

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2019/0890/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>28<sup>th</sup> September 2022</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Cathy McKeary

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:

	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<b><u>App No:</u></b>	<b>LA01/2019/0890/F</b>	<b><u>Ward:</u></b>	<b>Drumsumn</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Existing Rigged Hill Windfarm site 6km East/South East of Limavady</b>		
<b><u>Proposal:</u></b>	<p><b>The Repower of the existing Rigged Hill Windfarm comprising the following main components; (i) Decommissioning of the existing 10 turbines (ii) Removal and restoration of the existing substation building and compound (iii) Removal and restoration of other redundant infrastructure (iv) 7 No. wind turbines with an output of around 29MW (v) Construction of approximately 4.82km of new access tracks; (vi) Upgrade of approximately 1.75km of existing access tracks; (vii) Construction of temporary and permanent hardstanding areas for each turbine to accommodate turbine component laydown areas, crane hardstanding areas and external transformers and/or switchgears; (viii) Temporary construction compound/laydown areas; (ix) Turning heads and passing places incorporated within the site access infrastructure; (x) New Road Junction with Terrydoo Road; (xi) Meteorological Mast; (xii) Substation with roof mounted solar panels, and associated compound (xiii) Removal of self-seeded trees in East of the Site and (xiv) all associated ancillary works.</b></p>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>08.02.2021</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	<b>15.11.2021</b>
<b><u>Agent:</u></b>	<b>JUNO Planning &amp; Environmental Ltd, 409 Lisburn Road, Belfast, BT9 7EW</b>		
<b><u>Applicant:</u></b>	<b>Scottish Power Renewables Ltd, 320 St Vincent Street, Glasgow, G2 5AD</b>		
<b><u>Objections:</u></b>	<b>6</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>5</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## **Executive Summary**

- The proposal is for 7no. wind turbines with a maximum tip height of 137m in lieu of 10 no. existing turbines sited at the existing Rigg Hill Windfarm.
- 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.
- As EIA development it was accompanied by a voluntary Environmental Statement (ES)
- There have been 6 objections received regarding the proposed development. All concerns raised by the statutory consultees have been addressed and the required mitigation will be dealt with by the proposed conditions attached.
- There have been 5 letters of support 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- <http://epicpublic.planningni.gov.uk/publicaccess/>

## **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 approx. 6km east/southeast of Limavady on a Rigg Hill, which is a north-south running ridge which currently accommodates an operational windfarm comprising ten turbines at 57m in height. The land rises from the Terrydoo Road to the west of site to a summit of 377m above ordnance datum (AOD). The application site is characterised by moorland cover, steep upper slopes which lead to the elevated plateau where the operational windfarm is sited. Other than the operational windfarm the lands is primarily used for agricultural grazing. Part of the Ulster Way walking route passes through the site utilising the existing windfarm tracks.
- 2.2 Access to the wind farm is proposed from the construction of a new access and access tracks from Terrydoo Road. The site area is 145.31Ha. The application site is bounded to the north and east by commercial forestry. There are two smaller single wind turbines located a short distance to the north west of the site and three telecommunication masts approximately 1km south of the site.
- 2.3 The area is rural in nature and there are no dwellings in proximity to the site. The nearest dwelling is 37 Tremain Road and is 1260m from the closest turbine (T5).

## **3.0 RELEVANT HISTORY**

LA01/2019/0411/PAN - The re-power of the existing Rigg Hill Windfarm comprising the following main components; decommission of the existing windfarm infrastructure; the erection of 7 turbines with a maximum height from base to blade tip of up to 137m with a combined output of around 28 megawatts (MW); construction of new internal access tracks; upgrade of existing

access tracks; construction of temporary and permanent hardstanding areas for each turbine to accommodate turbine component laydown areas, crane hardstanding areas & external transformers and/or switchgears; 2 temporary construction compound/laydown areas; turning head and passing places incorporated within the site access infrastructure; upgraded junction with Terrydoo Road; 80m meteorological mast; underground electrical and communication cables; substation/control building and associated compound, including windfarm and grid connection operating equipment; and ancillary energy storage units and all ancillary development - Existing Rigged Hill windfarm site, 6km East/South East of Limavady - PAN Acceptable 21.06.2019

LA01/2019/0052/F - Construction of new access track (approx. 3,037m in length and 4m width), new site entrance off the Terrydoo Rd, associated drainage and ancillary development (including temporary construction compound and internal signage) to link new site entrance to the existing Rigged Hill windfarm access tracks for operational use by Rigged Hill windfarm - Approximately 150 metres north of No.66 Terrydoo Road, Limavady (land stretching from Terrydoo Rd to existing operational Rigged Hill Windfarm) – Permission Granted 24.06.2020.

LA01/2018/1212/DETEIA - Construction of new access track , new site entrance off the Terrydoo Road associated drainage and ancillary development ( including temporary construction compound and internal signage ) to link new site entrance to the existing Rigged Hill Windfarm access tracks for operational use by Rigged Hill Windfarm – Environmental Statement Required 16.05.2019

LA01/2018/0948/PAN - Construction of new access track ( approx. 3,037m in length and 4m in width ), new site entrance off the Terrydoo Road associated drainage and ancillary development ( including temporary construction compound and internal signage ) to link new site entrance to the existing windfarm access tracks for operational use by the windfarm - Site located approximately 150m North of 66 Terrydoo Road, Limavady - PAN Acceptable 20.08.2018

LA01/2017/1107/DETEIA - Scoping opinion request for the proposed repowering of Rigged Hill Windfarm - Rigged Hill

Windfarm, Limavady – Environmental Statement Required  
26.01.2018

LA01/2017/1094/PAD - Proposal to repower the existing Rigged Hill windfarm to comprise in the region of 8 new wind turbines up to a tip height of 135m (with up to a generating capacity of 3.6MW per turbine); crane hard-stands; new road access junction; upgrade of existing site access tracks and construction of new access track; temporary construction compound; sub-station; on site power collection system (turbine transformers and underground cables); permanent met mast; and battery storage - Rigged Hill Wind Farm, approx. 6.2km South-East of Limavady – PAD Concluded 26.01.2018

LA01/2016/1281/F - Erection of an 80m high, guyed monopole, meteorological wind monitoring mast for a temporary period of 5 years. It is proposed to allow for a 25m micro-siting tolerance to the mast location on health and safety grounds in order to allow the mast to be erected safely - Rigged Hill Windfarm, Rigged Hill, Limavady, Co. Londonderry – Permission Granted 03.03.2017

B/1997/0300 - Erection of 2 no 47.3 m high steel framed masts and associated wind monitoring equipment - Rigged Hill Wind Farm Aghnasillagh Limavady – Permission Granted 19.12.1997

B/1993/0377 - Construction of wind farm with associated anemometer electricity lines, access tracks and substation - Rigged Hill Terrydoo Clyde Limavady – Permission Granted 01.07.1994

B/1993/0109 - Erection of temporary 40m high wind monitoring mast - Rigged Hill Little Derry Limavady – Permission Granted 21.10.1993

## **4.0 THE APPLICATION**

4.1 The proposal is for a wind farm comprising 7 turbines, each up to 137m to tip height. The development will include

- a new site entrance onto Terrydoo Road,
- decommissioning of existing 10 turbines
- decommissioning and restoration of existing substation, compound and other redundant infrastructure

- turbine foundations and erection of 7 turbines
- construction of new access tracks and upgrade of existing access tracks
- construction of hardstanding for each turbine
- temporary construction compound
- meteorological mast
- underground cabling,
- Substation and associated compound including grid connection operating system
- Removal of self seeded trees in east of site
- Associated ancillary works .

4.2 Each turbine will have a generational capacity of circa 4MW, giving a combined generation capacity of up to 29.9MW.

4.3 The application was accompanied by a voluntary Environmental Statement.

### **Design & Access Statement**

4.4 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application. The application falls within the major category due to the 29.9MW generation capacity of the wind farm.

4.5 The Design and Access Statement is to provide 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.

4.6 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 land form, topography, and environmental/locational constraints while meeting the technical siting requirements of wind turbines.

4.7 The report demonstrates that the applicant undertook significant consideration of siting of the wind turbines and ancillary development such as avoiding areas of blanket bog and maintaining suitable buffers to sensitive receptors. This involved detailed assessment of the site during the EIA process which identified a number of constraints and led to refinements to the



layout to provide an acceptable scheme prior to submission of an application.

- 4.8 Access to the site is proposed via a newly constructed access from Terrydoo Road. The report outlines how the access tracks have been designed to take account a range of environmental and technical constraints, and outlines that existing tracks within the operational windfarm will be utilised where possible. The Ulster Way walking route passes through the application site. a temporary diversion to the route for health and safety reasons during the decommissioning and construction phases, with the route reinstated to make use of the windfarm tracks once the proposal becomes operational.

## **5.0 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 Initial neighbour notification was carried out on 11.09.2019. The application was advertised on 21.08.2019 in the local papers, again for the Environmental Statement on 18.09.2019 and again on 10.06.2020 upon the receipt of Additional Environmental Information. Further advertisement was carried out 07.10.2020 following the submission of additional plans. The application was amended to remove battery storage from the proposal and therefore was advertised again on 10.03.2021, and again on 31.03.2021 upon the receipt of further Additional Environmental Information. Further neighbour notification was carried out with those initial notified and those who made representation 02.06.2020, 24.09.2020 26.02.2021.

There are six objections to this proposal from four members of the public (two people submitted two objections). The main issues raised in the letters included:

- Detrimental impact on character of Rigged Hill and Donald's Hill
- Oversaturation of wind turbines in Roe Valley/cumulative impact
- Visual impact outside of Roe Valley
- Lack of Public Consultation

- Little or no socio-economic benefit
- Negative environmental impact
- Wind power is inefficient and economically unsustainable
- The company that is carrying out the environment studies for this development is an agent, working on behalf of the windfarm company. Potential for bias towards Windfarm Company
- Visual impact of wind farm will destroy the appeal of the local landscape and put tourists off visiting the area

All of the issues raised in the letters of objection are discussed below within the “Considerations and Assessment” section of the report.

The four letters of Support made the following points in support of the application

- Create/maintain employment
- Renewable energy provides support to local economy, community farmers and landowners
- Will contribute to meeting UK Government plan for ‘net zero’ carbon emissions by 2050.
- Benefits local businesses, local government and local communities
- Windfarm has become a landmark

### **Internal**

- 5.2 See appendix 1 for details of consultations carried out and the responses provided. All consultees that responded were content subject to conditions and informatives. The only consultee to not respond was cable and wireless which is a non-statutory consultee. It can be assumed that as they did not respond they had no comment to make.

### **Proposal of Application Notice**

- 5.3 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.
- 5.4 A Proposal of Application Notice was submitted on 9<sup>th</sup> April 2019 and received 15<sup>th</sup> April 2019 under LA01/2019/0411/PAN. The applicant advised that they intended to undertake the following forms of consultation:
- Staffed public consultation event with information boards and feedback questionnaires;
  - Press notice of the public event;
  - Circulation of leaflets to all houses within 5km of the development site;
  - Individual invitations issued to MPs, Garvagh & District Development Association and Moneydig Rural Network Group;
  - Dedicated project website.
- 5.5 Two public events were to take place in two different locations. Public Information Day 1 was to take place in Garvagh Community Buildings, Main Street Garvagh on 24<sup>th</sup> August 2017 and at Roe Valley Arts and Culture Centre, 24 Main Street, Limavady on 25<sup>th</sup> August 2017. Public Information Day 2 was to take place in Garvagh Community Buildings, Main Street Garvagh on 6<sup>th</sup> June 2019 and at Roe Valley Arts and Culture Centre, 24 Main Street, Limavady on 7<sup>th</sup> June 2019 The public exhibition was to be advertised by press notice.

### **Community Consultation Report**

- 5.6 The community consultation report was submitted as part of the planning application, received on 2<sup>nd</sup> August 2019 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.7 Copies of the following have been provided in the report:
- Map identifying residential properties within 5km of development

- Copy of Public Consultation Newspaper Advertisements for Stages 1, 2 and 3;
- Copy of Poster and leaflet outlining Invitation to Public Consultation Event for stages 1 and 2
- Copy of Information Boards used at Public Consultation Stages 1, 2 and 3

- 5.8 The report states that formal notices advertising the public event were placed in the Coleraine Times, Ballymoney Times, Londonderry Sentinel and Roe Valley Sentinel on 9<sup>th</sup> August 2107 and 16<sup>th</sup> August 2017 in respect of Public Information Day 1, 22<sup>nd</sup> May 2019 and 29<sup>th</sup> May 2019 in respect of Public Information Day 2 and 19<sup>th</sup> June 2019 in respect of Public Information Day 3. A copy of these has been provided.
- 5.9 An event leaflet was delivered to every dwelling within a 5km radius which included 532 addresses. Stage 1 and 2 Public Information Days were advertised on posters displayed in shops and community facilities in Limavady, Drumsurn and Garvagh. Overall, sufficient evidence has been provided to demonstrate that appropriate consultation has been carried out to show compliance with section 27 of the Planning Act (Northern Ireland) 2011.
- 5.10 The Public Information Days were attended by 34 members of the public (Stage 1- 21 attendees and stage 2 – 13 attendees). Attendees were able to discuss the project and question SPR staff on a variety of issues. Comment cards, which included a range of questions about the development, were also provided. Eleven comment cards were completed. 100% of the people who responded to the consultation were supportive of the repowering of Rigg Hill Windfarm. Due to the support for the development no amendments to the proposal have been made.

## **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).
- 6.3 The site falls within Landscape Character Area (LCA) 36 Binevenagh which has been assessed to have a high – 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 Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI).
- 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. 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  
Supplementary Guidance

**8.1 CONSIDERATIONS & ASSESSMENT**

- 8.2 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 conservation, and local natural resources.

**Principle of development**

- 8.3 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.
- 8.4 An assessment was carried out under Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended) as the site has potential hydrological links to the River Roe and Tributaries Special Area of Conservation (SAC). The site is approximately 10.3km from Lough Foyle Special Protection Area (SPA)/Ramsar site with the development having the potential to impact upon avian features of these sites. The test of likely significance concluded that there would be no likely significant effect on the features of either designation subject to mitigation. Shared Environmental Service have advised mitigation should be controlled through conditions in the event of an approval.
- 8.5 The application was accompanied by a voluntary Environmental Statement as 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’.
- 8.6 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**

- 8.7 Planning Policy CTY 1 of PPS 21 allows for renewable energy projects in accordance with PPS 18 which is assessed below.
- 8.8 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.
- 8.9 The proposal includes one permanent building (substation) with a number of temporary buildings and associated infrastructure proposed. The substation building is 5m high with a footprint of 16.5m by 11.5m. Chapter 3 of the Environmental Statement outlines that the substation building will be similar in appearance to an agricultural building with the final appearance to be agreed with the Council at a later date. The substation has been sited between proposed turbines 1 and 2, and within the vicinity of the existing operational windfarm.
- 8.10 Due to the topography of the landscape and intervening forestry, views of the substation compound and building will be well enclosed and limited from the public road network, with no significant visual impact. The building will be viewed from within the site along the access tracks which form part of the Ulster Way. From these views the building will be read with the proposed turbines which will be much more prominent features in the landscape. The building will not be a prominent feature itself and will not cause a detrimental change to the rural character of the area.
- 8.11 Two temporary decommissioning and construction compounds are proposed as part of the proposal. The main compound is proposed adjacent to the proposed substation compound, and comprises two sections, one approximately 110m by 30m and the other 90m x 35m. A second, smaller compound is proposed at the site entrance and will be approximately 50m x 50m. The compounds will require the provision of areas of hardstanding and fencing to

accommodate parking, plant, equipment and delivered material, temporary buildings and fuel storage. The compounds are temporary and will be removed following completion of the relevant phases of development, with the lands restored. As with the substation compound the main construction compound will have a limited visual impact. The construction compound at the site entrance will be more visually prominent given its proximity to Terrydoo Rd, however these views will be localised to Terrydoo Rd, and given their temporary nature will not have any long term visual impacts.

- 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 so as to respect rural character as much as it can and is therefore acceptable.

### **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 With regard to 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 137m which constitutes the fall over distance, therefore the fall over distance plus 10% is 150.7m. The nearest turbine to a public road is turbine T4 which is at least 699m from the edge of Temain Road. Even when taking the proposed micro-siting of a maximum 50m into consideration, T4 will still be at least 649m from the edge of the public road and therefore complies with policy.



- 8.16 The Ulster Way Long Distance Route passes through the application site having been diverted to make use of the access tracks to the operational windfarm. The proposal will see the retention of the right of way along the access tracks which will see the route being in proximity to the proposed turbines T1, T2 and T3. Turbines T2 and T3 would be beyond the fall over distance of 150.7, plus factoring in micro-siting.
- 8.17 However the Turbine at T1 is proposed within the fall over distance of the public right of way. The Planning Department recognises that the existing operational windfarm contains five turbines within the 'fall over' distance of this right of way. In the event that permission were to be refused, that risk would still exist for users of the right of way in the constructed windfarm. Therefore the Planning Department considers that the potential risk to users of the Ulster Way is no greater than the risk that currently exists and determining weight should not be given to the potential risk.
- 8.18 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. Whilst 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 rotor diameter is 120m which equates to a separation distance of at least 1200m. The proposed 50m micro-siting must also be taken into consideration when determining the separation distances which means the distance required is 1250m i.e. 1200m +50m.
- 8.19 The nearest occupied dwelling is No. 37 Temain Rd approx. 1260m from the nearest turbine, therefore, there are no properties within the 1200m safety separation distance of a proposed turbine at both the indicated turbine location and the proposed micro-siting boundary.

### **Human Health**

- 8.20 As part of the Environmental Statement a Human Health Impact Assessment was carried out. The assessment had regard to a number of assessments carried out as part of the Environmental Statement and concludes that the development will have no

significant effects on human health. Environmental Health were consulted, as the competent authority on human health and have not raised any objections on these grounds.

### **Residential Amenity**

- 8.21 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. In this instance a separation distance of 1200m will generally apply. As outlined above at Paragraph 8.16 there are no residential properties within the 10 times rotor diameter buffer.
- 8.22 With regard to noise, Environmental Health (EHO) have assessed the proposal and have no objection to the predicted noise levels at any of the receptor locations. EHO are content with the proposal, subject to conditions being applied in the event of an approval.
- 8.23 With regard to 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. As stated above, there are no dwellings within the 10 times rotor diameter therefore the potential for shadow flicker at any dwelling is likely to be low.

### **(b) visual amenity and landscape character;**

- 8.24 Rigged Hill forms part of a prominent ridgeline of mountains and hills which run from Binevenagh to the north of the site to Benbradagh Mountain to the south. It forms part of a highly visible landscape with extensive views available from the wider landscape.
- 8.25 As part of the Environmental Statement a series of photomontages were submitted to show the indicative visual setting of the proposed development from a range of viewpoints (VP) in the near and wider landscape. Given the prominence of the site combined with the increase in the height of the turbines the proposed development will be clearly visible. The most critical views in respect of the visual impact of the development are from north to south on the western side of the development. Views from the wider landscape to the east of the site see the development as more low lying and protruding less on the skyline by virtue of the

intervening topography and areas of forestry, and the setting of some of the turbines on the western slope of Rigged Hill.

- 8.26 From a number of western viewpoints in relative close proximity such as Terrydoo Rd (VP1), Temain Rd (VP2), Edenmore Rd (VP3), Roe Park Resort (VP4), Beech Rd, Drumsurn (VP5), Polysbrae Rd (VP11), North of Limavady (VP12) and from the B66 Rd, west of Ringsend (VP19) the proposed development will appear as a prominent and skyline feature
- 8.27 As detailed above at para 6.3, the turbines are located within Landscape Character Area (LCA) 36 Binevenagh which Supplementary Planning Guidance (SPG) 'Wind Energy Development in Northern Ireland's Landscapes' describes as having a high to medium sensitivity to wind development.
- 8.28 The SPG goes on to state that lower and less prominent sections of the escarpment, and areas where there is extensive forestry, might be somewhat less sensitive to wind energy development. The proposal is sited between Keady Mountain and Donald's Hill, which are sited as key landscape features of the LCA, on a slightly lower section of the ridgeline. The site is adjacent to existing commercial forestry to the northern and eastern sides of the development which provide some screening and filtering of views, primarily from the east of the site
- 8.29 In considering the proposal the Planning Department consider that the proposed development would have a significant visual impact on, especially when viewed from in relative proximity to the site as outlined above. However it is considered that the increase in visual impact from the operational windfarm which currently occupies the site is not of a scale to merit refusal.
- 8.30 As well as the turbines, the proposal also includes a new site entrance onto Terrydoo Road, access tracks, crane hardstandings, substation compound, underground cabling, as well as a number of temporary works including a construction compounds with car parking. The temporary works will be removed once the turbines are operational. These works will not have any significant visual impact. The main substation compound is located in proximity to turbines 1 and 2. As outlined above the siting of the substation building and compound will not have any significant detrimental

visual impact and will be well screened from many of the public vantage points.

- 8.31 The application site is located outside of the two designated AONBs which are sited approximately 2.2km to the north (Binevenagh) and 5.8km to the south (Sperrins). The application site is not located within any other landscape designations. Given their setting in relation to the aforementioned AONBs the proposal will not have an adverse impact on any features of landscape character.

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

- 8.32 The application site is occupied by a range of priority habitats and priority and protected species which may be impacted by the proposed development, with watercourses within the site providing pathways to the designated River Roe and Tributaries SAC/ASSI. 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.
- 8.33 The site contains Northern Ireland priority habitats (NIPH) such as blanket bog, wet and dry modified bog, acid fen and flush, hedgerow and watercourse. The ES acknowledges that any development on previously undeveloped land will result in habitat loss. The layout was designed to avoid or minimise effects on habitats of ecological value. The Environmental Statement outlines there will be a permanent habitat loss of 4.9ha and 300m, of hedgerow, however the impact on each habitat is considered to be imperceptible.
- 8.34 A range of mitigation measures are proposed to minimise impacts on the habitats where possible such as Construction Environment Management Plans, while the draft Habitat Management Plan (HMP) sets out the objectives for the management of the site. The HMP includes measures for the restoration of approximately 43.4 Ha of blanket bog. The habitats management measures are expected to result in a slight positive impact on habitats. NED are content with the management measures which will be conditioned in the event of an approval.

- 8.35 A substantial level of badger sett complex was found on the site, however, DAERA NED notes that all main setts are located at least 40m away from proposed construction works and a 25m buffer from any development can be achieved for all setts. The Environmental Statement proposes a number of mitigation measures, which NED advise should form part of a final DCEMP or Protected Species Management Plan.
- 8.36 Extensive bird surveys were carried out over a five year period (2014-2019) over the breeding, wintering and migration seasons. A number of protected species were recorded within the survey area including Snipe, Hen Harrier, Red Grouse, Buzzard, Sparrowhawk, Peregrine, Kestrel. The surveys have concluded that the proposed development will not have any significant impact on bird populations or their habitats. Mitigation has been implemented from the design stage to remove impacts on hen harrier but adjusting the site layout, while measures to reduce impact on other species will be implemented through the Construction Mitigation Strategy.
- 8.37 The draft Habitat Management Plan proposes approximately 43.4Ha of peatland restoration and 24 Ha of improved grassland including hedgerow and tree planting specifically for birds. A programme of post construction monitoring is proposed. NIEA is satisfied that the development is unlikely to have a significant adverse impact on any of these species at a local or regional population level providing appropriate mitigation measures are implemented as outlined in the Environmental Statement.
- 8.38 The bat survey results within the ES identifies that the site is used abundantly by Leisler's bats. Leisler's are considered to be at high risk of collision with turbine blades, and the development is considered to pose a high risk to them during operation. In recognition of this a bat monitoring and mitigation strategy has been submitted as part of the ES with the primary means of mitigation being curtailment of turbine activity during peak activity periods. Monitoring will be in the form of static detectors and microphones at each turbine and carcass searches to determine fatality rates. NED are content with the proposed mitigation and monitoring arrangements proposed.

- 8.39 A number of other protected species were found in the surrounding area but none are expected to use the site on a regular basis. Smooth newt and common lizard were not detected during the site walkover, however as common lizard is a protected species generic mitigation has been proposed within the Environmental Statement. NED are content with the mitigation measures outlined.
- 8.40 The watercourses within the site were found to contain juvenile salmon, which is a priority species. The watercourses are hydrologically linked to the River Roe and Tributaries SAC of which Atlantic Salmon is a selection feature. The potential impact on these protected and priority habitats and species has been determined to be via sedimentation from construction activities and from potential hazardous substance spillage. Proposed mitigation is provided through the outlined DCEMP and WCEMP which will negate any significant adverse impact.
- 8.41 DAERA NED and Shared Environmental Services has considered the impacts of the proposal on the designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions being imposed on any planning approval.
- 8.42 With regard to built heritage, Historic Environment Division has advised that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions.

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

- 8.43 Chapters 7 and 8 of the Environmental Statement assess the impacts of the development on hydrology, hydrogeology, geology and peat. Supplementary to the Environmental Statement a number of appendices provide for mitigation measures to be implemented to ensure minimal impact on the water environment and peat including Decommissioning and Construction Environment Management Plan, Water Construction Environment Management Plan, draft Habitat Management Plan and Peat Management Plan
- 8.44 Water Management Unit (WMU) of NIEA has considered the impacts of the proposal on the surface water environment, and has advised that it has no objection to the proposal subject to

condition. Water Management Unit had queried the use of borrow pits within the project and their potential impact on surface and ground water. However, section 7.8.1.5 of the project ES confirm that borrow pits are not proposed to be used

- 8.45 The Environmental Statement identified Private Water Supplies within vicinity of the application site. the Drinking Water Inspectorate were consulted on the proposal and are content that there will be no significant adverse impacts.
- 8.46 Regulation Unit (Land and Groundwater Team) of NIEA considered the impacts of the proposal on the aquatic environment (especially groundwater) and is content with the proposal.
- 8.47 The site is hydrologically connected to the River Roe and Tributaries SAC and ASSI protected by Conservation (Natural Habitats, Etc) Regulations (NI) 1995 (as amended) and The Environment (NI) Order 2002 (as amended).
- 8.48 NED is content with the detailed mitigation measures described in the Decommissioning and Construction Environment Management Plan, Water Construction Environment Management Plan, amended draft Habitat Management Plan and Peat Management Plan. It requires the submission of a final CEMP and Habitat Management Plan to be conditioned as part of any approval to ensure implementation of the mitigation proposed to ensure no adverse impact on natural resources within the immediate and wider vicinity of the site.
- 8.49 Due to the nature of the development there will be limited impact on air quality except for the potential impact from dust primarily during the decommissioning and constructions phases. However, mitigation is proposed by way of dust suppression to ensure these impacts are minimised.

**(e) public access to the countryside.**

- 8.50 The lands within the application site boundary are owned by numerous landowners, and subsequently leased by the applicant, and used primarily for agricultural use. Part of the Ulster Way Walking Route passes through the application site, having previously been diverted to make use of the operational windfarm tracks. The proposed development will require the temporary

diversion of the route during the decommissioning and construction phases for health and safety issues, but will be diverted back onto the wind farm track once the windfarm is operational. Given the temporary nature of the diversion and the mitigation proposed to maintain passage along the Ulster Way the proposed development will not have any significant adverse impact on access to the countryside.

### **PPS 18 Requirements for Wind Development**

8.51 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;**

8.52 It has been assessed at paragraphs 8.21 to 8.28 that the proposed development will have an increased visual impact by virtue of the significant increase in size of the proposed turbines. The proposed development will appear as a prominent and skyline feature in the landscape when viewed from key vantage points in relatively close proximity to the site. Critical views of the development diminish with distance from the site, and while still visible they are less obtrusive when viewed in the wider setting.

8.53 The development is not located on the most prominent landscape features within the Local Character Area and is not set within any other landscape character designations or will not significantly affect their setting. It is considered that the visual impact of the development is acceptable.

**(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;**

8.54 The proposed development represents the repowering of an existing windfarm. In assessing the proposed cumulative impact of the proposal weight need to be given to the existing number and visual impact of the current windfarm.

8.55 The proposed development sees a reduction in the number of individual turbines from ten to seven. As such there will be no cumulative impact through additional turbines. However given the



increase in scale of the proposed turbines the proposed wind farm would be significantly more visible in the landscape and therefore will increase the visual linkage between existing and approved windfarms at Dunmore, Dunbeg and Dunbeg South windfarms, Craiggore, Smulgedon, Upper Ballyrogan and Evishagaran and other smaller single turbines in the area,

- 8.56 As discussed in above the increase in visual impact is considered to be acceptable in terms of the scale and massing of the turbines. Given that the proposed windfarm occupies generally the same lands, as the operational windfarm, the increase in cumulative impact is also considered to be acceptable.

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

- 8.57 A Peat Slide Risk Assessment was included within the Environmental Statement which concluded that there was a low to legible risk to the application site Geological Survey NI are satisfied that appropriate precautions have been taken to ensure that the risk of peat slide will be reduced to an acceptable level during the construction and operational phases of the wind farm.

**(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;**

- 8.58 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.

- 8.59 City of Derry Airport (CODA) have advised that they have no objection to the proposal subject to condition requiring the agreement and implementation of a scheme to mitigate the impact the development on the airport's Instrument Flight Procedures.

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

- 8.60 The proposal falls within the 30km consultation zone for City of Derry Airport (CODA). Belfast International Airport, Ministry of

Defence and National Air Traffic Services (NATS) have also advised that they have no objection to the proposal in terms of safeguarding.

8.61 The proposed development will not result in unacceptable risk to road safety. Transport and access issues are discussed below at paragraph 8.69, while the risk to road safety due to separation distance was clarified above at Paragraph 8.13.

**(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**

8.62 As discussed above (para 8.17), 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 potential for shadow flicker is deemed low.

8.63 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.

8.64 The applicant has advised that the turbine blades will be finished with a light grey semi-matt finish which means that they do not reflect light as strongly as polished materials. Also, due to factors such as the convex surfaces of the 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.**

8.65 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**

- 8.66 The ES confirms that there are a number of habitats within the site including bog and heath. As part of the Environmental Statement an Active Peat Assessment was carried out to determine the areas of active peat within the site. The assessment has been used to assist with the design and layout of the proposed development through avoidance of those areas of deepest and active peat where possible. The development has been designed to make use of existing access tracks and areas of hardstanding where possible.
- 8.67 It was found that there were small localised pockets of active peat in the vicinity of turbines 1, 2 and 3, with only negligible loss of active peat proposed, resulting from upgrade works to existing infrastructure, with the majority of the habitat at these locations found not to be active peat. The lands in the vicinity of proposed turbines 4, 5, 6 and 7 and the new section of access track to service these was found not to support active peat.
- 8.68 DAERA Natural Environment Division were consulted on the issue and having considered the relevant content of the Environment Statement advise that NED is content with the assessment of habitats on the site including active peat. Impacts to active peatland have been demonstrated to be low overall and appropriate mitigation has been proposed to compensate for the small amount of residual, unavoidable loss.
- 8.69 The proposed micro-siting allowance of 50m would allow for turbines 1 and 2 to encroach onto active peat. NED advise that the appointed Ecological Clerk of Works shall review any micro-siting to ensure there are no additional effect on sensitive habitats.
- 8.70 The proposed Habitat Management Plan proposes the reinstatement of approximately 43.4Ha of degraded blanket bog with the aim of restoring these areas to intake blanket bog with the aim of re-establishing of active peat in areas that are currently inactive. As such the proposed development will result in a benefit to active peat.
- 8.71 In considering the proposal it has been demonstrated that the design and layout of the development has been driven by the need to avoid impact on areas of active peat. The re-use of existing infrastructure where possible will ensure only negligible impacts on active peat which will be offset by the overall benefits of the

development and re-establishment of additional active peat in the area.

### **Habitat Management Plan**

8.72 Policy RE1 of PPS 18 also specifies that the 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 measure will be required. A draft Habitat Management Plan (dHMP) has been submitted as part of the Environmental Statement.

8.73 NIEA Natural Environment Division reviewed the initial dHMP and required amendments to the document to include details on the proposed grazing regime, cessation of all damaging management activities, an extended monitoring period and agreement from all relevant land owners to the measures within the HMP. A Revised dHMP was submitted 16<sup>th</sup> November 2020 as a FEI Addendum. NED were re-consulted on the document and advised that they are content with content. In the event of an approval, NED require the submission of a final Habitat Management Plan to be agreed prior to any development commencing.

### **Economic, Environmental and Social Consideration**

8.74 The SPSS requires material consideration of 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. This proposal also positively contributes to regional and national targets for provision of energy from renewable sources.

8.75 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.

## SPPS Natural Heritage and PPS 2 Natural Heritage

- 8.76 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.
- 8.77 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**

- 8.78 The proposed access to the windfarm is to be located on Terrydoo Road which is not a Protected Route. Initial consultation with DfI Roads raised concerns in relation to the width of the carriageway on Terrydoo Rd from its junction with Ringsend Rd to the proposed site entrance. DFI Roads advised that the road width was 4.7m in stretches and would require the construction of a number of intervisible passing bays to increase the road width to 6m to permit vehicle passing.
- 8.79 Amended plans were received 26<sup>th</sup> June 2020, which provided details of the construction of the passing bays. DFI Roads were re-consulted on the plans and offer no further objection. By way of condition the details relating to the specific location of the passing bays are to be submitted and agreed prior to commencement of development
- 8.80 Three potential haul routes have been identified for the delivery of turbine components from Derry Port, Larne Port and Belfast Port. An Abnormal Load Route Assessment was carried out as part of the Environmental Statement which assesses the proposed route to site and identifies points of conflict along the routes which may require mitigation to ensure safe passage. DFI Roads have advised that as detailed programme of works and traffic management proposal be agreed prior to commencement of development.

## **SPPS Archaeology and Built Heritage and PPS 6 Planning, Archaeology and the Built Heritage**

- 8.81 Chapter 11 of the Environmental Statement assesses the impact of the proposal on archaeological and cultural heritage assets. The chapter assess both the direct effects, mainly through construction and decommissioning works, and indirect effects, primarily visual, on both archaeological and cultural heritage sites. The assessment outlines that there is the potential for direct effect on one non-designated (cropmark site). Mitigation is proposed for this site by way of a watching brief to record and document the site. There are no other direct effects upon known archaeological features present within the site. Mitigation for encountering unknown archaeological features is proposed by way of archaeological programme of works. The assessment found that there would be no significant indirect effects on heritage assets in the surrounding landscape.
- 8.82 Historic Environment Division has advised that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions. HED require a programme of archaeological works, in the event of an approval, to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

## **SPPS Flood Risk and PPS 15 Planning and Flood Risk**

- 8.83 DfI Rivers have indicated that parts of the application site are within identified 1 in 100 year fluvial floodplain, however the area of the site to be developed are outside of these areas. DfI Rivers is content that the proposal meets the requirements of Policy FLD 1 of PPS15 and the SPPS. DfI Rivers confirm that a number of undesignated watercourses exist within the application site. DfI Rivers are satisfied that the proposal complies with Policy FLD 2 of PPS15 in that satisfactory access can be provided for maintenance by the landowner.
- 8.84 Due to the size and nature of the development FLD3 of PPS15 applies. Chapter 7: Hydrology, Hydrogeology, Geology, Soils and Peat of the Environmental Statement provides outlines the surface water management measures to be installed at the development. DfI Rivers sought additional information relating to evidence/calculations showing consented discharge rates at various locations is not breached up to 1% AEP, details of any

exceedance design and Schedule 6 consent from DFI Rivers in relation to discharge points to the various watercourse.

- 8.85 Additional information was received 25<sup>th</sup> November 2019, and additionally on 27<sup>th</sup> May 2020 as a Further Environmental Information Addendum to Environmental Statement which addresses the outstanding information other than confirmation of Schedule 6 Consent, which to date has not been confirmed following an application in May 2020. DFI Rivers have confirmed that the only outstanding information is the Schedule 6 Consent, however this can be obtained outside of the planning process. Details relating to site drainage management including Sustainable Drainage Systems (SUDS) are required as part of a final CEMP to be submitted and approved prior to the commencement of development. The Planning Department consider the proposal to meet with Policy FLD 3 of PPS15.
- 8.86 The proposal includes a number of watercourse crossings (5). These crossings are necessary for access to the turbine sites during construction, operation and decommissioning. Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. DFI Rivers advised that this is a matter for the Council to assess.
- 8.87 DFI Rivers are not opposed to the use of culverting and have not raised any concerns. As the culverts are required for access, they are acceptable under policy. Details relating to the exact location and design of the culverts will be provided prior to commencement as part of the requirement of a final Construction Environment Management Plan.

#### **Northern Area Plan, SPPS Tourism and PPS 16 Tourism**

- 8.88 TSM 8 considers the safeguarding of tourism assets by not granting permission for development which would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset. There are a number of larger/ regional tourism and recreational attractions in the wider vicinity of the application site which due to their physical separation are unlikely to be impacted by the proposed development. A number of recreational attractions exist within close proximity to the site and include walking, cycling, mountain biking, horse

trekking. Due to the nature of these attractions the proposed development will not have any adverse impact on their functionality or access to them.

- 8.89 As outlined above part of the Ulster Way passes through the application site, having been redirected following the construction of the operational windfarm to make use of the access tracks. Policy OSR1 of the Northern Area Plan – Public Rights of Way and Permissive Paths outlines that permission will not be granted for development that would have an adverse impact on the route, character, function or recreational value of the Ulster Way.
- 8.90 The proposed development will require the temporary diversion of this section of the Ulster Way for health and safety reasons during the decommissioning and construction phases of the development but will be reinstated following the completion of these phases. The diversion will direct walkers onto the historical route of the Ulster Way in the adjacent forest to the east of the site. Given the temporary nature of the impact to the current route and the mitigation proposed, the development will not have any significant detrimental impact to the function or recreational value of the Ulster Way.
- 8.91 Chapter 13 of the Environmental Statement outlines the main potential for impact on the route is through the visual impact of the proposed windfarm and associated noise impacts. The Environmental Statement conclude that the effects when assessed against the baseline of the existing windfarm the impacts would be negligible. The Planning Department considers that the changes in visual amenity from the existing windfarm to the proposed windfarm will not be so significant to result in a detrimental impact to the tourist/recreation walking route (Ulster Way) and the continued access to and recreational value of the route outweigh any adverse impact.

### **Issues raised in letters of representation**

Note – issues raised by objectors are in italics and are followed by Councils response.

- 8.92 *Detrimental impact on character of Rigged Hill and Donald's Hill* - This has been addressed in the report above. It is not considered



that there would be an unacceptable impact on the character of either Rigged Hill or Donald's Hill.

- 8.93 *Oversaturation of wind turbines in Roe Valley/cumulative impact* – as this application relates to the repowering of an existing operational windfarm, which also sees a reduction in the number of turbines the application will not add to the overall number of turbines in the area. The cumulative impact is considered in the report above.
- 8.94 *Visual impact outside of Roe Valley* - This has been addressed in the main report. It is not considered that there would be an unacceptable impact on residential amenity of the wider landscape.
- 8.95 *Lack of Public Consultation (specifically Drumsurn village)*– The applicant has demonstrated through the PAN and Community Consultation Report the level of public consultation which was carried out in respect of the proposed development. Consultation involved letter drops to residents within 5km, posters in public premises and three information days held at two separate locations. Posters for the consultation event were also displayed in shops and community facilities in Drumsurn. The Planning Department consider the level of public consultation to be adequate and in line with the legislative requirements for a major application
- 8.96 *Little or no socio-economic benefit* – Chapter 13 of the Environmental Statement assesses the socio economic impacts of the proposed development.. However, because the wind farm proposal was acceptable in principle, the socio economic benefits did not need to be considered to outweigh any detrimental impact.
- 8.97 *Negative environmental impact* – the application was accompanied by an Environmental Statement which has assessed the wider ranging impact of the development on the environment and has provided amendments and mitigation where necessary to avoid detrimental impacts. A range of environmental consultees were consulted during the processing of the application, with all consultees satisfied with the proposed development
- 8.98 *Wind power is inefficient and economically unsustainable* – the efficiency and economic sustainability of wind energy is not one of

the policy criteria within the relevant planning policies. The Council must consider the application proposed within the policy context provided which is supportive of appropriate wind energy. Development.

8.99 *The company that is carrying out the environment studies for this development is an agent, working on behalf of the windfarm company. Potential for bias towards Windfarm Company* – The Environmental Statement contains a number of reports prepared by various consultants, on behalf of the applicant. The reports are carried out by credible companies and their content was the subject of consultation with the relevant Departments and agencies on behalf of the council in the processing of the application. The Planning Department finds no evidence that the reports may be inaccurate or biased in favour of the applicant

8.100 *Visual impact of wind farm will destroy the appeal of the local landscape and put tourists off visiting the area* - No evidence has been presented as to how the proposal would impact tourism. There is no evidence to suggest that the existing windfarms have impacted on tourism in the area. As it is considered that the proposal will not have an unacceptable impact on visual amenity and the special character of the designated Binevenagh and Sperrin AONBs then it is not considered that the development would have an adverse impact such as to significantly compromise its tourist value.

## **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. Approval is recommended.

## **10 PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The approved temporary 3no. compounds shall be removed and the reinstated within 24 months from the date of the commencement of the development hereby approved. The measures for ground reinstatement shall be submitted and agreed in writing with the Council prior to any reinstatement taking place.

Reason: In the interests of visual amenity

3. All above ground structures shall be dismantled and removed from the site 30 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 12 months (unless further consent has been granted). The land shall be restored in accordance with an agreed scheme to be submitted to the Council at least one year prior to the commencement of any decommissioning works. This scheme shall include details of all works and measures to restore the site, the timeframe within which the works shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To ensure the development is decommissioned in a manner that protects the ecology and hydrology of the site beyond the life span of the windfarm.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.13 Rev 01, dated 16th August 2019, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary.

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

6. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle, excluding abnormal loads, to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

7. Effective wheel washing facilities shall be installed and operated for the duration of the construction period and any repair or remedial work period thereafter.

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.

8. No part of the development hereby permitted shall be commenced until the works that may be necessary for the improvement of the public road i.e. the location and provision of passing bays (typically to allow minimum 6.0m road width, as detailed in Drawing No. 25 received 26th June 2020), have been submitted to DfI Roads, approved in writing and carried out to the satisfaction of the Department. Upon completion of the development works these passing bays shall be removed and the road and verge reinstated to the satisfaction of the Section Engineer.

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

9. A detailed programme of works and traffic management proposals shall be submitted to and agreed by DfI Roads, prior to the commencement of any element of the works hereby permitted.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

10. Prior to the commencement of construction on site, the applicant/agent shall carry out a condition survey of all haul routes and shall at the applicant's expense carry out and provide 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.

11. During construction works, the applicant/agent shall carry out and record daily inspections of all haul routes and submit this information to the Dfl Roas, section engineer on a weekly basis, or as agreed in writing with the Council and Dfl Roads.

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

12. Prior to the commencement of the development an Article 11 application for the haulage routes and any associated traffic management proposals shall be submitted to and agreed in writing with Dfl Roads.

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

13. Unless otherwise agreed in writing by Causeway Coast and Glens Borough Council ("the Council") construction activities (which includes demolition of the existing turbines) shall take place only within the hours of 07:00 – 19:00 hours Monday to Friday and 07:00 – 13:00 hours on Saturdays with no activities to take place on Sundays or Public Holidays.

Reason: In the interests of residential amenity

14. 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 Council.

Reason: In the interests of residential amenity

15. 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: In the interests of residential amenity

16. The level of noise emissions 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 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: In the interests of residential amenity

Table 1: Permitted Wind Farm Noise Limits dB LA<sub>90,10mins</sub>

Property	Standardised wind speed at 10m height (m/s) within the site averaged over 10-minute periods									
	3	4	5	6	7	8	9	10	11	12
Daytime (0700-2300)										
37 Temain Road	39.8	40.6	41.3	41.8	42.4	43.0	43.6	44.3	45.3	46.2
36 Terrydoo Road	34.3	34.6	35.6	36.4	36.9	36.8	38.7	40.5	42.1	43.4

66 Terrydoo Road	34.7	35.3	36.5	37.7	38.7	39.7	40.8	42.1	43.3	44.4
90 Terrydoo Road	34.8	35.5	36.7	37.9	39.1	40.3	41.2	42.4	43.6	44.6
Night-time (2300-0700)										
37 Temain Road	43.0	42.9	42.9	42.9	42.8	42.8	42.8	42.8	43.7	45.0
36 Terrydoo Road	42.9	42.8	42.7	42.5	42.0	41.1	41.1	41.0	40.9	40.7
66 Terrydoo Road	43.0	42.9	42.9	42.8	42.7	42.4	42.4	42.4	42.4	42.4
90 Terrydoo Road	43.0	43.0	42.9	42.9	42.8	42.8	42.7	42.7	42.7	42.7

17. In the event that any turbine is required to be micro-sited closer to any noise-sensitive receptor identified than is currently proposed, the developer shall submit a revised noise impact assessment for prior approval by the Council. In the event that an exceedance of noise limits, as detailed in Table 1 above is identified, the operator shall submit a noise mitigation scheme for approval by the Council prior to operation.

Reason: In the interests of residential amenity

18. 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 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 Table 1 and covering a range of wind directions. The assessment shall be undertaken in accordance with the assessment protocol that shall, prior to the commencement of any measurements have been submitted to and approved in writing by the Council and which has been endorsed as good practice by the Institute of Acoustics at such time. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.

Reason: In the interests of residential amenity

19. Within 4 weeks of a written request by Council, following a reasonable 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 emissions 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 18. Details of the noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: In the interests of residential amenity

20. The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 18 and 19, 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 completion of the monitoring unless otherwise extended in writing by the Council.

Reason: In the interests of residential amenity



21. 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: In the interests of residential amenity

22. Within 4 weeks from receipt of a written request from the Council, following a reasonable 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 Council for its written approval. The scheme shall then be implemented within 3 months of the written request of the Council unless otherwise extended in writing by the Council.

Reason: In the interests of residential amenity

23. 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:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;

- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- 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.

24. No site works of any nature or development shall take place other than in
- a. accordance with the programme of archaeological work approved under condition 23.

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

25. 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 23. 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.

26. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. 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 Planning Authority.

The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including details of the establishment of buffer zones to watercourses 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;
- f) Water Quality Monitoring Plan;
- g) Environmental Emergency Plan;
- h) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities;

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 SAC, ASSI.

27. 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 Planning Authority. 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 Planning Authority. 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 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) as agreed in Further Environmental Information Addendum No. 2 to Environmental Statement.
- h) Details of the production of regular monitoring reports which shall be submitted to the Planning Authority within 6 months of the end of each monitoring year and which shall include details of any necessary contingency or remedial measures should monitoring reveal unfavourable results.

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

28. Not later than 6 months after the cessation of electricity generation for both the hereby proposed and existing operational windfarms, a Decommissioning and Site Restoration Plan shall be submitted for the approval in writing of the Planning Authority. 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. The plan shall be implemented as approved.

Reason: To restore the site and protect the local environment beyond the cessation of electricity generation at the site.

29. No development activity, including ground preparation or vegetation clearance, shall take place between 1st March and 31st August until an Ornithological Mitigation Strategy (OMS) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Council. The approved OMS shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Planning Authority. The OMS shall include:

- a) Details of the appointment of a suitably experienced and competent ornithologist, with the power to halt works, to supervise works during the bird breeding season;
- b) Details of the timing of ground preparation and vegetation clearance to avoid disturbance to breeding birds;
- c) Details of pre-construction bird surveys and appropriately timed bird surveys to be conducted throughout the construction phase;
- d) Details of appropriate mitigation measures to be implemented before and during the construction phase, including identifying the location of any recorded active nests or breeding activity, the establishment of species specific buffer zones to active nests or breeding territories (to be agreed with NIEA), temporarily halting works to avoid disturbance to breeding birds;
- e) Provisions for the reporting of the implementation of the OMS to the Council at the end of each bird breeding season during which works take place.

Reason: To protect breeding birds during the construction phase.

30. No development activity, including ground preparation or vegetation clearance, shall take place until an Ornithological Monitoring Plan (OMP) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Planning Authority. The approved OMP shall be

implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The OMP shall include:

- a) 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 and 15 thereafter. Surveys shall target hen harrier, and snipe but shall also record numbers and distribution of any other breeding wader species, meadow pipit and skylark;
- b) Provisions for the implementation of contingency mitigation measures should monitoring reveal significant impacts on birds;
- c) Details of the production of monitoring reports which shall be submitted to the Council within 6 months of the end of each monitoring year and which shall include details of any contingency mitigation measures implemented.

Reason: To monitor and mitigate for the impact of the proposal on wild birds.

31. Regular carcass searches using methods outlined in Section 9.6.4: Paragraph 315 and Technical Appendix A9.4 should be carried out in years 1, 2 and 3 of operation, after which results should be reviewed and the regularity of further searches determined, if considered necessary.

Reason: To monitor and mitigate for the impact of the proposal on wild birds.

32. 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 of the draft BMMP, 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 using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;

- b) Details of bat carcass searches at selected turbines using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;
- c) Details of the production of yearly monitoring reports to be submitted to the planning authority within 6 months of the end of each monitoring year;
- d) Provision for additional mitigation or contingency measures which may be deemed necessary depending on the results of the monitoring and which shall be implemented if instructed by the Planning Authority;
- e) Provision for review of the mitigation measures and the length of the monitoring plan;

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

33. Any guy wires or cables should be clearly marked using bird flappers or markers to reduce the risk of bird collision.

Reason: To mitigate the impact of the proposal on wild birds.

34. No wind turbine forming part of the Development shall be erected until the Applicant has submitted a scheme, to be agreed by the Council, which shall set out the measures undertaken to mitigate the impact of the Development upon the CODA's Instrument Flight Procedures. Thereafter the agreed scheme shall be implemented in full, prior to the erection of any wind turbine, unless otherwise agreed in writing with the Council.

Reason: To safeguard the safety of the Instrument Flight Procedures (IFP) at the City of Derry Airport

35. Prior to the erection of any turbines, the developer shall submit and have agreed in writing with the Council a scheme for the installation of aviation lighting. Upon erection of any of the turbines, the agreed lighting scheme shall be installed and operational for the lifetime of the turbines.

Reason: In the interest of flight safety

36. Prior to the commencement of development 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 interest of flight safety

37. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to the Council, at least 8 weeks prior to the commencement of the works of phase of works and implemented in accordance with the approved details unless otherwise agreed in writing by the Council.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

38. All services within the development should be laid underground.

Reason: In the interests of visual amenity

39. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health

40. Development shall not be occupied until 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.

## **Informatives**



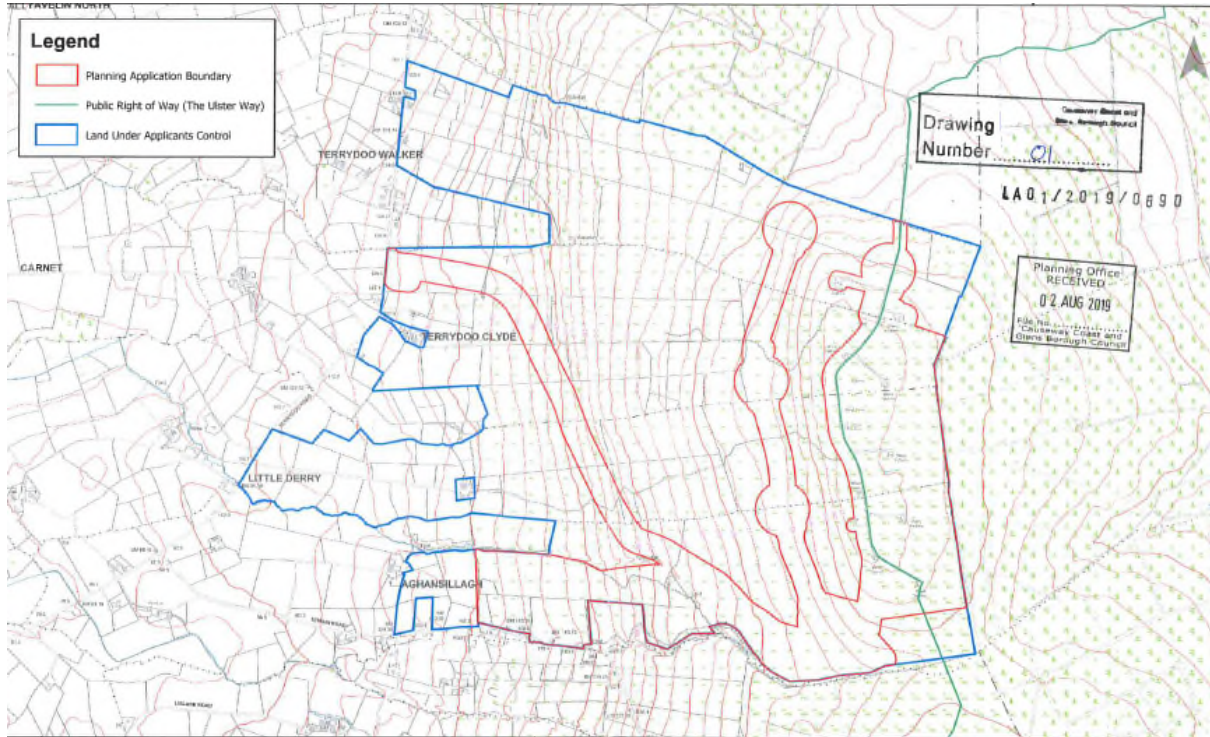
1. 1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. 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.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <https://www.nidirect.gov.uk/articles/finding-planning-application>
6. The applicant is advised that they should continue to liaise with NIE Networks and SONI regarding the decommissioning of existing communication links (as permitted by Planning Reference No.LA01/2019/0890/F) and will agree the details of the provision of communication links to the development hereby approved.

## Appendix 1: Consultation Responses

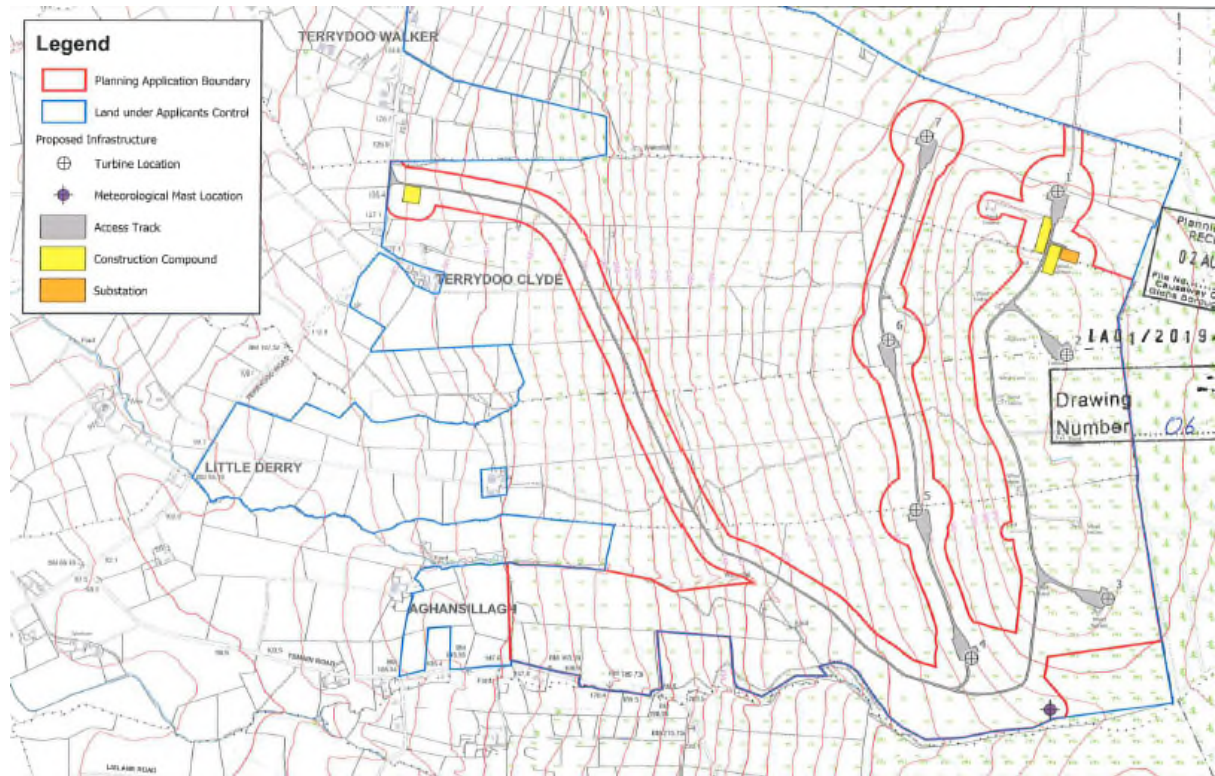
Consultee	Response Date	Responses
Arquiva	06 Jan 2020	No objection
CAA - Directorate of Airspace Policy	03 Jan 2020	No objection
Cable and Wireless Worldwide	Notifiable body no requirement for response	No response
City of Derry Airport	13 Sep 2021	No objection subject to condition
Belfast International Airport	27 Sept 2021	No objection
DAERA Forestry	04 Oct 2019	No objection
DAERA WMU	23 Sep 2020	No objection subject to condition
DAERA Drinking Water Inspectorate	23 Sep 2020	No objection
DAERA Land, Soil, & Air	23 Sep 2020	No objection
DAERA Natural Environmental Division	25 Jun 2021	No objection subject to conditions
DfE Energy Branch	24 Sep 2019	No objection
DfE Geological Survey	16 Sep 2019	No objection
Everything Everywhere (EE)	01 Oct 2019	No objection
Environmental Health	22 May 2020	No objection subject to conditions
Joint Radio Company	05 Oct 2021	No objection
Loughs Agency (Foyle Carlingford & Irish Lights Commission)	12 Nov 2019	Content subject to condition
MOD – Safeguarding	07 Aug 2020	No objection
NATS – Safeguarding		
NIE – Windfarm Developments	07 Oct 2019	No objection

DfC – Historic Buildings and Monuments	25 Sep 2019	No objection subject to conditions
NI Water Windfarms	12 May 2021	No objection
NI Water Strategic	08 Oct 2019	No objection subject to conditions
Ofcom	20 Jan 2021	No objection subject to consultation with other bodies
DfI Rivers	03 June 2020	No objection subject to granting of Schedule 6 Consent and conditions
RSPB	18 Dec 2019	No objection subject to conditions
Shared Environmental Services	01 Jul 2021	No objection subject to condition
DfI Roads	23 Jul 2020	No objection subject to condition
Vodafone	28 May 2020	No objection

# Site Location



# Site Layout



# Erratum

## LA01/2019/0890/F

### 1.0 Update

- 1.1 There are 5 letters of support for the application and not 4 as indicated in paragraph 5.1.
- 1.2 Condition 17 should be amended to read “In the event that any turbine is required to be micro-sited, **as depicted on Drawing No 06 date stamped 2nd August 2019**, closer to any noise-sensitive receptor identified in **Table 10.9 (of the Environmental Statement Volume 1 – text July 2019)** than is currently proposed, the developer shall submit a revised noise impact assessment for prior approval by the Council. In the event that an exceedance of noise limits, as detailed in Table 1 above is identified, the operator shall submit a noise mitigation scheme for approval by the Council prior to operation.

Reason: In the interests of residential amenity”

- 1.3 Condition 37 should be amended to read, “A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to the Council, at least 8 weeks prior to the commencement of the works **or the** phase of works and implemented in accordance with the approved details unless otherwise agreed in writing by the Council.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.”

- 1.4 Condition 38 should be amended to read, “All services within the development should be laid underground, **unless otherwise agreed in writing.**

Reason: In the interests of visual amenity”

- 1.5 Conditions 35, 39 and 40 should be withdrawn as they are not required

## **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.

# Erratum 2

## LA01/2019/0890/F

### 1.0 Update

- 1.1 Condition 36 should be amended to read, “ Prior to the commencement of development 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). **The lighting shall be infra-red light fitted at the highest practicable point of the structure.”**

Reason: In the interest of flight safety

### 2.0 Recommendation

- 2.1 That the Committee note the contents of this Erratum 2 and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.



# Addendum

## LA01/2019/0890/F

### 1.0 Update

- 1.1 Two verbal addenda were provided at October's Planning Committee meeting based on 2 further submissions received containing the same objection. Both submissions were received on 27<sup>th</sup> October 2021 (after the deadline for a written addendum) with one received during the Committee meeting. This brings the total number of objections to 7. These submissions raised the additional substantial issues of: light pollution from red flashing (warning) lights with potential effect on bat, bird and insect species; viability of wind farm development and subsidies and; request for a site visit.
- 1.2 As part of the consultation process, it was identified by Belfast International Airport and the Ministry of Defence – Safeguarding that a lighting scheme using flashing red lights or infrared lights was required for flight safety.
- 1.3 As part of the development, infra-red lights, which are not visible to the naked eye, have been proposed. Accordingly, the visual impact assessment provided did not need to include any visible lighting as none was proposed. Therefore, the proposal will not cause light pollution. NIEA Natural Environment Division in considering the overall proposal, has not identified that infra-red lighting would result in an unacceptable adverse impact on biodiversity or nature conservation interests.
- 1.4 Condition 36 has been amended in Erratum 2 to ensure that infrared lighting is used when the lighting scheme is to be agreed to avoid any adverse impact.
- 1.5 The Planning Committee Report considers the issues of safety, noise and shadow flicker. The nearest dwelling is 37 Temain Road which is 1260m from the closest turbine. The development is not considered to have an unacceptable adverse impact on that

property or any other dwelling. None of the nearby dwellings are within the safety buffer zone of any of the turbines. Given the separation distances, the development would not have an unacceptable adverse impact on the outlook from dwellings.

- 1.6 While it is acknowledged that amenity considerations can affect property value, devaluation of property in itself is given limited weight. Paragraph 2.3 of the Strategic Planning Policy Statement under the heading “The Purpose of Planning” states that the planning system operates in the public interest of local communities and the region as a whole and encompasses the present as well as future needs of society. It adds that the system does not exist to protect the private interests of one person against the activities of another, although the latter may coincide with the public interest in some cases.
- 1.7 It states that the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. In this case, the planning report has considered the impact on nearby properties. A planning consideration, which is given substantial weight, is that the proposal would not result in an unacceptable adverse impact on public safety, human health or residential amenity or cause significant harm to the safety or amenity of sensitive receptors.
- 1.8 Policy RE1 of PPS 18 Renewable Energy Policy does not require an assessment of the viability of turbines nor does it direct that there should be a consideration of the provision of subsidies for turbines to generate or not generate electricity. Considering this, significant weight cannot be given to those matters.
- 1.9 At the meeting on 27 October 2021 the Planning Committee resolved not to defer the application for a site visit.

## **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**

## **LA01/2019/0890/F**

### **1.0 Update**

- 1.1 A further objection was received on 18<sup>th</sup> November 2021 which brings the total number of objections to 8. This submission raises the additional substantial issues of the Habitat Regulation Assessment not containing complete, precise and definitive findings which is in contravention of the European Court of Justice case C-304/05.
- 1.2 The matters which the objector considers to be inadequate are regarding (not exhaustively) drainage plans, the water construction management plan, the construction management plan, the decommissioning management plan, the peat management plan, cumulative impacts on designated European Sites and wildlife.
- 1.3 The detail of this objection needs considered by Shared Environmental Services who provide Habitat Regulation Assessments on behalf of the Council. It also may need consultation with Geological Survey NI and DAERA.
- 1.4 Until these consultees respond, the Planning Department cannot confirm that all matters within the objection have been adequately addressed and a recommendation cannot be made.

### **2.0 Recommendation**

- 2.1 That the Committee note the contents of this Addendum and agree to defer the application pending the response from the consultees.

# **Addendum 3**

## **LA01/2019/0890/F**

### **1.0 Update**

- 1.1 The application was presented to the Planning Committee on 24<sup>th</sup> November 2021.
- 1.2 Three further objections were received on 18<sup>th</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> November 2021 which were the subject of a verbal addendum at the November 2021 meeting.
- 1.3 The objection of 22<sup>nd</sup> November 2021 provided a commentary on the current electricity supply in NI in relation to wind energy. The submission refers to 4 news items which the writer comments on. This document was also submitted by Councillor Schenning who requested that the documents were put forward to the Committee. These news items relate to a much wider conversation about windfarms that is not within the remit of the current planning policy. The content of these articles (that could be accessed by Planning) can only be given very limited weight in any consideration of the application.
- 1.4 The objections of 18<sup>th</sup> and 23<sup>rd</sup> November 2021 raise the substantial issues of the Habitat Regulation Assessment being deficient.
- 1.5 These submissions raised the additional substantial issues of the Habitat Regulation Assessment not containing complete, precise and definitive findings which is argued to be in contravention of the European Court of Justice case C-304/05.
- 1.6 The matters which the objectors considered to be inadequate were mainly regarding drainage plans, the water construction management plan, the construction management plan, the decommissioning management plan, the peat management plan, cumulative impacts on designated European Sites and wildlife.

- 1.11 At the November 2021 meeting the Committee resolved that the Planning Department would undertake further consultations to explore these issues and return the application to the Committee for determination in January 2022.
- 1.12 Since then, the Planning Department has consulted NIEA/DAERA and DETI – Geological Survey. However, no responses have been provided yet. Reminders were sent to DETI – Geological Survey and NIEA/DAERA on 10<sup>th</sup> January 2022 because their consultation period had expired. SES’s consultation period expires on 13<sup>th</sup> January 2022. Therefore, a reminder is not appropriate at this time.
- 1.13 Until these consultees respond, the Planning Department cannot confirm that all matters within the objection have been adequately addressed and a recommendation cannot be made to progress the application.
- 1.14 After the November Committee meeting further objections were received on 24<sup>th</sup> November 2021 and on 12<sup>th</sup> January 2022 which brings the total number of objections to 11. The earlier of these two objections was anonymous and forwarded from Loughs Agency. It provided information that was already submitted to the Council in the objection of 18<sup>th</sup> November and is therefore under consideration as described above.
- 1.15 The objection of 12<sup>th</sup> January 2022 raises the matter of viability of the windfarm and purports to provide evidence that demonstrates the grid is overloaded. Due to this the objector expresses concern about “constraint payments” which are government subsidies for when the wind turbines must be shut down, for example when the grid has reached capacity.
- 1.16 Neither the matter of viability of the windfarms nor receipt of government subsidies are referred to within policy RE1 of PPS18. Therefore, these matters are given limited weight. The Best Practice Guidance to PPS18 document, refers to the connection to the electricity grid. However, it only indicates that the developer is “generally expected” to provide indicative details of the likely routes and anticipated method of connection. There is no expectation in the guidance that these matters are resolved before any planning approval is granted and the policy does not require it.

- 1.17 It should also be noted that this application is for repowering therefore there is an existing connection to the grid. The application indicates that connection to the grid will be to the Agivey 'cluster' substation, which is approximately 9 km south-east of the site. The final route selection would be determined by NIE.
- 1.18 In planning terms, the connection to the grid is a matter that remains between the applicant and NIE/SONI. Therefore, this objection has been given limited weight and does not result in any change to the previous recommendation to approve.

## **2.0 Recommendation**

- 2.1 The recommendation is that the Committee notes the contents of the report, the Erratum, the Addendum, Addendum 2, and this Addendum 3 and agree to defer the application pending the response from the consultees.

# **Addendum 4**

## **LA01/2019/0890/F**

### **1.0 Update**

- 1.1 The application was previously presented to the Planning Committee on 27<sup>th</sup> October 2021, 24<sup>th</sup> November 2021 and 26<sup>th</sup> January 2022.
- 1.2 The application was deferred at the January Committee Meeting to allow for the receipt of all outstanding consultation responses to address issues raised within objection letters received 18<sup>th</sup>, 23<sup>rd</sup> and 24<sup>th</sup> November 2021 in regard to the Habitats Regulation Assessment.
- 1.3 These submissions raised the additional substantive issue of the Habitat Regulation Assessment not containing complete, precise, definitive findings and conclusions to remove all reasonable scientific doubt as to the effects on designated sites.
- 1.4 The main areas of concern raised with the objections include: pollution of the ground water environment; the use of chemicals (siltbusters/flocculants); leaching from the turbines (oil); peat management and stability and its potential impact on surface water; surface water run-off from access tracks and areas of hardstanding and; the lack of in-combination assessment with other development (roads, houses, Anaerobic Digesters, Intensive Agricultural facilities)
- 1.5 The objections outline concerns regarding the lack of detailed consideration of the above matters and that the risks and pathways to protected European sites could not be properly assessed.
- 1.6 The objections also raise concerns that no appropriate assessment has been carried out for the grid connection infrastructure required for the site. Further, that no assessment has been carried out on the battery storage unit and its potential emissions. In addition, the

bird collision mortality assessment did not consider the in-combination impacts of the overhead powerlines for grid connection.

- 1.7 Subsequent to the receipt of these objections, the Planning Department consulted DAERA, Shared Environmental Services (SES) and the Department for the Economy - Geological Survey of Northern Ireland (GSNI).
- 1.8 The applicant submitted a response on 23<sup>rd</sup> December 2021 to address the issues raised within the objection received 18<sup>th</sup> November 2021. This document is available to view on Public Access.
- 1.9 The submission from the agent outlines that the design parameters for the development contained within the relevant (outline) documents in the Environmental Statement have been calculated to represent worst-case scenario parameters. The potential impacts, hazards and pathways identified at the final detailed design stage will therefore be the same or less than those presented. Therefore, the assessment carried out allows for the removal of all scientific doubt as to the conclusions of the HRA.
- 1.10 The applicant has confirmed that the use of siltbusters/flocculants will only be considered where necessary and when other forms of sediment control have been considered, tried or discounted. The use of flocculants would be discussed with DAERA Water Management Unit prior to its use, and its use would be overseen by the appointed Ecological Clerk of Works. Consent to Discharge, issued under the Water (NI) Order 1999 is required for any discharge to the aquatic environment, and the use of any flocculants would be considered as part of any consent by DAERA Water Management Unit, who are the competent authority for the consent to discharge process.
- 1.11 The applicant has also advised that measures for the control of oil during the construction phase has been provided within the Outline Decommissioning/Construction Environmental Management Plan. Additionally, it has been clarified that all generic turbine generator models have containment systems to mitigate potential spills from the gearbox and hydraulic systems and have catch trays to store any lost oil. Where any oil filled transformers are required these will be located within a 110% bunded enclosure.



- 1.12 With regards to the concerns relating to peat slide risk, the applicant has confirmed that the issues of peat slide risk and peat storage are covered by two separate documents. The Peat Slide Risk Assessment assesses the risk of peat slide from the proposed development infrastructure. This document outlines any mitigation measures required during the construction phase including the management and temporary storage of peat. The Outline Peat Management Plan outlines how peat stockpiles are to be sited and provides for a methodology for the handling and storage of peat. The mitigated impacts of peat slide are considered to be negligible following the implementation of mitigation.
- 1.13 The HRA response dated 1/7/2021 outlines the reasoning for in-combination effects to only include other windfarms, and not all other development such as those identified at paragraph 1.4.
- 1.14 With regards to the assessment of the in-combination effects of the grid connection infrastructure and battery storage unit, it is noted that the grid connection phase of the development does not form part of the proposal and would be subject to a separate planning application. At that stage the in-combination effects of the development would be assessed. The battery storage unit no longer forms part of the application and therefore no assessment is required.
- 1.15 GSNI were consulted in regards to the issues relating to peat slide risk. GSNI reiterated their initial comments in respect of peat slide risk in the response received 16/09/2019 in that GSNI is satisfied that appropriate precautions have been taken to ensure that the risk of peat slide will be reduced to an acceptable level during the construction and operation phases of this wind farm.
- 1.16 In their response dated 19/01/2022 GSNI confirmed that following a meeting with the applicant, agent and Arcus regarding the storage of peat they are content that final details relating to this issue will be submitted through a final Peat Management Plan (as part of the CEMP), which is to be in alignment with the outline Peat Management Plan, which was considered as part of this application. GSNI are content for the project to proceed.
- 1.17 DAERA Water Management Unit have advised that the comments in their previous responses remain valid. With regards to the use of siltbusters, flocculants and contaminated site run-off, WMU have

advised of the need for consent to discharge to be obtained under the Water (NI) Order 1999 and have referred the applicant to published advice on discharges to the water environment and pollution prevention. These guidance documents will ensure the use of any silt management will accord to best practice and within the legislative requirements for the protection of the water environment.

- 1.18 With regards to oil storage, WMU directs the applicant to standing advice which sets out the legislative requirements for storing oil.
- 1.19 With regards to peat stability, WMU have reiterate that they are not the competent authority in regards to this issue. WMU have outlined that if there is an issue with peat stability then appropriate mitigation would be required. As outlined above at Paragraphs 1.14 and 1.15 GSNI have no concerns regarding peat stability subject to the submission and implementation of a final Peat Management Plan.
- 1.20 Natural Environment Division were consulted on the content of the objections. However, as the issues raised relate to the Habitats Regulation Assessment, which was carried out by SES on behalf of the Council, this falls outside of their remit to comment. With regards to the impact of bird strike from overhead powerlines, NED acknowledge that this does not form part of the proposal and does not require comment under this application.
- 1.21 Shared Environmental Services have reviewed the content of the Habitats Regulation Assessment carried out 01/07/2021. Following consideration of the comments received within the objections, SES have again concluded that in assessing the manner in which the development is to be carried out, including any mitigation, that the development will not have an adverse effect on the integrity of any European site either alone or in combination with other projects. SES have reiterated the need for the submission of a Final Construction Environment Management Plan and have added an additional condition to request a Final Decommissioning Construction Environment Management Plan to be submitted and agreed prior to the commencement of development.
- 1.22 A further letter of objection has been received 15<sup>th</sup> March 2022. The objection raises five mains areas of concern namely; the issue of perpetuity, local community consultation, scale and nature of

windfarm in respect of the North Sperrins and Roe Valley, the lack of cumulative impact studies carried out and the viability of the proposed windfarm.

- 1.23 With regards to the issue of in perpetuity permission, the Planning Department refers to the proposed conditions of approval contained in Section 10 of the Planning Committee report, specifically condition 3, which requires the removal of any approved wind turbines and associated structures after 30 years, or following the cessation of electricity production for a period of 12 months.
- 1.24 The objection queries why the information days held as part of the Public Community Consultation process were not held within the village of Drumsurn as the proposed development is within this area and Drumsurn has a population and sufficient facilities to have merited a public event. The Planning Department note that the level of public consultation proposed within PAN application LA01/2019/0411/PAN, and outlined within the community consultation report submitted as part of the planning application and note that it meets with the legislative requirements for appropriate public consultation. Public Information Events took place in Limavady and Garvagh. These locations are considered to be within the 'locality' as required by legislation.
- 1.25 The objector raises a number of windfarms in the vicinity of Drumsurn which it alleges did not carry out community consultation with Drumsurn Local Community. While there was community consultation on the projects at Craiggore, Smulgedon and Evisagaran the detail of this is not a matter for this application.
- 1.26 With regards to the scale and nature of the proposed windfarm the Planning Department notes that the visual impact and impact on the character of the area have been considered against the Policy requirements of the SPPS, PPS18 and PPS21 as outlined within Paragraphs 8.7-8.12, 8.24-8.31, 8.52 and 8.53 of the Planning Committee Report and find that the scale of the development will not have a significant detrimental impact on the landscape.
- 1.27 With regards to the request for further cumulative studies of all wind farms in the North Sperrins and their impact of fauna, ecological assessments were carried out as part of the Environmental Statement, which covers a range of species.

Consultation was carried out with DAERA Natural Environment Division (NED) who are the competent authority for such issues. DAERA NED in their consideration of the impacts of the development have no objections to the proposal subject to a number of conditions in respect of monitoring and mitigation, and are content with the scope of the assessment in regards to fauna. In their assessment DAERA NED did not require specific cumulative studies to be undertaken.

1.28 The issue of the viability of the windfarm has been previously raised and addressed within Addendum 3.

1.29 For clarity, a complete list of all conditions (as amended) is as follows:

## **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.

### **Proposed Conditions**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The approved temporary 3no. compounds shall be removed and the reinstated within 24 months from the date of the commencement of the development hereby approved. The measures for ground reinstatement shall be submitted and agreed in writing with the Council prior to any reinstatement taking place.

Reason: In the interests of visual amenity

3. All above ground structures shall be dismantled and removed from the site (“decommissioning”) either 30 years from the date when the wind farm hereby approved is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site

for a period of 12 months (unless further consent has been granted), whichever is the shorter.

The applicant shall submit a Decommissioning Construction Environmental Management Plan (CEMP) for agreement and approval by the Council at least 8 weeks before commencement of any future decommissioning works on site of the windfarm hereby approved. This plan must contain appropriate decommissioning environmental mitigation similar to that detailed within the Outline DCEMP in Appendix A3.1 of the Environmental Statement dated July 2019. The approved future Decommissioning CEMP shall be implemented in accordance with the approved details/timeframe and all works on site shall conform to the approved Decommissioning CEMP, unless otherwise approved in writing by the Planning Authority.

Following decommissioning of the windfarm hereby approved, the land shall be restored in accordance with an agreed scheme to be submitted to the Council at least one year prior to the commencement of any decommissioning works. This scheme shall include details of all works and measures to restore the site, the timeframe within which the works shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To ensure implementation of mitigation measures identified within the Environmental Statement that will avoid adverse effects on the integrity of the River Roe and Tributaries SAC during future decommissioning of the new turbines.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.13 Rev 01, dated 16th August 2019, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary.

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

6. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle, excluding abnormal loads, to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

7. Effective wheel washing facilities shall be installed and operated for the duration of the construction period and any repair or remedial work period thereafter.

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.

8. No part of the development hereby permitted shall be commenced until the works that may be necessary for the improvement of the public road i.e. the location and provision of passing bays (typically to allow minimum 6.0m road width, as detailed in Drawing No. 25 received 26th June 2020), have been submitted to DfI Roads, approved in writing and carried out to the satisfaction of the Department. Upon completion of the development works these passing bays shall be removed and the road and verge reinstated to the satisfaction of the Section Engineer.

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

9. A detailed programme of works and traffic management proposals shall be submitted to and agreed by DfI Roads, prior to the commencement of any element of the works hereby permitted.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

10. Prior to the commencement of construction on site, the applicant/agent shall carry out a condition survey of all haul routes and shall at the applicant's expense carry out and provide 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.

11. During construction works, the applicant/agent shall carry out and record daily inspections of all haul routes and submit this information to the DfI Roads, section engineer on a weekly basis, or as agreed in writing with the Council and DfI Roads.

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

12. Prior to the commencement of the development an Article 11 application for the haulage routes and any associated traffic management proposals shall be submitted to and agreed in writing with DfI Roads.

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

13. Unless otherwise agreed in writing by Causeway Coast and Glens Borough Council ("the Council") construction activities (which includes demolition of the existing turbines) shall take place only within the hours of 07:00 – 19:00 hours Monday to Friday and 07:00 – 13:00 hours on Saturdays with no activities to take place on Sundays or Public Holidays.

Reason: In the interests of residential amenity

14. 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 Council.

Reason: In the interests of residential amenity

15. 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: In the interests of residential amenity

16. The level of noise emissions 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 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: In the interests of residential amenity

Table 1: Permitted Wind Farm Noise Limits dB LA<sub>90,10mins</sub>

Property	Standardised wind speed at 10m height (m/s) within the site averaged over 10-minute periods									
	3	4	5	6	7	8	9	10	11	12
Daytime (0700-2300)										
37 Temain Road	39.8	40.6	41.3	41.8	42.4	43.0	43.6	44.3	45.3	46.2
36 Terrydoo Road	34.3	34.6	35.6	36.4	36.9	36.8	38.7	40.5	42.1	43.4
66 Terrydoo Road	34.7	35.3	36.5	37.7	38.7	39.7	40.8	42.1	43.3	44.4



90 Terrydoo Road	34.8	35.5	36.7	37.9	39.1	40.3	41.2	42.4	43.6	44.6
Night-time (2300-0700)										
37 Temain Road	43.0	42.9	42.9	42.9	42.8	42.8	42.8	42.8	43.7	45.0
36 Terrydoo Road	42.9	42.8	42.7	42.5	42.0	41.1	41.1	41.0	40.9	40.7
66 Terrydoo Road	43.0	42.9	42.9	42.8	42.7	42.4	42.4	42.4	42.4	42.4
90 Terrydoo Road	43.0	43.0	42.9	42.9	42.8	42.8	42.7	42.7	42.7	42.7

17. In the event that any turbine is required to be micro-sited, as depicted on Drawing No 06 date stamped 2nd August 2019, closer to any noise-sensitive receptor identified in Table 10.9 (of the Environmental Statement Volume 1 – text July 2019) than is currently proposed, the developer shall submit a revised noise impact assessment for prior approval by the Council. In the event that an exceedance of noise limits, as detailed in Table 1 above is identified, the operator shall submit a noise mitigation scheme for approval by the Council prior to operation.

Reason: In the interests of residential amenity

18. 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 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 Table 1 and covering a range of wind directions. The assessment shall be undertaken in accordance with the assessment protocol that shall, prior to the commencement of

any measurements have been submitted to and approved in writing by the Council and which has been endorsed as good practice by the Institute of Acoustics at such time. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.

Reason: In the interests of residential amenity

19. Within 4 weeks of a written request by Council, following a reasonable 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 emissions 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 18. Details of the noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: In the interests of residential amenity

20. The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 18 and 19, 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 completion of the monitoring unless otherwise extended in writing by the Council.

Reason: In the interests of residential amenity

21. 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: In the interests of residential amenity

22. Within 4 weeks from receipt of a written request from the Council, following a reasonable 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 Council for its written approval. The scheme shall then be implemented within 3 months of the written request of the Council unless otherwise extended in writing by the Council.

Reason: In the interests of residential amenity

23. 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:
- The identification and evaluation of archaeological remains within the site;
  - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
  - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
  - 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.

24. No site works of any nature or development shall take place other than in

- a. accordance with the programme of archaeological work approved under condition 23.

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

25. 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 23. 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.

26. Prior to the commencement of any works on site the appointed contractor shall submit a Final Decommissioning & Construction Environmental Management Plan (DCEMP) for agreement and approval by the Council. This plan must contain all the appropriate environmental mitigation as detailed within the Outline DCEMP in Appendix A3.1 of the Environmental Statement dated July 2019 and in the advice of DAERA WMU and NED in their responses to the consultation. The approved Final DCEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved DCEMP, unless otherwise approved in writing by the Council.

The DCEMP shall include the following:

- a) Decommissioning and Construction methodology and timings of works;
- b) Pollution Prevention Plan; including details of the establishment of buffer zones to watercourses 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 which should be in line with the submitted outline Peat Management Plan (ES Technical Appendix A7.4).
- e) Mitigation measures for construction in peatland habitats;
- f) Water Quality Monitoring Plan;
- g) Environmental Emergency Plan;
- h) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities;

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 SAC, ASSI.

27. No development activity, including ground preparation or vegetation clearance, shall take place until a final Habitat Management Plan (HMP), which should be in line with the submitted draft HMP (Technical Appendix A3.2 of Environmental Statement dated received 2<sup>nd</sup> August 2019 and Further Environmental Information Addendum 2 dated received 16<sup>th</sup> November 2020), has been submitted to and approved in writing by the Planning Authority. 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 Planning Authority. 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 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) as agreed in Further Environmental Information Addendum No. 2 to Environmental Statement.
- h) Details of the production of regular monitoring reports which shall be submitted to the Planning Authority within 6 months of the end of each monitoring year and which shall include details of any necessary contingency or remedial measures should monitoring reveal unfavourable results.

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

28. No development activity, including ground preparation or vegetation clearance, shall take place between 1st March and 31st August until an Ornithological Mitigation Strategy (OMS) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Council. The approved OMS shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Planning Authority. The OMS shall include:
- a) Details of the appointment of a suitably experienced and competent ornithologist, with the power to halt works, to supervise works during the bird breeding season;
  - b) Details of the timing of ground preparation and vegetation clearance to avoid disturbance to breeding birds;
  - c) Details of pre-construction bird surveys and appropriately

timed bird surveys to be conducted throughout the construction phase;

d) Details of appropriate mitigation measures to be implemented before and during the construction phase, including identifying the location of any recorded active nests or breeding activity, the establishment of species specific buffer zones to active nests or breeding territories (to be agreed with NIEA), temporarily halting works to avoid disturbance to breeding birds;

e) Provisions for the reporting of the implementation of the OMS to the Council at the end of each bird breeding season during which works take place.

Reason: To protect breeding birds during the construction phase.

29. No development activity, including ground preparation or vegetation clearance, shall take place until an Ornithological Monitoring Plan (OMP), which should be in line with the submitted draft OMP (Technical Appendix A9.4 of Environmental Statement dated 2<sup>nd</sup> August 2019), has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Planning Authority. The approved OMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The OMP shall include:

a) 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 and 15 thereafter. Surveys shall target hen harrier, and snipe but shall also record numbers and distribution of any other breeding wader species, meadow pipit and skylark;

b) Provisions for the implementation of contingency mitigation measures should monitoring reveal significant impacts on birds;

c) Details of the production of monitoring reports which shall be submitted to the Council within 6 months of the end of each monitoring year and which shall include details of any contingency mitigation measures implemented.

Reason: To monitor and mitigate for the impact of the proposal on wild birds.

30. Regular carcass searches using methods outlined in Section 9.6.4: Paragraph 315 and Technical Appendix A9.4 should be carried out in years 1, 2 and 3 of operation, after which results should be reviewed and the regularity of further searches determined, if considered necessary.

Reason: To monitor and mitigate for the impact of the proposal on wild birds.

31. No turbine shall become operational until a Bat Mitigation and Monitoring Plan (BMMP), which should be in line with the submitted draft BMMP (Technical Appendix A8.4 of Environmental Statement dated 2<sup>nd</sup> August 2019), has been submitted to and approved in writing by the Council. The approved BMMP shall be implemented in accordance with the approved details of the draft BMMP, 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 using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;
- b) Details of bat carcass searches at selected turbines using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;
- c) Details of the production of yearly monitoring reports to be submitted to the planning authority within 6 months of the end of each monitoring year;
- d) Provision for additional mitigation or contingency measures which may be deemed necessary depending on the results of the monitoring and which shall be implemented if instructed by the Planning Authority;
- e) Provision for review of the mitigation measures and the length of the monitoring plan;

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

32. Any guy wires or cables should be clearly marked using bird flappers or markers to reduce the risk of bird collision.



Reason: To mitigate the impact of the proposal on wild birds.

33. No wind turbine forming part of the Development shall be erected until the Applicant has submitted a scheme, to be agreed by the Council, which shall set out the measures undertaken to mitigate the impact of the Development upon the CODA's Instrument Flight Procedures. Thereafter the agreed scheme shall be implemented in full, prior to the erection of any wind turbine, unless otherwise agreed in writing with the Council.

Reason: To safeguard the safety of the Instrument Flight Procedures (IFP) at the City of Derry Airport

34. Prior to the commencement of development 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). The lighting shall be infra-red light fitted at the highest practicable point of the structure.

Reason: In the interest of flight safety

35. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to the Council, at least 8 weeks prior to the commencement of the works or the phase of works and implemented in accordance with the approved details unless otherwise agreed in writing by the Council.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

36. All services within the development should be laid underground, unless otherwise agreed in writing.

Reason: In the interests of visual amenity



# Addendum 5

## LA01/2019/0890/F

### 1.0 Update

1.1 A further two objections have been received referring to natural heritage issues. The substantive issues are as follows:

- The Habitats Regulation Assessment (HRA) is flawed as the Appropriate Assessment relies on post planning consents including a final CEMP, decommissioning CEMP and discharge consent.
- Reference is made to European Court of Justice (ECJ) rulings on the need for definitive, updated data for Habitats Regulation Assessment and for this to precede approval.
- There is a conflict between the position of NIEA and Shared Environmental Services (SES) on the location of development relative to watercourses.
- There is uncertainty regarding water management measures.
- The Appropriate Assessment incorrectly ruled out potential impacts to mobile avian features.
- Cumulative assessment with other wind farms is required on collision risk modelling for Whooper Swans and Greyling Goose. Effect on their flight corridors needs considered.
- Absence of transfrontier (i.e. UK/ Ireland border) assessment through the Environmental Statement on the migration of Whooper Swans and transboundary consultation (i.e. with Ireland) not carried out.
- Absence of cumulative assessment on the displacement of Meadow Pipit and Snipe.
- Cumulative assessment is required on discharge consents for windfarms on the River Roe and its Tributaries SAC.
- There is conflict between the position of NIEA and SES on the presence of salmon in watercourses.
- Inadequate consideration on bat populations including cumulative assessment with other wind farms.

- Absence of consideration of flooding in more frequent extreme event and climate change scenarios.
- Absence of consideration of cumulative effect of loss of bog habitat.
- Lack of assessment of introduction of toxic chemicals on site including the extensive use of concrete and steel.
- Need to consider proposal with the overhead grid connections including transfrontier (i.e. UK/ Ireland border) impacts.
- Micro-siting of turbines of up to 50m could result in the proposal being close to watercourses.
- Habitat improvement cannot be considered as a compensatory measure in Stage 2 Appropriate Assessment.
- Monitoring cannot be considered as mitigation.
- A full drainage plan is required with exact location of settlement lagoons and discharge points etc. required.
- Absence of cumulative assessment on impact on salmon populations.
- In perpetuity assessment has been considered by SES to avoid appropriate assessment of decommissioning of the proposed windfarm.

## 2.0 **Consideration**

- 2.1 Further plans are required to show the location of the proposed drainage infrastructure including settlement lagoons and discharge points. Such drainage infrastructure is operational development and requires planning permission.
- 2.2 Shared Environmental Services (SES) is content that post planning consents can be used as mitigation measures for the purposes of Stage 2 Appropriate Assessment. Regarding the CEMPs, this is on the basis that mitigation and control measures can be used along Pollution Prevention Guidelines. This position is not considered inconsistent with the referenced ECJ rulings.
- 2.3 The Stage 2 Appropriate Assessment by SES considered both the decommissioning of the existing windfarm comprising 10 turbines (Condition 26 as set out in Addendum 4 refers) and the decommissioning of the proposed windfarm comprising 7 turbines (Condition 3 as set out in Addendum 4 refers). These mitigation conditions allow for no adverse effect on site integrity.

- 2.4 Most of the other issues raised have not been subject to specific assessment. Further consultation is required with the DAERA NIEA as the statutory nature conservation body on many of these issues. Consultation is required with DfI Rivers regarding the drainage infrastructure details. In addition, further consultation is required with Shared Environmental Services (SES) regarding issues relevant to the Habitats Regulation Assessment.
- 2.5 Subject to further consideration, further environmental information may be required i.e. an addendum to the Environmental Statement. Subject to the consultation responses, “transfrontier” EIA consultation may be required with Ireland.
- 2.6 To allow submission of further plans, re-consultation and further assessment to take place, it is recommended that the application is deferred and returned to the Planning Committee when this process is complete.

### 3.0 **Recommendation**

- 3.1 That the Committee note the contents of this Addendum and agree to **defer the application** to allow submission of amended plans, re-consultation and further assessment to take place. This recommendation supersedes that set out in Paragraph 1.1 of the Planning Committee report.

# **Addendum 6**

## **LA01/2019/0890/F**

### **1.0 Update**

- 1.1 The application was previously presented to the Planning Committee on 27<sup>th</sup> October 2021, 24<sup>th</sup> November 2021, 26<sup>th</sup> January 2022 and 23<sup>rd</sup> March 2022.
- 1.2 The application was deferred at the March Committee Meeting to facilitate the submission of additional information by the applicant and to carry out appropriate consultation to assess both the additional information and address issues raised within objection letters received 21<sup>st</sup> and 22<sup>nd</sup> March in regard to the Habitats Regulation Assessment and impact on other natural heritage features.
- 1.3 Since the March Committee Meeting an additional 180 letters of objection have been received. These objections are in a template format raising the same specific issues. The total number of representations on this application, to date is 198 letters of objection and 5 letters of support.
- 1.4 Issues raised within generic objections
  - Development is out of scale with the local area.
  - Impact on Character of Rigged Hill, North Sperrins and Binevenagh Landscape Character Area.
  - Unwelcome addition to already oversaturated landscape of wind energy.
  - Insufficient public consultation to residents of Drumsum and Roe Valley Area.
  - Unknown noise impact on many homes in the area.
  - Windfarm should not be allowed to exist in perpetuity.

- Windfarm is not needed given excess supply over demand in Roe Valley and is unviable considering lack of grid capacity and infrastructure. Furthermore no guarantee of cheaper electricity.
  - Application should not be passed without a final Habitat Management Plan and Construction Environment Management Plan.
- 1.5 The visual impact of the development and its associated impact on the landscape character has been considered against the policy requirements of the SPPS, PPS 18 and PPS21 as outlined in Paragraphs 8.7-8.12, 8.24-8.31 8.52 and 8.53 of the Planning Committee Report and within Addendum 4 and find that development will not have a significant detrimental impact on the landscape.
- 1.6 The objections state that the proposal has not given sufficient public consultation to residents of Drumsurn and Roe Valley Area. The Planning Department notes that the level of public consultation proposed within PAN application LA01/2019/0411/PAN and outlined within the community consultation report submitted as part of the planning application is acceptable as it meets with the legislative requirements for appropriate public consultation. Public Information Events took place in Limavady and Garvagh. These locations are considered to be within the 'locality' as required by legislation. This issue was previously addressed in Addendum 4.
- 1.7 Chapter 10 of the Environmental Statement assessed the potential impacts of noise generated by the proposed development at the closest noise sensitive receptors across a range of windspeeds. They have also considered the cumulative impact of this development with other windfarm and wind turbine developments in the area, namely Craiggore Windfarm, a single turbine at Tremain Road and two single turbines on Terrydoo Road. At the four receptors identified, the predicted noise levels for both day and night-time are within acceptable limits. It is therefore anticipated that noise levels experience at other receptors at a greater distance to the proposed development will experience noise levels no greater than those predicted at the closest receptors. Environmental Health were consulted with regards to this issue and have no objections. Appropriate conditions have been provided for in regards to the noise levels.

- 1.8 With regards to the issue of in perpetuity permission, the Planning Department refers to the proposed conditions of approval specifically condition 3, which requires the removal of any approved wind turbines and associated structures after 35 years from the date of approval, or following the cessation of electricity production for a period of 12 months.
- 1.9 The issue of the viability of the windfarm has been previously raised and addressed within Addendum 3. Additionally, the cost of electricity is not a material planning consideration, given significant weight in the determination of a planning application.
- 1.10 A draft Habitat Management Plan and draft Construction Environment Management Plan have been submitted within the Environmental Statement which accompanied the application. These outline the management and mitigation measures to be implemented to ensure that there are no significant adverse environmental impacts. Consultation was carried out with the relevant authorities who have found the draft documents to be suitably detailed as to provide sufficient clarity on the potential impacts and necessary measures required to mitigate any significant impacts. Consultees are content that final versions of the Habitat Management Plan and Construction Environment Management Plan, which are in accordance with the draft versions, can be submitted and approved prior to commencement of development.
- 1.11 Additional plans were submitted 4<sup>th</sup> July 2022 which provide indicative details of the location of the proposed settlement lagoons, the associated drainage ditches and outfalls and indicative details regarding the construction of the lagoons. Subsequent to the submission of the additional information, consultation was carried out with DAERA, Shared Environmental Services, Rivers Agency and Loughs Agency.
- 1.12 With regards to new information submitted, DAERA Water Management Unit refer to advice for construction design and pollution prevention and confirm that their previous responses remain valid. Natural Environment Division outline that the additional information does not alter its assessment of the Environmental Statement and Further Environmental Information and refer to their previous response in relation to drainage. DAERA



has previously advised that subject to mitigation the proposed development will not result in any significant adverse impacts.

- 1.13 DFI Rivers has confirmed that their previous comments dated 03/03/2020 remains the same. The only outstanding issue for Rivers Agency relates to the provision of Schedule 6 consent which can be obtained outside of the planning process.
- 1.14 Loughs Agency have advised their previous comments remain. They have provided a condition in regard to the settlement lagoons, requesting that they be utilised and are capable of settling out material prior to discharge off site.
- 1.15 With regard to those comments made within the objection letters received 21<sup>st</sup> and 22<sup>nd</sup> March, which were not addressed within Addendum 5, the Planning Department advise as follows

- There is a conflict between the position of NIEA and Shared Environmental Services (SES) on the location of development relative to watercourses.

Shared Environmental Services and DAERA agree that the primary risk of the development to European sites is a potential decrease in water quality. Shared Environmental Services and DAERA agree that the implementation of mitigation measures in line with those presented as within the DCEMP and OWCEMP will ensure no adverse impacts.

- There is uncertainty regarding water management measures.

Shared Environmental Services and DAERA are satisfied that there is sufficient information available to appreciate the risks to water quality. The proposed mitigation measures outlined within the draft DCEMP and OWCEMP have proven efficacy and implementation of the same will be overseen by and appointed Ecological Clerk of Works/Geotechnical Engineer. The provisions of the Water (NI) Order 1999 apply at all times and appropriate consent to discharge approvals must be obtained.

- The Appropriate Assessment incorrectly ruled out potential impacts to mobile avian features.
- Cumulative assessment with other wind farms is required on collision risk modelling for Whooper Swans and Greylag Goose. Effect on their flight corridors needs considered.
- Absence of transfrontier (i.e. UK/ Ireland border) assessment through the Environmental Statement on the migration of Whooper Swans and transboundary consultation (i.e. with Ireland) not carried out.
- Absence of cumulative assessment on the displacement of Meadow Pipit and Snipe.

The potential impact of the development upon avian features has been assessed under Chapter 9 of the Environmental Statement. The assessment included a programme of bird surveys conducted in 2014, 2015, 2016/17 and 2018/19.

Early winter surveys found no foraging or roosting Whooper Swan or Greylag Geese within a 2km radius of the development. A small number of flights by these species were recorded across the 500m buffer zone but in all cases these were at relatively high altitude above the rotor swept area.

Whooper Swans were infrequently recorded during the surveys and the turbines are located more than 10km from the nearest known historical wintering roost. No significant commuting routes or foraging-roosting flyways were identified within 5km. DAERA NED has advised that the location of Whooper Swan roost or routes associated with sites from the Republic of Ireland are sufficiently distant (greater than 20km) that cumulative effects would be insignificant.

No collision risk modelling was carried out for Whooper Swan or Greylag Goose. Very little data was collected on these species reflecting the infrequency of flights across the windfarm site. As outlined above, where survey results have identified Whooper Swan presence these have been either outside of the survey area or at heights greater than the proposed windfarm. The overall collision risk to Whooper Swan is assessed as very low. This observation is reflective of observations from other regions which strongly suggest that the majority of Whooper Swan migratory/communicating flights in high ground are concentrated in relatively narrow corridors along major river valleys, in this case

the Foyle and Bann valleys, neither of which are impacted by the proposed windfarm. Greylag Geese were recorded even less frequently than Whooper Swan indicating very low likelihood of significant cumulative impact at population level. As the collision risk for both species is very low DAERA NED find it acceptable that no collision risk assessment was carried out. Based on the information provided both DAERA NED and Shared Environmental Services advise that there will be no significant adverse impact on the avian features which are selection features of the Designated European/Ramsar site and that the appropriate assessment is correct in regards to this issue.

Survey data was provided in regard to Snipe and Meadow Pipit, with a cumulative assessment on snipe carried out. Survey data from the windfarm sites indicate that the number of these species recorded at various sites/buffer zones are generally small and any effects at individual site or cumulative scale are not likely to have a substantial impact on Northern Ireland populations.

NED Ornithology is satisfied that given the relatively low occurrences of snipe and Meadow Pipit at windfarm sites within 15km radius of Rigg Hill the assessment of impact on these species would not be materially changed by a more detailed and extensive cumulative analysis.

- Cumulative assessment is required on discharge consents for windfarms on the River Roe and its Tributaries SAC.

SES advise that provided the mitigation is implemented, as assessed, it is concluded that there will be no likely significant adverse effects, or insignificant residual effects alone, and it could not contribute to in-combination effects, and therefore does not require an in-combination assessment.

Regardless, the applicant carried out an in-combination assessment of the additional effects on the hydrological resource. This assessment was limited to other large scale projects within 10km which included Smulgedon Windfarm, Evishagaran Windfarm, Craiggore Windfarm and Upper Ballyrogan Windfarm.

Craigigore and Upper Ballyrogan Windfarms fall within a separate surface water catchment (River Bann) to the development, which is hydrologically disconnected from the development and therefore there is no adverse in combination effect to occur. The assessment has concluded that given the timing and separation distance to the other projects highlighted there is no potential for in-combination effects.

- There is conflict between the position of NIEA and SES on the presence of salmon in watercourses.
- Absence of cumulative assessment on impact on salmon populations.

Both SES and NIEA agree that migrating Atlantic salmon could be affected by works associated with the proposal. SES and NIEA agree that implementation of mitigation measures will ensure no adverse effects thereon, regardless of location.

The primary risk generated by the proposal on European/Ramsar sites is a potential diminution in water quality. SES advise that provided the mitigation is implemented, as assessed, it is concluded that there will be no likely significant adverse effects, or insignificant residual effects alone, and it could not contribute to in-combination effects, and therefore does not require an in-combination assessment.

- Inadequate consideration on bat populations including cumulative assessment with other wind farms.

Bats are not a qualifying feature of any European designated site and as such a cumulative assessment of the impact is not required with regards to the Habitats Regulations Assessment . An assessment of the impact of the proposed development was provided within Chapter 8 of the Environmental Statement which identified the risks to the local bat population and mitigation in the form of a Bat Mitigation and Monitoring Plan has been proposed, to avoid any significant impacts.

- Absence of consideration of flooding in more frequent extreme event and climate change scenarios.

Details regarding the means of dealing with additional surface water have been provided in terms of the indicative location of storage/settlement lagoons, the volume of water to be stored and the indicative discharge points. The design calculations for surface water storage has taken account for climate change, heavier rainfall as outlined in Further Environmental Information Addendum to Environmental Statement Chapter 7 (May 2020). Consultation on the proposed development has been carried out with DFI Rivers with regards to flood risk who have no objection to the proposal from a flood risk perspective.

- Absence of consideration of cumulative effect of loss of bog habitat.

With regard to assessing the cumulative loss of bog habitat in regard to the appropriate assessment, it is noted that this habitat is not a designated feature of the linked European sites. The applicant has demonstrated, through the submission of a draft Habitat Management Plan, how the habitat will be managed and restored and will provided for improved habitat for a range of bird species. DAERA Natural Environment Division have been consulted on the proposal and have no objections to the impact on bog habitat subject to the submission of a final Habitat Management Plan.

- Lack of assessment of introduction of toxic chemicals on site including the extensive use of concrete and steel.

Shared Environmental Services and DAERA are satisfied that there is sufficient information available to appreciate the risks to water quality. The proposed mitigation measures outlined within the draft DCEMP and OWCEMP have proven efficacy and implementation of the same will be overseen by and appointed Ecological Clerk of Works/Geotechnical Engineer. The potential effects of development are assessed within Chapter 7 of the Environmental Statement.

- Need to consider proposal with the overhead grid connections including transfrontier (i.e. UK/ Ireland border) impacts.

Grid connection does not form part of this application. Following an initial request from DAERA to assess the impact of the grid connection as part of the Environmental Statement, the applicant submitted information to demonstrate how this was not feasible. The Grid connection route has not been established and therefore any assessment would be flawed and it would not be possible to define a realistic worst case scenario or propose mitigation. The Grid Connection phase of the development will be subject to a separate planning application and will be subject to Environmental Impact Assessment which will assess the cumulative impacts.

- Micro-siting of turbines of up to 50m could result in the proposal being close to watercourses.

Shared Environmental Services and DAERA are satisfied that there is sufficient information available to appreciate the risks to water quality. The proposed mitigation measures outlined within the draft DCEMP and OWCEMP have proven efficacy and implementation of the same will be overseen by and appointed Ecological Clerk of Works/Geotechnical Engineer. Any micro-siting of turbines within the 50m / 20m exclusion zones around streams / drains will be reviewed by the Ecological Clerk of Works to ensure no adverse impact on water quality.

- Habitat improvement cannot be considered as a compensatory measure in Stage 2 Appropriate Assessment.

This issue is not relevant to this appropriate assessment as the habitat identified within the objection is not a designated feature of the European sites.

- Monitoring cannot be considered as mitigation.

Monitoring is not proposed as mitigation but to provide early warning and to inform further controls that can be put in place to eliminate or reduce effects.

- In perpetuity assessment has been considered by SES to avoid appropriate assessment of decommissioning of the proposed windfarm.

Shared Environmental Services have considered the proposal based on the temporary nature as outlined by proposed condition

3, which limits the windfarm to a period of 35 years. Shared Environmental Services in their consultation response dated 08/03/2022 proposed a planning condition requiring the submission of a future Decommissioning Construction Environment Plan for the proposed windfarm.

- The design parameters in the environmental statement did not include the climate change scenario, including the peat slide risk assessment.

The design parameters for the settlement/surface water lagoons did allow for climate change as outlined within Further Environmental Information Addendum to Environmental Statement Chapter 7 (May 2020). GSNI were consulted in regard to the excavation and temporary storage of peat stockpiles and are content with the methodology and mitigation measures outline. The applicant will appoint a Chartered Geotechnical Engineer to oversee works regarding peat storage.

- No information has been provided on the location of discharges to watercourses and locations of the impacts. These need to be known to assess the risk.

The plans submitted 4<sup>th</sup> July 2022 provide details regarding the indicative location of the proposed drainage ditches and their outfall. Consultation has been carried out with the relevant consultees who advise that there is sufficient information available to appreciate the risks to water quality. The proposed mitigation measures contained within the outline Management Plans have proven efficacy and implementation of these will be overseen by an appointed ECoW/Chartered Geotechnical Engineer. The provisions of The Water (NI) Order 1999 NI apply at all times. Appropriate discharge consents must be attained.

- The design parameters did not provide details on discharge to watercourses in terms of volume and quality.

Detailed calculations of the storage requirements in the separation sub-catchments were specified within Further Environmental Information Addendum to Environmental Statement Chapter 7 (May 2020). The proposed mitigation measures contained within the outline Management Plans have proven efficacy to ensure no

significant effects. Implementation of these will be overseen by an appointed ECoW/Chartered Geotechnical Engineer. The provisions of The Water (NI) Order 1999 NI apply at all times. Appropriate discharge consents must be attained.

- The peat slide risk assessment does not identify the location of stockpiles.

Consultation was carried out with regards to the storage of temporary stockpiles. Following discussions with the Agent, Scottish Power renewables and Arcus regarding the Peat Management Plan, Geological Survey of Northern Ireland (GSNI) are content with the proposal and advise that the final Peat Management Plan should align with the outline plan. There is sufficient information available to appreciate the risks to water quality. The proposed mitigation measures proposed have proven efficacy and implementation of same will be overseen by an appointed ECoW/Chartered Geotechnical Engineer and will eliminate any significant effects. The provisions of The Water (NI) Order 1999 NI apply at all times. Appropriate discharge consents must be attained.

- It is unlawful to consider the peat management plan, post deciding the application.

The outline Peat Management Plan is considered to be suitably detailed as to inform and assessment of the potential effects and includes measures of proven efficacy. The final Peat Management Plan will be consistent with the outline plan and implementation of measures will be overseen by an appointed Chartered Geotechnical Engineer.

1.16 The Planning Department seeks to clarify the comments made within Paragraph 2.2 of Addendum 5. Shared Environmental Services are not relying on post-planning consents to assess and mitigate effects from the development. Shared Environmental Services is satisfied that there is sufficient detail within the outline documents to appropriately assess the proposal to ensure no significant adverse impact. The final documents as required by way of Planning Condition are required to provide the final site-



specific details and methodologies to be implemented which are to be in accordance with the outline plans.

- 1.17 Proposed Conditions 1 and 3 as outlined below have been amended to align with the legislative requirements of Section 62 of the Planning Act (NI) 2011, as it relates to a “planning permission granted for a limited period” as defined within Section 52 of the Planning Act (NI) 2011.
- 1.18 Given that Section 61 specifies that a five-year commencement timeframe does not apply to a planning permission granted for a limited period, it is reasonable to extend the overall timeframe of the permission from 30 years to 35 years.
- 1.19 For clarity, a complete list of all conditions (as amended) is as follows:

## **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.

## **Proposed Conditions**

1. The permission hereby granted shall be for a limited period of 35 years only and shall expire on 5<sup>th</sup> October 2057.

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

2. The approved temporary 3no. compounds shall be removed and the reinstated within 24 months from the date of the commencement of the development hereby approved. The measures for ground reinstatement shall be submitted and agreed in writing with the Council prior to any reinstatement taking place.

Reason: In the interests of visual amenity

3. All above ground structures shall be dismantled and removed from the site (“decommissioning”) either 35 years from the date of this permission or shall be removed if electricity generation has ceased on site for a period of 12 months (unless further consent has been granted), whichever is the shorter.

The applicant shall submit a Decommissioning Construction Environmental Management Plan (CEMP) for agreement and approval by the Council at least 8 weeks before commencement of any future decommissioning works on site of the windfarm hereby approved. This plan must contain appropriate decommissioning environmental mitigation similar to that detailed within the Outline DCEMP in Appendix A3.1 of the Environmental Statement dated July 2019. The approved future Decommissioning CEMP shall be implemented in accordance with the approved details/timeframe and all works on site shall conform to the approved Decommissioning CEMP, unless otherwise approved in writing by the Planning Authority.

Following decommissioning of the windfarm hereby approved, the land shall be restored in accordance with an agreed scheme to be submitted to the Council at least one year prior to the commencement of any decommissioning works. This scheme shall include details of all works and measures to restore the site, the timeframe within which the works shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To ensure implementation of mitigation measures identified within the Environmental Statement that will avoid adverse effects on the integrity of the River Roe and Tributaries SAC during future decommissioning of the new turbines.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.13 Rev 01, dated 16th August 2019, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear

thereafter.

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

5. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary.

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

6. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle, excluding abnormal loads, to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

7. Effective wheel washing facilities shall be installed and operated for the duration of the construction period and any repair or remedial work period thereafter.

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.

8. No part of the development hereby permitted shall be commenced until the works that may be necessary for the improvement of the public road i.e. the location and provision of passing bays (typically to allow minimum 6.0m road width, as detailed in Drawing No. 25 received 26th June 2020), have been submitted to DfI Roads, approved in writing and carried out to the satisfaction of the Department. Upon completion of the development works these passing bays shall be removed and the road and verge reinstated to the satisfaction of the Section Engineer.

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

9. A detailed programme of works and traffic management proposals shall be submitted to and agreed by DfI Roads, prior to the commencement of any element of the works hereby permitted.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

10. Prior to the commencement of construction on site, the applicant/agent shall carry out a condition survey of all haul routes and shall at the applicant's expense carry out and provide 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.

11. During construction works, the applicant/agent shall carry out and record daily inspections of all haul routes and submit this information to the DfI Roads, section engineer on a weekly basis, or as agreed in writing with the Council and DfI Roads.

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

12. Prior to the commencement of the development an Article 11 application for the haulage routes and any associated traffic management proposals shall be submitted to and agreed in writing with DfI Roads.

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

13. Unless otherwise agreed in writing by Causeway Coast and Glens Borough Council ("the Council") construction activities (which includes demolition of the existing turbines) shall take place only within the hours of 07:00 – 19:00 hours Monday to Friday and 07:00 – 13:00 hours on Saturdays with no activities to take place on Sundays or Public Holidays.

Reason: In the interests of residential amenity

14. 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 Council.

Reason: In the interests of residential amenity

15. 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: In the interests of residential amenity

16. The level of noise emissions 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 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: In the interests of residential amenity

Table 1: Permitted Wind Farm Noise Limits dB LA<sub>90,10mins</sub>

Property	Standardised wind speed at 10m height (m/s) within the site averaged over 10-minute periods									
	3	4	5	6	7	8	9	10	11	12
Daytime (0700-2300)										
37 Temain Road	39.8	40.6	41.3	41.8	42.4	43.0	43.6	44.3	45.3	46.2

36 Terrydoo Road	34.3	34.6	35.6	36.4	36.9	36.8	38.7	40.5	42.1	43.4
66 Terrydoo Road	34.7	35.3	36.5	37.7	38.7	39.7	40.8	42.1	43.3	44.4
90 Terrydoo Road	34.8	35.5	36.7	37.9	39.1	40.3	41.2	42.4	43.6	44.6
Night-time (2300-0700)										
37 Temain Road	43.0	42.9	42.9	42.9	42.8	42.8	42.8	42.8	43.7	45.0
36 Terrydoo Road	42.9	42.8	42.7	42.5	42.0	41.1	41.1	41.0	40.9	40.7
66 Terrydoo Road	43.0	42.9	42.9	42.8	42.7	42.4	42.4	42.4	42.4	42.4
90 Terrydoo Road	43.0	43.0	42.9	42.9	42.8	42.8	42.7	42.7	42.7	42.7

17. In the event that any turbine is required to be micro-sited, as depicted on Drawing No 06 date stamped 2nd August 2019, closer to any noise-sensitive receptor identified in Table 10.9 (of the Environmental Statement Volume 1 – text July 2019) than is currently proposed, the developer shall submit a revised noise impact assessment for prior approval by the Council. In the event that an exceedance of noise limits, as detailed in Table 1 above is identified, the operator shall submit a noise mitigation scheme for approval by the Council prior to operation.

Reason: In the interests of residential amenity

18. 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 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 Table 1 and covering a range of wind directions. The assessment shall be undertaken in accordance with the assessment protocol that shall, prior to the commencement of any measurements have been submitted to and approved in writing by the Council and which has been endorsed as good practice by the Institute of Acoustics at such time. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.

Reason: In the interests of residential amenity

19. Within 4 weeks of a written request by Council, following a reasonable 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 emissions 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 18. Details of the noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: In the interests of residential amenity

20. The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 18 and 19, 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 completion of the monitoring unless otherwise extended in writing by the Council.

Reason: In the interests of residential amenity

21. 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: In the interests of residential amenity

22. Within 4 weeks from receipt of a written request from the Council, following a reasonable 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 Council for its written approval. The scheme shall then be implemented within 3 months of the written request of the Council unless otherwise extended in writing by the Council.

Reason: In the interests of residential amenity

23. 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:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- 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.

24. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 23.

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

25. 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 23. 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.

26. Prior to the commencement of any works on site the appointed contractor shall submit a Final Decommissioning & Construction Environmental Management Plan (DCEMP) for agreement and approval by the Council. This plan must contain all the appropriate environmental mitigation as detailed within the Outline DCEMP in Appendix A3.1 of the Environmental Statement dated July 2019 and in the advice of DAERA WMU and NED in their responses to the consultation. The approved Final DCEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved DCEMP, unless otherwise approved in writing by the Council.

The DCEMP shall include the following:

- a) Decommissioning and Construction methodology and timings of works;
- b) Pollution Prevention Plan; including details of the establishment of buffer zones to watercourses 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 which should be in line with the submitted outline Peat Management Plan (ES Technical Appendix A7.4), including details of the appointment of a Chartered Geotechnical Engineer (CGE) and their roles and responsibilities
- e) Mitigation measures for construction in peatland habitats;
- f) Water Quality Monitoring Plan;
- g) Environmental Emergency Plan;
- h) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities;

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 SAC, ASSI and Lough Foyle SPA/Ramsar.

27. No development activity, including ground preparation or vegetation clearance, shall take place until a final Habitat Management Plan (HMP), which should be in line with the submitted draft HMP (Technical Appendix A3.2 of Environmental Statement dated received 2<sup>nd</sup> August 2019 and Further Environmental Information Addendum 2 dated received 16<sup>th</sup> November 2020), has been submitted to and approved in writing by the Planning Authority. 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 Planning Authority. 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 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) as agreed in Further Environmental Information Addendum No. 2 to Environmental Statement.
- h) Details of the production of regular monitoring reports which shall be submitted to the Planning Authority within 6 months of the end of each monitoring year and which shall include details of any necessary contingency or remedial measures should monitoring reveal unfavourable results.

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

28. No development activity, including ground preparation or vegetation clearance, shall take place between 1st March and 31st August until an Ornithological Mitigation Strategy (OMS) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Council. The approved OMS shall be implemented in accordance with the approved details, unless

otherwise approved in writing by the Planning Authority. The OMS shall include:

- a) Details of the appointment of a suitably experienced and competent ornithologist, with the power to halt works, to supervise works during the bird breeding season;
- b) Details of the timing of ground preparation and vegetation clearance to avoid disturbance to breeding birds;
- c) Details of pre-construction bird surveys and appropriately timed bird surveys to be conducted throughout the construction phase;
- d) Details of appropriate mitigation measures to be implemented before and during the construction phase, including identifying the location of any recorded active nests or breeding activity, the establishment of species specific buffer zones to active nests or breeding territories (to be agreed with NIEA), temporarily halting works to avoid disturbance to breeding birds;
- e) Provisions for the reporting of the implementation of the OMS to the Council at the end of each bird breeding season during which works take place.

Reason: To protect breeding birds during the construction phase.

29. No development activity, including ground preparation or vegetation clearance, shall take place until an Ornithological Monitoring Plan (OMP), which should be in line with the submitted draft OMP (Technical Appendix A9.4 of Environmental Statement dated 2<sup>nd</sup> August 2019), has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Planning Authority. The approved OMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The OMP shall include:

- a) 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 and 15 thereafter. Surveys shall target hen harrier, and snipe but shall also record numbers

- and distribution of any other breeding wader species, meadow pipit and skylark;
- b) Provisions for the implementation of contingency mitigation measures should monitoring reveal significant impacts on birds;
  - c) Details of the production of monitoring reports which shall be submitted to the Council within 6 months of the end of each monitoring year and which shall include details of any contingency mitigation measures implemented.

Reason: To monitor and mitigate for the impact of the proposal on wild birds.

30. Regular carcass searches using methods outlined in Section 9.6.4: Paragraph 315 and Technical Appendix A9.4 should be carried out in years 1, 2 and 3 of operation, after which results should be reviewed and the regularity of further searches determined, if considered necessary.

Reason: To monitor and mitigate for the impact of the proposal on wild birds.

31. No turbine shall become operational until a Bat Mitigation and Monitoring Plan (BMMP), which should be in line with the submitted draft BMMP (Technical Appendix A8.4 of Environmental Statement dated 2<sup>nd</sup> August 2019), has been submitted to and approved in writing by the Council. The approved BMMP shall be implemented in accordance with the approved details of the draft BMMP, 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 using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;
  - b) Details of bat carcass searches at selected turbines using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;
  - c) Details of the production of yearly monitoring reports to be submitted to the planning authority within 6 months of the end of each monitoring year;

- d) Provision for additional mitigation or contingency measures which may be deemed necessary depending on the results of the monitoring and which shall be implemented if instructed by the Planning Authority;
- e) Provision for review of the mitigation measures and the length of the monitoring plan;

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

32. Any guy wires or cables should be clearly marked using bird flappers or markers to reduce the risk of bird collision.

Reason: To mitigate the impact of the proposal on wild birds.

33. No wind turbine forming part of the Development shall be erected until the Applicant has submitted a scheme, to be agreed by the Council, which shall set out the measures undertaken to mitigate the impact of the Development upon the CODA's Instrument Flight Procedures. Thereafter the agreed scheme shall be implemented in full, prior to the erection of any wind turbine, unless otherwise agreed in writing with the Council.

Reason: To safeguard the safety of the Instrument Flight Procedures (IFP) at the City of Derry Airport

34. Prior to the commencement of development 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). The lighting shall be infra-red light fitted at the highest practicable point of the structure.

Reason: In the interest of flight safety

35. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, including the construction of settlement lagoons, must be submitted to the Council, at least 8 weeks prior to the commencement of the works or the phase of works and implemented in accordance with the approved details unless otherwise agreed in writing by the Council.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

36. All services within the development should be laid underground, unless otherwise agreed in writing.

Reason: In the interests of visual amenity