

Title of Report:	Planning Committee Report – LA01/2019/0772/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23 February 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

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

Screening Requirements	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:

<u>App No:</u>	LA01/2019/0772/F	<u>Ward:</u> The Glens
<u>App Type:</u>	Full Planning	
<u>Address:</u>	Corkey Windfarm, lands located south of Reservoir Road and East of Corkey Road, approx 19km North of Ballymena	
<u>Proposal:</u>	The Repower of the existing Corkey 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 the other redundant infrastructure (iv) 5 No. wind turbines with an output of around 29.9MW (v) Construction of approx 1.955km of access tracks; (vi) Upgrade of approx 2.095km of 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) 3 temporary construction compound/laydown areas; (ix) Turning heads and passing places incorporated within the site access infrastructure; (x) New Road Junction with Reservoir Road; (xi) Meteorological Mast; (xii) Substation with roof mounted solar panels, and associated compound, including windfarm and grid connection operating equipment; (xiii) and all associated ancillary works.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 08.02.2021
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u> 15.11.2021
<u>Agent:</u>	JUNO Planning & Environmental Ltd, 409 Lisburn Road, Belfast, BT9 7EW	
<u>Applicant:</u>	Scottish Power Renewables Ltd, 320 St Vincent Street, Glasgow, G2 5AD	
<u>Objections:</u> 1	<u>Petitions of Objection:</u>	0
<u>Support:</u> 6	<u>Petitions of Support:</u>	0

Executive Summary

- The proposal is for 5no. wind turbines with a maximum tip height of 137m in lieu of 10 no. existing turbines sited at the existing Corkey 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 has been 1 objection 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 6 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. 18km north of Ballymena on the western periphery of the Antrim Hills. The site is the existing operational Corkey Windfarm which comprising ten turbines at 57m in height. The site is just outside the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB). It sits to the south of Reservoir Road and East of Corkey Road. The land falls from the site to the west to the low-lying valley of the River Main. The site itself, which is approx. 71.53ha, is characterised by the steep upper slopes and distinctive ridgelines of Slievenahanaghan, with elevations within the site ranging from approx. 160m above ordnance datum (AOD) in the south-west to approx. 410m AOD at the east. Other than the operational windfarm the land is primarily agricultural.
- 2.2 The area is rural in nature with dispersed individual dwellings occurring frequently in the landscape. The nearest settlements include the village of Corkey located approx. 1.56km west of turbine 4, the village of Loughguile located approx. 3.46km north west of turbine 3 and the village of Cloughmills located approx. 5.28km south west of turbine 4. The nearest dwellings to the site are 21 Reservoir Road which is 770m from turbine 3 and 42 Reservoir Road which is 988m from turbine 3.
- 2.3 Access to the wind farm is proposed from the existing access track for the operational Corkey Windfarm which is accessed off Reservoir Road. A new junction is proposed onto Reservoir Road to the west of the existing access to allow for delivery of the larger turbines.

3.0 RELEVANT HISTORY

LA01/2019/0303/PAN - The repower of the existing Corkey Windfarm comprising the following main components; (i) up to five turbines with a maximum height from base to blade tip of up to 137m, with a combined output of around 20 megawatts (MW); construction of access tracks and upgrade of existing tracks; hardstanding areas for each turbine to accommodate a blade laydown area and crane hardstanding; 2 temporary construction/laydown areas; onsite power collection system (turbine transformers and underground cables); substation, including control building; ancillary energy storage unit and all ancillary development - Corkey Windfarm, lands located South of Reservoir Road and East of Corkey Road, Corkey approximately 18km North of Ballymena - PAN Acceptable 21.06.2019

LA01/2018/0724/F - Construction of new internal access track (approx. 990m in length and 4m in width), associated drainage and ancillary development (including temporary construction compound and internal signage) to link existing wind farm access tracks and existing private vehicular access road at No 15 Reservoir Road for operational use associated with the wind farm - Approximately 240m south-east of No 15 Reservoir Road, Corkey – Approved 21.09.2018

LA01/2017/1084/DETEIA - Repowering of windfarm - Corkey Windfarm, Reservoir Road, Corkey – Environmental Statement required 28.02.2018

LA01/2017/1062/PAD - Proposal to repower existing Corkey Windfarm comprising in the region of 5 new turbines of height up to 135m (up to 3.6 MW generating capacity per turbine); crane hardstandings; new road access junction; upgrade of existing site access and construction new access tracks; substation; onsite power collection system (turbine transformers and underground cables); permanent met mast and battery storage unit - Corkey Windfarm approx. 18km North of Ballymena, Co. Antrim - PAD Concluded

LA01/2016/1274/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 on the mast location. the 4 guy wires extend 50m from the mast base

- Corkey Windfarm, Corkey Road, Cloughmills – Approved
09.05.2017

D/2004/0790/F - Amendments to proposed windfarm, comprising amended layout for 10 wind turbines (originally 14 turbines) with an overall height no greater than 100m (to tip), associated transformers, a permanent anemometer mast, a temporary anemometer mast, new access tracks to new turbine locations, gates, amended site control room and substation (including relocation), electrical cabling, a temporary site compound (relocated), a site entrance, road improvement works at the site entrance and all ancillary works - Gruig, Townlands of Altnahinch, Gruig, Moneyneagh & Carnbuck, near Cloughmills, Co Antrim – Approved 19.07.2007

D/1993/0313 - Electricity generating windfarm involving erection of up to 10 wind turbines, 1 anemometer, access tracks and substation building – Slievenahanaghan Mountain, access via 206, 208 & 212 Corkey Road, Cloughmills – Approved 29.06.1994

4.0 THE APPLICATION

4.1 The proposal is for a wind farm comprising 5 turbines, each up to 137m to tip height. The development will include:

- Relocation of road junction with Reservoir Road;
- decommissioning of existing 10 turbines;
- removal and reinstatement of existing substation and other redundant infrastructure;
- turbine foundations and erection of 5 turbines;
- construction of new access tracks and upgrade of existing access tracks;
- construction of temporary and permanent hardstanding for each turbine;
- 3 temporary construction compounds;
- 3 upgraded water crossings and 5 new water crossings;
- meteorological mast;
- underground cabling;
- Substation and associated compound including grid connection operating equipment;
- Associated ancillary works.

4.2 Each turbine will have a generational capacity of circa 4MW, giving a combined generation capacity of up to 20MW.

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 20MW generation capacity of the wind farm.

4.5 The Design and Access Statement provided 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 The Design and Access Statement states how the site was selected and how the layout of the wind farm was considered giving regard to the landform, topography, and environmental/locational constraints while meeting the technical siting requirements of wind turbines.

4.7 The statement demonstrates that the applicant undertook significant consideration of siting of the wind turbines and ancillary development such as avoiding areas of peat 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 Due to the nature of windfarms, there is no provision for formal public access to the site. There are no designated public rights of way or footpaths within 2km of the Site and there are no recognised tourism or recreation resources within the site boundary. The Moyle Way is located approx. 3km east of the site in Slieveanorra Forest. The windfarm will have no direct impact on the Moyle Way during construction or operational phases.

5.0 PUBLICITY & CONSULTATIONS

External

- 5.1 Initial neighbour notification was carried out on 15.08.2019. The application was initially advertised on 31.07.2019 in the local papers.
- 5.2 There was one objection to this proposal. The main issues raised in the letter included:
- The size of the turbines will dominate the landscape;
 - The existing bases will not be removed which will impact drainage;
 - Visual impact of electoral connections (pylons) on the local area and on the historic demesne, Lissanoure Castle;
 - Developer prioritises shareholder values over local interests.

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

- 5.3 The six letters of Support made the following points in support of the application
- Create/sustain 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;
 - Community benefit fund will help to provide much needed services and initiatives to the local community and school children;
 - Reducing the size and impact of the existing windfarm whilst increasing capacity and contribution to renewable energy;

- Creating the opportunity for a Habitat Management Plan which will help preserve and regenerate the peatland ecosystem;

Internal

- 5.4 See appendix 1 for details of consultations carried out and the responses provided. All consultees that responded were content subject to conditions and informatives apart from JRC. JRC advise that the proposed development will affect the existing wind farm communications link which is owned by NIE Networks/SONI. Vodafone, who work on behalf of NIE Networks/SONI, have reviewed the information provided by the applicant and advise that they have no objection providing the applicant continues to liaise with NIE Networks and SONI regarding the decommissioning of the existing communications link. This can be dealt with by informative should the application be approved.

Proposal of Application Notice

- 5.5 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.
- 5.6 A Proposal of Application Notice was submitted on 25th March 2019 under LA01/2019/0303/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 invitations/letters to all houses within 5km of the development site, including the village of Cloughmills;
 - Posters advertising the event to be displayed in local shops and community centre;
 - Details to be provided on Scottish Power Renewables website.
- 5.7 Two events were proposed on two separate days at two different locations. Events were to be held at both Glenravel Sports & Community Complex and Loughgiel Millennium Centre. The PAN was considered to be acceptable as it met the requirements of Section 27 of the Planning Act (Northern Ireland) 2011.

Community Consultation Report

- 5.8 The community consultation report was submitted as part of the planning application, received on 28th June 2019 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.9 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 Public Information Days 1 and 2;
 - Copy of Poster and leaflet outlining Invitation to Public Information Days 1 and 2;
 - Copy of Information Boards used at Public Information events.
- 5.10 The report states that formal notices advertising the public event PID2 were placed in the Ballymena Times and Antrim Times on 21st and 28th May 2019 and Coleraine Times and Ballymoney Times on 22nd And 29th May 2019. Public event PID3 was advertised in the Ballymena Times and Antrim Times on 18th June 2019 and Coleraine Times and Ballymoney Times on 19th June 2019. A copy of these has been provided.
- 5.11 An event leaflet was delivered to residents within 5km of the site boundary. Leaflets were also sent to Cloughmills Community Association, Loughguile Community Association and local MPs. Public Information Days 1 and 2 were advertised on posters displayed in shops and community facilities in Loughguile, Newtowncromlin, Cloughmills, Clogh and Glenravel. 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.
- 5.12 The Public Information Days were attended by a total of 47 members of the public (PID1 - 26 attendees and PID2 – 19 attendees PID3 – 2). 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. A total of 22 comment cards were completed. 21 of the 22 people who responded to the consultation were supportive of the repowering of Corkey Windfarm, 1 was unsure due to the

size of the turbines, no one objected. All comments raised have been addressed during the design and EIA processes and are covered within the Design and Access Statement and Chapter 4 of the Environmental Statement.

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) 118 Moyle Moorlands and Forest 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 Lough Neagh and Lough Beg Special Protection Area (SPA)/Ramsar and is within the flight path of the Antrim Hills SPA.
- 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

CONSIDERATIONS & ASSESSMENT

- 8.1 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

- 8.2 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.
- 8.3 An assessment was carried out by Shared Environmental Services under Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended) as the site has potential hydrological links to the Lough Neagh and Lough Beg Special Protection Area (SPA)/Ramsar, approx. 40km upstream, and is within the flight path of the Antrim Hills SPA, approx. 1km away, with the development having the potential to impact upon avian features of these sites. Causeway Coast and Glens Borough Council in its role as the competent authority has adopted the HRA

report, and conclusions therein. The test of likely significance concluded that the proposal would not have an adverse effect on the integrity of any European site or on the features of any designated site subject to mitigation. Shared Environmental Service have advised mitigation should be controlled through conditions in the event of an approval.

- 8.4 The application was accompanied by a voluntary Environmental Statement because it was accepted that 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'.
- 8.5 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

- 8.6 Planning Policy CTY 1 of PPS 21 allows for renewable energy projects in accordance with PPS 18 which is assessed below.
- 8.7 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.
- 8.8 The proposal includes one permanent building (substation) which will be located within a compound. The substation building is 5m high with a footprint of 16.5m by 11.5m and will be similar in appearance to an agricultural building. Finishes will include grey roof tiles and a smooth painted render. The substation has been sited to the south of the proposed turbines on lower ground, approx. 80m lower than the existing control building.
- 8.9 Due to the topography of the landscape, views of the substation compound and building will be limited from the public road network, with no significant visual impact. The design and materials are considered acceptable and the building will not be a

prominent feature in the landscape and will not cause a detrimental change to the rural character of the area.

- 8.10 Three temporary decommissioning and construction compounds and laydown areas are proposed as part of the proposal. The compounds will have maximum dimensions of 90m by 90m and will be located at various points along the site track. One will be located in proximity to the site entrance, one will be located adjacent to the proposed substation compound and one will be located adjacent to turbine no.5. The locations of the compounds have been selected to minimise environmental effects. The compounds will comprise of areas of hardstanding and fencing to accommodate parking and for receipt and storage of plant, equipment and delivered material, temporary office building and welfare facilities and fuel storage.
- 8.11 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 temporary construction compounds will have a limited visual impact. The construction compound closest to the site entrance will be more visually prominent given its proximity to Reservoir Rd, however these views will be localised to Reservoir Rd, and given their temporary nature will not have any long term visual impact.
- 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 T3 which is at least 700m from the edge of Reservoir Road. Even when taking the proposed micro-siting of a maximum 50m into consideration, T3 will still be at least 50m from the edge of the public road and therefore complies with policy. There are no public rights of way in proximity to the site
- 8.16 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 proposed rotor diameter is up to 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.
- 8.17 There are 3 residential properties within the 10 times rotor diameter separation distance of 1250m, these are No. 21 Reservoir Road, approximately 770m from the nearest turbine, No. 42 Reservoir Road, approximately 988m from the nearest turbine and No. 15 Reservoir Road, approximately. 1052m from the nearest turbine. Although less than the recommended 1250m, these reduced separation distances are acceptable. This is in light of a Planning Appeals Commission ruling on application LA01/2017/1654/F (appeal ref: 2018/A0199) Armoy windfarm, which is within the Council area, where the PAC accepted a separation distance of 623m when the 10 times rotor diameter separation distance was 998m.

Human Health

- 8.18 As part of the Environmental Statement a Human Health Impact Assessment (HHIA) was carried out. The HHIA had regard to the findings of a number of assessments carried out as part of the Environmental Statement and concludes that the development is unlikely to negatively impact human health and wellbeing in its widest sense. Environmental Health were consulted, as the competent authority on human health and they have not raised any objections on these grounds.

Residential Amenity

- 8.19 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. As outlined above at Paragraph 8.17 there are three residential properties within the 10 times rotor diameter buffer, but they are all outside the minimum 500m separation distance.
- 8.20 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.
- 8.21 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. It also states that only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side. Three properties have been identified within 1200m of turbine locations and 130 degrees of north, these are numbers 15, 21 and 42 Reservoir Road. The potential effects of shadow flicker show a marginal exceedance of the guidance thresholds at 15 Reservoir Road, with all effects at the other 2 properties being below the threshold.
- 8.22 As No. 15 Reservoir Road has large windows on the north eastern side of the house, which is the elevation which faces the windfarm site, the cumulative shadow flicker effects are likely to be low, and may not be experienced at all. In the event that a shadow flicker event occurs, mitigation can be deployed to reduce or remove

flicker affects entirely. This can be controlled by the use of a condition should the windfarm be approved.

(b) visual amenity and landscape character;

- 8.23 The site is located on Slievenahanaghan Hill which is characterised by steep upper slopes and distinctive ridgelines and the western periphery of the Antrim Hills. Slievenahanaghan Hill forms part of a highly visible landscape with extensive views available from the wider landscape.
- 8.24 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. The shape and alignment of the landform, with upland ridges running north-east to south west contains the extent of visibility from the wider landscape to the east and to the south.
- 8.25 A number of the viewpoints in relative proximity to the site would experience a significant visual impact from the development, these include Corkey (VP1), Lislaban (VP2), Loughguile (VP4), Ballyveely Road (VP11) and Kilmandil Road (VP14). From these viewpoints the proposed turbines appear prominent and skyline and dominate the landscape when viewed moving along the roads. There is an even greater visual impact when viewed from Reservoir (VP3), Altnahinch Reservoir (VP6) and Altnahinch Road north (VP12) where the turbines are close to the road and the increased height is most apparent and most dominant.
- 8.26 All the viewpoints discussed above are within 5.5km of the site. From these viewpoints the proposed development will appear as a prominent and skyline feature. The turbines will appear much larger in the landscape than the existing turbines. It is important to note that while the turbines are considerably higher than those existing, there are fewer of them. However, when read with the existing Gruig windfarm and when considering the existing development to be replaced, the impact is not unacceptable. The baseline influence of the existing windfarm means that the

proposal is not introducing a new type of development into the landscape.

- 8.27 With regard to medium to distant views of the proposed windfarm, considering the baseline influence of the existing windfarm combined with the reduced number of turbines and retaining the development within the horizontal extent of the operational windfarm, the proposed development will have no greater a visual impact on visual amenity despite the larger vertical scale of the proposed turbines.
- 8.28 As detailed above at para 6.3, the turbines are located within Landscape Character Area (LCA) 118 Moyle Moorlands and Forest which Supplementary Planning Guidance (SPG) 'Wind Energy Development in Northern Ireland's Landscapes' describes as having a high to medium sensitivity to wind development.
- 8.29 The SPG goes on to state that the principal tops and summits often have a distinctive form, wide visibility and a strong wild character; they are highly sensitive to wind energy development. Although the proposed windfarm is located on such a summit, the presence and baseline influence of operational Corkey windfarm on the site moderates the potential effects of the development as it would not be introducing a new or unfamiliar feature into this landscape. The magnitude of change on the surrounding landscape and visual receptors would therefore not be as pronounced as if there was no existing influence from windfarm development on this site.
- 8.30 In considering the proposal the Planning Department consider that the proposed development would have a significant visual impact on landscape character, especially when viewed from in relative proximity to the site as outlined above. However, it is considered that the increase in visual impact is not unacceptable relative to the operational windfarm which currently occupies the site.
- 8.31 As well as the turbines, the proposal also includes the relocation of the site entrance onto Reservoir 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 to the south of the turbines on lower ground. As outlined above at paragraph 8.09, the siting of the substation building and compound will not have any significant detrimental visual impact and will not be prominent in the landscape.

- 8.32 The application site is located just outside the western boundary of Antrim Coast and Glens AONB. Given its setting relevant to the AONB, the proposal will not have an adverse impact on any features of landscape character. This is due to visibility of the turbines across the wider AONB area being restricted by the ridge of hills on which the windfarm is located and the higher ridge of hills to the immediate east.
- 8.33 The application site is not located within any other landscape designations.

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

- 8.34 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.
- 8.35 The site is not within or adjacent to any nationally or internationally designated sites for nature conservation, but it is within the flight range of birds which from the Antrim Hills Special Protection Area (SPA) and has a distant hydrological link to the Lough Neagh and Lough Beg SPA. The application site is occupied by a range of priority habitats and priority and protected species which may be impacted by the proposed development.
- 8.36 NIEA NED considers that significant hydrological effects on Lough Neagh and Lough Beg SPA are unlikely due to the large distance involved and the proposed hydrological mitigation measures which when implemented will further reduce the potential for significant impact.
- 8.37 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, Merlin, Hen Harrier, Red Grouse, Buzzard, Sparrowhawk, Peregrine, Kestrel. The surveys show that flights

across the windfarm by Whooper Swan, Greylag Goose or Golden Plover are infrequent which demonstrates that the site does not lie on a significant migratory flyway.

- 8.38 The surveys have concluded that the proposed development will not have any significant impact on bird populations or their habitats. Further to this, mitigation measures will be implemented through the Construction Mitigation Strategy and the Habitat Management Plan. NED are satisfied that the proposal is unlikely to have a significant adverse impact on any of these species, and therefore the site selection features of the Antrim Hills SPA, namely the Hen Harrier and Merlin, at a local or regional population level providing appropriate mitigation measures are implemented as outlined in the Environmental Statement.
- 8.39 The site contains Northern Ireland priority habitats (NIPH) including blanket bog (active peatland), upland (or wet) heath and natural watercourses. The ES acknowledges that any development on previously undeveloped land will result in the loss of 2ha of NI priority habitat (0.13ha of blanket bog, 0.81ha of wet modified bog and 1.06ha of wet heath). The layout of the proposal was designed to avoid or minimise effects on habitats of ecological value. 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.
- 8.40 NED are content that the proposed turbines and infrastructure will be unlikely to have a significant impact on active peatland. The HMP includes measures for the restoration and enhancement of approximately 9.4ha of blanket bog. The habitats management measures are expected to result in improvements in the quality of the remaining peatland habitats which could adequately offset the impacts of the main development on priority habitats and on small areas of active peatland. NED are content with the management measures which will be conditioned in the event of an approval.
- 8.41 There are 3 watercourses within the site which qualify as priority habitats. Brown trout were recorded at one location and the River Main, further downstream, supports an important Atlantic Salmon population. NED are content that adequate mitigation of significant environmental effects on the high sensitivity watercourses is possible. They advise that should approval be granted, a condition

should be attached requiring the submission of detailed mitigation measures and a detailed site drainage plan to be included in the final DCEMP.

- 8.42 Four badger setts were found on site during the habitat surveys. However, the setts were all located more than 100m from the proposed infrastructure. The Environmental Statement proposes mitigation measures to protect the badgers during the construction phase and NED is content that these are adequate. NED advise these measures should form part of a final DCEMP or Protected Species Management Plan.
- 8.43 The bat survey results within the ES identifies that the site is not used on a regular basis for foraging or commuting and the site has negligible value for bats. The most abundant bat recorded on the site is the Leisler's bat. Leisler's bats 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. Therefore, NED advise that a Bat Monitoring and Mitigation Plan (BMMP) should be submitted and agreed prior to the turbines becoming operational in the event of an approval. This can be controlled by a condition should the application be approved.
- 8.44 Other than badgers, no evidence of other protected species was found during the surveys. Irish Hare, a Northern Ireland Priority Species, is present on the site but the population is considered to be small and NED are content that no likely significant effects are predicted. No other priority or protected species are predicted to be significantly affected by the main wind farm development.
- 8.45 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.
- 8.46 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;

- 8.47 Chapter 7 of the Environmental Statement assess the impacts of the development on hydrology, hydrogeology, geology, soils 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, Habitat Management Plan and Peat Management Plan.
- 8.48 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 7.6.1.7 of the project ES confirm that borrow pits are not proposed to be used.
- 8.49 The Environmental Statement identified that there were no Private Water Supplies within the NIEA stipulated 250 m buffer zone of Development activity and infrastructure. The Drinking Water Inspectorate were consulted on the proposal and are content that there will be no significant adverse impacts.
- 8.50 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.
- 8.51 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.
- 8.52 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.

- 8.53 The lands within the application site boundary are owned by numerous landowners, and subsequently leased by the applicant, and used primarily for agricultural use. There are no Rights of Way within the site therefore public access to the site upon the construction of the proposed development will be no different than before, that is, access to the land will depend on the landowners consent. The proposed development will not have any significant adverse impact on access to the countryside.

PPS 18 Requirements for Wind Development

- 8.54 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;

- 8.55 It has been assessed at above 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.
- 8.56 The Local Character Area in which the proposed development is located has already been changed by the presence of 3 operational windfarms, Corkey, Gruig and Altaveedan, therefore the proposal will not have a significant impact on the LCA. The site 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;

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

8.58 The proposed development sees a reduction in the number of individual turbines from ten to five. 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 windfarms at Gruig, which lies on the same hill ridge, and Altaveedan, which lies approx. 4km to the north and other smaller single turbines in the area.

8.59 As discussed 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;

8.60 A Peat Slide Risk Assessment was included within the Environmental Statement which concluded that there was a low risk of peat slide. 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;

8.61 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.

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

8.62 The proposal does not fall within the 30km consultation zone for any Airport. Ministry of Defence and National Air Traffic Services (NATS) have advised that they have no objection to the proposal in terms of safeguarding.

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

(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

8.64 As discussed above 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 as previously discussed.

8.65 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.

8.66 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 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.

- 8.67 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

- 8.68 The ES confirms that there are a number of habitats within the site including active peat which is a priority habitat. As part of the Environmental Statement an Active Peat Assessment was carried out to determine the extent 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 and making use of existing access tracks and areas of hardstanding where possible.
- 8.69 The assessment found that only turbine T1 and associated infrastructure, and localised track widening, lies within the vicinity of deep and active peat. At the proposed T1 location, an existing turbine foundation and hardstand lie within the Development footprint, therefore this area can be re-used supplemented by widening of existing infrastructure at the existing levels, which will constitute a large part of the proposed construction works. Additionally, while there is deep and active peat noted surrounding this turbine position, the turbine itself is located in a highly-modified area where peat depths were recorded as less than 1.0 m in depth.
- 8.70 DAERA Natural Environment Division were consulted on the issue and having considered the relevant content of the Environmental Statement and Further Environmental Information they advise that they are 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.
- 8.71 The proposed Habitat Management Plan proposes to restore or improve approx. 9.41ha of degraded blanket bog to compensate for the loss of 0.13ha of blanket bog habitat and 0.81ha of wet modified bog with the aim of re-establishing active peat in areas

that are currently inactive. As such the proposed development will result in a benefit to active peat.

- 8.72 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

- 8.73 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.
- 8.74 NIEA Natural Environment Division reviewed the initial dHMP and required amendments to the document to include details on the prohibition of certain activities which could be carried out by the landowner including the erection of fences, peat cutting, burning of heather and application of slurry among other activities which could damage priority habitats within the HMP area. This is so the HMP can adequately compensate for the loss and damage of priority habitats which may result from the development proposals.
- 8.75 A Revised dHMP was submitted 30th September 2020 as a FEI Addendum. NED were re-consulted on the document and advised that they are content with the 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

- 8.76 The SPPS 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.

- 8.77 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

- 8.78 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 of nature conservation importance, habitats, species or features of natural heritage importance and AONBs.
- 8.79 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

- 8.80 The proposed access to the windfarm is to be located on Reservoir Road which is not a Protected Route. DfI Roads have advised that a detailed programme of works and traffic management proposal be agreed prior to commencement of development. DfI Roads have no objection to the proposal.

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 assesses 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 would be no direct effects upon known archaeological features present within the site and no significant indirect effects, associated with changes to settings, upon heritage assets in the surrounding historic environment, from the development, in isolation or cumulatively with other windfarm development. Mitigation for encountering unknown archaeological

features is proposed by way of archaeological programme of works.

- 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 no part of the application site is within the identified 1 in 100 year fluvial floodplain, therefore 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 outlines the surface water management measures to be installed at the development. DfI Rivers sought additional information including Schedule 6 consent from DfI Rivers in relation to discharge points to the various watercourses, drainage layout drawing, details of exceedance design and evidence/calculations showing consented discharge rates at various locations is not breached up to 1% AEP event.
- 8.85 Additional information was received 30th September 2020 as a Further Environmental Information Addendum to Environmental Statement which addresses the outstanding information other than confirmation of Schedule 6 Consent. DfI Rivers have confirmed that the only outstanding information is the Schedule 6 Consent, however this can be obtained outside of the planning process.
- 8.86 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 considers the proposal to meet with Policy FLD 3 of PPS15.

Northern Area Plan, SPPS Tourism and PPS 16 Tourism

- 8.87 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 no tourism or recreational assets within the site, the closed public right of way to the site is the Moyle Way which is 3km from the site in Slieveanorra Forest. The development will have no direct impact on the Moyle Way given the intervening distance between the development and the right of way and the surrounding Slieveanorra Forest for much of the path. The proposed development will not have any adverse impact on its functionality or access to it.

Issues raised in letters of representation

Note – issues raised by objectors are in italics and are followed by Council's response.

- 8.88 *The size of the turbines will dominate the landscape* – This issue has been addressed in the main report.
- 8.89 *The existing bases will not be removed which will impact drainage* – It is proposed that the existing bases will be removed. Issues relating to drainage have been assessed by the competent authorities and are addressed in the main report.
- 8.90 *Visual impact of electoral connections (pylons) on the local area and on the historic demesne, Lissanoure Castle* – The grid connection does not form part of this planning application, therefore the impact of such cannot be assessed. The grid connection will require its own planning application. Assessment of the visual impact on Lissanoure Castle will be taken into consideration at that time.
- 8.91 *Developer prioritises shareholder values over local interests* – Planning policy is the primary consideration. Planning policy doesn't give any consideration to shareholders and all local interests are considered in assessment of the proposal as laid out above.

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 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.06 Rev 01 and 22, both received 26th June 2020, 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 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. 23 received 26th June 2020), have been submitted to the Council, approved in writing and carried out to the satisfaction of the DfL Roads. 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 the Council, prior to the commencement of any element of the works.

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 applicants 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 Council on a weekly basis.

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 the Council.

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

13. Unless otherwise agreed in writing by 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 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 LA90
Daytime 07:00 – 23:00

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
15 Reservoir Road	35.0	35.0	35.0	35.5	37.0	39.0	40.7	40.1	39.3	42.7
21 Reservoir Road	35.0	33.8	33.7	38.4	41.9	44.8	47.6	50.2	52.8	55.3
42 Reservoir Road	35.0	34.6	33.8	37.8	41.2	44.1	47.0	49.7	52.5	55.3
97 Altnahinch Road	35.0	35.0	35.0	35.4	34.7	37.5	40.2	42.5	44.4	46.1
210 Corkey Road	35.0	35.0	35.0	34.5	33.9	37.1	40.0	42.3	44.2	46.0

Night time 23:00 – 07:00

17. In the event that any turbine (as depicted on Drawing No 05 Rev1

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
15 Reservoir Road	43.0	42.8	42.5	42.1	41.7	41.3	40.7	40.1	39.3	38.4
21 Reservoir Road	42.6	42.4	42.2	42.1	41.9	42.5	45.9	49.1	52.1	55.0
42 Reservoir Road	42.7	42.5	42.4	42.2	42.1	43.1	46.2	49.1	51.9	54.7
97 Altnahinch Road	42.9	42.8	42.7	42.5	42.4	42.3	42.2	42.2	42.2	44.0
210 Corkey Road	42.9	42.9	42.8	42.7	42.5	42.4	42.4	42.4	42.4	44.1

date stamped 2nd August 2019) is required to be micro-sited closer to any noise-sensitive receptor identified in Table 10.7 (of the Environmental Statement Volume 1 – text June 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 an 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. 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 Council will consider the results of the mandatory compliance monitoring undertaken pursuant to condition 6 to determine if any further monitoring is required. If further monitoring is required the Council will provide a written request to the wind farm operator. Within 4 weeks of a written request by the Council, 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. The assessment shall be undertaken in accordance with a protocol that shall, prior to the commencement of any measurements, have been submitted 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 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 date, 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. 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 Council. 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 Council. The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) A final Decommissioning/Construction Environmental Management Plan (DCEMP)
- c) A final Water Construction Environmental Management Plan (WCEMP)
- d) Pollution Prevention Plan; including details of the establishment of buffer zones to watercourse and details of watercourse crossings;
- e) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- f) 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;
- g) Mitigation measures for construction in peatland habitats;
- h) Water Quality Monitoring Plan;
- i) Environmental Emergency Plan;
- j) 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

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 Council. 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 Council. 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. 3 to Environmental Statement.
- h) Details of the production of agreed 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 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. Unavoidable vegetation clearance from within the site footprint shall occur outside of the bird breeding season which lasts from 01 March to 31 August.

Reason: To avoid disturbance to nesting birds.

29. An independent and suitably qualified ornithologist shall be present on site if construction works are required from 01 March to 31 August of any year and operate a stop works authority should disturbance to breeding birds be detected. Surveys shall be submitted to the Council prior to any works commencing on site.

Reason: To avoid disturbance to breeding birds.

30. Prior to the commencement of construction, an Ornithological Monitoring Plan shall be submitted to and agreed in writing by the Council and NIEA. This Plan should include ornithological monitoring of the site during and post construction in years 1, 2, 3, 5, 10, 15, 20 and 25 and then as agreed with the Council. Monitoring should focus on Annex 1, Schedule 1 and species of conservation concern including hen harrier and snipe. All reports shall be submitted to the Council at the time they are completed.

Reason: to monitor and mitigate for impacts to breeding birds.

28. Prior to construction phase the developer shall submit details of the drainage measures associated with the T5 crane hardstanding which shall fully mitigate against potential impacts to the nearby watercourse.

Reason: To ensure mitigation of construction impacts on the watercourse.

29. 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, 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 post construction using appropriate methodology for a period of time to be agreed with the Council ;
- b) Details of bat carcass searches at selected turbines using appropriate methodology for a period of time to be agreed with the Council;
- c) Details of the production of yearly monitoring reports to be submitted to the Council 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 Council;
- 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.

30. Not later than 6 months after the cessation of electricity generation a Decommissioning and Site Restoration Plan shall be submitted for the approval in writing of the Council. 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.

31. 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 NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

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

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

Reason: In the interests of visual amenity

33. 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

34. Following a reasonable shadow flicker complaint to the Council from the occupant of a dwelling, located within 10 times rotor diameter, which lawfully exists or has planning permission at the date of this consent, the Council shall request a shadow flicker scheme from the Developer. If best practices shadow flicker threshold levels [as detailed in ES Volume 1 Chapter 14, Section 14.3.3] are exceeded at the property(ies) the report shall detail mitigation measures to address shadow flicker exceedance effects at the property. The mitigation measures shall be agreed in writing with the Council. The approved mitigation scheme shall thereafter be implemented in full

within three months from the date of the agreement in writing with the Council.

Reason: In the interest of residential amenity

Informatives

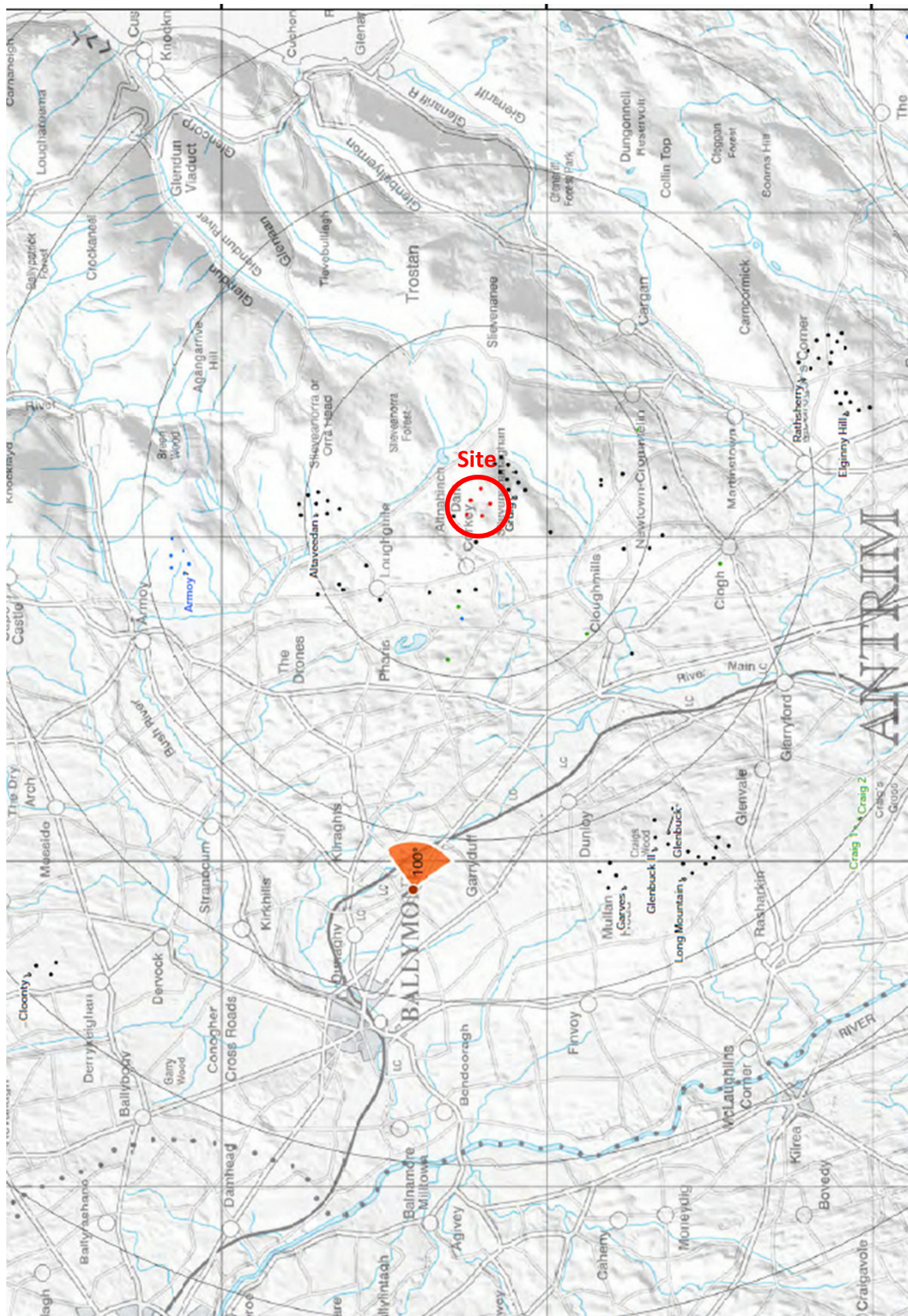
1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of 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.LA01/2019/0772/F) and agree the details of the provision of communication links to the development hereby approved.

Appendix 1: Consultation Responses

Consultee	Response Date	Responses
Arquiva	14/10/2019	No objection

CAA – Civil Aviation Authority		No response – not a statutory consultee
Cable and Wireless Worldwide PLC (Vodafone)	28/05/2020	No objection
Environmental Health	22/05/2020	No objection – subject to conditions
DETI - Geological Survey (NI)	22/11/2019	No objection
DfE Energy Division	10/10/2019	No objection
DFI Roads	23/07/2020	No objection – subject to conditions
Everything Everywhere Limited	28/08/2019	No objection
Historic Environment Division (HED)	22/04/2020	No objection – subject to conditions
National Air Traffic Services	09/10/2019	No objection
NIEA	14/07/2021	No objection – subject to conditions
NIE - Windfarm Developments	15/08/2019	No objection
N.I Water - Windfarms	30/09/2019	No objection
NI Water - Strategic Applications	16/08/2019	No objection – subject to conditions
Ofcom	21/08/2019	No objection subject to consultation with JRC
Rivers Agency	03/06/2020	No objection – subject to conditions
RSPB	06/11/2019	No objection – subject to conditions
SES	10/08/2021	No objection – subject to conditions
The Joint Radio Company	06/11/2019	Objection – advise that the proposal will impact a communications link (owned by NIE Networks and SONI), however, Vodafone, working on behalf of NIE Networks and SONI, have reviewed the link and have no objection
UK Crown Bodies - D.I.O. Safeguarding	05/03/2021	No objection

Site Location



220223

