

Laura Crawford

From: Nodlaig Ní Bh
Sent: 26 August 2025 14:17
To: David Jackson
Cc: Denise Dickson; Planning
Subject: URGENT: Challenge of Magheramore wind farm decision***
Attachments: URGENT LR Magheramore Windfarm.docx

A Chairde,
please find attached correspondence in respect of the above which I wish to be considered at the Council meeting tomorrow.

Kindly acknowledge receipt of correspondence.

Le dea-ghuí | Kind regards,
Nodlaig Ní Bhrollaigh

David Jackson, Chief Executive
Denise Dickson, Head of Planning
cc. Elected Councillors

Causeway Coast & Glens Council

26 Lúnasa, 2025

Urgent: Magheramore Wind Farm

A Chairde,

I write to you as an active member of the broader Dungiven community in respect of a wind farm that in the words of the planning office *“would sit oppressively over the settlement of Dungiven.”*

The recent decision of PAC to overturn the planning decision of Causeway Coast and Glens in respect of Magheramore Wind Farm is irrational and one that no reasonable authority could arrive at. The importance of the landscape, setting and historical monuments is evident given the designations and protections afforded by the State and relevant policies.

A. Context

The historical and political context of the area cannot be overlooked or understated.

The lack of a management plan and condition of State monuments and heritage sites is directly related to historical underdevelopment and lack of investment in an area that is inhabited by a largely indigenous people. It is apparent from the perverse reasoning in the judgement that the lack of investment of prudent planning in the area is being utilized by PAC to overturn the decision of the Council. The reality is that our area will no longer retain the qualities inherent to an AONB and a management plan will be limited in scope. In light of these circumstances, the duty of statutory authorities is to halt the erosion of the protections and strike a balanced approach in respect of the development of renewable energy and the preservation and prudent management of natural and cultural assets.

The landscape and heritage is deeply valued by the people of the area who over many centuries have been deprived of the means to preserve, regenerate the area or develop its tourist potential. The rationale and decision of PAC demonstrates an astonishing lack of insight in respect of the context and failure to apply OECD guidelines and UN Guiding Principles on business and human rights. The indigenous population in this post-conflict

setting has the right to self-determination, the right to access to important cultural sites and heritage and the right to a healthy environment.

A central element of international environmental law is the precautionary principle which defines the due diligence and legal obligations to be adhered to by States. Caution must be exercised in a designated AONB and in respect of the preservation of State monument and heritage sites of regional significance. The application of precautionary principle would heighten the duty to prevent any adverse impact.

Furthermore, the principle of democracy has been breached by the decision in circumstances where the vast majority of local people are opposed to the wind farm development at this important cultural heritage site, adjacent to Banagher nature reserve.

B. Cultural Heritage

There will be an adverse impact on historic monuments as accepted in the PAC decision. The Appellant acknowledges that the development would be visible in the setting of all three of these monuments – Banagher Old Church, Magheramore Court Tomb, Magheramore Portal Tomb.

The proposed development is a desecration to local people who value the importance and sacred nature of the sites. Ancient traditions in respect of Banagher Old Church have been retained (such as the lifting of the holy sand by the Heaney family). The PAC decision displays an ignorance of the deep connection between people and place.

The value of built heritage sites is not determined by their condition. The flippancy of the comment in the PAC decision that the tombs are “*small piles of large stones*” is indicative of an assessment that fails to appreciate or give due weight to the archaeological and cultural heritage significance of the tombs.

Criterion (c) of Policy RE1 of PPS 18 requires that renewable energy development will not result in an unacceptable adverse impact on factors including built heritage interests. The key policy within PPS 6 for the purposes of this appeal is Policy BH1. It operates a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would **adversely affect such sites of regional importance or the integrity of their settings** will not be permitted unless there are exceptional circumstances. The Justification and Amplification to the policy indicates that State Care and scheduled monuments together represent those archaeological sites and monuments which are of greatest importance within Northern Ireland. It is particularly important that they are preserved in situ and within an appropriate setting.

1. Banagher Old Church is a **scheduled monument** and a monument in **State Care** thought to date to the mid-12th Century. It is sited on a small but prominent local hill and sits within a graveyard which includes a small mortuary house, traditionally Saint Muiredach's burial place. Although the date 474 is cut in a stone at the west door, this is believed to have been done in the 1730s. There is a stone termon cross at the eastern end of the graveyard and another outside the site and 100m to the west on the opposite side of the Carnanbane Road.

HED's assessment is that the wind farm would have an adverse impact upon the following aspects of the setting of Banagher Old Church:

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

Having regard to the criteria set by PPS 6, the PAC decision concludes that there would be some impact on the wider landscape setting of the church.

This adverse impact is unacceptable, and exceptional circumstances have NOT been established.

2. Magheramore Court Tomb and Magheramore Portal Tomb

Magheramore Court Tomb and Magheramore Portal Tomb are located on the upper north-facing slopes of Carnanbane Hill, with the Portal Tomb 75m downslope from the Court Tomb. The PAC decision states that *'although there are hundreds of similar examples in Northern Ireland, **the siting of two in such close proximity is quite rare***'. The proximity of the two Neolithic tombs is thought to be deliberate by their builders, some of the first farming communities to arrive in this part of Ireland. From the cairns there are wide panoramic views north, east and west over the rural agricultural landscape to the plains of Derry, Lough Foyle and the northern Sperrins.

HED argued that the tombs are readable in the landscape and the policy makes no distinction based on the condition of a monument.

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

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

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

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

The FEI acknowledges that Turbines 3 and 4 would be dominant features in any views looking south or west from the tombs with the other turbines as prominent features slightly further away.

The less important view from the portal tomb south east to the court tomb and along the alignment of the tombs would be **significantly altered** by the presence of the wind turbines on the skyline just over 200m beyond the court tomb. It is accepted by PAC that regarding the relationship between the two tombs, the view from the portal tomb up towards the court tomb **makes a contribution** to their setting, as does the view along the alignment of each tomb from its supposed entrance. There is also an acceptance of adverse impact from the north west in that a visitor would **experience noise** from the wind farm.

The adverse impacts acknowledged by PAC are unacceptable and exceptional circumstances have NOT been established.

C. Impact on Visual Amenity and Landscape Character

The specific reasons for the designation of the Sperrins AONB in 1968 (under the Amenity Lands Act (Northern Ireland) 1965) were not published and there is no current management plan for it. This is a sad indictment of the statutory authority in failing to implement a management plan and reflective of years of neglect. It does not and should not **undermine or negate** the protections afforded by this statutory designation.

The protected status of our AONB is being eroded by adverse developments over recent years. The development plan for the area will continue to be limited in scope if these incongruous developments are permitted. The sustainable regeneration of the area is through harnessing the natural and cultural heritage assets will be in serious jeopardy if this freewheeling opportunism is allowed to continue.

Criterion (b) of Policy RE1, which applies to all renewable energy development, requires that there is no unacceptable adverse impact on visual amenity and landscape character.

Two of the additional criteria for wind energy development are also of relevance to this issue:

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

(ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications.

Of all renewable technologies, wind turbines are likely to have the ***greatest visual and landscape effects***. It is irrational to therefore site industrial wind turbines in such a setting as Magheramore.

Policy NH6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and three criteria are met including:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape.

As stated above, the SPPS is material to the appeal decision and it states at paragraph 6.223, “A ***cautious approach*** for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty ... and their wider settings. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region’s cultural and natural heritage assets.” The same approach is taken in paragraph 1.3.23 of the BPG to PPS 18. The SPPS also states the following with reference to AONBs in paragraphs 6.187 and 6.188: “Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, and be in the accordance with relevant plan policies. In assessing proposals, including cumulative impacts in such areas, account will also be taken of the Landscape Character Assessments and any other relevant guidance including AONB Management Plans.” This accords with the approach of PPS 2 as set out above.

The reality is thus. The site falls within LCA 29 – Sperrin Mountains, an elongated area stretching from the edge of Strabane in the west to the Glenshane Pass in the east. It incorporates the main east-west spine of the Sperrin Mountains with summits averaging 500m in height and also lower slopes and valleys. The guidance describes the LCA as the heart of the Sperrin AONB and notes that the mountains are an iconic feature in views west and south from the A6 Belfast to Derry road. It determines that the LCA has an overall high sensitivity to wind energy development, assessing its potential in the following terms:

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

PAC failed to give any due consideration or weight to the fact that there is already an over-proliferation of industrial wind turbines in this AONB. This consideration should outweigh any proposal for further wind farm development in this highly sensitive locale.

D. Cumulative Impact

The cumulative impact as assessed in the decision can be summed up thus,
“The multitude of wind farms already surrounding the valley means the proposal would not appear out of place.”

Due to a strategy of salami slicing by energy companies and a lack of a development plan, the Roe Valley area and more specifically the landscape within the Sperrins AONB is saturated with wind farms. There are currently 111 industrial wind turbines within a 9-mile radius of the town of Dungiven. We are now at a critical tipping point.

The acknowledgement by PAC of a multitude of wind farms speaks to a lack of balance in respect of renewable energy development and preservation of natural and cultural assets.

The Department of the Economy has emphasized the need for regionally balanced development and the PAC decision contributes to an untenable imbalance.

I trust that Causeway Coast and Glens will challenge this highly irrational and flawed decision by way of Judicial Review.

The failure to do so will:

1. Cause irreversible damage to the visual beauty of the landscape, environment and wildlife
2. Contribute to the erosion of the protections afforded by law and constitute a breach the precautionary principle
3. Undermine the authority of the planning committee and local authority (CC&G)
4. Prevent the HED from fulfilling their role in compliance with statutory obligations
5. Limit and potentially stymie the scope of the management plan for the AONB
6. Undermine the tourist potential of heritage sites of regional importance
7. Interfere with the right to a healthy environment and the right to access and enjoyment of our cultural heritage
8. Disrespect and undermine the connection between people and place
9. Breach the principle of democracy, render the community consultation process worthless, and further disenfranchise the population in this part of the Council area

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Nodlaig Ní Bhrollaigh