



Title of Report:	Planning Committee Report – LA01/2019/0922/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22 November 2023
For Decision or For Information	For Decision
To be discussed In Committee YES/NO	NO

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

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	NO
Capital/Revenue	N/a
Code	N/a
Staffing Costs	N/a

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	No	Date:

	EQIA Required and Completed:	No	Date:
Rural Needs Assessment (RNA)	Screening Completed	No	Date:
	RNA Required and Completed:	No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	No	Date:
	DPIA Required and Completed:	No	Date:

No: LA01/2019/0922/F

Ward: BENBRADAGH

App Type: Full Planning

Address: Lands Opp entrance to 59 Maghermore Road, Dungiven, BT47 4SW in the townlands of Carnanbane and Maghermore, Approx 4km south of Dungiven

Proposal: Construction of a Wind Farm (with a generating capacity of between 21.6 MW and 24 MW) comprising up to 6no Wind Turbine (Max of 149.9m to blade tip with a max rotor diameter of 112m and max hub height of 94m) and associated infrastructure including external electricity transformers, crane hardstandings, underground cabling, control building, substation compound, energy storage area, (up to 5 MW hours), newly created site entrance (Opp 59 Maghermore Road), New and upgraded on-site access tracks, turning heads and all other associated ancillary works. During construction and commissioning there will be a number of temporary works including enabling works compound and construction compound with car parking, temporary parts of crane hardstanding, welfare facilities and off site road widening into 3rd party lands on the Banagher, Carnanbane and Maghermore Roads

Con Area: n/a

Valid Date: 02.08.2019

Listed Building Grade: n/a

Target Date: 08.05.2020

Agent: N/A

Applicant: Renewable Energy Systems Ltd, Willowbank Business Park
Willowbank Road, Larne, BT40 2SF

Objections: 175 **Petitions of Objection:** 0 **Comments** 2

Support: 12 **Petitions of Support:** 0

Executive Summary

- The proposal is for the construction of a Wind Farm comprising 6 no. Wind Turbine, with a maximum tip height of 149, and associated infrastructure. The proposal will have a maximum generating capacity of up to 24MW and includes a Battery Energy Storage System (BESS). Off site road widening works are required on Banagher, Carnanbane and Magheramore Roads.
- 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.
- The application was accompanied by an Environmental Statement.
- 160 objections have been received regarding the proposed development.
- 12 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 unacceptable in terms of impact on visual amenity within the Sperrin's AONB, landscape character and the integrity of the setting of a State Care Monument and two Scheduled Monuments.
- This proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.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 for the reasons set out in Section 9.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within the townland of Magheramore approx. 4km south of Dungiven. The site is positioned on an upland plateau in the north eastern part of the Sperrins Area of Outstanding Natural Beauty (AONB). It is located around the north western to south western side slopes of Teeavan Hill which is a small rounded hill. Teeavan Hill is the lowest and northern most hill within a small group of hills which form an outlying upland area on the north western edge of the Sperrin Mountain range. The site is accessed off Magheramore Road.
- 2.2 The land is agricultural in nature and is currently used for grazing. There are small distinct areas of wet marshy grassland and wet heath throughout the site. The site is open and exposed to the north but is bounded to the south by Altnaheglish River and associated broadleaf woodland within Banagher Glen. Further south there are extensive areas of commercial forestry that form Banagher Forest.
- 2.3 The site area is 41.1ha. However, the actual area of permanent land take is limited to the control room, substation compound, energy storage area, wind turbine towers, permanent crane hardstandings and on-site access tracks, which account for approx. 3.13ha. In addition, there will be approx. 0.55ha of temporary hardstanding required during construction.
- 2.4 There are a several single dwellings and farms in proximity to the site dotted along the Magheramore Road. Dungiven is the nearest settlement with the village of Feeny located approx. 4km to the west of the site. The nearest dwelling is located approx. 1003m from the nearest turbine.

3.0 RELEVANT HISTORY

- 3.1 LA01/2018/0950/PAN - A proposed wind farm development comprising up to 6 three bladed wind turbines, each up to a maximum height of 149.9m tip height, associated external electricity transformers, underground cabling, a newly created site entrance, access tracks, turning heads, crane hardstanding, control building and substation compound and energy storage containers. During construction and commissioning there will be a number of temporary works including a construction compound with car parking, temporary parts of crane hardstanding, welfare facilities and temporary meteorological masts – PAN
ACCEPTABLE – 22 August 2018

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 an off-site 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 94m high tower and a 112m diameter rotor.
- 4.2 Each turbine will have a generational capacity of between 3.6 and 4MW, giving a combined generation capacity of between 21.6 and 24MW.
- 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 maximum 24MW 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 site was selected and 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 consideration of the siting of the wind turbines and ancillary development such as avoiding scheduled monuments and maintaining suitable buffers to sensitive receptors and roads. 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 3 neighbours were identified for notification within the terms of the legislation. The application was initially advertised on 11 September 2019 in the local papers. It was subsequently re-advertised on 2 October 2019 upon receipt on the ES and on 27 January 2021 for an amended description. Advertisement of receipt of Further Environmental Information took place on 8th December 2021 and 4th May 2022.
- 5.2 160 letters of objection have been submitted.
- 5.3 The issues raised in the letters include:
- Visual impact on the landscape and the AONB, including the cumulative impact with other windfarms and the size of the turbines;
 - Impact on tourism;
 - Impact on residential amenity in terms of visual and noise;
 - Environmental impact on designated sites, such as sites of Special Scientific Interest and the SAC;

- Impact on natural environment including flora, fauna, peatland and species such as the cuckoo;
- Impact on public safety/human health;
- The proposal is contrary to policy;
- Impact from shadow flicker;
- Impact on built heritage;
- Turbines are not efficient;
- Insufficient public consultation to the residents of Banagher, Dungiven and the wider Roe Valley;
- Not needed;
- Not Viable considering lack of grid capacity and infrastructure;
- No Guarantee of cheaper electricity for residents of Roe Valley.

5.4 12 letters of support have been submitted. One of the letters was received from the committee of a co-op whilst the others were from local residents.

5.5 The issues raised in the letters included:

- Clean form of green energy;
- Climate change;
- Economic benefit in the form of local jobs, rates and community fund;
- Meet Government targets with regard to renewable energy;

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

Internal

5.6 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

- 5.7 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.
- 5.8 A Proposal of Application Notice was submitted on 2nd August 2018 under LA01/2018/0950/PAN. The applicant advised that they intended to undertake the following forms of consultation:
- Staffed public consultation event with information boards and feedback questionnaire;
 - Dedicated webpage;
 - Meeting with stakeholders including MLAs Councillors, community groups and other interested parties.
- 5.9 The public event was to be held on 11th September 2018 in Drumboughil Community Centre, 36 Magheramore Road, Dungiven. Prior to this, the information leaflets were to be delivered to all properties within 5km of the proposed development site, and all community groups, churches and schools within 7.5km as well as a press notice advertising the public exhibition in 2 local newspapers.

Community Consultation Report

- 5.10 The community consultation report was submitted as part of the planning application, received on 2nd August 2019 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.11 Copies of the following have been provided in the report:
- press notices;
 - information leaflet posted out;
 - letter of invitation to public exhibition which was sent to local representatives and a list of the representatives invited;
 - list of community groups/schools/churches which received an event leaflet;
 - information boards displayed at exhibition;
 - public exhibition questionnaire;

- website image;
- newspaper article about the exhibition.

5.12 The report states that the public exhibition was originally planned for September 2018 but was postponed until 26th March 2019 whilst alternative accesses were being assessed. Information leaflets and invitations were sent out and public notices were displayed within Limavady Chronicle and the Northern Constitution, a copy of these has been provided.

5.13 The event was held on 26th March 2019 from 2pm to 8pm in Drumboughil Community Centre. The exhibition was attended by 32 people including individuals from Drumboughil Community Association, residents from the local and wider Dungivens area and Councillors from Causeway Coast and Glens Borough Council. Overall, sufficient evidence has been provided to show compliance with section 27 of the Planning Act (Northern Ireland) 2011.

5.14 With regard to the feedback forms, 24 were completed by attendees at the exhibition and a further 3 were received from members of the public who were unable to attend the event. Concerns raised included visual impact, impact on natural environment, impact on AONB, impact on house prices, noise and traffic resulting from the development. No amendments were made 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 is within the countryside and the Sperrin Area of Outstanding Natural Beauty (AONB).

- 6.3 The site is within Landscape Character Area (LCA) 29 Sperrin Mountains which has been assessed to have a high landscape sensitivity to impact from wind energy development.
- 6.4 The site is not within any European designations however it is in proximity to, and hydrologically linked to, Banagher Glen SAC and River Roe and Tributaries SAC.
- 6.5 The Regional Development Strategy (RDS) is a material consideration.
- 6.6 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.7 Due weight should be given to the relevant policies in the development plan.
- 6.8 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 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 16: Tourism

Planning Policy Statement 18: Renewable Energy

Planning Policy Statement 18: Renewable Energy – Best Practice Guidance

Planning Policy Statement 18: Renewable Energy – Supplementary Planning Guidance – Wind Energy Developments in Northern Ireland’s Landscapes

PPS 21: Sustainable Development in the Countryside

Supplementary Guidance

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 is in proximity to, and hydrologically linked to Banagher Glen SAC and River Roe and Tributaries SAC. The test of likely significance concluded that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or project 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 application was accompanied by a voluntary Environmental Statement because it was accepted that the proposal falls within Schedule 2, Class 3(j), of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and exceeds the threshold of 'more than 2 turbines'.
- 8.5 The type and quantities of chemicals used for the batteries do not fall within the Schedule listed within the Planning (Hazardous Substances) Regulations (NI) 2015 and therefore do not require Hazardous Substance Consent.
- 8.6 The Northern Area Plan 2016 is silent on the matter of wind farm development in this area.

SPPS Development in the Countryside and PPS 21 Sustainable Development in the Countryside

- 8.7 Planning Policy CTY 1 of PPS 21 allows for renewable energy projects in accordance with PPS 18 which is assessed below.
- 8.8 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.
- 8.9 The proposal includes one permanent building (control building) which will be located within the substation compound. The control building is proposed to be finished using local building materials and finishes to ensure that its appearance is in keeping with other buildings in the area. It is proposed to be 6.5m high with a footprint of 14m by 32m. The compound will also include an area of hardstanding and a 3m high fence around the substation equipment.
- 8.10 The substation has been sited between proposed turbines T5 and T2 at an elevation of approx. 305m. There are two areas of forestry adjacent to the site, one to the west and one to the south, which are to be retained. These areas of forestry will help to screen the compound when viewed from the west and south and will provide a backdrop for the compound when viewed from the north. The land rises to the east to the top of Teeavin Hill, which will screen any views of the compound from the east.
- 8.11 Due to the topography of the landscape, views of the substation compound and building will be limited from the public road network, with no significant visual impact. The design and materials are considered acceptable and the building will not be a prominent feature in the landscape and will not cause a detrimental change to the rural character of the area.
- 8.12 A temporary construction compound is proposed as part of the proposal. This temporary compound is to be located adjacent to the permanent substation compound and will benefit from the same screening as described above. Therefore, as with the

substation compound, the temporary construction compound will have a limited visual impact. The compound is temporary and will be removed following completion of the development, with the lands restored.

- 8.13 The SPPS also states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. Given the nature of a windfarm, it is difficult for it to integrate into the countryside. However, the proposal, including the turbines and the associated infrastructure, has been sensitively designed so as to respect rural character as much as it can and is therefore acceptable.

SPPS Renewable Energy and PPS 18 Renewable Energy

- 8.14 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

- 8.15 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.
- 8.16 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 T4 which is approx. 1600m from the edge of Magheramore Road, well over the required set back distance. The proposed micro-siting will not bring the turbine any closer to the road as micrositing is not proposed to the west of turbine T4 and therefore complies with policy.
- 8.17 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 112m which equates to a separation distance of at least 1120m. The proposed micro-siting has also be taken into consideration when determining the separation distances.

- 8.18 There are two occupied properties within the 1120m safety separation distance of a proposed turbine, these are 96 Magheramore Road (H1), approx. 1003m from the nearest turbine and 84 Magheramore Road (H3), approx. 1096m from the nearest turbine. There are also four unoccupied properties within the separation distance. The applicant has stated that these properties will remain unoccupied during the lifetime of the windfarm. None of these replacement candidates benefit from extant planning permission. These four properties will not be considered further.
- 8.19 Although less than the recommended 1120m, these reduced separation distances are considered to be acceptable. This is in light of a Planning Appeals Commission decision on application LA01/2017/1654/F (appeal ref: 2018/A0199) Armoy windfarm, which is within the Council area, where the PAC accepted a separation distance of 623m when the 10 times rotor diameter separation distance was 998m. In its decision, the PAC concluded that the use of the word ‘comfortably’ in the BPG allows a degree of latitude to be applied to separation distances and that 10 times rotor diameter need not rigidly apply. Further, the BPG describes wind energy developments as safe technology and failure is unlikely. The PAC, therefore, concluded that the proposal wouldn’t present a public safety risk and was satisfied that the appeal proposal would not cause significant harm or result in an unacceptable adverse impact on public safety. Policy RE 1 states “for wind farm development, a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply”. In applying the PAC’s logic, the distances in this case exceed 500m and are therefore considered acceptable.
- 8.20 With regard to the battery storage element of the proposal, the main risk to human health is through a fire or explosion. The applicant has included mitigation measures within the proposal to

minimise Thermal Runaway and the risk of fire. The nearest residential dwelling to the BESS is 1398m mitigating any risk to local properties or their occupiers as confirmed by the HSENI guidance 'Hazard Assessment of Battery Energy Storage Systems'.

Human Health

- 8.21 There is no indication from any consultees that the proposed development will result in any detriment to human health.

Residential Amenity

- 8.22 Policy RE 1 stipulates that a separation distance of 10 times rotor diameter, with a minimum distance not less than 500m, will generally apply to protect residential amenity from noise. This is reiterated in the Best Practice Guidance at para 1.3.43 specifically in relation to noise. As outlined above, there are two residential properties within the 10 times rotor diameter buffer, but they are all outside the minimum 500m separation distance.
- 8.23 With regard to noise, Environmental Health (EHO) has 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.
- 8.24 With regard to shadow flicker, the Best Practice Guidance states that at distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. It also states that only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side. Two occupied properties have been identified within the 10 times rotor diameter, these are 96 and 84 Magheramore Road.
- 8.25 The guidance also states that for dwellings within 500m, shadow flicker should not exceed 30 hours per year or 30 mins per day. No figure is given for properties outside this distance. If 30 hours of shadow flicker is acceptable at properties within 500m then it would also be acceptable at properties outside the 500m but within the 10 times rotor diameter.
- 8.26 Of the two dwellings within the 10 times rotor diameter, 84 Magheramore Road is predicted to experience a maximum of 11.5

hours of shadow flicker per year. This is well below the guideline figure of 30 hour per year and is therefore acceptable. The other dwelling, 96 Magheramore Road is not located within 130 degrees either side of north relative to the turbines and is therefore unaffected by shadow flicker

(b) visual amenity and landscape character;

- 8.27 Although highly visible by their very nature, wind farm developments are not prohibited as features in the landscape. Their acceptability depends on the character and sensitivity of the landscape and the degree to which the proposal will impact on it.
- 8.28 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 29 and critical views from the public roads within the vicinity. This is laid out in detail below under “PPS18 Requirements for Wind Development”.
- 8.29 The proposal is considered to have an unacceptable adverse impact on visual amenity and landscape character in this area of the Sperrin AONB which is not outweighed by the local and wider environmental, economic and social benefits of the development. Paragraph 6.223 of the SPPS applies a “cautious approach” in designated landscapes of significant value such as AONBs. The proposal is situated within the Sperrin Mountains landscape character area (LCA29), in accordance with “Windfarm Energy Development in Northern Ireland Landscapes” the Sperrin LCA is described as having high sensitivity to windfarm development and “Care should be taken to avoid adverse impacts on skylines, views and the visual amenity, recreational value and wild character of this LCA. Open exposed slopes and ridgelines should be respected as should natural and cultural heritage landscape interests. Care should be taken to ensure that wind energy developments do not dominate and flatten this topographically complex landscape.”
- 8.30 The proposal would have an unacceptable adverse impact on the sensitive landscape. This is particularly from the critical viewpoints on the east and west approaches to Dungiven along the A6 Dual Carriageway/ Foreglen Road and along the A6 Glenshane Road. In addition, it would have an adverse effect on the setting of Dungiven on approach from the north along Legavallon Road.

8.31 The proposal also includes a newly created site entrance off the Magheramore road, access tracks, crane hardstandings, control building and substation compound, electricity transformers, underground cabling, energy storage area and drainage works. During construction there will be temporary works including enabling works compound, construction compound with car parking, temporary parts of crane hardstandings, welfare facilities and off site road widening.

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

8.32 The Environmental Statement has assessed the impact of the development on designated sites, habitats and species through conducting extensive survey works and has provided mitigation measures to avoid significant adverse impacts.

8.33 NIEA Natural Environment Division (NED) has considered the impacts of the proposal on natural heritage biodiversity interests and they have no objections, subject to conditions. Further details are provided at paragraph 8.35.

8.34 Most of the proposed infrastructure will be on semi-improved grassland with a small area of marshy grassland and conifer plantation. These areas are not Northern Ireland Priority Habitats (NIPHs). However, Turbines 1 and 6 and the access routes to Turbines 6 and 5 support Northern Ireland Priority Habitats (NIPHs), namely Blanket Bog, Lowland Heathland and Hedgerows.

8.35 NIEA confirm that the modified bog habitats in the vicinity of Turbines 1 and 6 and the access routes to Turbine 6 and 5 are in poor condition due to extensive historic peat cutting. Much of the peat depth is less than 0.5m. In addition, the presence of drainage channels across the peatland areas and the presence of improved agricultural lands surrounding these areas indicates that the hydrology of the peat has been extensively damaged and that the bog surface will continue to dry out. NED notes that none of the bog habitats are active blanket bog.

8.36 The wet and dry dwarf shrub heaths that occur in along the access to Turbine 3 and in the vicinity of Turbine 6 are the NIPH of Lowland Heathland.

- 8.37 All hedgerows on site are NIPH, but most of the hedgerows were classified as species-poor and dominated by Hawthorn.
- 8.38 NED notes that the proposed development will result in the temporary and permanent loss of 0.4ha of Lowland Heathland, 0.4 ha of Blanket Bog and 2.1 km of hedges. However, the proposal aims to compensate for the loss of these NIPHS through implementation of a Habitat Management Plan which includes the enhancement and restoration of 15.5ha of former heath/blanket bog, planting of 1.1ha of native mixed ashwoods woodland adjacent to Banagher Glen SAC to compensate for the loss of the area of conifer shelter-belts the translocation or replacement of 2.1 km of hedgerows that will be removed to widen the access into the site.
- 8.39 With regard to NIPHS, NED confirm that they have no objection to the proposal provided a condition is included in any decision notice to ensure the implementation of an agreed HMP.
- 8.40 A number of bird species were recorded within the footprint of the windfarm and the surrounding area. NED confirm that habitat loss and collision risk were low for all bird species and the main impact would be from construction activity during the bird breeding season. NED is satisfied that the proposed project is unlikely to have a significant adverse impact, either in isolation or in combination with any other projects, on any regional bird populations including ornithological selection features of the Banagher Glen ASSI, provided mitigation measures are implemented to minimise threats to breeding birds and maintain the availability of nest sites. This will be conditioned should the application be approved.
- 8.41 Bat Roost Potential (BRP) surveys and bat activity surveys concluded that the overall potential of the area for foraging and commuting bats was low as the site comprises mostly improved and semi-improved grassland, marshy grassland and degraded blanket bog and heath. The only trees with BRP within the site are outside the zone of impact, and there are no buildings within 356m. The surveys found that most bat commuting and foraging was along linear features such as watercourses and edges of conifer plantations, and the turbines have been sited to avoid

these areas and maintain a 50m distance between the turbine blade tips and bat habitat features.

- 8.42 NED confirm, that in the event of the application being approved, provided a condition is included in any decision notice to ensure implementation of appropriate mitigation measures, it has no concerns regarding impacts to bats.
- 8.43 With regard to badgers, although evidence of badger activity was noted on site in the form of trails, snuffle-holes, and a live badger sighting, no setts were identified within the development area. NED therefore has no concerns regarding impacts to badgers.
- 8.44 Common Lizards were recorded on site. However, mitigation is proposed to minimise impacts to this species. In the event that the application is approved, provided a condition is included in any decision notice to ensure implementation of these mitigation measures, NED has no concerns regarding impacts to Common Lizard.
- 8.45 Historic Environment Division has stated “HED (Historic Monuments) has reviewed the FEI and advise that this proposal would have adverse impacts upon the integrity of the settings of Banagher Old Church State Care Monument and upon two scheduled monuments and is consequently contrary to Policy BH 1 of PPS 6, paragraph 6.8 of the SPPS and to Policy RE 1 of PPS 18.” This is considered below under ‘SPPS Archaeology and Built Heritage, PPS 6 Planning, Archaeology and the Built Heritage and PPS18 Renewable Energy’.

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

- 8.46 Water Management Unit (WMU) of NIEA has considered the impacts of the proposal on the surface water environment. WMU has no objection subject to conditions. WMU require the submission of a final Construction Environmental Management Plan and a Construction and Decommissioning Method Statement to ensure avoidance and mitigation measures are planned for, and implemented, for the protection of the water environment.
- 8.47 Due to the nature of the development, there will be limited impact on air quality except for dust suppression upon construction.

- 8.48 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.
- 8.49 The site is hydrologically linked to, Banagher Glen SAC and ASSI and River Roe and Tributaries SAC and 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 impacts of the proposal on the designated sites and advise that it is content provided the mitigation measures provided in the Peat Slide Risk Assessment is fit for purpose. GSNI has advised that it is satisfied that the Geotechnical Risk Register is well considered and appropriate and that it is content that peat slide risk will be negligible following the proposed mitigation.

(e) public access to the countryside.

- 8.50 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 landowner's consent.

PPS 18 Requirements for Wind Development

- 8.51 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;

- 8.52 Although highly visible by their very nature, wind farm developments are not prohibited as features in the landscape. Their acceptability depends on the character and sensitivity of the landscape and the degree to which the proposal will impact on it.
- 8.53 The turbines are located within Landscape Character Area (LCA) 29 Sperrin Mountains. In operational terms, Supplementary Planning Guidance (SPG) 'Wind Energy Development in Northern Ireland's Landscapes' describes the LCA as being well-suited to

wind energy development. However, this is generally outweighed by the sheer visual prominence of the Sperrin Mountains over a wide area of Northern Ireland.

- 8.54 The Guidance states care should be taken to avoid adverse impacts on skylines, views and the visual amenity, recreational value and wild character of this LCA. Open exposed slopes and ridgelines should be respected as should natural and cultural heritage landscape interests. Care should be taken to ensure that wind energy development do not dominate and flatten this topographically complex landscape.
- 8.55 The LCA consists of broad, rounded ridges with rocky outcrops leading to steep summits averaging 500m in height and rising to 678m AOD at Sawel Mountain.
- 8.56 Mountains form an east-west spine across the North West and have a dramatic appearance. The ridges have a broad, rounded profile leading to summits with a rocky, pointed profile. The skyline has many prominent ridgelines. In the east the skyline is generally lower and more broken; here the main skyline features include Knockavoe and Ownereagh Hill plus other smaller individual tops. To the west the ridge broadens and increases in height. Mountains also form part of the wider setting for the towns of Strabane, Dungiven and Draperstown, which lie just outside the LCA.
- 8.57 Exceptionally fine mountain and valley views characterise the LCA and are a key attraction to tourists and walkers. The mountains are an iconic feature in views west and south from the A6 Belfast to Derry road. The mountain landscape of very high scenic quality forms the heart of the Sperrin AONB.
- 8.61 Regarding critical views, the applicant has provided a Landscape and Visual Impact Assessment from 22 different viewpoints (Volume 3 of Environmental Statement). VP 12 viewed from the A6 Glenshane Road towards Dungiven, shows that the turbines will sit prominently on the landscape and detract from the scenic quality of the AONB. Due to the sloping nature of the landscape, the view from the A6 will give an unobscured view of the turbines due to the height at which the turbines will sit on the raised landscape. The proposal would unacceptably despoil this scenic view of the rolling hills and valleys of the outer Sperrins within the AONB.

- 8.62 Further west towards Dungiven, VP 13 is viewed from the junction of the A6 Glenshane Road and Corick Road looking west. Similar to VP12, the proposal would appear as a highly conspicuous feature on a prominent hill, despoiling this scenic view of the rolling hills and valleys of the outer Sperrins within the AONB. Further west again towards Dungiven, VP 14 viewed on the A6 Glenshane Road is similar to VP 13.
- 8.63 VP9 is located on the west side of Dungiven at the junction of Foreglen Road and Killunaght Road. This view is representative of the long transient/ sustained views on approach to Dungiven from the west (from Londonderry) both along the Foreglen Road and the new A6 Dual Carriageway. From here, the proposal would appear as a highly conspicuous feature on a prominent hill on the skyline/ horizon of the Sperrins range. This would despoil the scenic quality of this view of the Sperrins range, which presently retains its undeveloped, wild character. The incongruous, highly conspicuous development would awkwardly distort the soft outline of the Sperrin Mountains. Like VPs 12, 13 and 14, this critical view has a high number of receptors given that it is located along the primary route between the two principal cities in Northern Ireland. This serves to heighten the public interest and the unacceptability of the proposal.
- 8.64 VP 15 is viewed from Benbradagh Mountain looking towards the west. From here, as a public viewpoint, the proposal would sit prominently on the landscape. It would despoil the integrity of the view of the Sperrin range. VP 21 is viewed from Drum Road near Altahullion looking towards the south-east. From here, the turbines detract from the unbroken view of the landscape and sit too prominently on the landscape.
- 8.65 VP 11 viewed from the Garvagh Road/ Legavallon Road looking south into Dungiven. The proposal, by curiously sitting over the town, appears oppressive and causes unacceptable harm to the setting of Dungiven.
- 8.66 The applicant states that wind farms are an existing feature in the landscape of the LCA. Whilst it is acknowledged that there are 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. The introduction of turbines to this unspoilt

AONB landscape, to the south side of Dungiven, would have an unacceptable impact on the LCA.

8.67 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;

8.68 The closest windfarm to the development is the consented Ballyhanedin windfarm approximately 6.7km to the north west. From certain viewpoints, specifically VP 1, VP 12, VP 13, VP 14, VP16, VP 19, VP 20, and VP 22, other windfarms are visible namely Rigg Hill, Dunbeg, Dunmore, Slieve Kirk, Eglis, Curryfree, Carrickatane, Altahullion and Glenconway. 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 principally to the topography.

8.69 There are 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;

8.70 A Peat Slide Risk Assessment was included within the Environmental Statement which concluded that there was a negligible risk of peat slide. Geological Survey NI is satisfied that there are no issues of concern.

(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;

8.71 None of the consultees have indicated that the development will give rise to unacceptable interference to communication installations, emergency services communications or other telecommunications systems.

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

8.72 The proposal is within the 30km consultation zone for City of Derry Airport (CDA). CDA have no objection to the proposal. Ministry of Defence, National Air Traffic Services (NATS) and Civil Aviation Authority have no objection to the proposal in terms of safeguarding.

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

(vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

8.74 As discussed above EHO have no objections to the noise levels predicted within the submission and would be content for noise to be managed by condition in the event of any approval. The amount of shadow flicker is deemed acceptable.

8.75 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.

8.76 The applicant has advised that the turbine blades have a semi-matt surface finish which means that they do not reflect light as strongly as materials with a polished surface. Also, due to factors such as the convex surfaces of blades, differing orientations of rotor directions and the specific weather conditions and solar position which are required before an observer would experience the phenomenon, the potential for reflected light is low and will not cause a material reduction to amenity.

(vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and

the site restored to an agreed standard appropriate to its location.

- 8.77 The removal of the turbines and any of the associated infrastructure will be dealt with by condition requiring the submission of a final Decommissioning and Site Restoration Plan prior to removal.

Development on Active Peatland

- 8.78 There is active peatland within the development site. This is confirmed by NED.

Habitat Management Plan

- 8.79 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 measures will be required. An outline Habitat Management and Enhancement Plan (oHMEP) has been submitted as part of the Environmental Statement.

- 8.80 NIEA NED consider the oHMEP to be acceptable. In the event of an approval, NED require the submission of a final Habitat Management Plan to be agreed prior to any development commencing.

Economic, Environmental and Social Benefits Consideration

- 8.81 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 £343,246 in rates payments to the government annually or approximately £10.30 million over the course of the 30 year project;
- meet electricity demand for 22,700 homes each year;
- development will reduce carbon dioxide by 40,000 tonnes each year. This is the equivalent to 25,200 newly registered cars;

- £18.46 million expenditure of which £6.08 million in Northern Ireland across the 25 year project life of the development;
- Approx. £1.80 million in wages within Northern Ireland
- Contribution towards Northern Ireland targets for renewable energy;
- Educational incentives;
- Reduction of greenhouse gases.

8.82 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 into 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, diminishing the weight given to the letters of support in the decision making process.

8.83 The proposal offers significant benefits, both environmental and economic. Paragraph 6.225 of the SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight. On balance, it is not considered that these decisively outweigh the adverse impacts on the AONB and historic assets arising from this proposal. The despoliation of the scenic quality of the AONB, particularly on the west and east approaches to Dungiven together with the harm to the setting of historic monuments is considered so harmful that they are determining.

SPPS Natural Heritage and PPS 2 Natural Heritage

8.84 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.

8.85 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

- 8.86 The proposed access to the windfarm is to be located on Magheramore Road which is not a Protected Route. DfI Roads have no objection to the proposal.

SPPS Archaeology and Built Heritage, PPS 6 Planning, Archaeology and the Built Heritage and PPS 18 Renewable Energy

- 8.87 Policy RE1 of PPS18 requires that renewable energy proposals do not result in an unacceptable adverse impact on built heritage interests. Policy BH 1 of PPS 6 is entitled 'The Preservation of Archaeological Remains of Regional Importance and their Settings'. It sets a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which merit scheduling. The policy states 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. This is reflected in the SPPS. There is tension between the policies in play as RE1 clearly allows for some level of adverse impact on built heritage interests providing it is deemed 'acceptable'.

- 8.88 Historic Environment Division advise that the proposal is contrary to Policy BH 1 of PPS 6, paragraph 6.8 of the SPPS and to Policy RE 1 of PPS 18 for the following reasons:

- it would result in adverse impacts upon the integrity of the setting of Banagher Old Church (LDY030:029), a monument in State Care, in particular those critical visual and experiential aspects of setting highlighted in paragraph 3.6 of PPS 6;
- it would result in adverse impacts upon the integrity of the settings of Scheduled Historic Monuments Magheramore Court Tomb (LDY030:064) and Magheramore Portal Tomb (LDY030:079), particularly due to the scale and proximity of the proposal.

- 8.89 HED advise that it has not been demonstrated that need or other material considerations outweigh the value of Banagher Old

Church or the Scheduled Monuments and the proposal cannot be made acceptable through conditions.

8.90 With regard to Banagher Old Church (LDY030:029) State Care Monument, paragraph 3.6 of PPS 6 applies. It emphasizes those experiential aspects of setting which are particularly important at State Care monuments. It states that particular attention should be paid to the impact of the proposal on:

- The critical views of, and from the site of monument;
- The access and public approaches to the site or monument;
and
- The understanding and enjoyment of the site or monument by visitors.

8.91 HED (Historic Monuments) concludes that the proposed development will have an adverse impact upon the following aspects of the setting of Banagher Old Church:

8.92 **The visitor approach and arrival at the monument along Carnabane Road** - Wireframes (Figures 5.21–5.22) provided in the ES demonstrate that this proposal would create a substantial change to the skyline by introducing large-scale, dominant, moving industrial structures. This would adversely affect visitor views upon approach and arrival at the monument, adversely detracting and visually distracting from existing critical views of the monument.

8.93 **Critical views from the graveyard and mortuary house** - With the proximity of the farm buildings to the immediate north of the church, the southern aspect is all the more important. Views from the church towards the graveyard and mortuary house - and views from the graveyard and mortuary house across the southern hills - are critical to the integrity of the setting of the church and contribute positively to visitor experience. The proposed development would breach this skyline with large moving structures, and would transform the nature of the landscape, thereby having an adverse impact upon these critical views.

8.94 **Critical views from the southern window** - The importance of this window is highlighted in the information panel on site. It is one of the widely recognised critical architectural aspects of the site. This window is of high cultural significance and views from it are important due to the public attention brought to this feature as a

result of that significance. Views from the window, and when viewing the window, would be adversely affected by the proposed turbines being in direct sight, and within views of it, adding a moving incongruous visual distraction to these views.

- 8.95 **The visitor experience of the site's current distinctive character** - With the proximity of the farm buildings to the immediate north of the site, the southern aspect of the site is all the more important and its rural, undeveloped nature currently enhances the visitor experience. The introduction of large, dominant, moving industrial features on the near horizon would have an adverse impact upon the current sense of ambience, remoteness and tranquility of the landscape, which contributes positively to visitor experience.
- 8.96 On the basis of the information that has been provided, it is concluded that the proposed development would have an unacceptable adverse impact upon the integrity of the setting of Banagher Old Church, a monument in State Care. The proposed development is therefore contrary to Policy BH1 of PPS 6, Policy RE1 of PPS 18 and the SPPS.
- 8.97 With regard to Magheramore Court Tomb (LDY030:064); Scheduled Historic Monument, although there is only one scheduled area associated with Magheramore Court Tomb (LDY030:064) and Magheramore Portal Tomb (LDY030:079), they are two separate monuments. Assessing each monument in its own right, and their relationships with each other and the surrounding landscape, is essential to an appropriate understanding of their heritage significance and the impacts of this proposal upon them.
- 8.98 HED (Historic Monuments) concludes that the proposed development will have an adverse impact upon the following aspects of the setting of Magheramore Court Tomb (LYD030:064) which is located within the redline area of the proposed development:
- 8.99 **Critical views between the court tomb and the nearby portal tomb (LDY030:079)** - The portal tomb has been placed c.75m downslope from the court tomb and shares the same alignment. This deliberate placement with resulting critical views upslope towards the court tomb and the summit of Carnabane - towards

the proposed development - is significant and enhances the visual, functional and contextual relationship between these two sites. They have an important relationship, and an important relationship with the summit of Carnabane. The proposed development would create a change to the skyline through the introduction of large-scale, dominant, moving industrial structures, the proximity of which (c.200m from the edge of the scheduled area) will dramatically alter these critical views and increase the magnitude of adverse visual effect.

8.100 The critical view along the alignment of the court tomb - The court tomb is orientated northwest - southeast, with the court at the northwest end looking upslope to the summit of Carnabane, towards the proposed development. Just as views from a court tomb's alignment are important, views to a court tomb, to the court and the burial chambers, are also important. Indeed, the view along the alignment is a critical view associated with the integrity of the setting of the tomb. The proposed development would create an adverse impact upon this view due to the proximity and scale of the turbines which introduce large-scale, dominant, moving industrial structures into this environment.

8.101 The ambience and distinctive character of the tomb - HED (Historic Monuments) concludes that the proximity of the turbines, their movement, and their associated noise will have an adverse impact upon the intangible experiential aspects of the setting of this monument. The proposed development is therefore contrary to Policy BH1 of PPS 6 and the SPPS.

8.102 HED (Historic Monuments) concludes that the proposed development will have an adverse impact upon the following aspects of the setting of Magheramore Portal Tomb (LYD030:079) which is located within the redline area of the proposed development:

8.103 Critical views between the portal tomb and the nearby court tomb (LDY030:064) - The portal tomb has been placed c.75m downslope from the court tomb and in the same alignment. This deliberate placement with resulting critical views upslope towards the court tomb and the summit of Carnabane - towards the proposed development - is significant and enhances the visual, functional and contextual relationship between these two sites in the prehistoric landscape. They have an important relationship,

and an important relationship with the summit of Carnabane. The proposed development would create a change to the skyline through the introduction of large-scale, dominant, moving industrial structures, the proximity of which (c.200m from the edge of the scheduled area) will dramatically alter these critical views.

8.104 The critical view along the alignment of the portal tomb - Like the court tomb, the portal tomb is orientated northwest - southeast, with the larger opening at the northwest end looking upslope to the summit of Carnabane, towards the proposed development. Just as views from a portal (i.e. the wider end of the tomb) are important, views to a portal, to the burial chamber(s), are also important. Indeed, the view along the alignment is a critical view associated with the integrity of the setting of the tomb. The proposed development would create an adverse impact upon this view due to the proximity and scale of the turbines which introduce large-scale, dominant, moving industrial structures into this environment.

8.105 The ambience and distinctive character of the tomb - HED (Historic Monuments) concludes that the proximity of the turbines, their movement, and their associated noise will have an adverse impact upon the intangible experiential aspects of the setting of this monument.

8.106 Due to these unacceptable adverse effects upon the integrity of the setting of the portal tomb the proposed development is therefore contrary to Policy BH 1 of PPS 6, Policy RE1 of PPS 18 and to the SPPS.

SPPS Flood Risk and PPS 15 Planning and Flood Risk

8.107 DfI Rivers has indicated that no part of the application site is within the identified 1 in 100 year fluvial floodplain, therefore DfI Rivers is content that the proposal meets the requirements of Policy FLD 1 of PPS15 and the SPPS. DfI Rivers confirm that a number of undesignated watercourses exist within the application site. DfI Rivers is satisfied that the proposal complies with Policy FLD 2 of PPS15 in that satisfactory access can be provided for maintenance by the landowner.

8.108 Due to the size and nature of the development FLD3 of PPS15 applies. Chapter 9 of the ES includes a Flood Risk and Drainage Assessment. DfI Rivers is content with the assessment and

confirm that the only outstanding information is the Schedule 6 Consent, however this is normally obtained outside of the planning process.

8.109 Details relating to site drainage management including Sustainable Drainage Systems (SUDS) are required as part of a final CEMP to be submitted and approved prior to the commencement of development. The Planning Department considers the proposal to meet with Policy FLD 3 of PPS15.

8.110 The proposal includes the culverting of 7 watercourses within the site to provide 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. In this case, the culverts are necessary to access the turbine sites during construction, operation and decommissioning, there are no other options available.

8.111 DfI Rivers is not opposed to the use of culverting. However, the use of culverting falls to the Council to consider.

8.112 A number of the culverts have been sited to coincide with existing culverts which will be upgraded. The culverts will be designed to minimise the length of affected channel. The design will be agreed with DfI prior to commencement as per the requirements of Schedule 6 of the Drainage (Northern Ireland) Order 1973.

8.113 Neither NIEA NED or Water Management Unit have raised any concerns over culverting. 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.

Northern Area Plan, SPPS Tourism and PPS 16 Tourism

8.114 Policy TSM 8 of PPS 16 is entitled 'Safeguarding of Tourism Assets' and states that planning permission will not be granted for development that would itself or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset such as to significantly compromise its tourism value. A tourist asset is defined in Appendix 1 of PPS 16 as any feature associated with the built or natural environment which is of intrinsic interest to tourists.

8.115 The proposal is located with the Sperrin AONB, adjacent Banagher Glen Nature Reserve, and in proximity to Banagher Old Church State Care Monument and 2 Scheduled Monuments. Although it is considered that the proposal is unacceptable in terms of its visual impact on the landscape and the AONB and its impact upon the integrity of the settings of the Banagher Old Church State Care Monument and the 2 Scheduled Monuments, no evidence is available to demonstrate that the proposal would make tourists less likely to visit any of these assets or to visit them less frequently. There is no evidence to suggest that the existing windfarms have impacted on tourism in the area. Consequently, it is not considered that any harm to visual amenity and landscape character would be such as to significantly compromise the tourism value of any of these tourism assets.

Issues raised in letters of representation

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

8.116 *Clean/green energy and 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. It is estimated that the proposal could reduce CO2 emissions by 40,000 tonnes each year.

8.117 *Economic benefit* - Some of the economic benefits of the proposal have been discussed above. The letters of representation state that there will be benefit to the local area through jobs and rates. 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.

8.118 *Government targets* – The Executives Energy Strategy for Northern Ireland 'The Path to Net Zero Energy' includes a target to achieve 70% of electricity from renewable sources by 2030. A report published by the Department for the Economy on 3rd March 2022 states that in the year ending December 2021, 41.3% of Northern Ireland's electricity was generated from renewable sources. It is accepted that the proposal would help towards achieving the 70% target. However, it should be noted that other

wind farms have been approved, and are yet to be built, within the Borough.

8.119 *Visual impact (Scale/AONB/Cumulative impact)* – This has been considered under PPS 18.

8.120 *Impact on tourism* – This has been considered under the SPPS and PPS 16.

8.121 *Impact on residential amenity (shadow flicker and noise)* - this has been considered under PPS 18 in relation to visual, noise, shadow flicker and safety distance.

8.122 *Environmental impact on designated sites* - The impact of the proposal on designated sites was considered by NIEA and SES who are both content that there will be no significant impact. SES carried out a full Habitats Regulations Assessment.

8.123 *Impact on natural environment (flora/fauna/peat)* - NIEA have assessed the proposal and are content that it will not have a detrimental impact on wildlife or flora.

8.124 *Impact on public safety/human health* - It has not been demonstrated that wind turbines have a detrimental impact on health and well-being. Experience indicates that properly designed and maintained wind turbines are a safe technology. Environmental Health are content with regard to noise and have not raised any concerns over impact on health.

8.125 *The proposal is contrary to policy* – The proposal has been considered under all relevant policies. It is considered that the proposal is contrary to the SPPS, PPS 6 and PPS 18.

8.126 *Impact on built heritage* – The proposal has been considered under PPS 6. HED are of the opinion that the proposal contrary to the SPPS and Policy BH11 of PPS6 and Policy RE1 of PPS18.

8.127 *Turbines are not efficient* – No evidence has been submitted to support this claim.

8.128 *Insufficient public consultation to the residents of Banagher, Dungiven and the wider Roe Valley* – As required by legislation, a community consultation exercise has been carried out for the

application which the Planning Department considers to be adequate.

8.129 *Not needed considering the current excess of supply over demand in Roe Valley* – Need to not a policy consideration.

Notwithstanding this, the proposal would contribute towards Northern Ireland's target of producing 70% of electricity from renewable sources by 2030.

8.130 *Not Viable considering lack of grid capacity and infrastructure* –

Grid connection follows a separate consenting process. The applicant advises that, based on their knowledge of NIE's published plans for future upgrades, they have been able to undertake an assessment to determine the grid connection option most likely to be favoured by NIE. They advise that the most likely option is to connect to the Agivey Cluster sub-station.

8.131 *No Guarantee of cheaper electricity for residents of Roe Valley* –

This is not a planning consideration.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Area Plan and other material considerations. The proposal would appear as an incongruous feature in this area of the Sperrins AONB. Given principal critical views from the A6, it would despoil views and appreciation of the scenic quality of the Sperrins AONB to a high volume of receptors. In addition, it would unacceptably harm the setting of scheduled monuments. While the proposal would present environmental and economic benefits, these are decisively outweighed by the unacceptable harm the proposal would cause. **REFUSAL** is recommended.

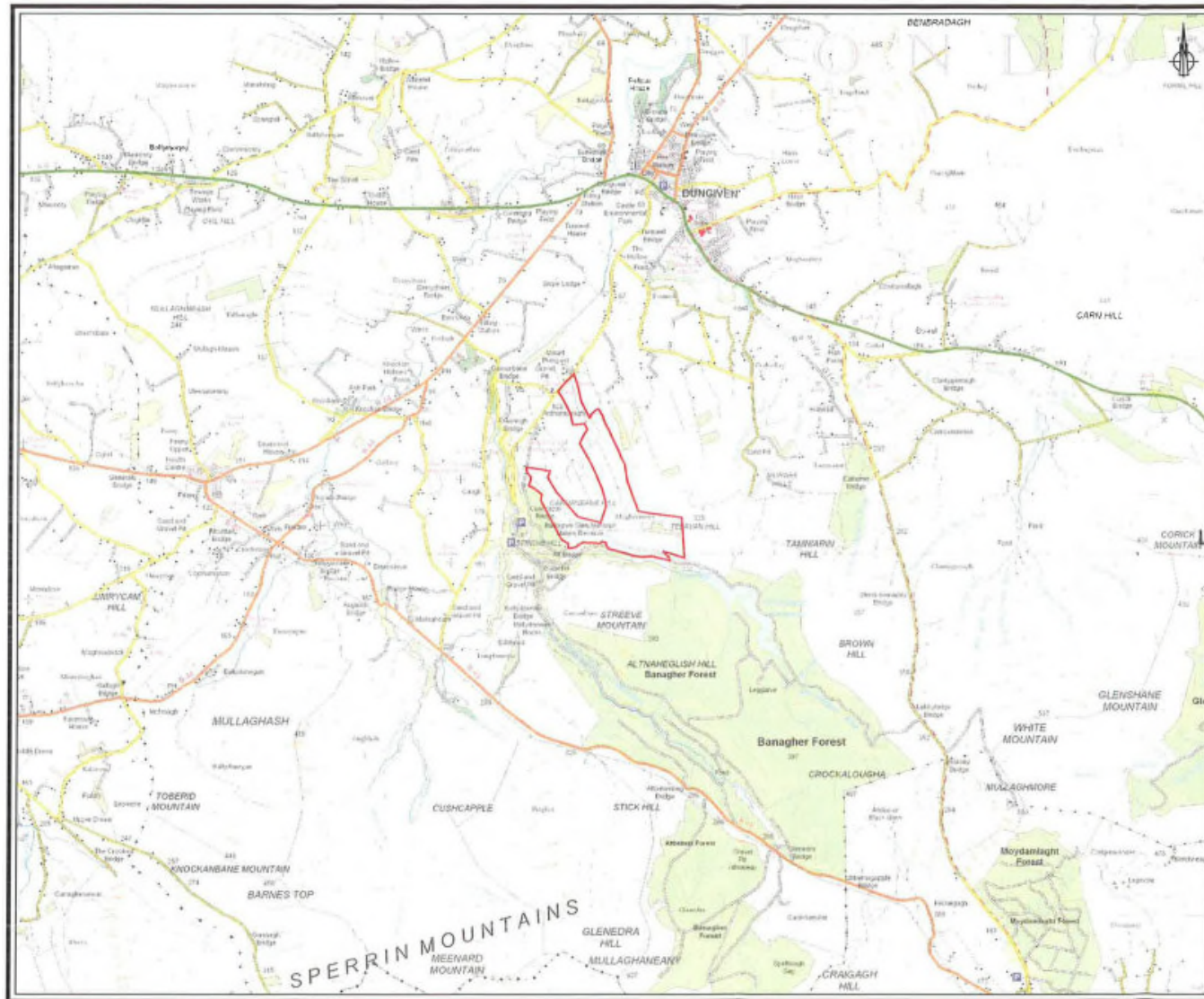
9.2 The proposal is contrary to Paragraph 6.224 of the SPPS and to Policy RE1 of PPS18 in that it would have an unacceptable adverse impact on visual amenity and landscape character due to the size, scale, and siting of the proposal.

9.3 The proposal is contrary to Paragraph 6.224 of the SPPS, Policy RE 1 of PPS 18 and Policy BH 1 of PPS 6 in that it would have unacceptable adverse impacts upon the integrity of the settings of Banagher Old Church State Care Monument and upon two scheduled monuments.

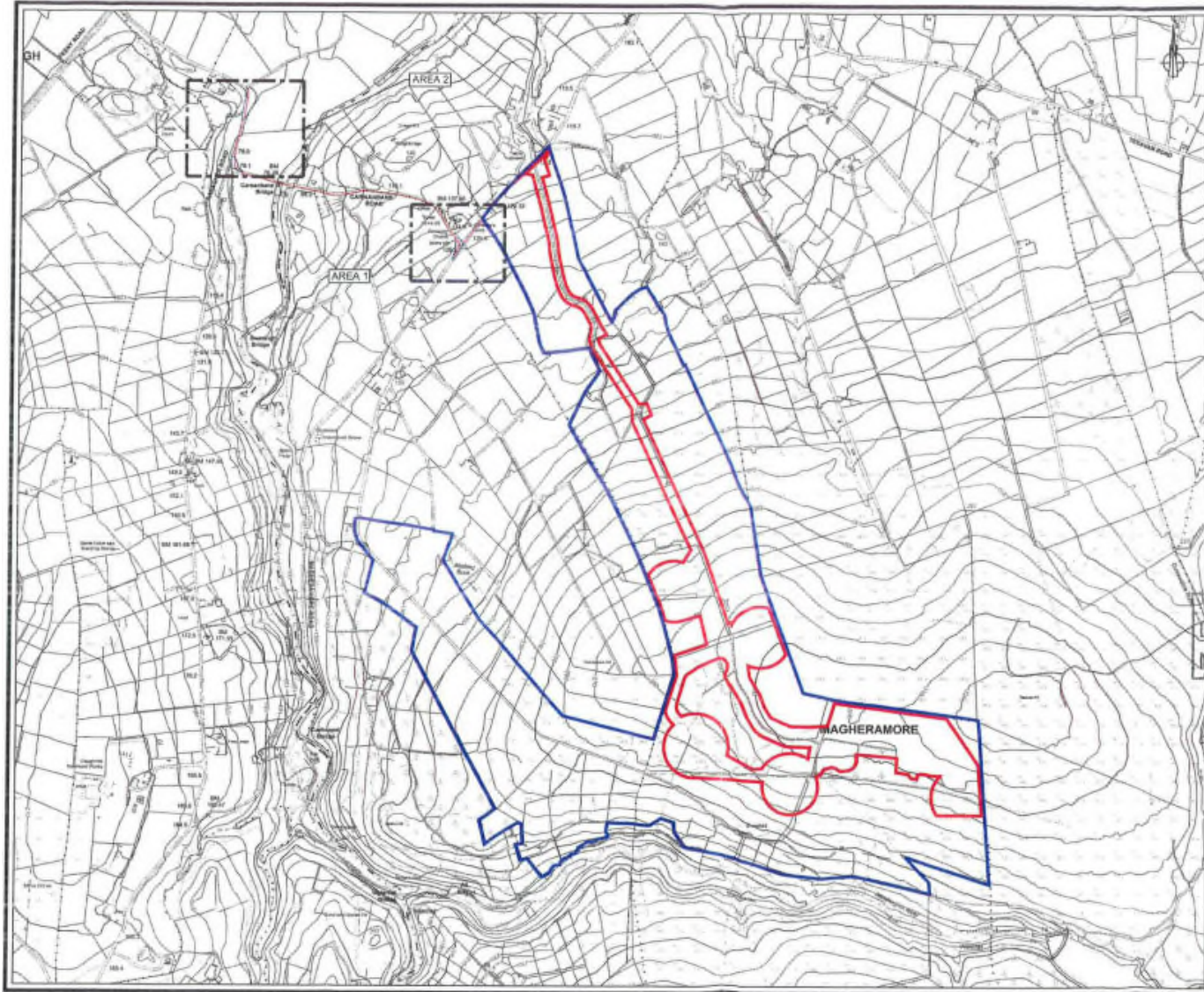
Appendix 1: Consultation Responses

Consultee	Response Date	Responses
City of Derry Airport	26/09/2019	No objection
Rivers Agency	31/10/2019	No objection – subject to conditions
Environ Health	07/10/2019 20/06/2022	No objection – subject to condition No objection – subject to condition
Historic Environment Division (HED)	31/08/2022	Object – contrary to BH 1 of PPS 6 and RE 1 of PPS 18
DFI Roads	09/10/2019	No objection – subject to condition
Arqiva Services Limited	14/10/2019	No objection
NIEA	20/07/2022	No objection – subject to condition
SES	22/03/2023	No objection – subject to condition
UK Crown Bodies - D.I.O. Safeguarding	05/06/2020	No objection – subject to conditions
RSPB	25/10/2019	No objection – subject to condition
DETI Energy Division	02/10/2019	No objection
Everything Everywhere Limited	01/10/2019	No objection
Vodafone - Cable And Wireless	12/03/2020	No objection
CAA	03/01/2020	No objection
DETI - Geological Survey (NI)	22/02/2023	No objection
NIE - Windfarm Developments	07/03/2022	No objection
NI Water - Strategic Applications	02/01/2020	No objection – subject to condition
National Air Traffic Services	03/03/2020	No objection
Ofcom	09/10/2020	Further consultees advised
Loughs Agency	15/10/2019	No objection – subject to condition
Irish Society	03/03/2020	No objection
Ulster hand gliding ass.	10.05/2023	No objection
Eircom	07/10/2019	No objection
NI Water windfarms	31/08/2020	No objection
Joint Radio Company	20/10/2021	No objection
British Telecoms	08/11/2021	No objection
NI Fire and Rescue Service	13/03/2022	No objection
HSENI	10/03/2022	No objection

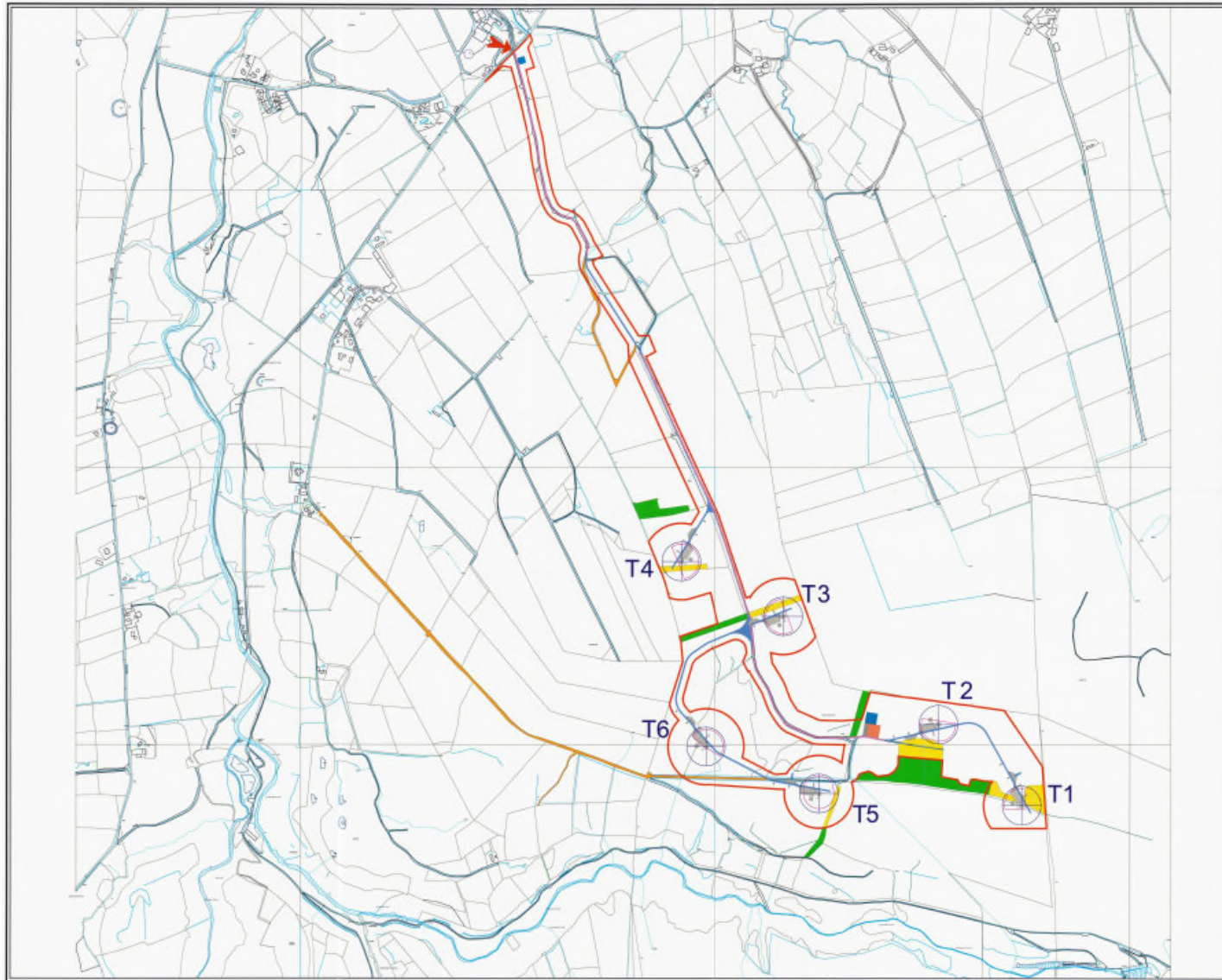
Site location



Site boundary



Site layout



Addendum

LA01/2019/0922/F

1.0 Update

- 1.1 Following the publishing of the Planning Committee agenda, a further 51 objections have been received and circulated to members. The letters have raised no new issues:
- 1.2 These letters have been uploaded to the Planning Public Register for information and the issues raised have already been considered within the report.
- 1.3 1 further comment has been received in relation to the contents of the “Speaking Rights Template” of the agent. In accordance with the “Protocol for the Operation of the Planning Committee”, Section 10.12 (v) allows for representations on behalf of applicant, agent or those in support to be presented at the Planning Committee. While those making representations, whether in support or against an application, are reminded to keep to planning issues, it is a matter for those presenting as to what information they present. It is a matter for the decision maker to determine whether these issues can be considered as material considerations and if so, what weight should be attached.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

Addendum 2

LA01/2019/0922/F

1.0 Update

- 1.1 Following the publishing of the Planning Committee report and Addendum, a further 179 objections have been received and circulated to members. The letters have raised no new issues.
- 1.2 These letters have been uploaded to the Planning Public Register and the issues raised have already been considered within the report.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.