable habitat areas within the site have, for the most part, been avoided during the design phase of the project.

8.33 The loss of 3.5 ha of priority habitat is considered an impact of moderate adverse significance. There will also be a temporary loss of 2.86 ha of these habitats to spoil storage areas which will be restored post construction. Therefore, it is considered impacts will be minor adverse, of limited duration and reversibility.

8.34 It is reported that much of the site supports blanket bog priority habitat with a large proportion of it considered to be potentially active peat. This is discussed further below under the section 'Development on Active Peatland'.

8.35 The minor streams that drain parts of the site are priority habitat and headwaters of the River Roe. Brown Trout Salmo trutta (NI priority species) are present in the streams within/hydrologically linked to the site. Atlantic Salmon Salmo salar (Annex II species of the EU Habitats Directive (92/43/EEC) and NI priority species) are present in the Gelvin River and River Roe. NED is content provided mitigation measures to protect the watercourses as detailed in the oCEMP are implemented. NED require a final CEMP and HMP to be submitted to be agreed prior to the commencement of development in the event of an approval. NED has also recommended further measures/amendments which should be included within the Management Plans.

Sites of Local Nature Conservation Importance

8.36 Benbradagh West Site of Local Conservation Importance (SLNCI) is adjacent to the western boundary of the site. It is designated for basalt grassland and the rocks and crags on the upper slopes of Benbradagh mountain support bryophyte flora of outstanding interest with rare species recorded here. NED are content that the

works will be sufficiently remote from the SLNCI that there are unlikely to be effects on the SLNCI features.

8.37 Benbradagh SLNCI lies entirely within the site boundary. This SLNCI is designated for its blanket bog habitats. Turbines T3 and T4, and the access track between them, are within the SLNCI boundary. The ES states that features of greatest conservation interest, namely blanket bog, within Benbradagh SLNCI will be avoided. NED is content that provided the mitigation measures detailed in the ES and the HMP are implemented in full, there are unlikely to be significant impacts on Benbradagh SLNCI.

Ornithology

8.38 The site supports breeding birds, protected under the Wildlife (Northern Ireland) Order 1985 (as amended). A programme of bird surveys was carried out between September 2017 and August 2021. During the breeding seasons, a maximum of 20 bird species were recorded with 6 passerines of conservation concern being recorded and 5 target species including Goshawk, Merlin, Peregrine, Snipe and Golden Plover. Numbers of each species recorded was low and there is a wide availability of similar habitat in the surrounding area for the species.

8.39 34 bird species were recorded during the wintering bird surveys. 6 of which were target species including Hen Harrier, Peregrine, Merlin, Red Grouse, Snipe and Golden Plover. The main concerns in relation to the impact on bird populations is collision and displacement. Collision risk for each species was calculated to be of low probability. With regard to displacement, the OMMP outlines the main measure to protect birds such as snipe during the construction phase is the timing of the works. Construction work has been scheduled outside the main bird breeding season. Further to this the OMMP details a habitat management area of which almost half lies outside of the 400m disturbance area for Snipe.

8.40 NED Ornithology is content that, with appropriate mitigation as outlined in the Environmental Statement, oHMP and the OMMP, this development is unlikely to have significant impacts on bird populations. Given the presence of breeding Snipe and Red Grouse within the site boundary, NED advises that a precautionary approach be taken and construction work should be restricted to

outside of the breeding bird season, which runs from 1 March to 31 August

Bats

8.41 The site supports bats which are a European protected species under the Habitats Regulations. Of the 180 nights of bat activity monitoring carried out at the site, there were 162 nights with either negligible or low levels of bat activity, 17 nights with moderate bat activity and 1 night with high activity. Common pipistrelle, Soprano pipistrelle, Leisler's bat, Nathusius pipistrelle, Brown longeared bat, Daubenton's bat and Natterer's bat were recorded during activity surveys. The main concern with regard to bats is collision risk. Of the species recirded, Leisler's bat and all Pipistrelle species are considered at most risk of collision with wind turbine blades.

8.42 A detailed Bat Mitigation and Monitoring Plan (BMMP), which includes measures such as feathering of turbine blades, activity monitoring and carcass searches, has been proposed to avoid major adverse impacts. NED also notes that impacts have been further mitigated at design stage with the inclusion of buffers between turbines and habitat edges.

8.43 NED has no objection provided mitigation measures are implemented in accordance with a final BMMP to be agreed prior to any development activity commencing. This will be conditioned as part of any approval.

Smooth Newt

8.44 Smooth Newts are protected under the Wildlife (Northern Ireland) Order 1985 (as amended). Newt surveys have been carried out at the site and a small population of smooth newts was found in the ponds at the old navy base. These ponds will be retained and NED is content that provided the mitigation measures proposed in the report to protect smooth newts are implemented, there is unlikely to be any significant impact on the local smooth newt population. Details of mitigation measures to protect smooth newts should be included in the final CEMP.

Common Lizard

8.45 Common lizards are protected under the Wildlife (Northern Ireland) Order 1985 (as amended). Common lizard surveys carried out

recorded a small, widely distributed population of common lizards. Mitigation measures have been proposed to protect common lizards during the construction phase. NED is content that provided mitigation measures to protect common lizard are implemented, there is unlikely to be any significant impact on the local common lizard population. Details of mitigation measures to protect common lizards should be included in the final CEMP.

Badgers

8.46 Badgers and their places of refuge are protected at all times under the Wildlife (Northern Ireland) Order 1985 (as amended). Mitigation measures to be implemented during the construction phase have been recommended including pre-construction surveys for badgers by the ECoW. NED welcomes these mitigation measures. NED is content that provided the proposed mitigation measures are implemented, the proposal is unlikely to have a significant impact on the local badger population. Details of all mitigation measures must be included in a final CEMP should planning approval be granted.

8.47 Historic Environment Division - Historic Monuments (HED) is content that the proposed development satisfies Policy BH 2 of PPS 6. This is discussed further under PPS 6 below.

(d) local natural resources, such as air quality or water quality;

8.48 Water Management Unit (WMU) of NIEA has considered the impacts of the proposal on the surface water environment. WMU has no objection subject to conditions. WMU require the submission of a final Construction Environmental Management Plan and a Construction and Decommissioning Method Statement to ensure avoidance and mitigation measures are planned for, and implemented, for the protection of the water environment.

8.49 Due to the nature of the development there will be limited impact on air quality except for dust suppression upon construction.

8.50 Regulation Unit (Land and Groundwater Team) of NIEA considered the information presented for potential impacts of the proposal on the aquatic environment (especially groundwater). They have no objection to the proposal and are content with the proposal without condition.

8.51 The site is hydrologically linked to the River Roe and Tributries SAC and ASSI and Ballymacallion ASSI which are of international and national importance and are protected by Conservation (Natural Habitats, Etc) Regulations (NI) 1995 (as amended) and The Environment (NI) Order 2002. NED has considered the potential impacts of the proposal on the designated sites and advise that it is content provided the mitigation measures set out on the pollution prevention plan of the OCEMP/Water Management Plan are implemented. This will be conditioned in the event of an approval.

(e) public access to the countryside.

8.52 The site in question is not publicly owned land and as such public access to the site upon the construction of the proposed development will be no different than before, that is, access to the land will depend on the landowners consent.

PPS 18 Requirements for Wind Development

8.53 In RE1 of PPS 18 applications for wind energy development will also be required to demonstrate all of the following:

(i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;

8.54 Although highly visible by their very nature, wind farm developments are not prohibited as unacceptable features in the landscape. Their acceptability depends on the character and sensitivity of the landscape and the degree to which the proposal will impact on it. The Applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which was prepared by Park Hood Chartered Landscape Architects on behalf of the Applicant. The LVIA was updated to reflect the reduction from 6 turbines to 4 turbines.

8.55 The turbines are located on Benbradagh Mountain within the Sperrins AONB and Landscape Character Area (LCA) 36 Binevenagh.

AONB

8.56 It is acknowledged that wind farms are not precluded from being developed within AONBs. AONBs are designated to conserve or enhance the natural beauty or natural phenomena within the entire

AONB area. NIEA Countryside and Coast Landscape Team (CC&L) had originally expressed concern over the location of the proposed 6 turbine wind farm within the boundary of the Sperrins AONB, and its impact on visual amenity and landscape character. However, the proposal was amended to remove the 2 most elevated turbines and NIEA CC&L reassessed the amended proposal. The 2 turbines which have been removed had hub heights which sat above Benbradagh. NIEA CC&L are now of the opinion that the reduction has lessened the visual intrusion of the proposed wind farm on the AONB.

8.57 NIEA CC&L acknowledge the presence of Evishgaran, which consists of 13 turbines, within the AONB and that the proposal will introduce a further 4 turbines to the area, therefore increasing the concentration of turbines in this part of the AONB. However, they advise that the closeness of the two wind farms would enable the proposed project to appear as an extension to the existing wind farm, and not a separate distinct cluster of turbines on Benbradagh.

LCA 36 Binevenagh

8.58 Located in Landscape Character Area (LCA) 36 Binevenagh, the proposal will be located on Benbradagh Mountain. Supplementary planning guidance (SPG) 'Wind Energy Development in Northern Ireland's Landscapes' describes LCA 36 as having a high to medium sensitivity to wind development. It also identifies Benbradagh as having a prominent west-facing skyline and being highly visible from the main A6 Londonderry to Belfast road. The eastern slopes of Benbradagh, on which the turbines are located, are considered to be less prominent.

8.59 The SPG further states "The lower central section of the LCA may be better suited to wind energy development in landscape and visual terms than other areas. Siting in association with forestry may be beneficial" and "particular care should be taken to avoid adverse impacts on the distinctive skylines of Benbradagh". The original proposal of 6 turbines had 2 turbines located at higher elevations which intruded onto the distinctive skyline of Benbradagh Mountain. However, the removal of the 2 most elevated and prominent turbines from the proposal, has reduced the scale of impact when viewed from the west.

8.60 The site is on the open landscape of the eastern side of Benbradagh Mountain and although the site is located next to Lenamore Forest and close to Gortnamoyah Forest, it is not considered it is positioned in relative association with more extensive areas of forestry further north of the site in the more central area of the LCA. However, as discussed above, the proposal would be located next to an existing wind farm of 13 turbines of similar height. Considering the closeness of the turbines, the new proposal of 4 turbines would appear as an extension to the existing Evishagaran Wind Farm and not a separate cluster. NIEA CC&L are content that the proposal will not impact on the landscape character of the area.

Visual Impact

8.61 The proposal will introduce a further 4 turbines, measuring 150m in height to the area. When viewed from the north west to north east the proposal will read with the existing 13 turbines of Evishagaran Wind Farm, extending the focus of turbines further west and to higher elevations on Benbradagh. The spatial gap between the 2 wind farms will be diminished when viewed from a distance of between 3 to 7km, making the turbines read as one wind farm.

8.62 The reduction in the number of turbines from 4 to 6 has removed the 2 most elevated and prominent turbines which were clearly visible from viewpoints (VP) (as provided by the submitted LVIA) to the south and west, in particular VP2 (Moydamlaght Road), VP3 (Feeny Road), VP4 (Gaelcholáiste Dhoire near Dungiven Castle), VP5 (Garvagh Road), VP22 (Drum Road), VP23 (A6 Foreglen Road) and VP24 (Drumrane Road). Although the visual impact has not been entirely removed, the removal of the 2 turbines has reduced the level of impact from these viewpoint locations and along this section of the main A6 road corridor.

8.63 The Zone of Theoretical Visibility (ZTV), which has been submitted as part of the LVIA, indicates that where the two wind farms are visible within the study area they appear as a single group of turbines and not as two separate clusters. NED CC&L are of the opinion that based on the evidence provided, the reduced scheme lessening the visual impact over Benbradagh to the south and west and considering the location adjacent to the existing Evishagaran Wind Farm, the proposal is considered on balance to be acceptable on landscape and visual grounds.

8.64 Although NIEA CC&L have no objection to the proposal on the grounds of visual amenity and landscape character, the Planning Department still has concerns regarding these issues, particularly when viewed from Legavallon Road, to the North of the site and when traveling east towards Dungiven along the new A6 dual carriage way where the tips of 3 turbines can still be viewed above the ridge of Benbradagh. These public viewpoints are from main roads into, or past, Dungiven and would therefore have a high number of receptors. However, NIEA CC&L are the competent authority and they have assessed the LVIA which has been carried out by a qualified landscape architect and are content with the proposal. The LVIA concludes that that 'the broader landscape and the existing visual resources identified have the capacity to absorb a proposal of this scale and size without unacceptable impacts arising and the proposal should be considered acceptable in landscape and visual terms'. On this issue, determining weight is given to the conclusions of the professional LVIA and the response from NIEA CC&L.

(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;

8.65 From certain viewpoints, specifically those to the northwest to northeast of the site, the cumulative impact on the landscape is evident. From those viewpoints, the proposed turbines will read with Evishagaran, but will appear as an extension of the existing wind farm. Therefore, the cumulative impact will not be significant. Other approved wind farms further to the north are far enough removed from the site as to not cause a significant impact.

(iii) that the development will not create a significant risk of landslide or bog burst;

8.66 A Peat Stability Hazard Assessment was included within the Environmental Statement. The assessment concluded that for each proposed turbine location, peat instability was of negligible hazard where the recommended mitigation is applied, and the majority of the access track network is registered as negligible to low hazard.

8.67 GSNI has reviewed the assessment and is satisfied that the risk of peat slide during the construction and operational phases of the

development is low to negligible. In areas where peat slide risk is determined to be low, they are satisfied that the proposed mitigation measures will reduce the likelihood of peat slide to acceptable levels.

(iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;

8.68 None of the consultees have indicated that the development will give rise to unacceptable interference to communication installations, emergency services communications or other telecommunications systems.

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

8.69 The proposal is within the 30km consultation zone for City of Derry Airport (CoDA). CoDA confirm that the proposal will have no adverse effect on City of Derry Airport operations and they have no objection to the proposal. Ministry of Defence, National Air Traffic Services (NATS) and Civil Aviation Authority have no objection to the proposal in terms of safeguarding.

8.70 The proposed development will not result in unacceptable risk to road safety. Access arrangements are discussed below, while the risk to road safety due to separation distance was discussed above.

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

8.71 As discussed above, EHO have no objections to the noise levels predicted within the submission and would be content for noise to be managed by condition in the event of any approval. The amount of shadow flicker is deemed acceptable.

8.72 Paragraph 1.3.79 of the Best Practice Guidance advises that ice throw is unlikely in Northern Ireland and as such limited consideration has been given to this.

8.73 The Applicant has advised that the turbine blades have a light grey semi-matt surface finish which means that they do not reflect light as strongly as materials with a polished surface. Also, due to factors such as the convex surfaces of blades, differing orientations of rotor directions and the specific weather conditions and solar position which are required before an observer would experience the phenomenon, the potential for reflected light is low and will not cause a material reduction to amenity.

(vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

8.74 The removal of the turbines and any of the associated infrastructure will be dealt with by condition requiring the submission of a final Decommissioning and Site Restoration Plan prior to removal.

Development on Active Peatland

8.75 Policy RE 1 of PPS 18 states that any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest. The ES addendum indicates that much of the site supports blanket bog priority habitat with a large proportion of it considered to be 'potentially active' peat. The ES addendum states that as well as active and inactive peat, ecologists at Blackstaff Ecology also map an intermediate category called 'potentially active' which typically displays some, but not all, indicators of active peat such as peat-forming Sphagnum mosses, cotton-grasses, spongy peat surface, vegetation comprised primarily of bog species etc. The majority of the proposed infrastructure therefore follows marshy grassland and wet heath where feasible, the only exception to this being the access track north from American Road towards turbine WTG 6 which would need to cross an area of blanket mire with potentially active peat. It is proposed to use a floated track at this point.

8.76 NED acknowledges that impacts to valuable peatland habitats have been considered at the design phase of the proposal by locating, where possible, infrastructure on less valuable habitats such as marshy grassland and using existing tracks. NED welcomes the use of this good practice and the use of a floated track to maintain hydrology within peatland.

8.77 NED acknowledges that the potentially active peat in the zone of influence of the floated track occurs in a mosaic with temporarily inactive peat and NED's concern is for potential impacts to the hydrological integrity of the area as a whole, and the impact any hydrological changes will have on active peat within the area.

8.78 NED note that the proposed track to WTG 6 is located between two large hydrological units. The track will impinge slightly on the edge of the southern tip of the eastern most unit and will not divide up a large area of active peat. NED states that the construction of floated track along this section is preferable to cut and fill and will not create a hydrological barrier within the unit or cause further reduction to the water table of nearby peat habitat. It is stated in the ES addendum that the existing hydrological flow within peat beneath the track will be maintained, further ensuring no negative impacts to peatland habitat beyond the proposed construction footprint. NED confirm that any area of impacted peat that is active will not likely be significant given the mosaic nature and the location at the edge of the hydrological unit.

8.79 The ES addendum states that the construction of a floating track along the proposed route to T6 is a proven method to retain favourable hydrological conditions within peat underlying the floating track, therefore no negative impacts are anticipated on underlying or adjacent peatland habitat as a result of its construction. In addition, to compensate for the loss of a small area of 'potentially active' peat beneath the footprint of the floating track, the entirety of the site will be subject to a comprehensive Habitat Management Plan which will include raising of the existing water table through ditch blocking and reduced livestock grazing which will allow peatland vegetation, including peat-forming species such as Sphagnum and Eriophorum, to recover. NED agrees that appropriate grazing management will benefit and compensate for projected losses identified within the ES by improving a large area towards active peat/maintaining active peat.

8.80 Provided appropriate care is taken during construction and maintenance of the floated track, NED is content that significant impacts to peatland hydrological units can be mitigated. However, detailed construction methods and mitigation measures for the avoidance of significant impacts at this location must be provided in a final CEMP and CMS for the floated track. This will be conditioned in the event of an approval.

8.81 As no active peat has been identified within the footprint of the development the proposal complies with policy RE 1 with regard to active peat.

Habitat Management Plan

8.82 Policy RE1 of PPS 18 specifies that a Habitat Management Plan (HMP) should be submitted and agreed before any permission is granted. Policy NH5 of PPS 2 also states that appropriate mitigation and/or compensatory measures will be required. An outline Habitat Management and Enhancement Plan (oHMEP) has been submitted as part of the Environmental Statement.

8.83 NIEA NED considers the oHMEP to be acceptable. In the event of an approval, NED requires the submission of a final Habitat Management Plan to be agreed prior to any development commencing. This will be conditioned if the application is approved.

Economic, Environmental and Social Benefits Consideration

8.84 Paragraph 4.1 of policy RE1 of PPS18 states that "the Department would support renewable energy proposals unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits." In this case the development is considered acceptable with no unacceptable adverse effects therefore there is no need to scrutinise the wider environmental, economic and social benefits.

8.85 The SPPS requires material consideration of social, economic and environmental benefits. In this case, the provision of a sustainable supply of energy from a renewable resource must be given significant weight due to the considerable environmental benefits that provision of energy in this way provides such as the reduction of CO2 emissions. This proposal also positively contributes to regional and national targets for provision of energy from renewable sources as set out in the Climate Change Act (NI) 2022. In the recent appeal decision for a 6 turbine scheme at Magheramore Wind Farm, the Commissioner said that the environmental and economic benefits, as a whole, weigh strongly in favour of the proposal, but must be balanced against any unacceptable adverse impacts.

SPPS Natural Heritage and PPS 2 Natural Heritage

8.86 The SPPS and policies NH1, NH2, NH3, NH4, NH5 and NH6 of PPS 2 require consideration of the impact of the proposal on European and National sites, protected species, sites on nature conservation importance, habitats, species or features of natural heritage importance and AONBs.

8.87 These issues have all been addressed under the consideration of the SPPS Renewable Energy and PPS 18 Renewable Energy above. The proposal satisfies all policy requirements of the SPPS Natural Heritage and PPS 2.

SPPS Transportation and PPS 3 Access, Movement and Parking

8.88 The proposed development will utilise an existing access onto Gelvin Road and follow the private American Road to the wind farm site. DfI Roads has no objection to the proposal.

SPPS Archaeology and Built Heritage, PPS 6 Planning, Archaeology and the Built Heritage and PPS 18 Renewable Energy

8.89 Policy RE1 of PPS18 requires that renewable energy proposals do not result in an unacceptable adverse impact on built heritage interests.

8.90 Policy BH 1 of PPS 6 'The Preservation of Archaeological Remains of Regional Importance and their Settings', and the SPPS operate 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.

8.91 Policy BH 2 of PPS 6, 'The Protection of Archaeological Remains of Local Importance and their Settings', and the SPPS state that development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where it is considered that

the importance of the proposed development, or other material considerations, outweigh the value of the remains in question.

8.92 Policy BH 4 of PPS 6, Archaeological Mitigation, states that where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, conditions will be imposed to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

8.93 There is tension between the policies in play as policy RE1 clearly allows for some level of adverse impact on built heritage interests providing it is deemed 'acceptable'.

8.94 HED advises that there are a number of State Care Monuments, including Dungiven Priory and Banagher Old Church, and Scheduled Monuments, including Carnanbane Court Tomb, Cloghagalla (Boviel) Wedge Tomb, Magheramore Court tomb & Portal Tomb, King's Fort Rath and Carrick East Court Tomb, which have the potential to be impacted by the proposed development. Therefore, policy BH 1 applies. However, they advise that on review of the ES and the ES addendum, including photomontages, the proposal is acceptable to Policy BH 1 of PPS 6.

8.95 HED advises that Benbradagh USN Radio Station, a locally important Cold War era radio station, is located within the site. Therefore, policy BH 2 applies. HED has advised that, to ensure the protection of archaeological assets during site works, a temporary protection fence must be erected around the boundaries of Benbradagh Radio Station prior to the commencement of site works and for the duration of works. If any approval is conditioned accordingly, the proposal will satisfy policy BH 2 of PPS 6.

8.96 Due to the archaeological potential of this upland location and the recorded archaeological assets in this area, HED advises that providing any approval is conditioned to require the submission and implementation of an Archaeological Programme of Works (PoW), to include the archaeological mitigation of the entire development footprint, including all compounds, cable trenches and other intrusive work associated with the development, prior to

the commencement of development, the proposal will meet the requirements of Policy BH 4 of PPS 6.

SPPS Flood Risk and PPS 15 Planning and Flood Risk

8.97 The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 coastal flood plain. Therefore, the proposal meets the requirements of Policy FLD 1 of PPS15 and the SPPS.

8.98 DFI Rivers confirm that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the site. However, the site is affected by numerous undesignated watercourses of which they have no record. DFI Rivers is satisfied that the proposal complies with Policy FLD 2 of PPS15 in that it has been demonstrated that a working strip with a minimum width of 5m will be provided for the various undesignated watercourses within the site.

8.99 Due to the size and nature of the development FLD3 of PPS15 applies. A Drainage Assessment has therefore been submitted as part of the ES. The Drainage Assessment indicates that flood risk to and from a portion of the development will be managed using a Sustainable Drainage Systems (SuDS). DfI Rivers advise that commenting on the efficacy of the proposed SuDS is outside DfI Rivers area of knowledge and expertise and until the SuDS design has been fully appraises, the potential flood risk to the development and elsewhere has not been dealt with satisfactorily.

8.100 NIEA Water Management Unit has considered the impacts of the proposal on the surface water environment and is content with the proposal subject to conditions, the Applicant referring and adhering to Standing Advice, any relevant statutory permissions being obtained, and compliance with Planning Policy Statement 15: Planning and Flood Risk. The standing advice includes guidance on SuDS and NIEA require a condition to be included in the event of an approval requiring the details relating to site drainage management, including SuDS, to be submitted as part of a final CEMP and approved prior to the commencement of development. NIEA WMU has not objected to the proposal, therefore, the Planning Department considers the proposal to meet with Policy FLD 3 of PPS15.

8.101 No new culverts are proposed, therefore FLD 4 of PPS 15 is not applicable.

Northern Area Plan, SPPS Tourism and PPS 16 Tourism

8.102 Policy TSM 8 of PPS 16 is entitled 'Safeguarding of Tourism Assets' and states that planning permission will not be granted for development that would 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. A tourist asset is defined in Appendix 1 of PPS 16 as any feature associated with the built or natural environment which is of intrinsic interest to tourists.

8.103 The proposal is located within the Sperrins AONB, adjacent the Ulster Way walking route. There is no evidence to demonstrate that the proposal would make tourists less likely to visit the area or walkers to walk the Ulster Way at this point. Further, there is no evidence to suggest that the existing windfarms have impacted on tourism in the area.

Issues raised in letters of representation

Note – issues raised by objectors are in italics and are followed by Council's response.

8.104 *Clean/green energy and climate change* - It is accepted that wind energy as an alternative to burning fossil fuels is clean and produces no greenhouse gas emissions during operation which helps to curb climate risks. It is estimated that the proposal could reduce NI's CO2 emissions by between circa 37,978 and 62,386 tonnes per annum.

8.105 *Economic benefit* - The letters of representation state that there will be benefit to the local area through jobs and rates. The Applicant has not given specific details on job creation or how workers will be accommodated. Locals may not benefit from jobs as expertise may be brought in from existing companies who specialise in the construction of windfarms. The main revenue will be paid to a small number of individuals, namely the landowners, who will receive rent. The ES sets out that during the development phase, it is anticipated there will be circa £815k invested and retained in the Northern Ireland economy, and across the anticipated 35-year operational life, there will be circa £40.37m

and £44.31m of operations and maintenance expenditure being retained in the Northern Ireland economy. Across the anticipated 35-year lifetime, the wind farm would yield additional rates receivable by the local council of circa £4m to £5.9m.

8.106 *Government targets* – The Climate Change Act (Northern Ireland) 2022 includes a target to achieve 80% of electricity from renewable sources by 2030. A report published by the Department for the Economy on 5 June 2025 states that in the 12 month period April 2024 to March 2025 43% of Northern Ireland's electricity was generated from renewable sources. It is accepted that the proposal would help towards achieving the 80% target.

8.107 *Visual impact (Scale/AONB/Cumulative impact)* – This has been considered under PPS 18. It is noted that several of the objections specifically refer to turbines WTG 2 and WTG 5 protruding above the mountain ridge. These two turbines have been omitted from the final scheme.

8.108 *Impact on tourism* – This has been considered under the SPPS and PPS 16.

8.109 *Impact on residential amenity (visual and noise)* - this has been considered under PPS 18 in relation to visual, noise, shadow flicker and safety distance. The proposal shall not have an unacceptable adverse impact on residential amenity.

8.110 *Impact on natural environment (flora/fauna/peat etc.)* – An Environmental Statement was submitted with the application. It contained reports ascertaining to Ecology Flora and Fauna, Fisheries and Aquatic Ecology, Avian Ecology and Water and Geology Environment. NIEA and SES have assessed the proposal and are content that it will not have an unacceptable adverse impact on any aspect of the natural environment. SES carried out a full Habitats Regulations Assessment and they are content that there will be no significant impact on any designated sites. This has been considered under PPS 18, SPPS and PPS 2.

8.111 *Impact on built heritage* – The proposal has been considered under PPS 6. HED have no objection to the proposal. The proposal shall not have an unacceptable adverse impact on built heritage interests.

8.112 *Insufficient public consultation to the residents of Dungiven and the wider community* – As required by legislation, a community consultation exercise has been carried out for the application which the Council considers to be adequate, it is outlined in the report under section 5. An issue was raised regarding the location of the public event being held at Glenullin Community Centre. The objector alleged that this prevented the vast majority of people with an interest in the application from participating and giving their views. It should be noted that as well as the public event, which is considered to have been accessible to all with an interest, a dedicated website was live from 9 to 23 June 2023 and provided all the information which was available at the public event. The website gave the option to provide feedback online, via email or by phone.

8.113 *Not needed/proliferation of wind farms in the area* – Need is not a policy consideration. Notwithstanding this, the proposal would contribute towards Northern Ireland's target of producing 80% of electricity from renewable sources by 2030. There is no policy restricting the number of wind farms in an area. The surrounding wind farms have been taken into consideration.

8.114 *No benefits to local people/no guarantee of cheaper electricity* – This is not a planning consideration.

8.115 *Impact on local roads infrastructure* – DfI Roads had no objection to the proposal. Any damage to local roads should be reported to DfI Roads.

8.116 *Light pollution from red lights on top of turbines* – In the event of an approval, the development will be conditioned to install infra-red lights which will not be visible to the human eye.

8.117 *Photomontages disingenuous* – the photomontages have been produced by an independent expert, Park Hood Chartered Landscape Architects. While the Planning Department does not dispute the photomontages, the proposal was assessed on site and has also been assessed by NIEA Coast, Countryside and Landscape Team who has no objection to the proposal.

8.118 *Slope stability/bog slide* – A Peat Stability Hazard Assessment was submitted as part of the ES. GSNI, who is the competent authority

with regard to slope stability and bog slide, has assessed the application and has no objection to the proposal.

9.0 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The principle of development, impact on the public, safety, human health, residential amenity, visual amenity, landscape character, biodiversity, nature conservation, and local natural resources are considered acceptable. Reservations about the acceptability of the scheme in terms of visual amenity are definitively outweighed by the LVIA and NIEA CC&LT concluding the scheme is acceptable. Approval is recommended.

10.0 CONDITIONS

10.1 The permission hereby granted shall be for a limited period of 35 years only and shall expire on INSERT DATE.

Reason: To enable The Council to consider the development in the light of circumstances then prevailing.

10.2 Prior to the commencement of any other development hereby permitted, the applicant/agent shall in association with DfI Roads Maintenance Office carry out a condition survey of the Construction Traffic Routes detailed on Drawing No. 09, received 24 January 2024, and shall at the applicant's expense carry out and provide to the DfI Roads Maintenance Engineer a DVD detailing the condition of the existing public roads being considered as haul routes.

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

10.3 During construction works, the applicant/agent shall carry out and record daily inspections of all Construction Traffic Routes and submit this information to the DfI Roads Maintenance Engineer on a weekly basis.

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

10.4 Prior to the commencement of any other development hereby approved an Article 11 application for the Construction Traffic Routes and any associated traffic management proposals shall be submitted to and agreed in writing with the Council.

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

10.5 Prior to the commencement of the development hereby approved the applicant shall be in possession of DfI Roads consent under Article 60 of The Road Traffic (NI) Order 1995 before moving any equipment which would be defined as an abnormal load.

Reason: In the interest of road safety.

10.6 The approved temporary compound shall be removed and the ground reinstated within 24 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.

Reason: In the interests of visual amenity.

10.7 The final Construction and Environmental Management Plan (CEMP) referred to in condition 8 must contain evidence 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 prior to commissioning a final Decommissioning/ Construction Environmental Management Plan.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

10.8 No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP), including a final SWMP 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 approved in writing by the Council. The CEMP shall include the information as requested by

NIEA (WMU) in their consultation response of 22/04/24, and the following:
a) Construction methodology and timings of works;
b) Pollution Prevention Plan; including details of the establishment of suitable buffer zones between the location of construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and watercourses on site and details of watercourse crossings;
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/spoil;
e) Mitigation measures for construction in peatland habitats including detailed method statements for floated tracks;
f) Details of mitigation measures to protect protected species including badgers, otters, smooth newts and common lizards;
g) Water Quality Monitoring Plan;
h) Environmental Emergency Plan.

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the River Roe and Tributaries Special Area of Conservation and Area of Special Scientific Interest.

10.9 Prior to and throughout construction, the appointed contractor must implement and adhere to all the mitigation measures as set out in the Peat Stability Hazard Assessment dated 13/12/2022, unless otherwise agreed in writing by the Council and GSNI.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

10.10 Not later than 12 months before the end of this permission, or in the event that the proposal ceases to generate electricity for a period of 12 months (whichever comes first), a Decommissioning CEMP (DCEMP) and Site Restoration Plan shall be submitted to and approved in writing by the Council. Such plan shall include the removal of above-ground elements of the development to one metre below ground level, habitat restoration measures, including the reinstatement of 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. Details of mitigation measures to protect the aquatic environment should also be reflective of those measures identified in the oCEMP. The plan shall be implemented as approved.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

10.11 The proposed chemical toilet /holding tank to collect the wastewater must be watertight with no outlets, leaks or discharged to the environment and should be fitted with an alarm to ensure it is emptied before it reaches capacity.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

10.12 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 and all works on site shall conform to the approved HMP, 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 and 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) Confirmation of legally binding landowner agreement with all proposed habitat management measures for the lifetime of the wind farm;
g) Details of the regular monitoring of the effectiveness of habitat management and restoration measures using appropriate methodology (e.g. visual inspections, vegetation quadrats, fixed point photography) in years 1, 2, 3, 5, 10, 15, 25, 30 and 35 after construction;

h) Details of the appointment of a competent ecologist to oversee the implementation of the Habitat Management Plan, including their roles and responsibilities.

Reason: To compensate for the loss of and damage to Northern Ireland priority habitats and to mitigate for impacts to priority species/breeding birds.

10.13 Progress reports detailing the implementation and monitoring of the Habitat Management Plan shall be produced by a competent ecologist and submitted to the Council in years 1, 2, 3, 5, 10, 15, 20, 25, 30 and 35 after construction, within 6 months of the end of each monitoring year. These shall include details of any necessary contingency and/or remedial measures to ensure that the aims and objectives of the Habitat Management Plan are met.

Reason: To ensure proper implementation of the habitat management plan and make provisions for any necessary contingency and/or remedial measures.

10.14 There shall be no development activity, including any vegetation clearance, during the bird breeding season (1 March to 31 August inclusive).

Reason: To protect breeding birds.

10.15 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 approved in writing by the Council. The OMMP shall include:
a) Details of a programme of ornithological mitigation measures, including wader habitat management measures;
b) Details of a programme of long term monitoring of breeding and wintering birds,covering breeding and non-breeding seasons, using appropriate survey methodology, in the first survey period after construction is completed (year 1) and in years 2, 3, 5, 10, 15 and 35 of operation;
c) Details of a programme of regular turbine carcass searches to produce mortality data for birds, including estimation of the rate of

carcass removal by scavengers, estimation of observer efficiency of carcass detection, and the reporting of mortality incidents to NIEA;
d) Provisions for the implementation of contingency mitigation measures should monitoring reveal significant impacts on birds;
e) Details of the production of monitoring reports which shall be submitted to the Council within 6 months of the end of each monitoring year.

Reason: To ensure implementation of the long term ornithological mitigation measures as described in the Environmental Statement and to monitor the impact of the proposal on sensitive bird species.

10.16 No turbine shall become operational until a Bat Mitigation and Monitoring Plan (BMMP) has been submitted to and approved in writing by the Council. The approved BMMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The BMMP shall include the following:
a) Details of the proposed monitoring of bat activity across the site post construction using appropriate methodology for a period of 5 years;
b) Details of bat carcass searches all turbines using appropriate methodology for a period of 5 years;
c) Details of searcher efficiency trials and carcass removal trials to be carried out alongside bat carcass searches;
d) Details of appropriate weather monitoring;
e) Details of the production of yearly monitoring reports to be submitted to the Council within 3 months of the end of each monitoring year;
f) Provision for additional mitigation or contingency measures which may be deemed necessary depending on the results of the monitoring and which shall be implemented and reported to the Council unless otherwise agreed. Any wind turbine curtailment regime which is identified through the post construction Bat Mitigation and Monitoring Plan as being required, shall be implemented for the operational lifetime of the wind farm unless otherwise agreed with the Council. Monitoring reports shall include a log of when a turbine was subject to curtailment and the associated curtailment parameters applied;
g) Provision for review of the mitigation measures and the length of the monitoring plan.

Reason: To monitor the impact of the proposal on bats.

10.17 All turbine blades shall be “feathered” when wind speeds are below the “cut-in speed” of the operational turbines. This shall involve pitching the blades to 90 degrees and/or rotating the blades parallel to the wind direction to reduce the blade rotation speeds below two revolutions per minute while idling.

Reason: To protect bats.

10.18 No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

a) The identification and evaluation of archaeological remains within the site;
b) Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
c) Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
d) Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

10.19 No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 18.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

10.20 A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 18. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

10.21 No site works of any nature or development shall take place until a fence has been erected around the area specified, on a line to be agreed with the Historic Environment Division: Historic Monuments. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works, and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

10.22 Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

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

10.23 No development shall take place until details of the model of the turbines to be installed, including their noise specification, have been submitted to and approved in writing by the Council.

Reason: To ensure that wind turbines with excessive sound power levels are not installed.

10.24 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.

Reason: To ensure compliance with appropriate conditions.

10.25 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 8) shall not exceed 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.
Reason: To control the noise levels from the development at noise sensitive locations.

Table 1: Permitted Wind Farm Noise Limits dB LA90

Property as identified within Table 11.8 - Nearest residential properties of Noise Impact Assessment	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
H56	13.1	17.4	21.1	23.3	24.4	24.5	24.2	24.0	24.3
H59	13.3	17.6	21.3	23.5	24.6	24.7	24.4	24.2	24.5
H60	13.4	17.7	21.4	23.6	24.7	24.8	24.5	24.3	24.6
H62	13.6	17.6	21.6	23.8	24.9	25.0	24.7	24.5	24.8
H63	13.6	17.9	21.6	23.8	24.9	25.0	24.7	24.5	24.8
H64	13.4	17.7	21.4	23.6	24.7	24.8	24.5	24.3	24.6
H1	20.3	24.6	28.3	30.5	31.6	31.7	31.4	31.2	31.5
H2	15.7	20.0	23.7	25.9	27.0	27.1	26.8	26.6	26.9
H7	12.9	17.2	20.9	23.1	24.2	24.3	24.0	23.8	24.1
H8	13.0	17.3	21.0	23.2	24.3	24.4	24.1	23.9	24.2
H10	13.7	18.0	21.7	23.9	25.0	25.1	24.8	24.6	24.9
H11	13.4	17.7	21.4	23.6	24.7	24.8	24.5	24.3	24.6

10.26 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 3 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.

Reason: To assess compliance with noise immission limits as required by Condition No. 25.

10.27 Within 4 weeks of a written request by the Council, following a noise complaint 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 8 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.

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

10.28 The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 26 & 27 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 of the Council unless otherwise extended in writing by the Council.

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

10.29 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 of the Council unless otherwise extended in writing by the Council.

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

10.30 Within 4 weeks from receipt of a written request from the Council, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall submit a scheme for the assessment and regulation of AM to the Council for its written approval. The scheme shall be in general accordance with:
a) Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,
b) Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology,
c) The methodology published by Renewable UK on the 16th December 2013;
- and implemented within 3 months of the written request of the Council unless otherwise extended in writing by the Council.

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

10.30 Noise and vibration due to site preparation works shall be controlled by adherence to Best Practicable Means, having regard to BS 5228:2009, Parts 1 and 2. The hours of working shall be restricted to 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday, unless otherwise agreed by the Council. Out with these hours, work at the site shall be limited to turbine erection, testing/commissioning works, emergency works, or construction work that is not audible at any noise sensitive property.

Reason: To control noise levels from construction noise at noise sensitive locations.

10.31 No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and

Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016.

10.32 A formal water / sewer connection application must be made for all developments prior to occupation, including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016.

10.33 All services within the development should be laid underground.

Reason: In the interests of visual amenity.

10.34 Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.
Reason: To safeguard the site and adjacent land against flooding and standing water.

10.35 The MOD requests that the structure is fitted with aviation warning lighting. The turbines should be fitted with infra-red lights, with a minimum intensity equivalent to 25 candela, at the highest practicable point of the structure.

Reason: In the interests of air safety.

10.36 Whilst the MOD has no safeguarding objections to this application, the height of the development will necessitate that aeronautical charts and mapping records are amended. Defence Infrastructure Organisation (DIO) Safeguarding therefore requests that, as a condition of any planning permission granted, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:
a) Precise location of development.
b) Date of commencement of construction.

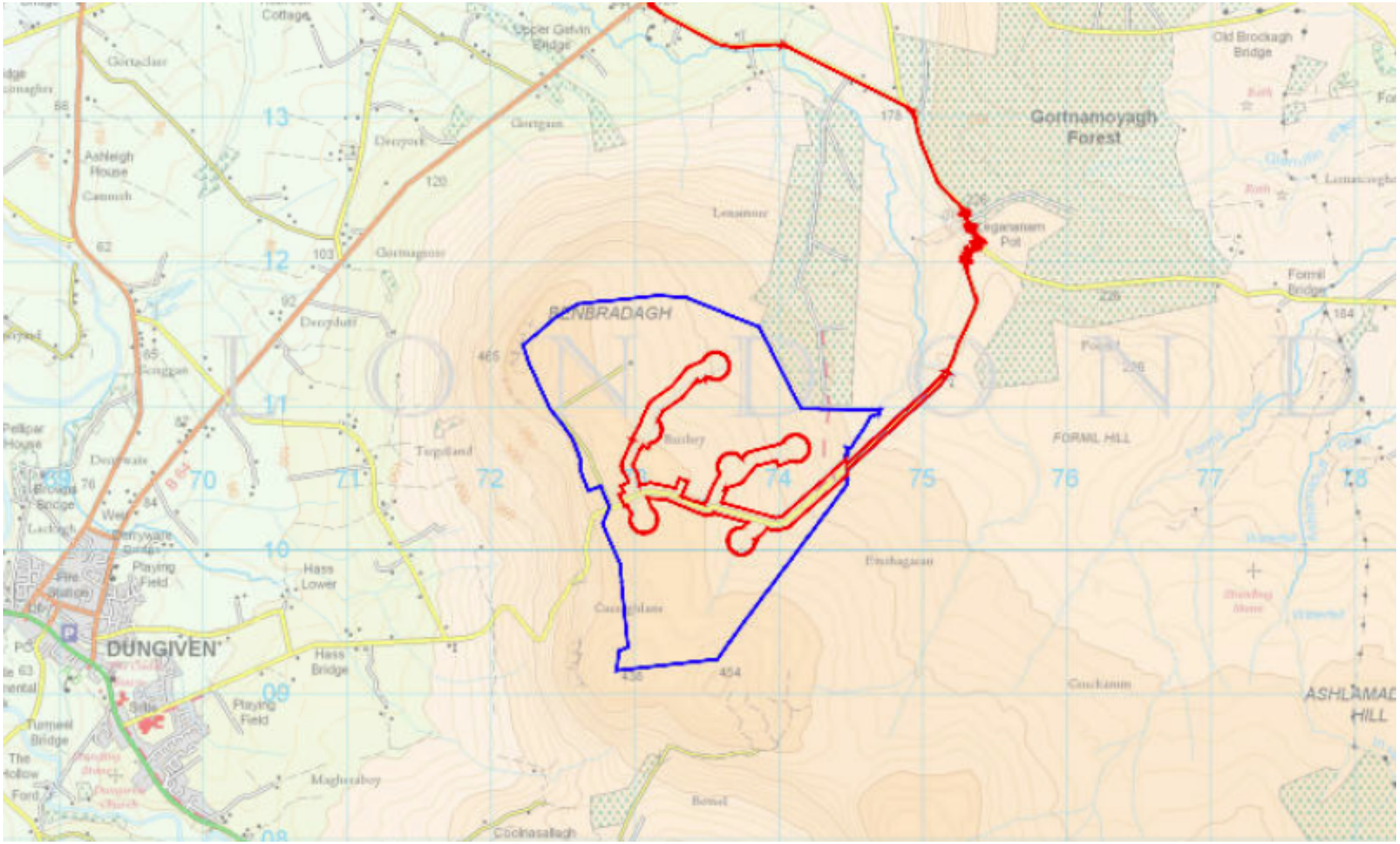
c) Date of completion of construction.
d) The height above ground level of the tallest structure.
e) The maximum extension height of any construction equipment.
f) Details of aviation warning lighting fitted to the structure(s)

Reason: In the interests of air safety.

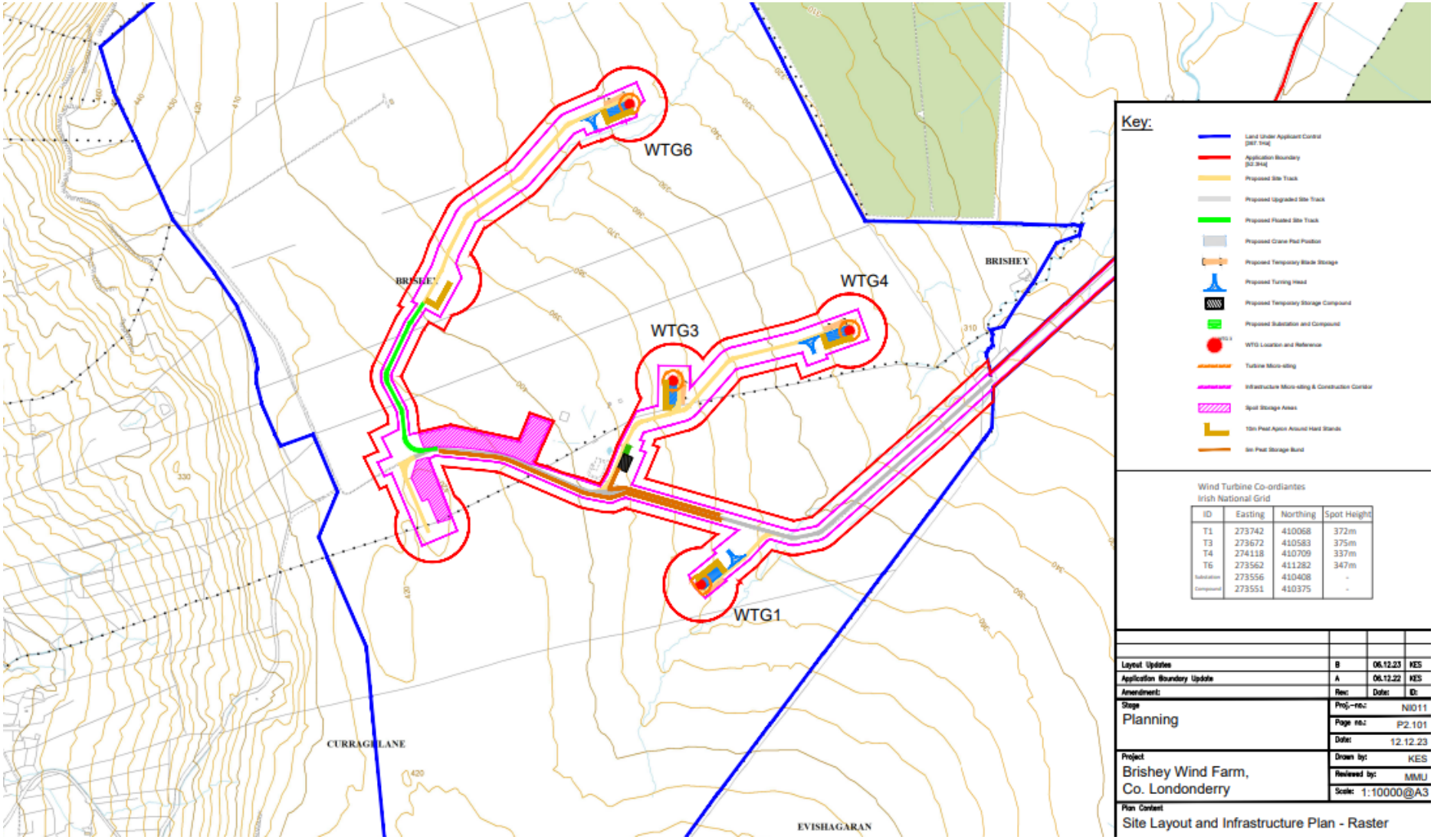
Appendix 1: Consultation Responses

Consultee	Response Date	Responses
City of Derry Airport	01/04/2023	No Objection
DfI - Rivers Agency	25/05/2023	No Objection – subject to SuDS (NIEA usually comment on SuDS)
Environ Health	07/03/2024	No Objection – subject to condition
Historic Environment Division (HED)	28/07/2024	No Objection – subject to condition
DfI - Roads	04/08/2023	No Objection
Arqiva Services Limited	16/03/2023	No Objection
NIEA	30/04/2025	No objection subject to conditions
SES	06/08/2025	No objection subject to conditions
UK Crown Bodies - D.I.O. Safeguarding	30/03/2023	No Objection – subject to lighting condition
DfE - Energy Division	03/04/2023	No Objection
Vodafone	27/06/2024	No Objection
British Telecom Radio Network	08/03/2023	No Objection
CAA	22/03/2023	No Objection
DfE - Geological Survey (NI)	21/03/2023	No Objection
NIE	03/04/2023	No Objection
NI Water - Strategic Applications	06/03/2023	No Objection
National Air Traffic Services	21/03/2023	No Objection
Loughs Agency	31/03/2023	No Objection – subject to condition
Ulster hand gliding ass.	-	No response – notifiable only consultee
NI Water - windfarms	06/03/2023	No Objection
Joint Radio Company	21/03/2023	No Objection

Site location



Site Layout


WTG6
WTG4
WTG3
WTG1
BRISHEY
BRISHEY
CURRAGHLANE
EVISHAGARAN
Key:
Wind Turbine Co-ordiantes
Irish National Grid
ID Easting Northing Spot Height
T1 273742 410068 372m
T3 273672 410583 375m
T4 274118 410709 337m
T6 273562 411282 347m
Layout Updates B 06.12.23 KES
Application Boundary Update A 06.12.22 KES
Amendment: Rev: Date: ID:
Stage
Planning
Proj.-no.: NI011
Page no.: P2.101
Date: 12.12.23
Project
Brishey Wind Farm,
Co. Londonderry
Drawn by: KES
Reviewed by: MMU
Scale: 1:10000@A3
Plan Content
Site Layout and Infrastructure Plan - Raster

Erratum
LA01/2023/0008/F

1.0 Erratum

1.1 On page 2 of the Planning Committee Report the Proposal is ‘Construction of a windfarm comprising up to 6no. turbines (to a maximum blade tip height of 150 metres) an electrical substation/control building, internal access tracks, spoil depostion areas, temporary construction compound, delivery route junction improvements and all associated ancillary works’.

1.2 This should be amended to ‘Construction of a windfarm comprising up to 4no. turbines (to a maximum blade tip height of 150 metres) an electrical substation/control building, internal access tracks, spoil deposition areas, temporary construction compound, delivery route junction improvements and all associated ancillary works’.

1.3 Also on page 2, the Applicant is incorrectly stated as Renewable Energy Systems Ltd, Willowbank Business Park, Willowbank Road, Larne, BT40 2SF.

1.4 The Applicant is correctly Brishey Wind Farm Limited, Unit 1 Wallace Studios, 27 Wallace Avenue, Lisburn, BT27 4AE.

4.0 Recommendation

4.1 That the Committee note the contents of this Erratum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

Erratum 2
LA01/2023/0008/F

1.0 Erratum

1.1 The Applicant has provided updated figures with regard to generational capacity, CO2 emissions to reflect the scheme as amended from 6 to 4 turbines.

1.2 The generational capacity of the wind farm has been incorrectly stated as 28.8MW at point 1 of the Executive Summary and paragraphs 4.3 and 4.6. The generational capacity should be amended to up to 19.2MW.

1.3 Para 8.104 states that 'It is estimated that the proposal could reduce NI's CO2 emissions by between circa 37,978 and 62,386 tonnes per annum'. These figures should be amended to between 24,858 and 41,518 tonnes per annum.

1.4 Para 8.105 states that 'it is anticipated there will be circa £815k invested and retained in the Northern Ireland economy, and across the anticipated 35-year operational life, there will be circa £40.37m and £44.31m of operations and maintenance expenditure being retained in the Northern Ireland economy. Across the anticipated 35-year lifetime, the wind farm would yield additional rates receivable by the local council of circa £4m to £5.9m'. The figures should be amended as follows:

- Between £41.2m and £44.1m expenditure anticipated to be invested (and retained) in the NI economy (64%-65% of total expenditure) including at each stage:
    - Development: £815k;
    - Construction: £9.9m;

    - Operation & Maintenance: Between £851k and £933k (annually), representing between £29.7m and £32.6m over 35yrs; and
    - Decommissioning: £691k.
- Generation of annual business rates payable for the proposed development will equate to between £175k-£244k per annum, of which £89k-£123k will go to CCGBC.

2.0 Recommendation

2.1 That the Committee note the contents of this Erratum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee Report.

Addendum
LA01/2023/0008/F

1.0 Update

1.1 Since the September Planning Committee further letters of representation have been received. There are currently 1405 letters of objection, 221 letters of support and 1 petition.

1.2 Many of the issues raised are broadly the same as those already considered within the report. Further issues raised include (*with the Planning Department's consideration in italics*):

1.3 The impact of the proposal on Drumcovitt House, a listed building, has not been considered – *The ES (chapter 9) includes figure 9.3 which shows heritage assets which have been considered in the assessment. Drumcovitt House has not been included. The included assets are located within a study area of between 5 to 10km from the inner study area. The inner study area includes the lands within the control of the Applicant i.e. within the immediate vicinity of the site. The study area is based on the zone of theoretical visibility and 'Guidance on Setting and the Historic Environment' (HED 2018). It appears that Drumcovitt House is located just outside the 10km study zone. The assessment was carried out by Headland Archaeology (UK) Ltd, a Registered Organisation with the Chartered Institute for Archaeologists (CIfA), an audited status which confirms that all work is carried out in accordance with the highest standards of the profession.*

1.4 Failure by the Applicant to properly assess the impact of the development on Whooper Swans – *Both NIEA and the Agent were asked to provide comment on this. The Agent provided a statement from the Ornithologist which has been published to the Public Register. The statement sets out the Ornithologist's experience and the background to the survey method. They also advised that the ornithology chapter highlights within Table 7.4 that*

no sites designated for supporting Whooper Swan (or other bird species of conservation concern) are present within 10km of the proposed wind farm, and no established migration and/or crepuscular flight-paths of Whooper Swan are known to exist within the vicinity.

This response was provided to NIEA as part of their consultation. NIEAs response states 'NED's opinion is that the ornithologist has addressed the concerns raised regarding Whooper Swans, and therefore we have no further comments to make. Please see NED's response dated 29 April 2025 which states that NED has no concerns regarding protected landscapes, designated sites and other natural heritage interests, subject to conditions'.

1.5 Soil erosion and groundwater impact – *The impact of the proposal on erosion and groundwater is dealt with in Chapter 8 of the ES, 'Water and Geology Environment and PSHA'. The contents of which will have been assessed by NIEA.*

1.6 Failure to carry out a grid capacity feasibility study – *This is not a policy requirement.*

1.7 No consideration of alternative locations/technologies – *While there is no requirement within PPS 18 to consider alternative sites, The Planning (Environmental Impact Assessment) Regulations (NI) 2017 requires a 'description of the reasonable alternatives' (for example in terms of development design, technology, location, size and scale) studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. An 'Assessment of Main Alternatives' has been provided by the Applicant within Chapter 2, 'Site and Project Design' which sets out the alternatives considered by the Applicant.*

1.8 Inefficient use of public money/lack of fiscal accountability and transparency – *These are unsubstantiated comments.*

1.9 The submitted ZTV's are inaccurate as they refer to a 145m tip height for Evishagaran which has been approved with a tip height of 140m – *The Agent clarified in an email dated 16/10/2025 that*

the reference to a tip height of 145m was a typo and the ZTV has been based on a tip height of 140m. They advised that, to make sure this was correct, they re-ran the ZTV at 140m and it came out the same. The Planning Department is content that the ZTV's are accurate

1.10 The path over Benbradagh should be formally asserted as a public right of way – *With regards to safety, paragraph 1.3.54 of the SPG requires that turbines be set back at least fall over distance plus 10% from the "edge of any public road", right of way or railway line. As the track has not been formally asserted as a right of way, the safety distance does not apply and has not been considered as part of the assessment.*

1.11 Failure to consult the Republic of Ireland Competent Authority and conduct a Transboundary EIA consultation regarding assessment of Whooper Swans flight lines between Republic of Ireland SPA sites and Northern Ireland SAC & SPA sites' – *This is not required. The ornithology report states that no sites designated for supporting Whooper Swan (or other bird species of conservation concern) are present within 10km of the proposed wind farm, and no established migration and/or crepuscular flight-paths of Whooper Swan are known to exist within the vicinity. This has been assessed by NIEA and SES who are content that there will be no likely impact. As there is no impact, there is no need to consult RoI or conduct a transboundary EIA.*

1.12 The proposal fails to comply with SPG advice on separation distances between windfarms - *These representations refer to SPG guidance for wind farms published by the then Department of the Environment. This refers to spacing between wind farms and states adequate separation distances between wind farms is important as this helps prevent the landscape becoming dominated by wind farms and reduces intervisibility. The SPG goes on to state that in areas of appropriate character it might be possible to locate wind farms closer together if they are seen as a cluster or single coherent group within the landscape. In this instance, the Planning Department considers there to be adequate separation from the consented Sumgeldon Wind Farm while proximity to Evishagaran Wind Farm is acceptable as the scheme appears as an extension.*

1.13 The proposal conflicts with the Peaceplus Partnership and the importance of Benbradagh as the gateway to the Sperrins – *The Peaceplus Partnership is a European funding programme for peace building projects. One of these projects involves improving accessibility to Benbradagh and attracting visitors. As the Planning Department considers the impact of the proposal on Benbradagh to be acceptable, this is not in conflict with the funding project.*

1.14 Contamination and radiation from the Chernobyl disaster has not been considered in the HRA, thus rendering the HRA incomplete - *The policy responsibility for radiation and radiological protection lies with DAERA and UKHSA. NIEA, within DAERA, carries out ongoing monitoring for land contamination from radioactivity, which includes residual effects from incidents like the 1986 Chernobyl accident. The Council has not obtained specific instruction or guidance from DAERA or UKHSA pertaining to the consideration of planning applications in the Sperrin range relative to this issue. With regard to HRA, SES is the competent authority who carry out HRA's on behalf of the Council. SES uses the NIEA response to inform its HRA. NIEA Regulation Unit, uses land contamination data to inform its consultation responses. NIEA Regulation Unit did not indicate any concerns about contaminated land in their consultation response. The Planning Department is content that the HRA was complete.*

1.15 Destruction of cultural heritage which may severely impact the enjoyment of cultural rights and all human rights – *This statement relates to the impact of the proposal on Benbradagh Mountain, which is seen as an important asset which is central to the cultural and natural heritage, and identity of the community of Dungiven. The Planning Department considers the impact of the proposal on Benbradagh to be acceptable and therefore, it is not considered that there is any harm caused to cultural heritage, cultural rights or human rights.*

2.0 Recommendation

2.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

Addendum 2
LA01/2023/0008/F

1.0 Update

1.1 Since the September Planning Committee further letters of representation have been received. There are currently 1405 letters of objection, 221 letters of support and 1 petition.

1.2 Many of the issues raised are broadly the same as those already considered within the report. Further issues raised include (*with the Planning Department's consideration in italics*):

1.3 The impact of the proposal on Drumcovitt House, a listed building, has not been considered – *The ES (chapter 9) includes figure 9.3 which shows heritage assets which have been considered in the assessment. Drumcovitt House has not been included. The included assets are located within a study area of between 5 to 10km from the inner study area. The inner study area includes the lands within the control of the Applicant i.e. within the immediate vicinity of the site. The study area is based on the zone of theoretical visibility and 'Guidance on Setting and the Historic Environment' (HED 2018). It appears that Drumcovitt House is located just outside the 10km study zone. The assessment was carried out by Headland Archaeology (UK) Ltd, a Registered Organisation with the Chartered Institute for Archaeologists (CIfA), an audited status which confirms that all work is carried out in accordance with the highest standards of the profession.*

1.4 Failure by the Applicant to properly assess the impact of the development on Whooper Swans – *Both NIEA and the Agent were asked to provide comment on this. The Agent provided a statement from the Ornithologist which has been published to the Public Register. The statement sets out the Ornithologist's experience and the background to the survey method. They also advised that the ornithology chapter highlights within Table 7.4 that*

no sites designated for supporting Whooper Swan (or other bird species of conservation concern) are present within 10km of the proposed wind farm, and no established migration and/or crepuscular flight-paths of Whooper Swan are known to exist within the vicinity.

This response was provided to NIEA as part of their consultation. NIEAs response states 'NED's opinion is that the ornithologist has addressed the concerns raised regarding Whooper Swans, and therefore we have no further comments to make. Please see NED's response dated 29 April 2025 which states that NED has no concerns regarding protected landscapes, designated sites and other natural heritage interests, subject to conditions'.

1.5 Soil erosion and groundwater impact – *The impact of the proposal on erosion and groundwater is dealt with in Chapter 8 of the ES, 'Water and Geology Environment and PSHA'. The contents of which will have been assessed by NIEA.*

1.6 Failure to carry out a grid capacity feasibility study – *This is not a policy requirement.*

1.7 No consideration of alternative locations/technologies – *While there is no requirement within PPS 18 to consider alternative sites, The Planning (Environmental Impact Assessment) Regulations (NI) 2017 requires a 'description of the reasonable alternatives' (for example in terms of development design, technology, location, size and scale) studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. An 'Assessment of Main Alternatives' has been provided by the Applicant within Chapter 2, 'Site and Project Design' which sets out the alternatives considered by the Applicant.*

1.8 Inefficient use of public money/lack of fiscal accountability and transparency – *These are unsubstantiated comments.*

1.9 The submitted ZTV's are inaccurate as they refer to a 145m tip height for Evishagaran which has been approved with a tip height of 140m – *The Agent clarified in an email dated 16/10/2025 that*

the reference to a tip height of 145m was a typo and the ZTV has been based on a tip height of 140m. They advised that, to make sure this was correct, they re-ran the ZTV at 140m and it came out the same. The Planning Department is content that the ZTV's are accurate

1.10 The path over Benbradagh should be formally asserted as a public right of way – *With regards to safety, paragraph 1.3.54 of the SPG requires that turbines be set back at least fall over distance plus 10% from the "edge of any public road", right of way or railway line. As the track has not been formally asserted as a right of way, the safety distance does not apply and has not been considered as part of the assessment.*

1.11 Failure to consult the Republic of Ireland Competent Authority and conduct a Transboundary EIA consultation regarding assessment of Whooper Swans flight lines between Republic of Ireland SPA sites and Northern Ireland SAC & SPA sites' – *This is not required. The ornithology report states that no sites designated for supporting Whooper Swan (or other bird species of conservation concern) are present within 10km of the proposed wind farm, and no established migration and/or crepuscular flight-paths of Whooper Swan are known to exist within the vicinity. This has been assessed by NIEA and SES who are content that there will be no likely impact. As there is no impact, there is no need to consult RoI or conduct a transboundary EIA.*

1.12 The proposal fails to comply with SPG advice on separation distances between windfarms - *These representations refer to SPG guidance for wind farms published by the then Department of the Environment. This refers to spacing between wind farms and states adequate separation distances between wind farms is important as this helps prevent the landscape becoming dominated by wind farms and reduces intervisibility. The SPG goes on to state that in areas of appropriate character it might be possible to locate wind farms closer together if they are seen as a cluster or single coherent group within the landscape. In this instance, the Planning Department considers there to be adequate separation from the consented Sumgeldon Wind Farm while proximity to Evishagaran Wind Farm is acceptable as the scheme appears as an extension.*

1.13 The proposal conflicts with the Peaceplus Partnership and the importance of Benbradagh as the gateway to the Sperrins – *The Peaceplus Partnership is a European funding programme for peace building projects. One of these projects involves improving accessibility to Benbradagh and attracting visitors. As the Planning Department considers the impact of the proposal on Benbradagh to be acceptable, this is not in conflict with the funding project.*

1.14 Contamination and radiation from the Chernobyl disaster has not been considered in the HRA, thus rendering the HRA incomplete - *The policy responsibility for radiation and radiological protection lies with DAERA and UKHSA. NIEA, within DAERA, carries out ongoing monitoring for land contamination from radioactivity, which includes residual effects from incidents like the 1986 Chernobyl accident. The Council has not obtained specific instruction or guidance from DAERA or UKHSA pertaining to the consideration of planning applications in the Sperrin range relative to this issue. With regard to HRA, SES is the competent authority who carry out HRA's on behalf of the Council. SES uses the NIEA response to inform its HRA. NIEA Regulation Unit, uses land contamination data to inform its consultation responses. NIEA Regulation Unit did not indicate any concerns about contaminated land in their consultation response. The Planning Department is content that the HRA was complete.*

1.15 Destruction of cultural heritage which may severely impact the enjoyment of cultural rights and all human rights – *This statement relates to the impact of the proposal on Benbradagh Mountain, which is seen as an important asset which is central to the cultural and natural heritage, and identity of the community of Dungiven. The Planning Department considers the impact of the proposal on Benbradagh to be acceptable and therefore, it is not considered that there is any harm caused to cultural heritage, cultural rights or human rights.*

2.0 Recommendation

2.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.