

Planning Committee Report
LA01/2017/1654/F

28th November 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

No: LA01/2017/1654/F **Ward:** BANN

App Type: Full Planning

Address: Lands approx. 615m East of 16 Coolkeeran Road, Armoy in the townlands of Kilcroagh and Carrowlaverty approx. 2.5km South East of Armoy

Proposal: Construction of a wind farm comprising 6 no. wind turbines (maximum 149.9 metres to blade tip), an electrical substation / control building, energy storage area, construction compound, junction improvements at A8 Ballymena Road/Belfast Road/Browndod Road/Drumahoe Road roundabout, A8/ Shanes Hill Road roundabout, A36 Shanes Hill Road - bend at Starbog Road junction, A36/A44 roundabout, A44/Hillside Road junction, a new access onto the Coolkeeran Road (158m South of 24 Coolkeeran Road) and all associated ancillary works.

Con Area: n/a **Valid Date:** 22.12.2017

Listed Building Grade: n/a **Target Date:** 20.07.2018

Agent: N/A

Applicant: ABO Wind NI Ltd
Unit 6 Balmoral Business Park
Boucher Crescent
Belfast
BT12 6HU

Objections: 0 **Petitions of Objection:** 0

Support: 97 **Petitions of Support:** 0

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

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 REFUSE planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within the townlands of Kilcroagh and Carrowlaverty. The site is located on the western slopes of Croaghan Hill approximately 2.5km to the south east of Armoy. The hill has a distinctive form which is highly visible in the wider lowland landscape. It is characterised by upland grazing and moor and has a strong wild character.
- 2.2 Access to the wind farm is proposed from Coolkeeran Road which sits to the west of the site. The land rises from Coolkeeran Road to the Croaghan summit to the east. The site area is 47.1ha.
- 2.3 There are a number of single dwellings and farms in proximity to the site dotted along the Coolkeeran and Altarichard Roads. The village of Armoy is the closest settlement to the site with the hamlet of Magherahoney sitting to the south west.

3.0 RELEVANT HISTORY

- 3.1 There is no relevant planning history on the site.

4.0 THE APPLICATION

- 4.1 The proposal is for a wind farm comprising 6 turbines, an electrical substation/control building, energy storage area, construction compound and associated ancillary works. The proposal will also involve a number of road improvements to

facilitate the transport of abnormal sized loads. Each turbine will have a maximum tip height of 149.9m. It has been proposed to use a turbine with a 100m high tower and a 99.8m diameter rotor.

4.2 Each turbine will have a generational capacity of up to 3.3MW, giving a combined generation capacity of up to 19.8MW.

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 19.8MW generation capacity of the wind farm.

4.5 The design and access statement is to provide details of the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with.

4.6 In this application the report states how the layout of the wind farm was considered giving regard to the land form, topography, and environmental/locational constraints while meeting the technical siting requirements of wind turbines.

4.7 The report demonstrates that the applicant undertook significant consideration of siting of the wind turbines and ancillary development such as avoiding the AONB and ASSI 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 layout changes to provide an acceptable scheme prior to submission of an application.

4.8 It is accepted that due to the inherent design characteristics of wind farms and for health and safety that there will be no requirement for access for members of the public or those with disabilities onto the site.

5.0 PUBLICITY & CONSULTATIONS

External

5.1 Two neighbours were identified for notification within the terms of the legislation. The application was advertised on 9th January 2018 in the local papers, again for the Environmental Statement on 17th January 2018 and again on 27th June 2018 upon the receipt of Additional Environmental Information. There are no objections to this proposal from members of the public.

5.2 97 letters of support have been submitted. Of these letters there were a number of standard letters which were reproduced and signed by different supporters. These were submitted by the majority of the supporters. Of the 97 letters submitted there are 34 different letters. At least 18 of the letters were from people who do not live in the immediate area and would not be directly impacted by the windfarm. At least 2 of the letters were from people who were financially involved in the windfarm i.e. landowners. One letter was from an MLA.

5.3 The issues raised in the letters included:

- Clean form of green energy;
- Climate change;
- Investment in area in the form of local jobs, local contracts, accommodation and food for workers during construction, rates and community fund;
- Farm diversification for future generations;
- Meet Government targets with regard to renewable energy;
- Education – educate and inspire future generations.

These issues are discussed below within the “Considerations and Assessment” section of the report.

Internal

- 5.4 See appendix 1 for details of consultations carried out and the responses provided. All but one of the consultees were content subject to conditions and informatives. The only objection is from Historic Environment Division (HED) who are of the opinion that the proposal is contrary to the SPPS and Policy BH11 of PPS6 and Policy RE1 of PPS18.

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 22nd September 2017 under LA01/2017/1234/PAN. The applicant advised that they intended to undertake the following forms of consultation:
- Staffed public consultation event;
 - Press notice of the public event.
 - Circulation of pamphlets to all properties within 2km of the development site;
- 5.7 The public event was to be held on 21st November 2017 in Armoy Community Association, 16 Main Street, Armoy. Prior to this, the information leaflets were to be delivered to all properties within 2km of the proposed development site as well as a press notice advertising the public exhibition and the erection of public notices in Armoy Village at the Community Centre and Garage/Shop.

Community Consultation Report

- 5.8 The community consultation report was submitted as part of the planning application, received on 22nd December 2017 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:
- press notices;
 - public notice which was displayed in the village;
 - information leaflet;
 - list of addresses and map showing properties which received an event leaflet;
 - public exhibition boards to be displayed at exhibition;
 - 5 x feedback forms all in support of the proposal.
- 5.10 The report states that formal notices were displayed within Ballymoney Chronicle and Ballymoney Times, a copy of these has been provided. An event leaflet was delivered to every property within a 2km radius, and a list of addresses and a map of the properties has been provided to support this. Event posters were displayed at key locations in the local area, a copy of which has been provided. Overall, sufficient evidence has been provided to show compliance with section 27 of the Planning Act (Northern Ireland) 2011.
- 5.11 With regard to the feedback forms, they were all in support of the proposal and no issues were raised. Within verbal feedback at the event, the issues raised included noise, landscape and impact on fisheries. The applicant appears to have been able to address the issues with the individuals concerned and have not made any amendments to the application to reflect the matters discussed.

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). The site does not fall within any designations as indicated in the plan but sits immediately to the west of the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB).
- 6.3 The site straddles both Landscape Character Area (LCA) 56 Dervock Farmland and LCA 118 Moyle Moorlands. The 6 turbines are all located within LCA 118 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 abuts Antrim Hills Special Protection Area (SPA) along the eastern part of the southern boundary and Slieveanora and Croaghan ASSI along the very eastern tip of the site.
- 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 both 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 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

Supplementary Guidance

8.0 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 conversation, 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 under Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended) as the site has potential hydrological links to Skerries and Causeway Special Area of Conservation (SAC), and is adjacent to the Antrim Hills Special Protection Area (SPA). The test of likely significance concluded that there would be no likely significant effect on the features of either designation provided the mitigation detailed in the ES are adhered to. Shared Environmental Service have advised mitigation should be controlled through conditions in the event of an approval.
- 8.4 The Northern Area Plan 2016 is silent on the matter of wind farm development in this area.

Compliance with PPS 18 and SPPS Renewable Energy

- 8.5 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

- 8.6 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.
- 8.7 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 149.9m which constitutes the fall over distance, therefore the fall over distance plus 10% is 164.89m. The nearest turbine to a public road is turbine WTG 4 which is at least 1215m from the edge of Coolkeeran Road. Even when taking the proposed micro-siting of 15m

into consideration, WTG 4 will still be at least 1200m from the edge of the public road and therefore complies with policy.

- 8.8 In relation to public safety, paragraph 1.3.52 of the Best Practice Guidance states that *‘for wind farm development the best practice separation distance of 10 times rotor diameter to occupied property should comfortably satisfy requirements’*. No minimum distance is specified. Whilst the guidance acknowledges that wind turbines are a safe technology, it still stipulates a separation distance as there is still the potential for failure and injury. In this instance the rotor diameter is 99.8m which equates to a separation distance of at least 998m. The proposed 15m micro-siting must also be taken into consideration when determining the separation distances which means the distance required is 1013m i.e. 998m +15m
- 8.9 There are 6 properties within the 998m safety separation distance of a proposed turbine at both the indicated turbine location and the proposed micro-siting boundary, these are set out in table 1 below (figures have been rounded to nearest metre).

Table 1

Property address	Distance to closet turbine	Proposed micro-siting distance in direction of property	Shortfall 998m from point indicating the turbine	Shortfall 998m from proposed micro-siting
16 Coolkeeran Road	623m	15m	375m	390m
14 Coolkeeran Road	725m	15m	273m	288m
32 Coolkeeran Road	831m	15m	167m	182m

34 Coolkeeran Road	873m	15m	125m	140m
34B Coolkeeran Road	963m	15m	35m	50m
38 Coolkeeran Road	962m	15m	36m	51m

(Distances supplied by agent in table 12.6 received 16th April 2018)

8.10 16 Coolkeeran Road has a financial interest in the development and therefore may accept the risks of the development, as such they will not be included further in these considerations. 14 Coolkeeran Road has submitted a letter of support to the proposal but it is not clear if they accept the risk associated with such proximity to a turbine, therefore no 14 will be included in the consideration of separation distances. This means there are 5 dwellings within the minimum 998m separation distance for safety.

8.11 The shortfall in separation distance for these dwellings varies from 35m to 273m, or 50m to 288m from the micro-siting locations. Although the shortfall of 35m to 51m would be acceptable, the larger shortfalls of 125m to 288m is considered to be an unacceptable risk to the safety of the residents of these properties as they fall well within the buffer required. There are 3 dwellings where the separation distance is considered to be unacceptable. The applicant has not submitted any persuasive evidence to show that this safety consideration should be set aside.

Human Health

8.12 There is no indication from any consultees or allegations from objectors that the proposed development will result in any detriment to human health.

Residential Amenity

- 8.13 Policy RE 1 stipulates that a separation distance of 10 times rotor diameter, with a minimum distance not less than 500m, will generally apply to protect residential amenity from noise. This is reiterated in the Best Practice Guidance at para 1.3.43 specifically in relation to noise. In this instance a separation distance of 998m will generally apply.
- 8.14 The term 'generally apply' allows for an element of discretion for such properties, such as 16 Coolkeeran Road, which have a financial interest in the development, for properties that may have a shortfall of only a few metres, and where noise or shadow flicker have been assessed as being acceptable.
- 8.15 As highlighted above, 5 properties have been identified as being within 998m of a proposed turbine. 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. As evidence has been provided to show that noise will not have a detrimental impact on residential amenity, the separation distances are deemed to be acceptable in terms of noise.
- 8.16 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. Although there are 6 dwellings within the 10 times rotor diameter, the applicant has identified only two properties where there is potential for the occurrence of shadow flicker. These are 14 and 16 Coolkeeran Road. Again, 16 Coolkeeran Road, may accept the impact as they are financially involved in the development, therefore it will not be included within this consideration.

8.17 The guidance also states that for dwellings within 500m, shadow flicker should not exceed 30 hours per year or 30 mins per day. The applicant has provided figures for both 'worst case' and 'real case'. They state that for worst case, 14 Coolkeeran Road could potentially be affected for 32 minutes a day or 33.23 hours per year. This is considered to be acceptable given the distance from the turbines (710m), the fact that real case figures will be lower than worst case and the figures only slightly exceed those given for properties within 500m.

(b) visual amenity and landscape character;

8.18 In this case it is considered that there is potential for significant detrimental impact on both visual amenity and landscape character due to its siting within LCA 118 and critical views from the public roads within the vicinity. This is laid out in detail below under "PPS18 Requirements for Wind Development".

8.19 The proposal also includes associated access tracks, hardstandings, underground cabling, temporary construction compound, Substation and new access off Coolkeeran Road. The construction compound will be removed once the turbines are operational. These works will not have any significant visual impact. The control building is 6m high by 22m by 5m. It will be finished with rough cast render and grey slates. The size, design and finishes are acceptable in the countryside.

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

8.20 NIEA Natural Environment Division (NED) has considered the impacts of the proposal on natural heritage biodiversity interests and they have no concerns, subject to conditions. They advise that the proposal will affect 2.33ha of Blanket Bog/Wet Heath and 0.81ha of Purple Moor-grass and Rush Pasture which are Northern Ireland priority habitats.

- 8.21 The outline Habitat Management and Enhancement Plan (oHEMP) submitted as part of the ES provides details of mitigation and enhancement measures aimed at reducing the area of priority habitat impacted and to improve the foraging habitat for Hen Harriers and Red Grouse.
- 8.22 NED are content that the area of active peat will be avoided and the active blanket bog is unlikely to be impacted by the proposed works, provided mitigation is implemented. There will be no overall loss of habitat biodiversity provided a condition is applied requiring the submission and implementation of a Habitat Management Plan (HMP) in the event of an approval.
- 8.23 Disturbance to any badgers on site is fully mitigated within the oHEMP and by the design of the proposal which avoids any impact and will be conditioned as such in any approval granted.
- 8.24 NED are content that the operation of the proposed wind farm is unlikely to have a significant impact on bats because bat activity was found to be generally low and confined to habitat features on the lower sections of the site at a distance from the proposed turbines. The oHEMP also proposes mitigation measures which must be adhered to.
- 8.25 Common lizard were recorded in the areas of heather outside the development boundary. NED are content that if the mitigation measures to minimise impacts to this species, should it be present within the development area, are adhered to, the proposed development would be unlikely to have an adverse impact on lizards.
- 8.26 Marsh Fritillary was not recorded on the site, however, NED welcome the proposed mitigation measures proposed to minimise the loss of its potential habitat. NED have no concerns that the proposed development would be likely to have an adverse impact on this species.

- 8.27 Based on the ornithological surveys, which were conducted using methodologies agreed with NIEA, NED are satisfied that potential disturbance of breeding raptors by construction works is not considered likely and that the collision risk to raptors, Red Grouse or Whooper Swans during operation is low to negligible.
- 8.28 Two Red Grouse territories were found within 500m of the site. NED are content with the proposal that construction works at turbines 2, 3 and 6 are undertaken outside grouse breeding season (mid-February to mid-August) to minimise disturbance.
- 8.29 NED note that there will be some loss of habitat of Hen Harriers, Red Grouse and Merlin, however, they are content that this will be compensated for by mitigation through habitat enhancement. It is unlikely that there will be a significant adverse impact on the selection features of the Antrim Hills SPA or on any other bird species of conservation concern, provided the mitigation measures described in the ES are implemented.
- 8.30 Historic Environment Division have advised that the proposal will have an adverse visual impact on the integrity of the setting of Armoy Round Tower which is a regionally important monument in State Care and is therefore contrary to Policy RE 1 of PPS 18. This is discussed further under PPS 6 below.

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

- 8.31 Water Management Unit (WMU) of NIEA has considered the impacts of the proposal on the surface water environment, they advise that the applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter. This can be dealt with within the Construction Management Statement which would be

conditioned for submission post approval but pre construction of the wind farm if permitted.

- 8.32 Inland Fisheries is satisfied that the proposal is unlikely to impact on fisheries interests provided adequate pollution construction methodology and pollution prevention measures are applied. This can be conditioned should the application be approved.
- 8.33 Due to the nature of the development there will be limited impact on air quality except for dust suppression upon construction.
- 8.34 Regulation Unit (Land and Groundwater Team) of NIEA considered the information presented for potential impacts of the proposal on the aquatic environment (especially groundwater). They are content that the proposed development will have a minimal impact on local groundwater resources and/or quality.
- 8.35 The site is hydrologically connected to the Runkerry ASSI, Skerries and Causeway SAC, Portballintrae ASSI and Giants Causeway and Dunseverick ASSI which are of international and national importance and are protected by Conservation (Natural Habitats, Etc) Regulations (NI) 1995 (as amended) and The Environment (NI) Order 2002. NED has considered the potential for pollution caused by runoff from the development which may pose a risk to the aquatic environment. NED have outlined a number of concerns which they are content can be dealt with through conditions including the submission of a final CEMP and Site Drainage Plan to be agreed prior to the commencement of works.

(e) public access to the countryside.

- 8.36 The site in question is not publicly owned land and as such 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.

PPS 18 Requirements for Wind Development

8.37 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;

8.38 The turbines are located within Landscape Character Area (LCA) 118 Moyle Moorlands and Forests which supplementary planning guidance (SPG) 'Wind Energy Development in Northern Ireland's Landscapes' describes as having a high to moderate sensitivity to wind development.

8.39 The turbines will be located on the upper slopes of Croaghan Hill which forms part of the western edge of the LCA. The SPG states that 'the hills on the outer edges of the LCA form prominent skylines for miles around'. It 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'.

8.40 Croaghan Hill is highly visible in the landscape and can be viewed at distance from the low lying land to the west. The hill has a wild character and is relatively free from man-made development. It is considered that this particular area of the LCA would be highly sensitive to wind energy development. This means that it is very vulnerable to change and would be adversely affected by wind energy development, which would result in a significant change in landscape and visual characteristics and values which define the LCA.

8.41 The SPG advises that care needs to be taken to avoid significant impacts on key views from the lowland

landscapes to the west and on the wild character of the area. Due to the location of the turbines on the higher slopes of Croaghan Hill, they will be visually dominant in the landscape, particularly when viewed from the low lying landscape to the west. From here the turbines are particularly dominant as they introduce a large scale structures into the upper planes of the hillside. These were previously untouched and breaking the skyline makes them more obtrusive. The introduction of these man-made structures would have an unacceptable detrimental impact on the unspoilt wild character of the hill. It is therefore considered that the proposal would result in an unacceptable significant change to the character of Croaghan Hill, and this part of the LCA.

8.42 With regard to critical views the applicant has provided visual aids from 16 different viewpoints (Volume 3 of Environmental Statement). Viewpoints VP 8 and VP 10 are located to the west of the site. As discussed above, this area is low lying and from here Croaghan Hill forms a prominent feature on the skyline. When viewed from these points, all 6 turbines will break the skyline and will be visually prominent and dominant over the few other manmade structures in the area. The development will be viewed with Altaveedan Wind Farm, however, there will be no cumulative impact due to the separation distance, scale and setting of Altaveedan Wind Farm. Altaveedan itself is not comparable as it sits lower in the landscape, and has smaller turbines of 101.2m compared to 149.9m and has a backdrop of hills making it much less prominent in the landscape.

8.43 Other significant views are from VP 3 to the north east from within the Antrim Coast and Glens AONB, VP 6 and VP 9 to the south, VP 12 from the Rugby Club and VP 14 to the north, VP 13 which is at the site entrance. From these viewpoints the turbines will be unduly prominent and dominant in the landscape given their height, scale and proximity to the summit of Croaghan Hill. The turbines do

not benefit from a backdrop and there is little in the way of natural vegetation or man-made structures which would limit views of the site or mitigate the dominance of the turbines.

8.44 Although views from VP3 will be limited to the tops of 3 turbines and the blade tips of two, these views are from within the AONB therefore should be given significant weight. One of the distinctive landscape features of the AONB at this location is 'exposed landscapes with few roads or settlements and scattered farms on the edges of the uplands'. The introduction of these turbines adjacent to the AONB would encroach on the setting the AONB by introducing large scale, manmade structures which visually intrude on the large scale, open and smooth moorlands and interrupt extensive views across open moorland which are identified as the AONB distinctive landscape features in the AONB Management Plan.

8.45 The applicant acknowledges that significant adverse effects are likely from VP 6, VP 12, VP 13 and VP 14 but states that given the proximity of these viewpoints to the site, effects of this significance would normally be anticipated. It is accepted that due to the nature of windfarms; tall towers and their location within open landscapes, that they will often be highly visible, however, there is a difference between a development being highly visible and unduly prominent and dominant. In this instance, it is considered that from the viewpoints the turbines will be unduly prominent given the skyline location and unspoilt character of the area. The turbines fundamentally change the character of the landscape and are incongruous in such an unspoilt part of the countryside. This is particularly detrimental to the settlement of Armoy from which these localised views are apparent and they dominate the village setting due to the scale and proximity to the settlement.

8.46 The applicant states that wind farms are an existing feature in the landscape of the LCA. Whilst it is acknowledged that there are a number of wind energy developments within the

LCA, this part of the LCA is relatively free from wind energy development and retains a wild and unspoilt character. Any existing turbines are considerably smaller at 101m to tip and therefore are not directly comparable. The introduction of turbines to this unspoilt landscape would have a detrimental impact on the LCA.

8.47 It is considered that the development will have an unacceptable visual impact and will have a detrimental impact on landscape character through size, scale and siting of turbines

(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;

8.48 Altaveedan wind farm is located to the south east of the proposal. From certain viewpoints, specifically VP 8, VP 9, VP 10 and VP 12, the cumulative impact on the landscape is evident but not so significant as to warrant a refusal for the proposal on this basis. Other approved wind farms further to the south are not read with the proposal as views are restricted due to topography, vegetation and buildings.

8.49 There are a number of single turbines, existing and approved, which will read with the proposal but as they are not prominent in the landscape the cumulative impact will not be significant. The immediate vicinity of the proposal remains relatively free from wind turbine development.

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

8.50 Geological Survey NI have indicated that they are happy that the measures proposed reduce the risk of peat slide to an acceptable level.

(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;

8.51 There consultees have advised that the development will not 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;

8.52 The proposal is outside the 30km consultation zone for City of Derry Airport (CDA) and Belfast International Airport (BIA). National Air Traffic Services (NATS) had no objection to the proposal.

8.53 DfI Roads have not raised any concerns over the proposal and have suggested conditions in the event of an approval.

(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

8.54 As discussed above (para 8.15), 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, and the amount of shadow flicker is deemed acceptable.

8.55 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.

8.56 The applicant has advised that the turbine blades can be finished with a semi-matt sheen and pale grey colour so as

to minimise light reflection. This would be acceptable and could be conditioned in the event of any approval.

(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.

8.57 The removal of the turbines and any of the associated infrastructure will be dealt with by condition if approved. Ongoing restoration of the site will be dealt with in the Final Habitat Management Plan which will be submitted if the application is approved.

Development on Active Peatland

8.58 There is an area of active peatland within the development site, this is a Northern Ireland priority habitat, however, the layout has been designed so that no development is proposed on active peatland. NIEA have advised that the area of active peat is unlikely to be impacted by the proposed works, provided mitigation is implemented.

Habitat Management Plan

8.59 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. An outline Habitat Management and Enhancement Plan (oHMEP) has been submitted as part of the Environmental Statement. It is considered to be acceptable and any approval will be conditioned with the requirement for the submission and of a full oHEMP and its agreement prior to the commencement of the development.

Economic Consideration

8.60 Paragraph 4.1 of policy RE1 of PPS18 states that “the Department would support renewable energy proposal unless they would have unacceptable adverse effects which

are not outweighed by the local and wider environmental, economic and social benefits.” The SPPS also requires material consideration of these benefits. In this case the applicant has listed the possible benefits for the Council Area arising from the approval of the windfarm. They include:

- annual business rates of up to £7.95m across 25 years;
- meet electricity demand for 27,412 homes;
- £33m expenditure in Northern Ireland across the 25 year project life of the development;
- Approx. £1.79m in wages within Northern Ireland
- Contribution towards Northern Ireland targets for renewable energy;
- Community fund of £2500 per MW per annum; potentially £1.2m across the 25 year project life;
- Educational incentives;
- Reduction of greenhouse gases.

8.61 Whilst both policies require consideration of social benefits, the SPPS states at para 5.71 that social benefits in the form of community payments, shared ownership and in-kind benefits cannot be considered material considerations. Therefore, the community fund cannot be taken in to consideration in this case. It should also be noted that the majority of letters of support rely heavily on the community fund which cannot be considered therefore diminishing the weight given to the letters of support in the decision making process.

8.62 Whilst the proposal does offer a number of benefits, both environmental and economic, it is not considered that these outweigh the safety risk outlined at paras 8.8 to 8.11 above and the adverse impact of the Built Heritage outlined at para 8.63 to 8.68 below.

**SPPS Archaeology and Built Heritage and PPS 6
Planning, Archaeology and the Built Heritage - BH 1 The
Preservation of Archaeological Remains of Regional
Importance and their Settings**

- 8.63 This policy has a presumption in favour of the physical preservation in situ of archaeological remains of regional significance and their settings, this includes monuments in State Care. Historic Environment Division advise that the proposal adversely impacts on the setting of Armoy Round Tower, a regionally important monument in State Care.
- 8.64 HED state that the proposal will adversely affect critical views within, and from, the site and also adversely affect the understanding and enjoyment of the site by visitors. They state that it will also have an adverse impact upon public approaches to the State Care monument, including a critical public view of the contextually related Scheduled monument Ant 013:089. The proposal will also have an adverse visual impact upon the integrity of the setting of Clegernagh graveyard, a regionally important Scheduled monument and on St Patrick's Church of Ireland which is a listed building
- 8.65 Policy BH 1 and paragraph 6.8 of the SPPS state that development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances. No exceptional circumstances have been demonstrated in this case and the proposal cannot be made acceptable through conditions.
- 8.66 Policy BH 11 states that development will not normally be permitted for development which would adversely affect the setting of a listed building unless certain criteria is satisfied. Paragraph 6.12 of the SPPS also requires consideration of the setting of listed buildings. It has not been demonstrated that the proposal meets the criteria set out in policy BH 11 or that it will not have a detrimental impact on the setting of the listed building.

8.67 During the consideration of the proposal, HED sought advice from the Historic Monuments Council (HMC), the statutory advisory council to the Department for Communities on archaeological matters, particularly to State Care and Scheduled monuments. Seeking advice from HMC shows the importance of the site and the significance of the impact on the scheduled monument. The fact that HMC supports the HED position in this case further emphasises detrimental impact on the setting of this monument.

8.68 Paragraph 6.9 of the SPPS states that development proposals which would adversely affect archaeological remains of local importance or their settings should only be permitted where the planning authority considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings. It has not been demonstrated that the need or other material consideration outweigh the value of the Round Tower and related earthworks and souterrain (ANT 013:089) and Clegernagh Graveyard.

PPS 15 Planning and Flood Risk FLD 1 Development in Fluvial (River) and Coastal Flood Plains

8.69 The Strategic Flood Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain.

FLD 2 Protection of Flood Defence and Drainage Infrastructure

8.70 Under 6.32 of the policy a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement of the landowner. The Drainage Management Drawing shows space for maintenance which should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a condition.

FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

8.71 DfI Rivers accepts the Drainage Assessment and advise that providing the drainage works described within it and noted on the 'Drainage Management Drawing' are implemented, the proposed development should not increase the risk of flooding to the development or elsewhere.

FLD 4 Artificial Modification of Watercourses

8.72 The proposal includes a number of watercourse crossings for access. Artificial modification of a watercourse is not normally permitted under FLD 4 of PPS 15 unless it is necessary to provide access to a development site or for engineering reasons. Culverting can result in significant loss of habitat if an extensive length of channel is converted or there is unnecessary removal of bed materials.

8.73 DfI Rivers are not opposed to the use of culverting and have included a condition if the Council are minded to approve culverting as part of any approval. The condition requires the applicant to seek consent from DfI for any culverting. The use of culverting falls to the Council to consider.

8.74 The culverts will cross the upper reaches of 12 minor water features within the development site and are necessary to access the turbine sites during construction, operation and decommissioning, there are no other options available. It is proposed to use conventional piped culverts.

8.75 The ES states that the water courses within the site are minor and of low grade and negligible sensitivity in regard to fish habitats, therefore there will be no impact on the loss of productive fish habitat.

8.76 The ES advises that the design and positioning of the culverts will minimise the potential for increased local flow velocities, minimise the length of stream affected and

reduce potential for runoff to carry sediment into the watercourse. The design will be agreed with DfI prior to commencement, this can be conditioned.

- 8.77 It is considered unlikely that culverting of the waterways within the development site will have any impact if the mitigation measures within the ES are adhered to.

Issues raised in letters of representation

- 8.78 Economic Benefit - Some of the economic benefits of the proposal have been discussed above at para 8.59. The letters of representation also state that there will be benefit to the local area through jobs, local contracts and accommodation and food for workers during construction. These are assumptions as the applicant has not given any details on job creation or how workers will be accommodated. Locals may not benefit from jobs as expertise may be brought in from existing companies who specialise in the construction of windfarms. As for any possible revenue raised through accommodation and food, this will only benefit a few in the area and will only be for a short period of time compared to the lifetime of the wind farm which will be present in the landscape for up to 30 years
- 8.79 Climate change - It is accepted that wind energy as an alternative to burning fossil fuels is clean and produces no greenhouse gas emissions during operation which helps to curb climate risks.
- 8.80 Government Targets – The Executives 2010 to 2020 Strategic Energy Framework includes a target to achieve 40% of electricity from renewable sources by 2020. A report published by the Department for the Economy on 7th June 2018 states that in March 2018 35.3% of Northern Ireland's electricity was generated from renewable sources. It is accepted that the proposal would help towards achieving the 40% target, however, it should be noted that other wind

farms have been approved, and are yet to be built, within the Causeway Coast and Glens Borough Council. These include:

- Craiggore Windfarm (LA01/2017/1124/F) – 34.5Mw
- Dumore extension (B/2013/0241/F) – 24Mw
- Dunbeg extension (LA01/2016/0061/F) – 9Mw
- Evishagaran (B/2013/0120/F) – 35Mw
- Smulgedon (B/2009/0070/F) – 17.5Mw

8.81 Farm Diversification and Education – These are not policy considerations for renewable energy.

8.82 Whilst it is accepted that the proposal has both economic and environmental benefits, it has not been demonstrated that these benefits outweigh the risk to public safety or the impact on Built Heritage as discussed above.

9.1 CONCLUSION

9.2 This proposal is considered unacceptable in this location having regard to the Area Plan and other material considerations and REFUSAL is recommended due to the following reasons.

9.3 The proposal is contrary to Paragraph 6.224 of the SPPS and policy RE1 of PPS 18 in that it has not been demonstrated that the development will not give rise to unacceptable adverse impact on public safety by virtue of proximity of turbines to occupied dwellings

9.4 The proposal is contrary to Paragraph 6.8 of the SPPS and policy RE1 of PPS18 and policy BH1 of PPS6 in that it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on the integrity of the setting of a scheduled state monument and insufficient information has been submitted to demonstrate any exceptional circumstances.

9.5 The proposal is contrary to Paragraph 6.12 of the SPPS and Policy RE1 of PPS8 and policy BH11 of PPS6 in that it has

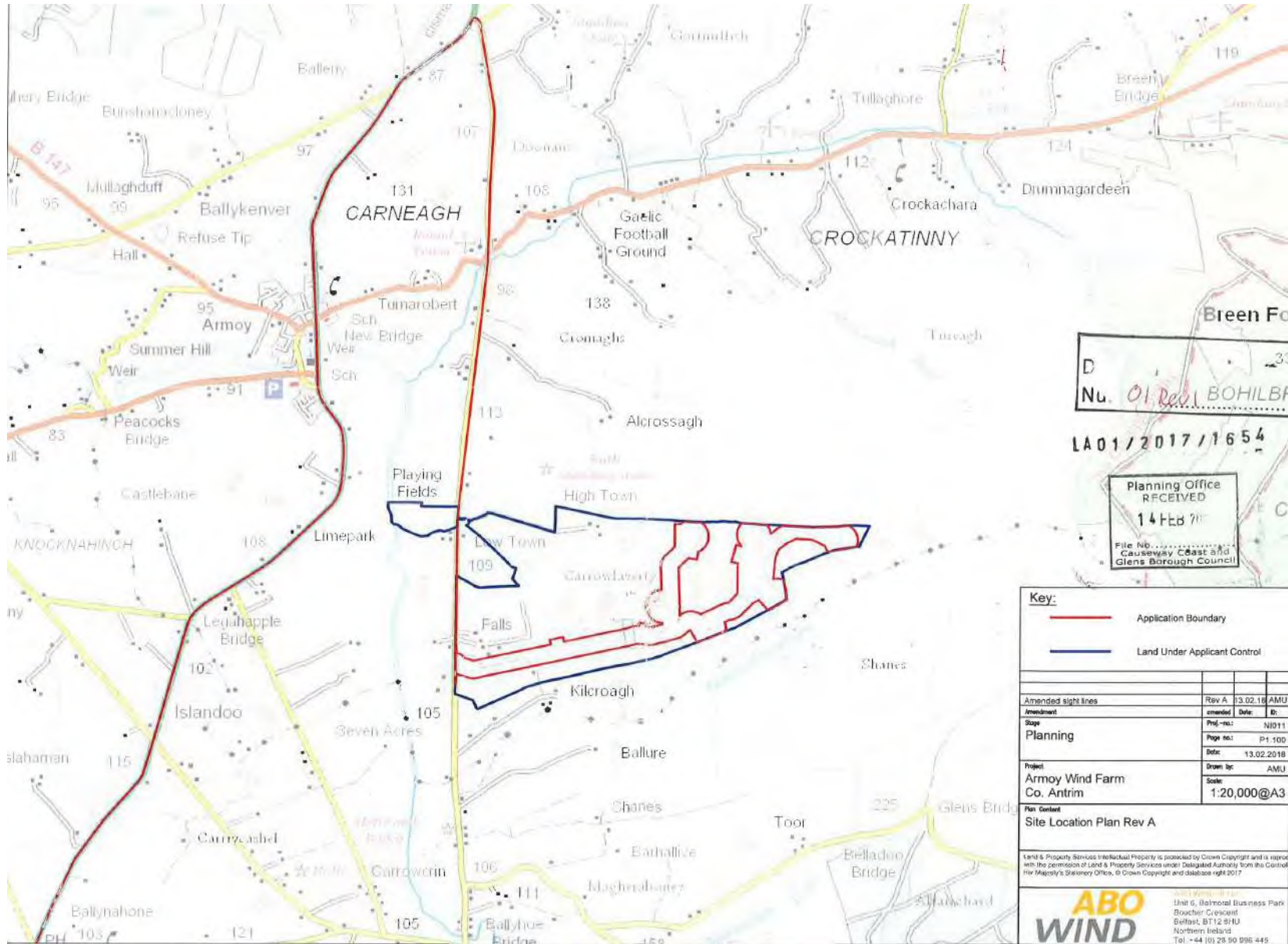
not been demonstrated that the proposal would not adversely affect the setting of a listed building.

- 9.6 The proposal is contrary to Paragraph 6.224 of the SPPS and to Policy RE1 of PPS18 in that it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on visual amenity and landscape character due to the size, scale, and siting of the proposal.

Appendix 1: Consultation Responses

Consultee	Response Date	Responses
Arquiva	23/02/18	No objection
CAA - Directorate of Airspace Policy	29/05/18	No objection with condition
Cable and Wireless Worldwide		No response
DAERA – Fisheries Division	01/02/18	Content
DETI – Energy Branch	10/01/18	No objection
DETI Geological Survey	23/02/18	No objection
EverythingEverywhere (EE)	23/02/18	No objection
Environmental Health	12/04/18	Content subject to conditions
Lonmin (NI)		No response
MOD – Safeguarding	18/01/18	Content subject to conditions
NATS – Safeguarding	26/02/18	No objection
NIE – Windfarm Developments	12/01/18	No objection
NIEA	01/02/18	Content subject to conditions
DfC – Historic Environment Division	22/01/18 16/08/2018	Refusal Refusal
NI Tourist Board	22/01/18	No comment
NI Water	11/01/18	Content subject to conditions
Ofcom	12/01/18	BT Radio Network Protection
DfI Rivers	20/02/18	Content subject to conditions

RSPB	09/02/18	Concerns re methodology however, NIEA confirm that methodology was agreed with them
Shared Environmental Services	15/03/18	Content subject to conditions
DFI Roads	10/07/18	Content subject to conditions
BT radio network protection	01/02/18	No objection



Erratum

LA01/2017/1654/F

1. Paragraph 1.1 states ‘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 conditions set out in section 10.’

This should read ‘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 for the reasons set out in section 9.’

2. Paragraph 5.4 states ‘See appendix 1 for details of consultations carried out and the responses provided. All but one of the consultees were content subject to conditions and informatives. The only objection is from Historic Environment Division (HED) who are of the opinion that the proposal is contrary to the SPPS and Policy BH11 of PPS6 and Policy RE1 of PPS18.’

This should read ‘See appendix 1 for details of consultations carried out and the responses provided. All but one of the consultees were content subject to conditions and informatives. The only objection is from Historic Environment Division (HED) who are of the opinion that the proposal is contrary to the SPPS and Policies BH1 and BH11 of PPS6 and Policy RE1 of PPS18.’

3. Paragraphs 8.10 and 8.11 refer to public safety. The content of these paragraphs indicates that a financial interest in the development negates consideration of public safety on relevant occupied properties. This contention is incorrect. These paragraphs are amended accordingly:

8.10 No. 16 Coolkeeran Road has a financial interest in the development. However, financial interest in the development does not negate consideration of public safety. This means there are 6 dwellings within the minimum 998m separation distance for safety.

8.11 The shortfall in separation distance for these dwellings varies from 35m to 375m, or 50m to 390m from the micro-siting locations. Although the shortfall of 35m to 51m would be acceptable, the larger shortfalls of 125m to 390m is considered to be an unacceptable risk to the safety of the residents of these properties as they fall well within the buffer required. There are 4 dwellings where the separation distance is considered to be unacceptable. The applicant has not submitted any persuasive evidence to show that this safety consideration should be set aside.