



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2022/0471/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>22<sup>nd</sup> February 2023</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Principal Planner Officer

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

<b>Screening Requirements</b>	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:

<b><u>App No:</u></b>	<b>LA01/2022/0471/F</b>	<b><u>Ward:</u></b>	<b>BANN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Lands located immediately west of Letterloan Road, Coleraine. At their northern point along the road lands are located opposite No 30 and 32 Letterloan Road, extending north and west. At their southern boundary lands extend immediately north and west of No 41 Letterloan Road, Coleraine</b>		
<b><u>Proposal:</u></b>	<b>Installation and operation of a 29.9MW solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substation, fencing, pole mounted security cameras and associated site access.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>27.04.2022</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	<b>23.11.2022</b>
<b>Agent:</b>	<b>RPS, Elmwood House, 74 Boucher Road, Belfast, BT12 6RZ</b>		
<b>Applicant:</b>	<b>Elgin Energy Esco Ltd, 3<sup>rd</sup> Floor, Audley House, 9 North Street, London, W1K 6ZD</b>		
<b>Objections: 1</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 0</b>	<b>Petitions of Support: 0</b>		

## **Executive Summary**

- The proposal is for the installation and operation of a 29.9mw solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substation, fencing, pole mounted security cameras and associated site access.
- 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.
- An EIA determination was carried out under Regulation 12 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. It was not considered that the proposal would have any significant adverse environmental effects, therefore, an Environmental Statement was not required.
- 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.
- No letters of support have been 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-**  
**<https://planningregister.planningssystemni.gov.uk/simple-search>**

## **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 in the open countryside approximately 4.5km southwest of Coleraine and immediately adjacent to the Letterloan Road. The closest settlement is Macosquin located c.2.5km to the northeast. The site is located on a parcel of agricultural measuring approximately 38.3 hectares. The area is rural in nature with dispersed individual dwellings and agricultural buildings occurring frequently in the landscape.
- 2.2 The site is generally flat and is comparatively low lying within the context of the surrounding landscape. The land to the south of the site rises beyond a small cluster of development immediately southeast of the site along Letterloan Road and more gently to the north beyond the site's roadside boundary. From the east the site occupies a natural hollow in the landscape when viewed from the Shinnny Road which is substantially more elevated than the site itself.
- 2.3 Access to the solar farm is proposed from the Letterloan Road through an existing agricultural opening immediately east of the site.
- 2.4 The site is not located within the boundary of any statutory or non-statutory designated sites of international, national or local nature conservation importance. The site however, is hydrologically linked to Bann Estuary Special Area of Conservation (SAC), which is a designated site of international importance and Bann Estuary Area of Special Scientific Interest, which is a designated site of national importance. Lower Kiltinny Site of Local Nature

Conservation Importance is located immediately adjacent to the northeast boundary of the site.

### **3.0 RELEVANT HISTORY**

LA01/2015/0726/DETEIA - Screening Opinion to determine the requirement for an EIA - 41 Letterloan Road, Coleraine – ES Not Required 17.11.2015

LA01/2015/0869/PAN - Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence, pole mounted security cameras for the life of the solar farm and entrance improvements for construction traffic - Lands North of 41 Letterloan Road, Coleraine – PAN Acceptable 17.11.2015

LA01/2021/1460/PAN - Installation and operation of a solar farm and associated infrastructure including photovoltaic panel, mounting frames, inverters, transformers, substations, fencing, pole mounted security cameras and associated site access - Lands located immediately west of Letterloan Road, Coleraine. At their northern point along the road lands are located opposite No.30 and 32 Letterloan Road, extending north and west. At their southern boundary lands extend immediately north and west of No. 41 Letterloan Road, Coleraine - PAN Acceptable 15.12.2021

LA01/2021/1498/PAD - Installation and operation of a 29.9mw solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, fencing, pole mounted security cameras and associated access - Lands located immediately West of Letterloan Road, Coleraine – PAD complete 12.04.2022

### **4.0 THE APPLICATION**

- 4.1 The proposal is for the installation and operation of a 29.9mw solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substation, fencing, pole mounted security cameras and associated site access. The site measures 38.3ha. The development will include:

- Photovoltaic (PV) Solar Panels erected on steel frames in arrays of 24 or 48 panels;
- 1 No. Primary Sub-station typically measuring 6m (l) x 3.2 (w) x 3.4m (h);
- 24 No. Inverter Substations typically measuring 7m (l) x 2.5(w) x 3m (h) to be located across the site;
- Perimeter post and wire "deer" fencing (c.2.45m high);
- A number of strategically located CCTV security cameras (c.3m high);
- Access will be via an existing opening onto Letterloan Road immediately east of the site; and
- Associated internal service tracks.

4.2 When operational the development will have a Maximum Export Capacity (MEC) of up to 29.9MW. The land will continue to be used for agriculture with sheep grazing taking place across the entire area. The proposed infrastructure will not impede the agricultural use.

### **Design & Access Statement**

4.3 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 29.9MW generation capacity of the solar farm.

4.4 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.

4.5 The Design and Access Statement states how the site was selected and how the layout of the solar farm was considered giving regard to the landform, topography, existing vegetation and environmental/locational constraints.

4.6 The statement demonstrates that the applicant undertook significant consideration of siting of the development, such as avoiding areas of greatest environmental sensitivity and areas of high visual impact. This involved detailed assessment of the site 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 The development is not proposed to be open to access by the general public. For security and operational reasons, there will be no permitted access to persons other than for the purposes of maintenance or monitoring the facility. The site access arrangements and internal site layout provide adequate access and parking to meet requirements for disabled access for employees in compliance with Disability Discrimination Act (DDA) legislation.

## **5.0 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 Initial neighbour notification was carried out on 13 June 2022. The application was initially advertised on 11 May 2022 in the local papers.
- 5.2 There was one objection to this proposal. The objection only raised one issue which was that not all solar farms of this scale are determined to not be EIA development. An EIA determination was carried out as the development falls within Schedule 2, category 3(A) of The Planning (Environmental Impact Assessment) Regulations (NI) 2017. The determination was negative and an Environmental Statement was not required.

### **Internal**

- 5.3 See appendix 1 for details of consultations carried out and the responses provided. All consultees were content with the proposal subject to conditions and informatives.

### **Proposal of Application Notice**

- 5.4 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.
- 5.5 A Proposal of Application Notice was submitted on 1 December 2021 under LA01/2021/1460/PAN. At the time the PAN was submitted there was a temporary suspension of the requirement

for a public event in accordance with The Planning (Development Management) (Temporary Modifications) (Corona Virus) (Amendment No. 2) Regulations (NI) 2020 which took effect on 1st October 2021. The accompanying guidance advised that a public event was no longer required but the other requirements remained. The applicant advised that they intended to undertake the following forms of consultation:

- Online consultation exhibition;
- Press notice of the online exhibition;
- Letter drop to all properties surrounding the development site;
- Targeted meetings with interested parties;
- Direct liaison with stakeholders.

5.6 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**

5.7 The community consultation report was submitted as part of the planning application, received on 15 April 2022 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.

5.8 Copies of the following have been provided in the report:

- Screen shots taken from the project website.
- Copy of the newspaper adverts.
- Copy of the information leaflet which was posted out to properties surrounding the site.
- Copy of information email sent to elected members.
- Copy of correspondence with a local resident who provided feedback.
- Table showing responses to online questionnaire.
- Copy of postal feedback received.

5.9 The report states that formal notices advertising the website were placed in the Coleraine Chronicle and the Coleraine Times on 27 January 2022 and 26 January 2022 respectively. An event leaflet was issued on 21 January 2022 to 54 local residents within 1km of the site boundary. The dedicated website went live on 25 January



2022 and provided information on the development, contact details and how to provide feedback. The website also provided a facility for online feedback.

- 5.10 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.
- 5.11 The website had a total of 7 visitors during the consultation period. A total of 8 survey forms were submitted online and 5 postal feedback forms were received. 12 of the 13 people who responded to the consultation were supportive of the proposed development with only 1 in opposition to it. The opposer expressed concern over the impact of radiation on health, deterioration of wildlife within the area and a decrease in property value. All comments raised have been considered and where necessary addressed in the final design proposals submitted as part of the proposal

## **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 is not within any European designations however it is hydrologically linked to the Bann Estuary SAC.
- 6.4 The Regional Development Strategy (RDS) is a material consideration.
- 6.5 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.

- 6.6 Due weight should be given to the relevant policies in the development plan.
- 6.7 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)

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 18: Renewable Energy

Planning Policy Statement 18: Renewable Energy – Best Practice Guidance

PPS 21: Sustainable Development in the Countryside

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 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 Bann Estuary SAC, approx. 30km downstream. 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 a significant effect on the integrity of any European site.

- 8.4 An Environmental Impact Assessment was carried out as the proposed development falls within Schedule 2, Category 3(A) of The Planning (Environmental Impact Assessment) Regulations (NI) 2017. It was not considered that the proposal would have any significant adverse environmental effects, therefore, an Environmental Statement was not required.
- 8.5 The Northern Area Plan 2016 is silent on the matter of solar 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 13 permanent steel units consisting of a primary substation, which will be located within a compound, and 12 inverter substations located throughout the site. The inverter substations will be grey steel and will measure 7m by 2.5m and will be 3m in height. The primary substation will also be steel and will measure 6m by 3.2m and will be 3.4m high. The compound within which the primary substation will be located will consist of a 2.4m high paladin fence and permeable hardstanding.
- 8.9 The substation compound is to be located along the main access track and is set back approx. 150m from the public road. Due to the topography of the surrounding landscape and roadside

vegetation, views of the substation compound and the inverter substations will be limited to the Letterloan Road. The views will be along a relatively short stretch of the road, along the site frontage and on approach from both directions. There will be no no significant visual impact. The design and materials are considered acceptable given the nature of the buildings and they 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 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 solar farm, it is difficult for it to integrate into the countryside, however, the proposal, including the solar panels and the associated infrastructure, has been sensitively designed so as to respect rural character as much as it can and is therefore acceptable. Also, given the topography of the land, surrounding field boundary and roadside vegetation and the limited public roads in the vicinity, views of the solar farm are restricted to Letterloan Road.

### **SPPS Renewable Energy and PPS 18 Renewable Energy**

- 8.11 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;**

- 8.12 There is no evidence to demonstrate that solar farms have a negative impact on human health. Environmental Health were consulted on the proposal, as the competent authority on human health, and they have not raised any objections on these grounds.
- 8.13 There will be no on-site office or permanent staffing of the site and visits to the site for maintenance work will typically be less than 26 per year. The solar farm will be fenced which will restrict access to site personal only. No hazardous substances will be stored on site. It is considered that the risk of accidents would be low and any construction or maintenance activities on site will be covered by health and safety plans.
- 8.14 A Glint and Glare Assessment has been submitted with the proposal. The assessment demonstrates that solar reflection is likely to have a moderate impact at 5 receptors. For 3 of these

receptors, 50 Shinny Road, 41 Letterloan Road and 56 Cashel Road, views are limited to upper floors and existing screening from vegetation or buildings, and the clearance distance from the panels means that mitigation is not required. For the other 2 receptors, 30 and 32 Letterloan Road, the proposed planting along Letterloan Road is expected to provide significant screening and therefore, no mitigation is required. It is considered that the impact of glint and glare on residential amenity is not significant.

- 8.15 The 3 closest residential properties to the site are 30, 32 and 41 Letterloan Road, which are all approx. 10 to 15m from the site boundary. There are several other dwellings in proximity to the site along the Letterloan Road.
- 8.16 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.
- 8.17 With regard to the visual impact on residential properties, a Landscape and Visual Impact Assessment was submitted as part of the application. The assessment considered the impact of the proposed development on residential properties. It concluded that only 3 properties, 30, 32 and 41 Letterloan Road, which are the closest properties to the site, are predicted to experience moderate but not significant impacts without mitigation. Mitigation is proposed in the form of planting. This would be conditioned in the event of an approval. It should be noted that none of the dwellings in proximity to the site have objected to the proposal.
- 8.18 No site lighting has been proposed, therefore, there will be no nuisance from lighting at night.

**(b) visual amenity and landscape character;**

- 8.19 A Landscape and Visual Impact Assessment was submitted as part of the application.
- 8.20 The site is not located within any sensitive landscapes. Binevenagh AONB is located approx. 1km to the west of the site. The site will not be viewed from the AONB due to intervening topography and extensive forestry vegetation.

- 8.21 The site straddles 2 Landscape Character Areas (LCA's), Eastern Binevenagh Slopes (LCA 38) and Binevenagh (LCA 36). Due to the low lying nature of the site, the surrounding topography and existing vegetation, the impact of the development is not considered to be significant. The impact will be localised due to restricted views meaning there will be little to no impact on the wider LCA's.
- 8.22 The Landscape and Visual Assessment includes photomontages from 8 viewpoints on publicly accessible roads surrounding the site. The roads include Letterloan Road, Cashel Road, Broad Road and Shinnny Road. The photomontages demonstrate that the visual impact of the proposal will be limited to those roads immediately surrounding the site and the impact will not be significant. The biggest impact will be on Letterloan Road where planting has been proposed to mitigate the visual impact. The planting will be conditioned in the event of an approval. The visual impact of the proposal on the surrounding landscape is considered to be acceptable.

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

- 8.23 As detailed above, the site is not located within any designated sites, however, it is hydrologically linked to Bann Estuary SAC/ASSI. There is no development proposed within 10m of the any waterway, no additional drainage works are required and there will be no additional discharge from the site. SES carried out an HRA of the proposal and concluded that the proposal would not have a significant effect on the integrity of the Bann Estuary SAC or any other European site. NIEA are also content that the proposal will not have a significant effect on the SAC/ASSI.
- 8.24 Lower Kiltinny Site of Local Nature Conservation Importance, a woodland site, is located immediately adjacent to the northeast boundary of the site. The Ecological Impact Assessment shows that there is no pathway of effect between the proposal and the SLNCI. Therefore, the proposed development will have no significant impact, and mitigation is not required.
- 8.25 The site contains Northern Ireland priority habitats (NIPH) including broadleaved woodland, peatland and hedgerows. The

layout of the proposal has been designed to avoid or minimise effects on habitats of ecological value.

- 8.26 There are 2 areas of broadleaved semi natural woodland on the site, one of which is considered to be a priority habitat. The layout of the proposal does not impact on the site as there is a 5m Ecological Exclusion Zone (EEZ) to be maintained between all infrastructure and the woodland. NIEA NED is content that the proposal will have no significant impacts on woodland priority habitats.
- 8.27 The site contains a complex mosaic of wet modified bog (active peatland). The proposed development does not impact on the peatland and a 5m EEZ is to be maintained between all infrastructure and peatland areas. NED is content that the proposed development will have no significant impact on the peatland priority habitat.
- 8.28 Field boundaries within the site comprise of hedgerows which are all NI priority habitat. The proposal will include a 5m EEZ between all infrastructure and hedgerows. The Landscape Planting Plan also shows that proposed planting will enhance the existing hedgerows. Therefore, NED is content that the proposal will have no significant impact on hedgerow priority habitat.
- 8.29 With regard to wildlife within the site, the Ecological Impact Assessment demonstrates that the proposal will not impact on bats or birds as the proposal has been designed to avoid and/or reduce direct habitat loss within the site. NED is content that the proposed landscaping will provide additional roosting and foraging habitat for birds and foraging and commuting habitat for bats.
- 8.30 There is no evidence of otters within the site or within 30m of the site boundary.
- 8.31 The proposed development has been designed to avoid damage or disturbance to badger setts. A number of mitigation measures are proposed to protect the badgers during the construction phase, including maintaining a 25m EEZ between all infrastructure and any badger setts within the site. NED is content that these measures are adequate but require a condition to be included in any approval requiring the submission of a Badger Mitigation Plan.

8.32 DAERA NED and Shared Environmental Services have 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.

8.33 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. This is discussed in more detail below.

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

8.34 Solar energy is considered to be a clean and green energy. The proposal relates to photovoltaic panels which convert light directly into electrical energy. The proposal will not involve the use of any non-renewable resources during its operation and will not generate any waste or emissions.

8.35 NIEA are content that there are no proposed discharges of surface water, therefore, the proposal is unlikely to have an impact on flow regimes or drainage to the Roaring Burn which runs adjacent to the site.

8.36 EHO are content that dust mitigation measures are to be employed during construction to ensure that off-site dust emissions are restricted. Dust is not an issue during the operational phase of the proposal.

**(e) public access to the countryside.**

8.37 The lands within the application site boundary are owned by a private landowner, 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.

**Economic, Environmental and Social Consideration**

8.38 The SPSS 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.

- 8.39 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

- 8.40 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 on nature conservation importance, habitats, species or features of natural heritage importance and AONBs.
- 8.41 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**

- 8.42 The proposed access to the solar farm is to be located on Letterloan Road, which is not a Protected Route, at the point of an existing agricultural access. A Transport Assessment Form was submitted with the application. The assessment shows that when operational, there will only be occasional visitors to the site. DfI Roads is content with the proposal subject to condition.

#### **SPPS Archaeology and Built Heritage and PPS 6 Planning, Archaeology and the Built Heritage**

- 8.43 A Cultural Heritage Assessment was submitted with the proposal which assesses the impact of the proposal on archaeological and cultural heritage assets. The assessment shows that there are no recorded monuments within the proposed site boundary but there

are 4 recorded archaeological sites with approx. 1km of the site boundary. The report assesses both the direct and indirect effects on these archaeological and other cultural heritage sites.

- 8.44 The assessment outlines that there would be no direct effects upon any recorded archaeological features present within the site and no significant indirect effects, associated with changes to settings, upon heritage assets in the surrounding historic environment. The assessment also highlights that there are 2 undesignated cultural heritage sites within the proposed boundary. These are a limekiln and a small farmstead. The final design of the development allows for the preservation in situ of these features and mitigation has been proposed.
- 8.45 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**

- 8.46 A Flood Risk Assessment (FRA) has been submitted with the proposal. DfI Rivers is satisfied that the FRA demonstrates that all development is taking place on elevated ground and out of the floodplain with a suitable freeboard. As such DFI Rivers is content that the proposal meets the requirements of Policy FLD 1 of PPS15 and the SPPS.
- 8.47 DFI Rivers confirm that no designated watercourses exist within the application site and the layout of the development is suitably distanced from the undesignated watercourses with the required maintenance strip in place. Therefore, the proposal complies with Policy FLD 2 of PPS15 and the SPPS.
- 8.48 The Flood Hazard Map (NI) indicates that portions of the site lie within an area of predicted pluvial flooding. Due to this and the size of the development, FLD3 of PPS15 applies. A Drainage Assessment has been submitted with the proposal. The DA demonstrates that the design of the solar panels and layout has taken into account the areas of predicted pluvial flooding and will still allow for run-off to fall onto the open vegetated ground to be

dispersed via the same routes that are currently in place. DfI Rivers is content with the DA and the Planning Department considers the proposal to meet with Policy FLD 3 of PPS15.

## **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.

## **10.0 PROPOSED CONDITIONS**

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. Within 12 months of the cessation of electricity generation from the approved photovoltaic panels, all structures shall be removed and the land restored in accordance with a scheme to be submitted to and agreed in writing with the Council.

Reason: To restore and maintain the landscape quality of the area.

3. The rated level of noise from the permitted development shall not exceed the predicted noise levels for daytime hours (07:00 – 23:00 hours) as stated within Table 8 (copied below) of the Noise Impact Assessment, Document Reference NI2377, date stamped 13th April 2022, as determined in accordance with BS 4142:2014 + A1:2019 “Method for rating and assessing industrial and commercial sound”.

Reason: In the interest of residential amenity.

**Table 8: Daytime Noise Predictions at Noise Sensitive Receptor Locations**

Noise Sensitive Receptor	Height	Predicted Noise Level (dB)
1	1.5	16.0
2	1.5	18.7
3	1.5	20.3
4	1.5	24.8
5	1.5	24.8
6	1.5	26.9
7	1.5	26.8
8	1.5	18.4
9	1.5	27.9
10	1.5	25.6
11	1.5	24.4
12	1.5	23.4
13	1.5	17.0

The maximum predicted sound level due to the proposed development is 27.9 dB at noise sensitive receptor 9.

- The rated level of noise from the permitted development shall not exceed the predicted noise levels during night-time hours (23:00 – 07:00 hours) as stated within Table 9 (copied below) of Noise Impact Assessment, Document Reference NI2377, date stamped 13th April 2022, as determined in accordance with BS 4142:2014 + A1:2019 “Method for rating and assessing industrial and commercial sound”.

Reason: In the interest of residential amenity.

**Table 9: Night time Noise Predictions at Noise Sensitive Receptor Locations**

Noise Sensitive Receptor	Height	Predicted Noise Level (dB)
1	4.0	4.2
2	4.0	8.5
3	4.0	8.9
4	4.0	15.7
5	4.0	15.2
6	4.0	17.1
7	4.0	16.9
8	4.0	4.4
9	4.0	9.1
10	4.0	7.0
11	4.0	6.5
12	4.0	6.0
13	4.0	1.4

The maximum predicted sound level due to the proposed development is 17.1 dB at noise sensitive receptor 6.

- Prior to development hereby approved, a construction noise management plan shall be submitted to and approved in writing by the Planning Department. The plan shall have regard to relevant British Standard 5228: 2009, Parts 1 and 2 and must detail the method to ensure the achievement of best practicable means to reduce the effect of noise and vibration. The plan shall include:

- A detailed construction method statement which shall stipulate the hours of working proposed and relevant conformance criteria (noise and vibration limits).

Such works shall not take place outside of the following hours, without the prior approval of the Planning Department:

- 07:00 - 19:00 hours Monday - Friday
- 07:00 - 13:00 hours Saturdays
- No working on Sundays

Noise levels shall not exceed the threshold values as stipulated within Table E-1 Category A values of BS 5228:2009.

Reason: In the interest of residential amenity.

6. Dust mitigation measures shall be implemented during site preparation/enabling and construction works to minimise the generation and movement of dust from the proposed development to sensitive receptors. The dust mitigation measures employed shall be in accordance with the Institute of Air Quality Management, "Guidance on the assessment of dust from demolition and construction, (2014).

Reason: In the interest of residential amenity.

7. 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.

8. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 6.

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

9. 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 6. 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.

10. No development shall take place until the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with drawing no. 04 received 12th October 2022. 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.

11. The access gradient to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

12. No development activity, including ground preparation or vegetation clearance, shall take place until a Badger Mitigation Plan (BMP) has been submitted to and approved in writing by the Planning Authority. The approved BMP shall be implemented in accordance with the approved details and all works on site shall

conform to the approved BMP, unless otherwise approved in writing by the Planning Authority. The BMP shall include the following:

- a) Details of updated surveys for badgers
- b) Provision of 25m buffers between all development activity and all badger sett entrances
- c) Details of appropriate fencing to protect badgers and their setts
- d) Details of appropriate measures to protect badgers from harm during the construction phase
- e) Details of the appointment of a competent ecologist to oversee the implementation of badger mitigation measures during the construction phase, including their roles, responsibilities and timing of visits.

Reason: To protect badgers and their setts.

13. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

14. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

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

Reason: In the interests of visual amenity.

16. The scheme of planting as approved in drawing no. 03 Rev 1, received on 3 February 2023, shall be carried out during the first planting season after the commencement of development. Trees

or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity.

17. All existing trees and hedgerows within the site shall be permanently retained unless shown on the approved drawings as being removed.

Reason: In the interests of visual amenity and bio-diversity.

18. The security deer fence as shown on drawing no. 02 Rev 1 received on 16 January 2023 shall be erected prior to the installation of the photovoltaic panels on site.

Reason: In the interest of public safety.

19. During the first available planting season after the commencement of the development, a hawthorn or other natural species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: In the interests of visual amenity.

20. Details of the CCTV cameras shall be submitted to the Council, to be agreed in writing, prior to the commencement of development.

Reason: In the interests of public 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



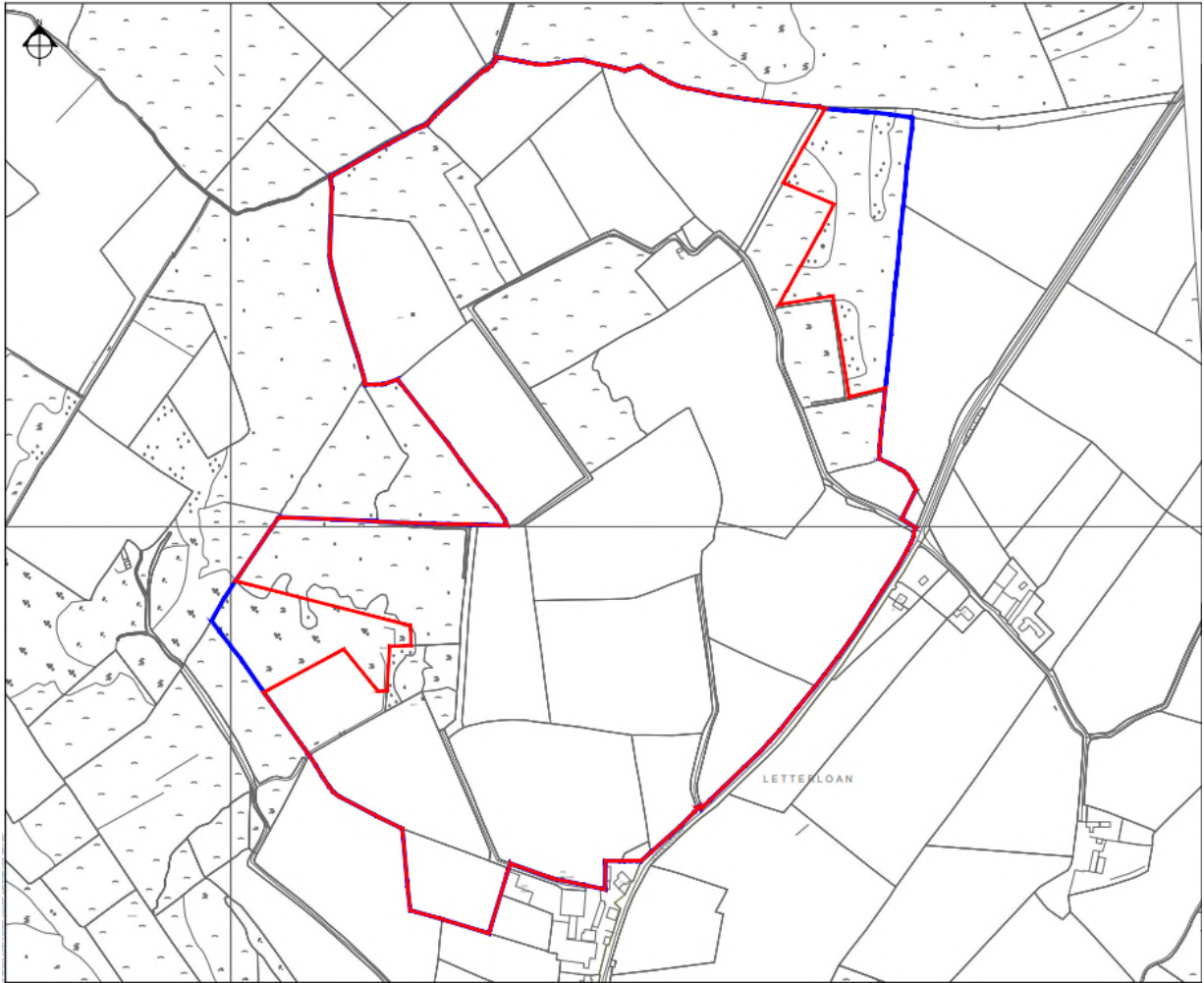
pertaining to these lands.

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>

## Appendix 1: Consultation Responses

<b>Consultee</b>	<b>Response Date</b>	<b>Responses</b>
<b>Rivers Agency</b>	27/06/2022	No objection – subject to conditions
<b>Environ Health</b>	30/11/2022	No objection – subject to conditions
<b>Historic Environment Division (HED)</b>	28/06/2022	No objection – subject to conditions
<b>DFI Roads</b>	31/10/2022	No objection – subject to conditions
<b>NIEA</b>	30/08/2022	No objection – subject to conditions
<b>SES</b>	06/10/2022	No objection
<b>DfE Energy Division</b>	21/07/2022	No objection
<b>NI Water - Strategic Applications</b>	12/06/2022	No objection – subject to conditions
<b>NIE</b>	19/01/2023	No objection

## Site Location



# Site Layout

