

Planning Committee Report Item LA01/2017/0016/F	27th June 2018
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2017/0016/F	<u>Ward:</u>	Loughguile and Stranocum
<u>App Type:</u>	Full Planning		
<u>Address:</u>	500m North West of 15 Gruig Lane, Cloughmills, Ballymena.		
<u>Proposal:</u>	Proposed replacement of an existing Vesta V27 wind turbine (with 30m hub height and 27m blade diameter) with a Vesta V52 wind turbine (with 40m hub height and 52m blade diameter.)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	29.12.2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	2020 Architects Main Street, Ballymoney		
<u>Applicant:</u>	Mr Conor Casey		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 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 **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within the open countryside within agricultural lands. The site is accessed off Gruig Lane which currently serves 12 dwellings and associated farm buildings. The site is set back from the public road (Corkey Road) approximately 900 metres with a very elevated position. The site is located in the north eastern corner of a larger agricultural field and defined by hedgerow on its eastern and northern boundaries. The proposed turbine will replace an existing smaller scale wind turbine located at this location.
- 2.2 Lands surrounding the site are largely agricultural in character with a number of dispersed rural dwellings and agricultural sheds. The surrounding area is also characterised by wind turbines both single wind turbines and also views of Gruig Windfarm which is sited to the north east of the application site. Critical views of the proposed wind turbine will be found from a number of roads to the south of the site including Corkey Road, Moneyduff Road, Lislaban Road, Tullykittagh Road, Omerbane Road and Lane.

3 RELEVANT HISTORY

D/2010/0243/F, Proposed wind turbine & mast resited to supersede previously approved under D/2004/0855/F (30m to hub).

Approx. 500m N.W.N of 15 Gruig Lane, Cloughmills
Approved 31.03.2011

D/2004/0855/F, Wind Generator & Mast.
Approx. 240m North West North, of 15 Gruig Lane, Cloughmills.
Approved 21.02.2007

The existing wind turbine has a hub height of 30 metres with a blade diameter of 27 metres. This application proposes to change the existing wind turbine with an increase to the hub height by 10 metres and almost doubling the blade diameter from 27 metres to 52 metres.

4 THE APPLICATION

- 4.1 Planning permission is sought for the replacement of an existing Vesta V27 wind turbine (with 30m hub height and 27m blade diameter) with a Vesta V52 wind turbine (with 40m hub height and 52m blade diameter).

EIA Determination

- 4.2 Given the scale and nature of the proposed development the environmental impact is not likely to be significant. This proposal is considered to fall within Category 3 (J) of Schedule 2- The carrying out of development to provide for installations for the harnessing of wind power for energy production (wind farms).
- 4.3 Having considered The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and taking into account the above information and selection criteria as set out in DCAN 10, it is considered that the proposed development is not EIA development and would not require the preparation of an Environmental Statement. This determination was made on 28/02/2017.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal.

Letter of Support: There are no letters of support for the proposal.

5.2 Internal

DFI Roads: No objection

UK Crown Bodies – Defence Infrastructure Organisation: No objection, require notification and further details if approved.

PSNI Information and Communications Services: No technical safeguarding objection.

Arqiva Services Ltd: No objection.

National Air Traffic Services: No safeguarding objection.

NI Water: No objection.

DAERA Natural Environment Division: Bat Survey requested.

Environmental Health: Noise Impact Assessment requested.

PSNI Information and Communication Services: No objection

Ofcom Northern Ireland: No objection

Shared Environmental Services: Requested further information in relation to potential impacts in relation to water quality and protected species.

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:
 - Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 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.
- 6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2: Natural Heritage

PPS 3 Access, Movement and Parking

PPS 18 Renewable Energy

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

PPS 18 Best Practice Guidance

Wind Energy Development in Northern Ireland’s Landscapes-
supplementary Planning Guidance to accompany PPS18
‘Renewable Energy’

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: the principle of the proposed development; residential amenity; public access to the countryside; visual amenity & landscape character; nature conservation / built heritage interests and; environmental, economic and social benefits.

Principle of development

8.2 The site is located within the rural area as defined by Northern Area Plan.

8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

8.4 The aim of the SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in

appropriate locations within the natural environment. It states that particular care should be taken when considering the potential impact of all renewable proposals on the landscape.

- 8.5 PPS 18 is a permissive policy which supports proposals for generating renewable energy, provided the facilities are sited in appropriate locations. The main objectives of the policy are to ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed. This is assessed by considering whether the proposed turbine will result in an unacceptable adverse impact on a number of criteria as set out in the paragraphs below.

Public Safety, Human Health/Residential Amenity

- 8.6 Environmental Health as the competent authority has been consulted. Environmental Health's remit and consultation response is confined to potential noise impacts. A noise impact assessment was requested by Environmental Health to assess the impact on all existing development in the area and any committed development. As the principle of development was not considered acceptable a noise impact assessment was not requested from the agent. As such we are unable to assess the impact the wind turbine will have in relation to noise on all nearby sensitive receptors and whether this would have an adverse impact on residential amenity.
- 8.7 For individual wind turbines, such as those on a farm enterprise, the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. The nearest residential properties are located approximately 360 metres south of the proposed site (nos. 16 and 18 Gruig Lane). The overall height of the wind turbine plus 10% is 72.6 metres. Therefore the proposed wind turbine would not cause an unacceptable impact on safety grounds.
- 8.8 All residential receptors in close proximity to the site are sited to the south of the site. Wind turbines do not cast long shadows on their southern side and only properties within 130 degrees either side of north, relative to the wind turbine are affected. Given the location of the residential receptors relative to the wind turbine, it

is considered that the proposal will not cause significant problems with regard shadow flicker, ice throw or reflected light.

Visual Amenity & Landscape Character

- 8.9 Each landscape has a different capacity for accommodating wind energy development. The supplementary guidance places the site within the Moyle Moorlands and Forests, which is identified as LCA 118. By their very nature, wind turbines are likely to be visible in the landscape. LCA 118 – Moyle Moorlands and Forests is described as large scale, sweeping, open, expansive rounded upland with smooth sweeping landform often with steep sided distinctive forms and clear tops such as Knocklayd and Slievenorra. The character assessment goes on to state that the principal tops and summits have a distinctive form, wide visibility and a strong wild character which are highly sensitive to wind energy development while the plateau landscapes of the central parts of the LCA are less sensitive. The application site is located in the south west corner of the LCA, on an elevated position on top of a localised summit and read in association with a steep escarpment in the landscape, which gives the locality a distinctive and dramatic character when viewed from surrounding vantage points. Therefore, the site would not be considered as an area appropriate for wind development as discussed in the LCA rather it is an area which is highly visible and sensitive to wind development.
- 8.10 The most critical views of the proposed wind turbine are from the south and west of the site. The existing turbine first becomes visible leaving Corkey in a southerly direction along the Corkey Road. Due to the increased height and blade diameter the proposed turbine will be visible over a greater distance along the Corkey Road. The turbine is highly visible from along Gruig Lane and on approach to the Tullykittagh Road. Turning into the Tullykittagh Road from the Corkey Road views of the site are screened by the mature natural roadside vegetation. However, as the road rises and the roadside vegetation is much lower views of the site open up and become more pronounced which is compounded by the low lying and sweeping landform form between this viewpoint and the site. These open views continue along the Omerbane Road, Omerbane Lane and Moneyduff Road. From these views the wind turbine is viewed in association with the existing

windfarm at Gruig. The turbine would not be afforded any backdrop from any of the public viewpoints and appears skyline. The particular design of the turbine with the long blades will result in it appearing incongruous in the landscape.

- 8.11 Visual linkage between the existing turbine and the windfarm exists. However, the existing turbine, being smaller in scale, is clearly distinct from the scale and appearance of these turbines. The proposed turbine will increase the hub by 10 metres and double the size of the blades which will give the turbine an incongruous scale. By reason of its larger scale, similar to the scale of the turbines in the wind farm, it will give the appearance of the windfarm spilling across the landscape and encroaching into the distinct landform. The cumulative impact of the proposed turbine together with existing wind development in the area is unacceptable and would have a detrimental impact on the landscape.
- 8.12 In terms of cumulative impact the wider surrounding area is characterised by windfarms and single wind turbines. The proposed turbine is sited to the South west of Gruig Windfarm, comprising 10 wind turbines, of a height not greater than 100 metres in total. From the long distance views of the site from the surrounding area the wind turbine will be viewed together with the larger windfarm development at Gruig. Although an existing wind turbine exists at this site the increase in scale of this turbine, together with its prominent location in the landscape, will make it look as though the windfarm development has been extended across the landscape. This would have a detrimental impact on the character of the area and could also lead to additional wind turbine development in the gap between the site and the windfarm. This would lead to an unacceptable accumulation of wind turbine development.

Biodiversity, Nature conservation / built heritage interests

- 8.13 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The

proposal would not be likely to have a significant effect on the features of any European site.

- 8.14 Natural Environment Division has advised that while the site does not contain habitat features of interest, the site is directly adjacent to priority habitat peatland, and this habitat type has a potential to support foraging and commuting bats. Natural Environment Division requested that a bat survey be carried out between April and September. As the principle of development was not considered acceptable no further information was requested. The proposal is therefore contrary to the SPPS and PPS 2.

Local Natural Resources

- 6.1 DAERA and SES have been consulted as the competent authorities and raised concerns in relation to potential impacts on water quality. The Agent provided supporting information identifying that no water features were identified within the stated radius from the proposed wind turbine location.

Public Access to the Countryside

- 6.2 There will be no impact on public access to the countryside as the proposed site is located within private farm land.

Environmental, economic and social benefits

- 6.3 The SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight. In this case specific economic and social benefits have not been supplied for consideration. Having regard to the harm to visual amenity, set out above, general economic and social benefits associated with such proposals are considered to be substantially outweighed.

Telecommunications, Roads, Rail and Aviation

- 6.4 Consultations have been carried out with the relevant competent authorities and there are no objections with regard to telecommunications and unacceptable levels of

electromagnetic interference. The proposed access is existing and DFI Roads has no objection to the proposal. No railway lines are located close the site.

Other Matters

- 6.5 There will be no risk of bog burst or landslide at the proposed site.

9.0 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. Given the prominent location of the turbine and the fact that there will be critical views of the development from various vantage points, the proposed turbine will have a significant detrimental impact on the visual amenity and landscape character of the surrounding area by reason of its scale and design with long blades. Harm will be caused by reason of cumulative impact as the proposal will have the visual effect of the windfarm spilling across the landscape. Refusal is recommended.

10 Refusal Reasons:

- 10.1 The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development 2015, and contrary to Policy RE 1 of Planning Policy Statement 18, in that, the proposal would result in demonstrable harm to the visual amenity and landscape character of the area.
- 10.2 The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development 2015, and contrary to Policy RE 1 of Planning Policy Statement 18, in that, the proposal when viewed in conjunction with other wind turbines in the surrounding locality would result in demonstrable harm to the visual amenity and landscape character of the area.
- 10.3 The proposed development is contrary to the Habitats Regulations, the Strategic Planning Policy for Northern Ireland (paragraphs 6.179 - 6.182) and Policy NH 5 of Planning Policy Statement 2: Natural Heritage in that the development would be likely to harm bats protected by law and insufficient information has been submitted to establish otherwise.
- 10.4 The proposed development is contrary to the Strategic Planning Policy for Northern Ireland (paragraphs 6.229) and Policy RE 1 (part vi) of Planning Policy Statement 18: Renewable Energy in that the development would be likely to harm the amenity of sensitive receptors due to noise and insufficient information has been submitted to establish otherwise.

Site Location

