

# Erratum

## LA01/2024/0780/S54

### 1.0 Update

1.1 The conditions in the Planning Committee Report are updated by the following conditions. These reflect those changed by several variation of condition applications referring to the planning permission for the windfarm (Ref: LA01/2017/1124/F). These conditions supersede those in Section 10 of the Planning Committee Report.

1. This planning permission has effect from the date which the development hereby approved was carried out.  
Reason: As required by Section 55 of the Planning Act (Northern Ireland) 2011.

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

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

This condition has been partially discharged through agreement and implementation of the programme of archaeological work.

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

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

4. 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.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 04(Rev A), 07 (Rev A) and the Department's DC(1) received on 15 May 2013 and stamped approved 15th March 2015 under reference B/2012/0268/F, 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.

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

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

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

8. This condition has been discharged.
9. No development activity (including ground preparation or vegetation clearance) shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and agreed in writing with the Council. All works on site shall conform to the CEMP. The CEMP shall include the following:
  - a) Spoil Management Plan, including identification of spoil storage areas.
  - b) Details of site drainage, foul water disposal and silt management measures, including SuDS.
  - c) Details of watercourse crossings.

d) Details of the establishment of buffer zones to watercourses and medium or high peat slide risk areas.

e) Details of the storage of equipment, materials and chemicals.

f) Details of the refuelling of vehicles.

g) Pollution Prevention Plan including details of cement and concrete batching and measures to prevent discharge of alkaline wastewaters. When concrete/cement is used concrete batching shall not be permitted on site. Wet concrete operations shall not be carried out within watercourse buffers. Wastewater spillage to be minimised by using settling tanks and recycling water.

h) Appointment of a geotechnical engineer to approve access track construction and excavation and storage of peat prior to works commencing, and to supervise works on a regular basis.

Reason: To ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the River Roe and Tributaries Area of Special Scientific Interest (ASSI) and Special Area of Conservation (SAC).

This condition has been partially discharged through the agreement of the CEMP.

10. No development activity (including ground preparation or vegetation clearance) shall take place until a Protected Species Management Plan (PSMP) has been submitted to and agreed in writing with the Council. All works on site shall conform to the PSMP. The PSMP shall include the following:

a) Details of further surveys for badgers and red squirrels prior to any works commencing, including each phase of tree felling or associated mechanical operations.

- b) Halting of any works or tree felling should any squirrel dreys be found, until a mitigation strategy has been approved by NIEA.
- c) Establishment and maintenance of badger protection zones with hi-viz badger protection fencing for the duration of any works at a distance of at least 25 metres from any sett entrances.
- d) Any felling of trees within 25m badger protection zones to take place under the terms of an NIEA wildlife licence.
- e) No trees to be allowed to fall within 25m badger protection zones.
- f) No construction works or storage of materials within 25m badger protection zones.
- g) No re-planting of forestry within 25m badger protection zones.
- h) No stump removal, mechanical piling or burning within 25m badger protection zones.
- i) Extraction and re-planting of forestry within 100m of badger setts to be supervised by an Ecological Clerk of Works (ECoW).
- j) Details of the management of bat buffer zones between turbines and forestry.

Reason: To mitigate for impacts on protected species using the site.

This condition has been partially discharged through the agreement of the PSMP.

11. The areas for the temporary construction compound, temporary enabling works compound/wheel wash area and

temporary crane hard standing areas as indicated on Drawing No. 04(Rev A) received by the Council on 15th May 2013 and stamped approved 5th March 2015 under B/2012/0268/F, shall be reinstated to their former condition within 12 months of the commencement of wind energy to the national grid. A report detailing the completion of these works shall be submitted to the Council within 12 months of the date supplied in compliance with Condition 22.

Reason: To ensure habitats are appropriately restored.

12. No development activity (including ground preparation or vegetation clearance) shall take place until a Forestry and Habitat Management Plan (FHMP) has been submitted to and agreed in writing with the Council. All works on site shall conform to the FHMP. The FHMP shall include:
  - a) Revision of the Forestry Management Plan previously submitted under B/2012/0268/F to include;
  - b) Details of mitigation for badgers in compliance with the Protected Species Management Plan;
  - c) The inclusion of buffers to badger setts in Figure 2 and Table 5.1;
  - d) Removal of oak from the broad leaf tree planting list in table 5.1;
  - e) Felling operations to take place outside of the bird breeding season (March to August);
  - f) Removal of tree planting from areas marked as homogenous blanket bog in Figure 7.4 of ES: Phase 1 Habitat Map;
  - g) Full planting list of broadleaf trees to be provided with percentage cover;

- h) Details for retention and planting of broadleaf trees, including timescales;
- i) Details of the management of broadleaf planting and open space areas for biodiversity for the lifetime of the wind farm;
  
- j) Monitoring of the success of habitat management measures with monitoring reports produced for each phase of the development and submitted to the Council.

Reason: To prevent any likely significant effects on the River Roe and Tributaries Area of Special Scientific Interest (ASSI) and Special Area of Conservation (SAC) and to mitigate impacts of forestry operations and wind farm construction on the biodiversity of the site, including protected species and Northern Ireland priority habitats.

- 13. This condition has been discharged.
  
- 14. No development activity shall take place until a person recognised by the Council as a suitably qualified and experienced person has been appointed as an Ecological Clerk of Works (ECoW) and the role and responsibilities of the ECoW agreed in writing with the Council. The ECoW shall supervise all works at regular intervals (details of which to be included in the appropriate plans to be submitted to the Council prior to the commencement of works).

Reason: To supervise implementation of mitigation measures to minimise impacts on habitats and species.

- 15. There shall be no tree felling operations or vegetation clearance during the bird breeding season (1 March to 31 August) in any year.

Reason: To protect breeding birds.

- 16. This condition has been discharged.

17. All works on site, between 1 March and 31 August in any year, shall be monitored on a weekly basis by a suitably experienced and competent ornithologist with the power to halt works. The location of any active nests or breeding activity shall be recorded and appropriate mitigation measures, including buffer zones (to be agreed with the Council), shall be implemented to prevent disturbance to breeding birds. All monitoring, findings and mitigation measures shall be detailed in reports which shall be submitted in writing to the Council no later than mid June and mid September in any year, except for the Year 1 report which shall be submitted along with this application.

Reason: To protect breeding birds.

18. No development activity shall take place until a Bird Monitoring Programme (BMP) has been submitted to and agreed in writing with the Council. The BMP shall include details of a programme of bird monitoring carried out by a suitably experienced and competent ornithologist, using appropriate survey methodology, in the year of construction (year 1) and in years 2, 3, 5 and 10. This shall include hen harrier breeding attempts within a 2km radius of the site and regular carcass searches to be carried out post construction. The ornithologist shall liaise with the Northern Ireland Raptor Study Group to obtain up to date breeding records of hen harriers in the area. A report of the findings of the monitoring shall be submitted to the Council within 6 months of the end of each monitoring year.

Reason: To monitor the impact of the proposal on sensitive bird species.

19. Taping streamers, markers or similar devices shall be attached along all guy wires at appropriate intervals on all met masts erected on site and these shall be maintained for the lifetime of the structures.

Reason: To reduce the risk of collision for bird species.



20. This condition has been discharged.
21. This condition has been discharged.
  
22. The level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty when calculated in accordance with the procedures described on pages 104 - 109 of ETSU-R-97) shall not exceed values set out in tables 1 and 2 below. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables shall be represented by the physically closest location listed in the tables unless otherwise agreed by the Council.

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

Table 1 - Daytime Limits

Standardised 10m windspeed m/s

House	1	2	3	4	5	6	7	8	9	10	11	12
H1	28.0	28.0	28.3	32.4	35.5	36.4	37.8	39.5	40.0	40.0	40.0	40.0
H2	26.4	26.4	26.7	30.8	33.7	34.9	36.2	37.9	38.4	38.4	38.4	38.4
H3	28.1	28.1	28.4	32.4	35.4	36.3	37.7	39.5	40.1	40.1	40.1	40.1
H4	25.7	25.7	25.9	30.0	32.8	34.1	35.4	37.1	37.7	37.7	37.7	37.7
H5	25.7	25.7	26.0	30.0	32.8	34.2	35.5	37.2	37.7	37.7	37.7	37.7
H6	24.3	24.3	24.6	28.6	31.5	32.8	34.1	35.8	36.3	36.3	36.3	36.3
H7	23.8	23.8	24.1	28.2	31.0	32.4	33.7	35.3	35.8	35.8	35.8	35.8
H8	23.1	23.1	23.4	27.4	30.2	31.7	33.0	34.6	35.1	35.1	35.1	35.1
H9	21.8	21.8	22.1	26.2	29.1	30.6	31.9	33.4	33.8	33.8	33.8	33.8
H11	27.4	27.4	27.7	31.8	35.1	36.7	37.9	39.2	39.4	39.4	39.4	39.4
H12	27.8	27.8	28.0	32.1	35.4	37.0	38.2	39.5	39.8	39.8	39.8	39.8
H13	27.3	27.3	27.6	31.7	35.0	36.6	37.8	39.1	39.3	39.3	39.3	39.3
H14	29.1	29.1	29.4	33.4	36.8	38.3	39.5	40.8	41.1	41.1	41.1	41.1
H15	23.0	23.0	23.2	27.3	30.6	32.2	33.4	34.7	35.0	35.0	35.0	35.0
H16	22.1	22.1	22.4	26.4	29.7	31.3	32.5	33.8	34.1	34.1	34.1	34.1
H17	21.8	21.8	22.1	26.2	29.6	30.7	32.1	33.6	33.8	33.8	33.8	33.8
H18	28.1	28.1	28.4	32.5	35.6	36.5	37.9	39.7	40.1	40.1	40.1	40.1
H19	29.0	29.0	29.3	33.3	36.7	38.2	39.4	40.7	41.0	41.0	41.0	41.0
H20	28.1	28.1	28.4	32.4	35.8	37.4	38.6	39.8	40.1	40.1	40.1	40.1

H21	29.1	29.1	29.4	33.4	36.5	37.2	38.7	40.6	41.1	41.1	41.1	41.1
H22	24.7	24.7	24.9	29.0	32.0	33.3	34.6	36.2	36.7	36.7	36.7	36.7
H23	23.2	23.2	23.5	27.5	30.7	31.8	33.1	34.7	35.2	35.2	35.2	35.2
H24	27.7	27.7	27.9	32.0	35.1	36.1	37.5	39.2	39.7	39.7	39.7	39.7
H25	28.1	28.1	28.4	32.4	35.6	36.5	37.9	39.6	40.1	40.1	40.1	40.1
H26	26.9	26.9	27.2	31.3	34.4	35.4	36.8	38.5	38.9	38.9	38.9	38.9
H28	25.5	25.5	25.7	29.8	32.6	34.0	35.4	37.0	37.5	37.5	37.5	37.5
H29	29.1	29.1	29.3	33.4	36.4	37.2	38.6	40.5	41.1	41.1	41.1	41.1
H31	24.6	24.6	24.9	28.9	31.7	33.4	34.7	36.1	36.6	36.6	36.6	36.6
H32	28.4	28.4	28.7	32.7	35.7	36.5	38.0	39.8	40.4	40.4	40.4	40.4

Table 2 - Nighttime limits

House	Standardised 10m windspeed m/s											
	1	2	3	4	5	6	7	8	9	10	11	12
H1	28.0	28.0	28.3	32.4	35.9	38.7	39.6	40.0	39.6	40.0	40.0	40.0
H2	26.4	26.4	26.7	30.8	34.3	37.1	38.0	38.4	37.8	38.4	38.4	38.4
H3	28.1	28.1	28.4	32.4	35.9	38.7	39.7	40.1	39.5	40.1	40.1	40.1
H4	25.7	25.7	25.9	30.0	33.5	36.3	37.2	37.7	36.8	37.7	37.7	37.7
H5	25.7	25.7	26.0	30.0	33.5	36.3	37.3	37.7	36.9	37.7	37.7	37.7
H6	24.3	24.3	24.6	28.6	32.2	35.0	35.9	36.3	35.6	36.3	36.3	36.3
H7	23.8	23.8	24.1	28.2	31.7	34.5	35.4	35.8	35.1	35.8	35.8	35.8
H8	23.1	23.1	23.4	27.4	31.0	33.8	34.7	35.1	34.3	35.1	35.1	35.1
H9	21.8	21.8	22.1	26.2	29.7	32.5	33.4	33.8	33.2	33.8	33.8	33.8
H11	27.4	27.4	27.7	31.8	35.3	38.1	39.0	39.4	39.3	39.4	39.4	39.4
H12	27.8	27.8	28.0	32.1	35.6	38.4	39.4	39.8	39.6	39.8	39.8	39.8
H13	27.3	27.3	27.6	31.7	35.2	38.0	38.9	39.3	39.2	39.3	39.3	39.3
H14	29.1	29.1	29.4	33.4	36.9	39.7	40.7	41.1	41.0	41.1	41.1	41.1
H15	23.0	23.0	23.2	27.3	30.8	33.6	34.5	35.0	34.7	35.0	35.0	35.0
H16	22.1	22.1	22.4	26.4	29.9	32.7	33.7	34.1	33.9	34.1	34.1	34.1
H17	21.8	21.8	22.1	26.2	29.7	32.5	33.4	33.8	33.7	33.8	33.8	33.8
H18	28.1	28.1	28.4	32.5	36.0	38.8	39.7	40.1	39.7	40.1	40.1	40.1
H19	29.0	29.0	29.3	33.3	36.9	39.6	40.6	41.0	40.9	41.0	41.0	41.0
H20	28.1	28.1	28.4	32.4	36.0	38.7	39.7	40.1	39.9	40.1	40.1	40.1
H21	29.1	29.1	29.4	33.4	37.0	39.8	40.7	41.1	40.6	41.1	41.1	41.1
H22	24.7	24.7	24.9	29.0	32.5	35.3	36.2	36.7	36.1	36.7	36.7	36.7
H23	23.2	23.2	23.5	27.5	31.0	33.8	34.8	35.2	34.8	35.2	35.2	35.2
H24	27.7	27.7	27.9	32.0	35.5	38.3	39.2	39.7	39.2	39.7	39.7	39.7
H25	28.1	28.1	28.4	32.4	36.0	38.7	39.7	40.1	39.7	40.1	40.1	40.1
H26	26.9	26.9	27.2	31.3	34.8	37.6	38.5	38.9	38.5	38.9	38.9	38.9
H28	25.5	25.5	25.7	29.8	33.3	36.1	37.0	37.5	36.7	37.5	37.5	37.5
H29	29.1	29.1	29.3	33.4	36.9	39.7	40.6	41.1	40.5	41.1	41.1	41.1
H31	24.6	24.6	24.9	28.9	32.4	35.2	36.2	36.6	35.8	36.6	36.6	36.6

H32 28.4 28.4 28.7 32.7 36.2 39.0 40.0 40.4 39.8 40.4 40.4 40.4

23. Within 40 months of the development first becoming fully operational the wind farm operator shall at his/her expense employ a suitably qualified and competent person to undertake a noise survey to assess the level of noise immissions from the wind farm. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all turbines operating across the range of wind speeds referred to in Condition 22 and covering a range of wind directions. Details of the noise monitoring survey shall be submitted to and agreed in writing with the Council prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.

Reason: To assess compliance with noise immission limits as required by Condition No. 22.

24. Within 4 weeks of a written request by the Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the wind farm at the complainant's property following the procedures described in Pages 102-109 of ETSU-R-97. Details of the noise monitoring survey shall be submitted to and agreed in writing with the Council prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

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

25. The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 24 or 25, including all

calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 9 months of the wind farm becoming fully operational in respect of condition 23, or within 3 months of the date of the written request of the Council under condition 24 unless, in either case, otherwise extended in writing by the Council.

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

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

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

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

- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,

- Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology,

- The methodology published by Renewable UK on the 16th December 2013;

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

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

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

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

## **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 Paragraphs 1.1 and 9 of the Planning Committee report.