

Denise Dickson

Causeway Coast and Glens Borough Council

Cloonavin,
66 Portstewart Road,
Coleraine,
BT52 1EY.



Date: 30th October 2015
Your Ref: gary.preston
Our Ref: C/2011/0459/F
(Please quote at all times)

Dear Sir/Madam,

Location: Land approximately 920 metres north west of 33 Craigmore Road, Coleraine, Co. Londonderry, BT51 4EX,

Proposal: A Wind farm comprising 6 Turbines up to a maximum tip height (comprising a configuration of up to 85m towers and up to 35.5m blades). The development will also comprise associated transformers, one permanent meteorological monitoring mast, communication tower, site access tracks, gates, temporary site compound, substation, electrical cabling, one site entrance including road improvement works at the existing site entrance off Craigmore Road, and all other ancillary works.

I refer to the above mentioned matter, and enclose a copy of the Department's Notice of Opinion to Approve in connection with this application. I would remind you that the Department must receive any request, in writing, for an opportunity to appear before and be heard by the Planning Appeals Commission; or a person appointed by the Department for the purpose of a hearing. Any requests must be made within the period specified in the Notice (not being more than 28 days from the date of service of the Notice).

Yours faithfully

PHILIP STINSON
for DOE Strategic Planning Division



NOTICE OF OPINION

The Planning (Northern Ireland) Act 2011

Application Ref; C/2011/0459/F

Date of Application: 7 September 2011

Site of Proposed Development: Land approximately 920 metres north west of 33 Craigmore Road, Coleraine, Co. Londonderry, BT51 4EX

Description of Proposal: A Wind farm comprising 6 Turbines up to a maximum tip height (comprising a configuration of up to 85m towers and up to 35.5m blades). The development will also comprise associated transformers, one permanent meteorological monitoring mast, communication tower, site access tracks, gates, temporary site compound, substation, electrical cabling, one site entrance including road improvement works at the existing site entrance off Craigmore Road, and all other ancillary works.

Applicant	Cam Burn Wind Farm Ltd	Agent:	TCI Renewables Ltd
Address	C/O TCI Renewables Ltd	Address:	The Old Throne Hospital 244 Whitewell Road Belfast BT36 7EN

Drawing Ref: 01 (REV A), 02 (REV A), 03 (REV A), 04 (REV A), 05, 06, 07, 08, 09, 10, 11 (REV A), 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 (REV B),

In pursuance of its power under Section 29 (7) of the above mentioned Act, the Department for the Environment hereby gives notice that full/outline permission for the above mentioned development in accordance with your application **SHOULD IN ITS OPINION BE GRANTED** subject to compliance with the following conditions which are imposed for the reasons stated:

1. As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. A minimum intensity red obstruction light shall be fitted at or near the highest point and shall be displayed through the hours of darkness and maintained in a serviceable state for the lifetime of the development.

Reason: In the interests of public aircraft safety.

3. No development shall take place until details of the model of the turbine to be installed, its noise specification, colour and finish, have been submitted to and approved in writing by the Department.

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

4. The developer shall notify the Department in writing of the date of commencement of works on site and of the date when the turbines have become fully operational (supplying to the National Grid).

Reason: To ensure compliance with appropriate conditions.

5. The level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty when calculated in accordance with the procedures described on pages 104 - 109 of ETSU-R-97) shall not exceed values set out in Table 1 attached. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables shall be represented by the physically closest location listed in the tables unless otherwise agreed by the Department.

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

6. Within 6 months of the development first becoming fully operational (unless otherwise extended with the Department) the wind farm operator shall at his/her expense employ a suitable qualified and competent person to undertake a noise

survey to assess the level of noise emissions from the wind farm. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all turbines operating across the range of wind speeds referred to in Condition 5 and covering a range of wind directions. Details of the noise monitoring survey shall be submitted to the Department for their written approval prior to any monitoring commencing. The Department shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.

Reason: To assess compliance with noise emission limits as required by Condition No. 5.

7. Within 28 days from receipt of a written request by the Department, following a noise complaint to it from the occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at his/her expense employ a consultant approved by the Department, to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in Pages 102-109 of ETSU-R-97. The Department shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

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

8. The wind farm operator shall provide to the Department the results, assessment and conclusions regarding the noise monitoring required by Conditions 6 or 7, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 9 months of the wind farm becoming fully operational in respect of condition 6, or within 3 months of the date of the written request of the Department under condition 7 unless, in either case, otherwise extended in writing by the Department.

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

9. Wind speed, wind direction and power generation data shall be continuously logged throughout the period of operation of the wind farm. This data shall be retained for a period of not less than 12 months. At the request of the Department, the recorded wind data, standardised to 10m height above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint, shall be made available to it.

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

10. Within 4 weeks from receipt of a written request from the Department, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall submit a scheme for the assessment and regulation of AM to the Department for its written approval. The scheme shall be in general accordance with:

- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,
- Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology,
- The methodology published by Renewable UK on the 16th December 2013;

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

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

11. Construction work, which is audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday. Outwith these hours, work at the site shall be limited to turbine erection, testing/commissioning works, emergency works, or construction work that is not audible at any noise sensitive property.

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

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

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

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

Reason: To prevent the carry – over of mud or debris onto the public road in the interests of road safety and convenience of road users.

14. Prior to the commencement of development an Article 11 application for the haulage routes and any associated traffic management proposals shall be submitted to and agreed in writing with the Department and these shall be implemented by the developer.

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

15. Prior to the commencement of development the applicant/agent shall provide all details and agree in writing with the Department proposals for the transporting of the turbines from Lisahally Port to the site and these shall be implemented by the developer. The applicant shall be responsible for acquiring any necessary lands, accommodation works and all costs associated with temporary removal of existing road infrastructure to facilitate the transportation. .

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

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

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

17. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is commenced and shall be retained and kept clear thereafter.

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

18. The gradient of the access shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

19. No site works of any nature or development shall take place until a programme of archaeological work, has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

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

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

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

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

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

Reason: To protect badgers and their setts on the site

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

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

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

Reason: To protect the raised bog from works.

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

Reason: To mitigate for impacts on peatland habitat.

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

Reason: To mitigate for impacts on peatland habitat.

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

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

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

Reason: To protect nesting birds

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

Reason: To protect breeding birds.

30. There shall be bird monitoring through surveys in the year of construction, and years 1, 2, 3, 5 and 10. The reports shall be submitted to the Department within 6 months of each monitoring year.

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

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

Reason: To ensure impacts to the peatland habitat are temporary.

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

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

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

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

34. There shall be no micro-siting of turbines 1 and 3.

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

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

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

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

Reason: To limit sediment release from the proposal.

37. All above ground structures shall be dismantled and removed from the site 25 years from the date when the wind farm is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). The land shall be restored in accordance with an agreed scheme to be submitted to the Department at least one year prior to the commencement of any decommissioning works. This scheme shall include details of all works and measures to restore the site, the timeframe along with proposals for aftercare for a period of 3 years after completion of the long with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: In the interests of visual amenity.

Informatives

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

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

4. It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road and surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

5. All construction plant and materials shall be stored within the curtilage of the site.

6. It is an offence under the Water (NI) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and/or 3 months imprisonment.

7. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

8. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

9. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

10. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

11. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes otters and all species of bat. It is also an offence;

(a) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(b) Deliberately to disturb such an animal in such a way as to be likely to;

(i) affect the local distribution or abundance of the species to which it belongs;

(ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or

(iii) Impair its ability to hibernate or migrate;

(c) Deliberately to obstruct access to a breeding site or resting place of such an animal; or

(d) To damage or destroy a breeding site or resting place of such an animal.

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

12. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

Any works within 25 metres of a badger sett will require a wildlife licence to be obtained from the NIEA Wildlife Inspector. Licence applications should be made to the Wildlife Inspector, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

13. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild bird. It is also an offence to intentionally or recklessly: take, damage or destroy the nest of any wild bird while that nest is in use or being built; or take or destroy an egg of any wild bird. If any person intentionally or recklessly disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or disturbs dependent young of such a bird they shall be guilty of an offence. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

14. Any water discharge from works is consented by Water Management Unit, EHS, under the Water (NI) Order 1999.

15. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Dated: 30th October 2015

Authorised Officer

for DOE Strategic Planning Division

Table 1: Noise Limits dB L_{A90}

Property	Standardised wind speed at 10m height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
51 Craigmores Road	32.0	32.0	36.7	38.6	40.5	41.5	41.5	41.5	41.5
111 Killeague Road	32.0	32.0	37.3	39.2	41.1	42.1	42.1	42.1	42.1
45 Craigmores Road	32.0	32.0	36.1	38.0	39.9	40.9	40.9	40.9	40.9
43 Craigmores Road	32.0	32.0	35.9	37.8	39.7	40.7	40.7	40.7	40.7
40 Craigmores Road	32.0	32.0	34.9	36.8	38.7	39.7	39.7	39.7	39.7
36 Craigmores Road	32.0	32.0	33.5	35.4	37.3	38.3	38.3	38.3	38.3
33 Craigmores Road	32.0	32.0	34.3	36.2	38.1	39.1	39.1	39.1	39.1
32 Craigmores Road	32.0	32.0	33.0	34.9	36.8	37.8	37.8	37.8	37.8
22 Craigmores Road	32.0	32.0	32.3	34.2	36.1	37.1	37.1	37.1	37.1
20 Craigmores Road	32.0	32.0	32.2	34.1	36.0	37.0	37.0	37.0	37.0
15 Craigmores Road	32.0	32.0	32.0	33.2	35.1	36.1	36.1	36.1	36.1
104 Drumcroon Road	32.0	32.0	32.2	34.1	36.0	37.0	37.0	37.0	37.0
127 Killeague Road	32.0	32.0	33.0	34.9	36.8	37.8	37.8	37.8	37.8
125 Killeague Road	32.0	32.0	32.7	34.6	36.5	37.5	37.5	37.5	37.5
123 Killeague Road	32.0	32.0	32.5	34.4	36.3	37.3	37.3	37.3	37.3

128 Killeague Road	32.0	32.0	32.1	34.0	35.9	36.9	36.9	36.9	36.9
126 Killeague Road	32.0	32.0	32.3	34.2	36.1	37.1	37.1	37.1	37.1
117 Killeague Road	32.0	32.0	32.7	34.6	36.5	37.5	37.5	37.5	37.5
37 Craigmores Road	32.0	32.0	34.7	36.6	38.5	39.5	39.5	39.5	39.5
35 Craigmores Road	32.0	32.0	35.1	37.0	38.9	39.9	39.9	39.9	39.9
48 Craigmores Road	32.0	32.0	36.1	38.0	39.9	40.9	40.9	40.9	40.9