

<b>C/2011/0459/F Cam Burn Wind Farm Planning Decision</b>	<b>25<sup>th</sup> January 2017</b>
<b>Planning Committee</b>	

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

## **1.0 Background**

- 1.1** The planning application is for 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. The site is located at land approximately 920 metres north west of 33 Craigmore Road Coleraine Co. Londonderry BT51 4EX.
- 1.2** At the Planning Committee meeting of 23<sup>rd</sup> September 2015 Planning Committee determined to refuse planning permission for the above application. The Minister for the Environment subsequently 'called-in' the application on 14 October 2015 and DoE Strategic Planning Division issued a Notice of Opinion to approve the application.
- 1.3** Under Section 29(7) of the Planning Act (Northern Ireland) 2011, Council requested an opportunity to appear before and be heard by the Planning Appeals Commission.
- 1.4** The Hearing took place on 29<sup>th</sup> August 2016 and the PAC issued its report to the Department of Infrastructure (DfI) on 5<sup>th</sup> December 2016.
- 1.5** The Head of Planning wrote to DfI on 14<sup>th</sup> December 2016 requesting, under the Environmental Information Regulations 2004, a copy of the Report. DfI responded via email on 22<sup>nd</sup> December 2016 (attached at Appendix 1) enclosing a copy of the PAC report (attached at Appendix 2) and advising that the formal decision notice to approve the application will issue to council in the next few days.
- 1.6** The formal notification of decision was published on the Planning Portal website on 22<sup>nd</sup> December 2016, date of approval of application (attached at Appendix 3).

## 2.0 Details

2.1 The PAC Report made the following key points:

- The argument that because the Borough already provides 4% of the 40% renewable energy target is not a persuasive one; the strategic energy framework does not set out targets for specific geographical areas or set a limit of provision to be achieved within individual council areas;
- Economics Branch reassessed its position and considered that the expenditure figure identified to be retained in Northern Ireland to be on the low side;
- The contributions the proposed development would have to the provision of renewable energy target, reducing carbon dioxide emissions and the contribution to rates are substantial and positive factors in favour of this application
- The likely visual impact of the wind farm proposal will not be so unacceptably adverse to warrant refusal.
- Noise issue associated with the cumulative noise arising from the planning permission for the single turbine on the host farm (C/2010/0279/F) could be resolved by revocation or a Section 76 Planning Agreement.
- The wind turbines are located sufficient distance from residential properties to satisfy safety requirements and there is no evidence to demonstrate that light pollution, shadow flicker or ice throw are likely to cause significant harm or loss.

2.2 The PAC concluded that the visual impact of the proposal, both individually and cumulatively, is not unacceptably adverse; will not cause significant harm to the safety or amenity of any sensitive receptors and that it will not have an unacceptable adverse impact on biodiversity, nature conservation or built heritage interests. Determining weight is not given to the wider environmental, economic and social benefits of the proposal. The PAC recommends the application should be approved provided the planning permission for the single turbine on the host farm is either expired or removed through revocation or Section 76 Planning Agreement.

2.3 The approval decision notice for this application issued by DfI on 22<sup>nd</sup> December 2016.

## 3.0 Recommendation

3.1 **IT IS RECOMMENDED** that the Planning Committee note the update on the planning application C/2011/0459/F.

**Strategic Planning Division**



Department for

**Infrastructure**

An Roinn

**Bonneagair**

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Your reference:  
Our reference: IN1.16.13845

Date: 22 December 2016

Dear Denise

**Cam Burn Wind Farm – C/2011/0459/F**

Thanks you for your e-mail of 14 December, addressed to Carol Ramsey and requesting, under the Environmental Information Regulations 2004, a copy of the PAC report on the hearing into the above planning application. As this report has now been published on the Portal, I am treating this response as normal business.

I enclose a copy of the report for your information and would advise that the formal decision notice to approve the application will issue to your council, for the public record, within the next few days.

Yours sincerely

**Philip Stinson**  
Principal Planning Officer



**PLANNING APPEALS COMMISSION**

**The Planning Act (Northern Ireland) 2011**

**Section 29(7)**

**Public Hearing into a proposed Wind Farm comprising Six Wind Turbines with a maximum tip height of 120.5 metres, associated Transformers, one permanent Meteorological Mast, Communication Tower, Site Access Tracks, Gates, temporary Site Compound, Substation, Electrical Cabling, Road Improvement Works at existing site entrance and Ancillary Works on land approximately 920 Metres to the North-West of 33 Craigmore Road, Coleraine, County Londonderry**

**Report by**

**Commissioner George Scott**

**Examination Date: 30 August 2016**

**Date of Report: 5 December 2016**

**Background**

1. A planning application for the erection of 6 turbines, with a maximum tip height of 120.5m, was submitted to the Department of the Environment (DOE) Planning Service on 7 September 2011. It was accompanied by an Environmental Statement (ES) and, following a request from DOE Strategic Planning Division (SPD), Further Environmental Information (FEI) was submitted on 16 May 2013. Some 524 letters of objection and 896 letters of support for the application were submitted to the Department in association with the application.
2. The application was presented by SPD to the former Coleraine Borough Council with an opinion to approve on 16 December 2014 and similarly on 24 February 2015. At the February meeting the Council disagreed with that opinion and passed a motion to refer the application to the Minister of the Environment for determination. The Minister, however, decided that the application should go to the new Causeway Coast and Glens Borough Council (CCGBC) when planning powers transferred to Local Government on 1 April 2015.
3. On 23 September 2015 planning officers of CCGBC presented an opinion to approve the application to the Council. The Council rejected that recommendation and voted to refuse the application. On 14 October 2015 the Minister for the Environment "called in" the application under Section 29(1) of the Planning Act (Northern Ireland) 2011. On 30 October 2015 DOE SPD issued a Notice of Opinion to approve the development. By response dated 10 November 2015 CCGBC requested, under Section 29(7) of the Planning Act (Northern Ireland) 2011, an opportunity to appear before and be heard by the Planning Appeals Commission (the Commission).
4. On 1 March 2016 the Commission formally received a request from DOE (now the Department of Infrastructure) to conduct a Section 29(7) Hearing. Following a Pre-Hearing meeting on 25 May 2016, the Public Hearing opened and concluded on 29 August 2016. Prior to the Hearing an opportunity was provided for those parties who had expressed a desire to be involved in the hearing process to submit statements of evidence. The submitted statements of evidence were exchanged between opposing parties and on a reciprocal basis an opportunity was provided for the submission of rebuttal statements. .
5. The report that follows sets out my assessment of the application in light of the evidence presented before and during the hearing. It is not relevant to me what transpired during the processing of the application or how the parties interacted with one another. Those are matters between the respective parties and do not affect or influence my assessment. My recommendation to the Department does though take account of all correspondence sent to it during the processing of the application, including supporting and opposing comments from members of the general public as well as all consultation replies.

6. In reaching my recommendation I have taken into consideration the environmental information presented in relation to the application, as required by Regulation 4 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 (the EIA Regulations).

#### **Issues**

7. The main issues to address in this application are:
- the significance of economic and social benefits offered by the proposed wind farm;
  - the visual impact of the proposed wind farm;
  - the effect of noise generation on residential amenity; and
  - the general impact of the development on residential amenity.

#### **Policy Context**

8. The Northern Area Plan (NAP) 2016 (NAP) currently serves as the Local Development Plan (LDP) for the area. It identifies that the site lies within the open countryside and that it does not fall within any environmental designations in NAP. The plan is silent on the subject of renewable energy. Accordingly the plan has no material provisions relevant to the determination of the proposal and I turn now to other material considerations.
9. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. During this transitional period planning authorities will apply the SPPS and retained planning policy statements (PPSs). In opposing the Department's opinion to approve the application CCGBC has placed considerable reliance on the strategic guidance embodied in the Regional Development Strategy 2035 (RDS). Paragraph 1.5 of the RDS states, however, that it does not contain operational planning policy and indicates that such policy is contained in PPSs. The relevant retained policy documents in this case are PPS 21 *Planning Policy in the Countryside*, PPS 18 *Renewable Energy* and PPS 2 *Natural Heritage*. It should be noted that any conflict between the SPPS and a retained policy must be resolved in favour of the SPPS, including circumstances where the SPPS introduces a change in policy direction and/or provides a policy clarification.
10. Policy CTY 1 of PPS 21 directs that renewable energy projects in the countryside will be granted in accordance with policies contained in PPS 18. Proposals satisfactorily meeting PPS 18's requirements are therefore developments acceptable in principle in the countryside. PPS 18 is supported by the *Best Practice Guide* (BPG) providing background information on renewable energy technologies. Also of relevance is the *Supplementary Planning Guidance* (SPG)

*'Wind Energy Development in Northern Ireland's Landscapes'* that accompanies PPS 18.

11. The aim of PPS 18 is consistent with the aim of the SPPS to site renewable energy generating facilities in appropriate locations in order to achieve NI's renewable energy targets and to realise the potential benefits of renewable energy without compromising other environmental assets of acknowledged importance. Both the SPPS and Policy RE 1 of PPS 18 set out a qualified presumption in favour of renewable energy development unless it would have unacceptable adverse effects, which are not outweighed by the local and wider environmental, economic and social benefits of the development. While Policy RE1 advises that environmental, economic and social benefits should be given '*significant*' (my emphasis) weight in determining an application the SPPS advises that they be given '*appropriate*' (my emphasis) weight.

#### **Environmental, Economic and Social Benefits**

12. In its strategic energy framework (SEF) document of September 2010, the Department of Enterprise, Trade and Investment (DETI) announced that 40% of NI's energy consumption should be derived from renewable resources by 2020. According to the Department of Infrastructure (DOI), Northern Ireland currently produces just over 25% of its energy from renewable sources. 40% is a minimum target and not a cap and not all consented schemes will necessarily be implemented. The SEF goes on to state that wind farms will play a vital role in meeting this renewable electricity target. The SEF does not set out targets for the provision of renewable energy in specific geographical locations and nor does it seek to limit the provision that may be achievable within individual council areas. In that respect the argument by CCGBC that because the Borough already provides 4% of the 40% target limited weight should be given to the proposal, is not a persuasive one.
13. The appeal proposal would provide an energy capacity of 13.8 M.W. and would contribute to meeting what the SEF acknowledges is a challenging target. The applicant's estimate that the wind farm would produce approximately 30.5 Gigawatt hours (GWh) per year of renewable electricity, serving the equivalent demand of 5,170 homes, was not disputed. It was also not disputed that over its 25 year lifetime the proposal could reduce carbon dioxide emissions by about 320,000 tonnes and would generate an rates income of some £234,600 based on a 2011 valuation
14. The Environmental Statement (ES) and Further Environmental Information (FEI) accompanying the application, claim that the proposed development is expected to cost £18.7 million and that some 15% of that (£2.8 million) would be spent in the local economy on development, financing, legal arrangements, delivery, construction, materials, plant and auxiliary equipment. The true value of and



significance of this economic investment in the local area was strongly disputed by the Third Party objectors and the Council. When first consulted on the application, DOE Economics Branch commented, in October 2014, that there was generally a lack of details in regard to the economic impacts of the wind farm and that the costs and benefits to Northern Ireland were not sufficiently quantified. However, I note that Economics Branch reassessed its position in the rebuttal evidence submitted by DOI to the effect that it considered that the expenditure figure identified to be retained in Northern Ireland (£2.8m) was on the low side compared to the average figure of £5.3m identified as being typical for this type of development by the Northern Ireland Renewable Industry Group (NIRIG).

15. Notwithstanding doubts expressed about the quantifiable economic benefits of the proposal to the Borough, the contribution it would make to the provision of non-renewable energy in Northern Ireland, helping to meet the 2020 target, reducing carbon dioxide emissions and the contribution it would make to rates over the timescale of the development, are substantial and positive factors in favour of the application. This would suggest that considerable weight should be attached to the benefits of the scheme. The SPPS, in advising that appropriate weight should be given to the economic benefits of renewable energy projects, does not, however, state that such weight should be determining. The case office reports of planning officials in SPD and CCGBC consistently stated that the economic benefits of the proposal were not given determining weight in reaching a conclusion that planning permission should be granted and that remains the position of SPD. Economic benefits are but one of a number of material planning considerations and the proposal must be assessed against the various environmental criteria set out in Policy RE 1 of PPS 18, which I will now go on to consider.

#### **Visual Impact**

16. The SPG identifies the application site as being located within Landscape Character Area (LCA) 38: Eastern Binevenagh Slopes. Although the provisions of the SPG constitute guidance and does not have the status of policy it falls to be read in conjunction with PPS18 and is designed to contribute to the development management process. While the LCA is identified as having a high to medium sensitivity rating to wind energy development, it is the northern end that is particularly identified as having a high sensitivity. In contrast the application site is located on the flatter and less sensitive portions of the character area, close to its eastern boundary and within its middle portions.
17. The application site does not fall within any designated landscape. It lies some 11km north of the Sperrins Area of Outstanding Natural Beauty (AONB). Given the physical extent of this separation it is difficult to agree with the CCGBC argument that a cautious approach for wind development, as advocated in

paragraph 6.223 of the SPPS, should apply to take account of the wider setting of the Sperrins AONB. The site also lies outside the Binevenagh AONB, the edge of that designation being some 4km to the east of the application site. Even accepting that the wider setting of these AONBs should be taken into account in the overall assessment, planning policy does not preclude provision for wind development being made within such areas.

18. Paragraph 1.3.18 of the Best Practice Guide to PPS 18 (BPG) states that *"there are no landscapes into which a wind farm will not introduce a new and distinctive feature"*. The BPG also acknowledges whilst turbines are apparent over long distances in clear visibility by reason of their height and scale, it is the mid and closer range views that are more striking in terms of the visual impact of individual turbines. Consequently they are likely to be a prominent feature in distances under 2kms while they are likely to remain relatively prominent between 2-5kms. The fact that wind farms are by their nature highly visible should not though preclude them from being permissible features in the landscape.
19. As is normal practice with a development of this type, SPD carried out a wide ranging series of consultations with other bodies, seeking their comments and professional advice. Ultimately it is for the planning authority to determine what weight should be attached to the comments of its consultees. It is not unusual for certain advice or comments to be set aside in the overall balancing of a decision. The concerns of Landscape Architects Branch about the impact of the proposal on the wider landscape are not therefore determining or overriding. Nor is it determining the fact that SPD, in seeking FEI in its letter to the applicants of 8 March 2013, suggested that a reduction in the height of the proposed turbines would be appropriate. Nonetheless those comments merit due consideration and are a factor to be weighed in assessing the likely visual impact of the development.
20. The applicant's ES and FEI submissions identify a number of critical viewpoints from which to assess the visual impact of the six turbines. As recommended in paragraph 1.3.31 of the Best Practice Guide to PPS 18 and in Table 6 of the SPG, photomontage representations of the impact of the proposed turbines and wireframes as seen from these viewpoints have also been provided. The respective parties focused their comments and assessments on viewpoints located within a 5km radius of the application site and I have done likewise. I have also taken account of the views seen from within the domestic curtilages of Third Party objectors who took an active involvement in the Hearing.
21. The Third Party Objectors and DOI both identified the implemented wind farm development located at Cloonty near Derrykeighan (D/2009/0142/F) as a useful comparator site against which to assess the possible visual impact of the application proposal. While the objectors cited Cloonty as demonstrating that it

would be inadvisable and inappropriate to permit the current application the Department argued that the Cloonty scheme demonstrated a form of development that was deemed to be acceptable in policy terms. My role is not to assess the merits or otherwise of the Cloonty decision, or indeed of other wind farm decisions made by the Department and the Commission. As with most matters involving site specific issues, and an assessment of visual impact, each proposal stands to be considered in its own particular context and circumstances. I therefore attach limited weight to the Cloonty decision, other than to acknowledge that it establishes that a wind farm set within a lowland as opposed to an upland location can be deemed acceptable in terms of prevailing planning policy. .

22. The application site accesses onto the northern side of the B66 Craigmores Road, which runs east to west between Ballymoney and Limavady. The open and relatively flat nature of the landscape within which the turbines are to be sited combined with their towering height means that they will be highly visible and dominating features in the landscape as seen from viewpoint 6 (VP) and continuing westwards along Craigmores Road. The turbines are, however, to be sited back from the immediate road frontage by distances mostly in excess of 800m. This setback, while limited in terms of the scale of the turbines, provides a more peripheral view of the application site and combined with the straightness of the road at this location and the relatively high speed of traffic will help to reduce some of the more immediate visual impacts of the turbines as seen from passing traffic.
23. There are a number of roadside properties along the stretch of Craigmores Road most immediate to the site and there is no doubt that their outlook to the north and north-west will be impacted on by all of the turbines. Policy RE 1 of PPS 18 states that for wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance of 500m, will generally apply. The 10 times rotor diameter in this instance is 710m and the only occupied property on Craigmores Road that lies marginally inside that distance is No. 51 at 709m SE from Turbine 4 (T4). This is well beyond the recommended minimum distance of 500m set out in the policy. Views to the north in the vicinity of the application site are mostly confined to the surrounding field and forestry plantation. Notwithstanding that there will be largely uninterrupted views of the proposal as seen from the Craigmores Road properties I do not consider that the visual amenity of these properties would be compromised to such an extent as to warrant refusal of the application.
24. VP7 is located at the junction of Craigmores Road and Cashel Road, approximately 2km from the nearest turbine. Viewed from Craigmores Road at this point the height and scale of the turbines will mean that much of the columns and blades will rise above the intervening vegetation, making them visually dominant features in the local landscape. This is, however, a fixed viewpoint and travelling further

east along Craigmore Road the lower vertical alignment of the road after the junction, combined with intervening vegetation, will reduce some of that visual impact.

25. Cashel Road runs in a northerly direction from the Craigmore Road junction and travelling northwards there are sweeping views of the site for approximately 300m, albeit of a peripheral rather than a direct head on view. After VP19 the road starts to slope downwards and views thereafter on Cashel Road become much more restricted and more removed in their immediacy. These views of themselves do not justify refusal of the application.
26. The A29 (Drumcroon Road) runs in a north to south alignment to the east of the application site. As demonstrated by the photomontages at VPs 12 and 13 the blades of all 6 turbines will be readily visible at various fixed points along this A class road, particularly travelling southwards. The views will not, however, be constant due to intervening vegetation and the changing vertical alignment of the road.
27. Given the height and scale of the turbines they will also be readily visible from different points along most roads within the 5km radius referred to above. The Council drew particular attention to views from adjacent to Gorran Primary School and from the junction of Metican Road with Gorran Road. The Third Party Objectors identified longer views on Moneybrannon Road and shorter distance views on Kinneyglass Road, Killeague Road and on Clintagh Lane as being significant and unacceptable. I agree that turbines of the height proposed in this instance do not fit easily into lowland or rolling landscapes and tend to be more suited to more elevated upland areas with their larger scale landscapes. The BPG makes this very point on pages 29 and 33. However, the BPG is subordinate to, and cannot derogate from PPS 18 which, as prevailing policy, does not rule out the principle of allowing larger turbines or wind farms within a lowland setting. The impact of all of these views must be considered in the knowledge that wind energy is by its nature a dominant form of development within the landscape and one that is very different to a domestic scale. Having looked at and visited the highlighted viewpoints I consider on balance that the proposal would not result in an unacceptable or adverse impact on the visual amenity and landscape character of the area.
28. Objectors living on Killeague Road made reference to and sought to rely on what has become better known as the "Lavender Test", named after a Planning Inspector in England who dealt with a wind farm proposal at Enifer Downs in 2009 (APP/X2220/A/08/2071880). In that case Mr Lavender made the following comment:

*“When turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be regarded as an unattractive and thus an unsatisfactory (but not necessarily uninhabitable) place in which to live”.*

29. The nearest occupied house on Killeague Road is No. 111, which is located some 720m NE of T6. The dwellings at Nos 113 and 115 Killeague Road are in the order of 1km removed from T1. The separation distance of 10 times rotor distance of 710m, as referred to in the policy headnote of PPS 18, has therefore been met in respect of the afore mentioned properties. While the reference to separation distances in the BPG focuses on the safety and amenity issues of noise, shadow flicker and ice throw, as highlighted in criterion (vi) of Policy RE 1, the separation distance of 10 times rotor diameter is a discreet and stand alone requirement in Policy RE 1. It is therefore not an irrelevant consideration in respect of achieving a satisfactory visual separation between occupied dwellings and turbines. That said each case falls to be assessed within its own particular context and circumstances. While I do not doubt the very genuine fears and concerns of the objectors, I am minded, having visited the properties in question, that the number of turbines proposed and their visual relationship with them is unlikely to be so unpleasantly overwhelming as to make those properties unattractive places to live in.
30. The potential cumulative visual impact of the application proposal with existing wind turbines and wind farm developments in the wider area is also a matter before me. It is not an argument I find to be persuasive. Rigged Hill Wind Farm is located some 7-8km to the SW while Dunmore and Dunderg are approximately 7km to the NW. The Council referred to a planning application for a wind farm of 5 turbines at Croaghan some 2-3km NW but accepted that no final decision had been on that development at the time of the hearing. Permission has been granted for a number of individual turbines in the wider district but that does not lead me to conclude that there is an unacceptable cumulative visual impact when seen in the context of the application proposal. In the evidential context before me I conclude that any cumulative visual impact arising is insufficient to justify refusal of the application.
31. In summary I agree with the Department’s analysis that the likely visual impact of the wind farm proposal will not be so unacceptably adverse that it warrants refusal. Accordingly I conclude that the individual and cumulative visual amenity issues identified by the Council and Third party Objectors do not justify rejection of the planning application

**Noise**

32. The issue of noise associated with the proposed development and its potential impact on residential amenity is a matter that has been of deep concern to Third Party Objectors throughout the application process. Notwithstanding the comments and recommendations of the Northern Ireland Assembly Report on the Committee's Inquiry into Wind Energy, the report entitled "The Assessment and Rating of Noise from Wind Farms", better known as ETSU-R-97, remains the appropriate framework for the measurement of wind farm noise and one that I must have regard to.
33. The Best Practice Guide (BPG) to PPS 18 recognises that wind turbines should be located so that increases in ambient noise levels are kept to acceptable levels in relation to existing background noise levels. The BPG goes on to advise that this will normally be achieved through good design of the turbines and through making provision for sufficient distance between the turbines and any existing noise sensitive development. As a matter of best practice the BPG advises a separation distance of 10 times rotor diameter to occupied property with a minimum distance of not less than 500m. This guidance reflects the requirement set out in the headnote of Policy RE 1 of PPS 18.
34. The closest occupied properties to any of the turbines, as previously highlighted, are 51 Craigmore Road at 709m and 111 Killeague Road at 722m. It was from those particular properties that baseline background noise surveys were initially carried out by the noise consultants acting on behalf of the applicant. Having determined that those properties were the ones most likely to be affected once the turbines become operational it follows that other properties in the area, by reason of greater separation distance, would be likely to suffer less effect. Contrary to assertions by Third Party Objectors, and as erroneously expressed in the Council's statement of case, the existing occupied residences on Clintagh Lane, to the north of the site, are not closer to any of the turbines than the afore mentioned properties. None of the Clintagh Lane properties lie within the 10 times rotor diameter distance, the nearest being at least 780m from the closest turbine. Accordingly I am satisfied that the noise assessment carried out on behalf of the applicants and as assessed by the Environmental Health Department of the former Coleraine Council did not mistakenly overlook or disregard the properties on Clintagh Lane.
35. The ETSU-R-97 document recommends that noise should be limited to 5dB(A) above background levels for both day and night time. The night time limit is higher as it is considered that during the night the protection of external amenity becomes less important and the emphasis should be on preventing sleep disturbance. Consequently a lower limit of between 35 and 40 dB(A) is set for

daytime and a fixed limit of 43dN(A) for night time. In response to comments made by Environmental Health on the initial noise surveys a revised noise assessment was submitted by the applicant in November 2012 and in the FEI submission of April 2013, correcting a number of earlier errors. The FEI assessment concluded that the ETSU-R-97 noise limits of 43 dB LA90 or 5dB above background level could be met by margins of at least 2 dB and the lower day-time limit of 35 dB LA90 or 5dB above background level could be met by margins of at least 6 dB.

36. Having been consulted on the revised noise assessments carried out as part of the FEI process, Coleraine Borough Council Environmental Health Department advised that planning permission could be granted subject to the attachment of a number of conditions to ensure that the wind farm would operate within ETSU R-97 noise limits. The Department and CCGBC Environmental Health Department confirmed at the hearing that they remain of that same view and there is no substantiated evidence before me to contradict that assessment.
37. .As acknowledged in the Department's evidence, there is however a potential issue in respect of cumulative noise arising from a planning permission for a single turbine on the host farm holding (C/2010/0279/F). The landowner has provided a letter of declaration stating that he would not implement that permission if the current application were to be approved. Such an undertaking does not provide sufficient certainty. It could be resolved by either a revocation of the planning permission or through the use of a Section 76 Planning Agreement. However, the planning permission in question was issued on 4 November 2011 and made subject to the standard 5 year time limit for implementation from the date of approval. Subject to confirmation that the permission has not been implemented that would mean that approval for it expired on 4 November 2016. Consequently the issue of cumulative noise impact would not now militate against the current proposal as any future application for a renewal of the permission for the single turbine would have to be reassessed. Subject to the Department satisfying itself that approval C/2010/0279/F does not remain extant I am content that the issue of cumulative noise does not preclude approval of the application proposal.

#### **Residential Amenity**

38. Aside from the issues of visual amenity and noise (dealt with in preceding sections) objectors raised a number of other concerns about the possible impact of the application proposal on residential amenity. The BPG states that experience shows that wind turbines are a safe technology and that a separation distance of 10 times rotor diameter to occupied property should comfortably satisfy safety requirements. I do not consider the fact that No. 51 Craigmores Road is 1m less than 10 times rotor diameter distance is significant. At 709m it lies well



beyond the recommended minimum distance of 500m. The concerns expressed by CCGBC about the proximity of residential properties on Clintagh Lane and their safety were based on an inaccurate assessment of the actual separation distance involved, all occupied properties being well beyond the recommended 10 times rotor diameter distance. There is also no evidence to demonstrate that light pollution, shadow flicker or ice throw are likely to cause significant harm or loss of amenity to sensitive receptors. None of these additional matters justify refusal of the application.

### **Ecology**

39. The Environmental Statement (ES) for the proposed development addressed ecology in detail under various sections. The site is upstream of the Bann Estuary Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI). A Habitats Regulations Assessment (HRA) was undertaken by NIEA, who found no likely significant effects on the designated site. There is no persuasive evidence that would contradict that finding.
40. NIEA has acknowledged that the site has peatland habitats, a stream corridor and woodlands and that the proposal could have some impacts on priority habitat and priority species. However, it is satisfied that such impacts could be mitigated and controlled through a habitat management and enhancement plan (HMEP) and the imposition of conditions protecting areas of greatest sensitivity during the construction period. In the event of permission being granted, the Department should satisfy itself that such conditions are reasonable, necessary and serve a useful planning purpose.
41. The issue of the possible presence of otters and badgers has been fully assessed in the ES. The crossing of Cam Burn by a clear span bridge will, for example, mitigate impacts on the stream bed and otter in the crossing area. Details of this bridge are provided in Drawing No. NI020-P020 (Rev A).

### **Traffic and Transport**

42. There were no significant traffic and transport issues raised by any of the parties participating in the hearing process. The existing access laneway onto Craigmore Road will be upgraded and extended to accommodate turbine delivery and construction vehicles, as detailed on various submitted plans. I am not persuaded that turbines will distract passing drivers to the extent that road safety would be compromised. A haulage route from Lisahally Port, Londonderry to the application site has been agreed. In line with the BPG the closest turbine to Craigmore Road will be set-back more than the fall over distance plus 10%. I am satisfied that there are no traffic and traffic issues that militate against the application.



### **Archaeology and Heritage**

43. Having reviewed the ES section on Archaeology and Heritage (Volume 1 Section 20), NIEA Historic Monuments Branch commented that it accepted the conclusion that while the proposed development would be visible from a number of archaeological sites and monuments in the surrounding landscape, the visual impact would not be so adverse as to merit refusal of planning permission measured against Policy BH 1 of PPS 6 or Policy RE 1 of PPS 18. I see no justifiable basis to contradict that judgment.

### **Conditions**

44. Paragraph 5.65 of the SPG makes it clear that conditions should only be imposed on a planning permission where they are necessary, relevant to planning, relevant to the development being permitted, precise, enforceable and reasonable. In its Notice of Opinion the Department proposed 37 conditions. Most of those conditions have been repeated in Annex 1 of its Statement of Case, with some minor adjustments. I do not propose to comment on those conditions, which were largely agreed by the parties, other than to address certain specific matters raised or queried at the hearing. It is for the Department to satisfy itself that in the event of approval being granted that all conditions attached meet the planning tests referred to above.
45. I agree with the objectors that a series of aircraft warning safety lights on all of the turbines would be visually undesirable. Given that the turbines read as a collective group I further agree that it is only necessary to fit a warning light to one of the turbines. I also agree with the objectors that any condition seeking to limit the hours of construction works, to protect nearby residents from unnecessary construction noise, should be framed to ensure that work does not commence before 08.00 hours in the morning. I do, though, agree with the recommendation of the Environmental Health Department that construction works could continue in the early evening until 19.00 hours.
46. The Department should satisfy itself that any provision for the micro-siting of turbines does not compromise sensitive habitats, unnecessarily causes the removal of established vegetation or compromises safety in terms of a safe falling distance for turbines.

### **Conclusion**

47. Having assessed the proposal against the prevailing policy tests of Policy RE 1 of PPS 18 I conclude that the visual impact of the proposal, both individual and

cumulative, is not unacceptably adverse; that the development will not cause significant harm to the safety or amenity of any sensitive receptors and that it will not have an unacceptable adverse impact on biodiversity, nature conservation or built heritage interests. Given this policy compliance I do not have to give determining weight to the wider environmental, economic and social benefits of the proposal.

**Recommendation**

48. I recommend to the Department that the application should be approved provided it is satisfied that the planning permission for a single turbine on the host farm holding (C/2010/0279/F) has now expired. In the event that C/2010/0279/F has not expired the permission should either be revoked or removed through the use of a Section 76 Planning Agreement.

This recommendation is based on the following drawings

<b>Number</b>	<b>Title</b>	<b>Scale</b>	<b>Date</b>
NI020-P001 (rev B)	Site location plan	1:25,000	Feb 13
NI020-P002 (rev C)	Site development area	1:7,500	July 13
NI020-P003 (rev C)	Site layout plan	1:7,500	July 13
NI020-P004 (rev B)	Site orthophotography	1:7,500	Feb 13
NI020-P005 (rev A)	Site entrance detail	1:500	Aug 11
NI020-P006 (rev A)	New access track detail	1:50	Aug 11
NI020-P007 (rev A)	Lane upgrade detail	1:50	Aug 11
NI020-P008 (rev A)	BGE Gas pipeline crossing detail	1:25	Aug 11
NI020-P009 (rev A)	Craneage hardstand - passing bay	1:500	Aug 11
NI020-P0010 (rev A)	Craneage hardstand – turning area	1:500	Aug 11
NI020-P00 11 (rev B)	Typical Turbine Elevations	1:600	July 14
NI020-P00 12 (rev A)	Turbine Foundation Detail	1:100/200	Aug 11
NI020-P00 13 (rev A)	Wind Monitoring Mast Elevation	1:250	Aug 11
NI020-P00 14 (rev A)	Foundation detail: Wind Mast	1:50	Aug 11
NI020-P00 15 (rev A)	Control Room Elevations	1:200	Aug 11
NI020-P00 16 (rev A)	Control Room Plan	1:150	Aug 11
NI020-P00 17 (rev A)	Contractor’s Temporary Compound	1:200	Aug 11
NI020-P00 18 (rev A)	Cable Duct Crossing/Trench details	1:20	Aug 11
NI020-P00 19 (rev A)	Typical Culvert Details	1:20	Aug 11
NI020-P00 20 (rev A)	Clear Span Flexi-Arch Bridge	1:200	Aug 11
NI020-P00 21 (rev C)	Site Layout Plan	1:2,500	July 13

**COMMISSIONER GEORGE SCOTT**

**List of Appearances**

**Department of Infrastructure**

Ms Jane Curley (Strategic Planning Division)

Dr Chris Jordan Environmental Health Department CCGBC

**Causeway Coast and Glens Borough Council**

Ms Denise Dickson (Head of Planning)

Alderman Finlay

Councillor Baird

**Third Party Objectors -**

Mr Billy Robinson (GM Design)

Mr David Dalzell (GM Design)

Mr K Burns

Mr David Hunter

Mrs Sandra Hunter

Mr John Steen

**List of Documents**

**Department of Infrastructure**

"A" Statement of Case & Appendix

"B" Rebuttal Statement

**TCI Renewables (applicant)**

"C" Statement of Case & Appendices

"D" Rebuttal Statement & Appendices

**CCGBC**

"E" Statement of Case & Appendices

"F" Rebuttal Statement

**Third Party Objectors**

- "G" Statement of Case & Appendices from GM Design
- "H" Rebuttal Statement & Appendices from GM Design
- "I" Statement of Case from Mr John Steen of No. 113 Killeague Road
- "J" Rebuttal Statement from Mr John Steen of No. 113 Killeague Road

# Notification of Decision - Cam Burn Wind Farm

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Published on Thu, 22 Dec 2016 by [planning@infrastructure-ni.gov.uk](mailto:planning@infrastructure-ni.gov.uk).

**Application No.:** C/2011/0459/F

**No.:**

**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 of 120.5m (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

A large volume of correspondence has been received in respect of this planning application. The Department has therefore taken the decision not to write individually to each person who made a representation but to inform them by this notification that planning permission has been granted. All details, including the PAC's Report following the Hearing on 30 August 2016, are available to view on Public Access on the Planning Portal using the planning reference number above.