

Addendum

LA01/2017/1654/F

Update

On 25th October 2018, the agent wrote to the Planning Department expressing concern with the preparation of the previous erratum presented to the Planning Committee on 24th October 2018. On 30th October 2018, the Planning Department responded to advise that the preparation of the erratum was in accordance with the Protocol for the Operation of the Planning Committee.

Built Heritage

The Agent made a further submission on 14 November 2018. This argues that the proposal would not have an unacceptable adverse effect on a scheduled state monument and a listed building. The Agent refers to the content of the Environmental Statement which addresses this issue. Attention is drawn to an appeal decision for Feystown Wind Farm (Glenarm) (PAC Ref: 2014/A0285) and similarities are drawn with the subject application. In this case the Commissioner reasoned that PPS 6 allows for the approval of development that has some adverse impact.

Public Safety

The submission of the Agent argues that relevant planning policy does not preclude the siting of wind turbines within distances of less than 10 times the rotor diameter from occupied dwellings. The Agent continues that there have been several other planning approvals for wind farms within Northern Ireland where the separation distance from wind

turbines to occupied dwellings is less than 10 times the rotor diameter. Details are supplied.

The Agent underlines that that the development: is located well beyond a minimum separation distance of 500m from occupied dwellings; is located well back from roads; does not have unacceptable effects in terms of noise, shadow flicker, electromagnetic interference or reflected light; that no statutory consultees have objected to the proposal on grounds of safety and; that no one has objected to the proposal on the grounds of safety.

Consideration

Built Heritage

The proposal would result in an adverse effect on a scheduled state monument (Armoy Round Tower) and a listed building (St Patrick's Church) to an unacceptable extent. The reasons for this are set out in Paragraphs 8.63-8.68 of the Planning Committee Report. This is distinguishable from the position adopted in the Feystown Wind Farm (Glenarm) appeal decision where the adverse effects were not found unacceptable.

HED Comments

HED have reviewed the minutes of the previous Planning Committee meeting of 24 October 2018 during which a decision on this case was deferred pending a site inspection, which we understand has now taken place. The comments below are in rebuttal to several points noted in the minutes. In addition to our original consultation responses which explain in detail how the proposed development fails to satisfy relevant planning policy, we would be grateful for the Committee's consideration of these comments on Wednesday. The points below respond directly to various comments recorded in the minutes under point 5.5:

1. T Fraser stated “they had requested a meeting with HED but failed to achieve one.” HED was made aware of a meeting request from Mervyn Storey MLA on 05 Sept by Council planning. HED sought clarification from Council on the reason for the meeting as a substantive consultation response had been provided, based on the information accompanying the application. HED advised should additional information be submitted, a meeting could be accommodated and suggested a provisional date of 19 Sept. However no new information or final arrangements for any such meeting were received by HED.

2. T Fraser advised “that there is no direct physical impact on the listed building or monuments as the turbines are some distance away.” HED would respond by noting that direct physical impacts upon heritage assets are not material to the reasons why the proposed development is contrary to policy, as explained in detail in the HED consultation response. The proposed development fails to meet policy requirements due to substantial adverse effects upon the settings of a number of regionally important heritage assets, as detailed in our consultation responses. The protection of setting is afforded equal weight under policy and should not be viewed as less significant than the physical remains of assets. The setting of a heritage asset is defined as ‘....*the physical space that is part of – and contributes to – the significance and distinctive character of a heritage asset, and through which the asset may be seen, experienced, understood and enjoyed.*’ (HED Guidance on setting and the Historic Environment).

3. Both T Fraser and T Janes refer to a PAC decision at Feystown (PAC ref 2014/A0285). It is important to note that the Feystown case was for a different development proposal, in a different landscape, affecting different heritage assets with their own unique characteristics and settings. For example, the wind turbines proposed in this application are almost 30m taller (to blade tip) than the

Feystown appeal case. The proposed height (149.9m) is almost 1 & ½ times the height of the H&W cranes (Samson Portal Crane 106m, Goliath Portal Crane 96m). The Feystown appeal was dismissed by the PAC due to its detrimental impact on the surrounding landscape. Each case must be considered on its own individual merits and HED consider Feystown provides no meaningful comparison for consideration in this case. It should also be noted that consideration of the Feystown appeal pre-dated the publication of detailed HED guidance on the consideration of setting in February 2018.

4. B Kennedy stated that “it is impossible to see the site from the Round Tower but the turbine at Lime Park is visible.” This is inaccurate and contradicted later in the minutes by T Janes. Based on field assessment HED considers that all proposed turbines will be visible from the base of the round tower and will adversely affect a critical view from the round tower to St Patrick’s church. This is clearly evident on site. With respect to the Lime Park turbine, HED have responded to this in our consultation response, and note that it does not materially affect any of the aspects of setting which will be adversely affected by this proposal.
5. T Janes comments seek to underplay the significance of the Armoy ecclesiastical site- which is a regionally significant monument in State Care and well as being Scheduled- and the magnitude of adverse visual impact the proposed development would have on the setting of the site. Our advice on these issues is provided in our consultation response, and supported independently by the Historic Monuments Council. Armoy is one of only 12 sites of Early Medieval round towers recorded on the Sites and Monuments Record for Northern Ireland. Aside from only two examples which survive to full height (at Antrim and Devenish), Armoy is one of the best preserved examples and the only surviving round tower in the Causeway Coast and Glens Council area. It is a publically accessible heritage asset close to a main tourist route to Ballycastle with

convenient visitor parking and which enjoys a highly attractive rural countryside setting, which contributes to the visitor experience and the significance of the site.

Single turbine (E/2010/0146/F)

During the site inspection with the members on 27th November 2018 a single turbine was observed to the north west of the round tower. The turbine in question was granted planning permission under application E/2010/0146/F on 20th July 2011. The members queried whether HED had raised any concerns over this turbine.

NIEA Historic Monuments Unit were consulted on the application, and in their response dated 13th August 2010 they stated that they were satisfied that there would be no adverse visual impact upon the integrity of the setting of the monument.

It should be noted that consideration of E/2010/0146/F predated the publication of detailed HED guidance on the consideration of setting in February 2018.

HED advise that that single turbine does not materially effect any aspects of the setting which will be adversely affected by the Armoy Wind Farm proposal. Due to the positioning of the single turbine, the magnitude of its visual effect is low. This includes the approach to the monument from Armoy. In contrast, due to the scale and open visual links to the current proposal, the magnitude of adverse visual affect upon critical aspects of the monument and listed building's settings is much greater and contrary to policy.

Public Safety

Policy RE 1 of PPS 18 Renewable Energy states that the supplementary planning guidance "*Wind Energy Development in Northern Ireland's Landscapes*" will be taken into account in assessing all wind turbine proposals. The safety section of the supplementary planning guidance states at paragraph 1.3.52:

“For wind farm developments the best practice separation distance of 10 times rotor diameter to occupied property should comfortably satisfy safety requirements”.

This provision is clear. There is no provision either in the policy or the policy guidance to provide a reduced safety standard for properties with a financial interest in the development.

Other planning approvals for wind farms within Northern Ireland where the separation distance from wind turbines to occupied dwellings is less than 10 times the rotor diameter are noted. However, the approach taken in previous planning decisions does not dispense with the need to meet the standard given the significance of the issue and potential harm that could be caused.

None of the statutory consultees are charged to look at safety, that responsibility was with the Council.

There are six properties within the 10 times rotor diameter (10 x r.d) safety distance of at least 1 proposed turbine. Four out of the six turbines impact upon at least one of the six properties. There are 2 properties (14 and 16 Coolkeeran Road) within the 10 x r.d of turbine 1. There is one property (16 Coolkeeran Road) within the 10 x r.d of turbine 2. All six properties are within the 10 x r.d of turbine 4 and two of the properties (16 and 32 Coolkeeran Road) are within the 10 x r.d of turbine 5.

Turbines 3 and 6 do not impact on any of the properties in terms of safety.

Table showing which turbines impact upon each property in terms of safety distance

Property	Turbine 1	Turbine 2	Turbine 4	Turbine 5
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14 Coolkeeran Road	X		X	
16 Coolkeeran Road	X	X	X	X
32 Coolkeeran Road			X	X
34 Coolkeeran Road			X	
34b Coolkeeran Road			X	
38 Coolkeeran Road			X	

Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse, as set out in Paragraph 9.1 of the Planning Committee Report.