

Title of Report:	Planning Committee Report – LA01/2022/0981/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24/01/2024
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: LA01/2022/0981/F **Ward:** Limavady

App Type: Full Planning

Address: Lands approximately 6km North East of Limavady, accessed of the Broad Road, in the townland of Gortcorbies, Co Derry/Londonderry

Proposal: Proposed amendment to the previously consented Dunbeg South Wind Farm (LA01/2018/0200/F) - Construction of wind farm comprising 9 No. wind turbines (maximum 149.9 metres to blade tip) and associated infrastructure including external electricity transformers, crane hardstandings, underground cabling, control building, substation compound, newly created site entrance, 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 a construction compound with car parking, temporary parts of crane hardstanding and welfare facilities. This amendment is to include an alternative turbine model increasing the rotor diameters up to a maximum of 117m and retaining a hub height up to a maximum of 100m. The overall tip height of the turbines shall remain at the previously consented 149.9m

Con Area: n/a **Valid Date:** 04.08.2022

Listed Building Grade: n/a **Target Date:** 11.05.2023

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

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

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

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

Executive Summary

- The proposal is for 9 no. wind turbines with a maximum tip height of 149.9m. The principle of a wind farm on this site was established under LA01/2018/0200/F which remains a live planning permission. The proposal seeks to amend the turbine model. The overall tip height will remain 149.9m as consented under LA01/2018/0200/F. The rotor diameter will increase from 99.8m to a max. of 117m and the hub height will remain a max. of 100m. No other changes are proposed.
- 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.
- As EIA development it was accompanied by an Environmental Statement (ES).
- No objections have been 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.
- Giving the consented windfarm significant weight as a material consideration, 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.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 **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located approx. 6km northeast of Limavady on a north facing slope below Keady Mountain. The site is located in the south eastern part of the Binevenagh Area of Outstanding Natural Beauty (AONB) as indicated in the Northern Area Plan 2016. The Broad Road (A37), which is the main road linking Limavady and Coleraine bounds the site to the north. The land rises from the Broad Road to the south. The site is bounded to the east by Springwell Forest, otherwise it is relatively open and exposed.
- 2.2 The site consists of improved agricultural land and wet marshy grassland with areas of wet heath and blanket bog on the upper slopes. Access to the wind farm is proposed from Broad Road (A37) which is a Protected Route. The site area is 40.4ha.
- 2.3 The area is rural in nature and there are no dwellings in proximity to the site. The nearest occupied dwelling is on Bolea Road and is 1239m from the closest turbine.
- 2.4 The site is located within Landscape Character Area (LCA) 36 Binevenagh. The LCA is described as being of very high scenic quality with stunning views. The northern part of the escarpment forms the Binevenagh AONB, which includes both Magilligan and the Bann estuary, key parts of Binevenagh's setting.
- 2.5 The site is not within any European designations however it is hydrologically linked to the River Roe and Tributaries Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI) and Lough Foyle Special Protection Area (SPA), ASSI and Ramsar site. It is within proximity to Gortcorbies ASSI and Ballyrisk

More ASSI which are of international and national importance and are protected by the Habitats Regulations and The Environment (Northern Ireland) Order 2002 (as amended).

3.0 RELEVANT HISTORY

- 3.1 LA01/2018/0200/F - Construction of a wind farm comprising 9 No. wind turbines (maximum 149.9 meters to blade tip) and associated infrastructure including external electricity transformers, crane hardstandings, underground cabling, control building, substation compound, newly created site entrance, 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 a construction compound with car parking, temporary parts of crane hardstanding and welfare facilities – Approved 17.12.2020
- 3.2 LA01/2022/0942/PAN - Proposed amendment to the previously consented Dunbeg South Wind Farm (LA01/2018/0200/F) - Construction of wind farm comprising 9 No. wind turbines (maximum 149.9 metres to blade tip) and associated infrastructure including external electricity transformers, crane hardstandings, underground cabling, control building, substation compound, newly created site entrance, 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 a construction compound with car parking, temporary parts of crane hardstanding and welfare facilities. This amendment is to include an alternative turbine model increasing the rotor diameters up to a maximum of 117m and retaining a hub height up to a maximum of 100m. The overall tip height of the turbines shall remain at the previously consented 149.9m– PAN Acceptable 21.09.2022

4.0 THE APPLICATION

- 4.1 The proposal is for an amendment to the consented Dunbeg South Wind Farm which was approved under extant permission LA01/2018/0200/F. This application is seeking to increase the rotor diameter from the consented 99.8m to a max. of 117m whilst maintaining the consented tip height of 149.9m. The position of the turbines remains the same. No other amendments to the previously approved scheme are proposed. The installed capacity

will be up to 37.8MW of renewable electricity, an increase in output of approx. 8.1MW over that previously approved.

- 4.2 The associated infrastructure including transformers, crane hardstandings, underground cabling, control building, substation compound, site entrance, access tracks, temporary works and all other associated ancillary works have all been approved under the previous application. The submitted plans reflect the approval.
- 4.3 Micrositing of 50m was approved under the extant application. However, in this application the micrositing capability has been reduced. It differs for each turbine with a micrositing capacity of up to a maximum of 50m in some directions, with reduced or no micrositing capability in other directions.
- 4.4 The application was accompanied by an Environmental Statement which was requested under Regulation 15 (1) of The Planning (Environmental Impact Assessment) Regulations (NI) 2017.

Design & Access Statement

- 4.5 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 regionally significant (over 30MW) category due to the 37.8MW generation capacity of the wind farm. DFI agreed by a Section 26 letter that Causeway Coast and Glens Borough Council should deal with the application as it was of the opinion that the development would not, if carried out, be of significance to the whole or a substantial part of Northern Ireland or have significant effects outside Northern Ireland, or involve a substantial departure from the local development plan for the area to which it relates.
- 4.6 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.
- 4.7 The Design and Access Statement details how the design of the development was optimised in order to produce a layout that maximises the use of the land available for wind power generation, balanced against the overall environmental impact of the

development. The statement demonstrates that the applicant undertook significant consideration of the design amendments giving regard to proximity to dwellings, landform, topography, and environmental/locational constraints while meeting the technical siting requirements of wind turbines.

4.8 Access to the site is as approved under B/2018/0200/F. Due to the nature of windfarms, there is no provision for formal public access to the site and access will be controlled and restricted to authorised persons. There are no designated public rights of way or footpaths or recognised tourism or recreation resources within the site boundary.

4.9 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 those with disabilities onto the site.

5.0 PUBLICITY & CONSULTATIONS

External

5.1 No neighbours were identified for notification within the terms of the legislation. The application was initially advertised on 5 October 2022 in the Coleraine Chronicle. It was advertised again, upon receipt of the Environmental Statement on 23 August 2023 and upon receipt of additional environmental information on 30 August 2023.

5.2 There were no objections to this proposal and no letters of support.

Internal

5.3 See appendix 1 for details of consultations carried out and the responses provided. All consultees that responded were content 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 16th March 2022 under LA01/2022/0942/PAN. The PAN application fell to be

considered under The Planning (Development Management) (Temporary Modifications) (Corona Virus) Regulations (NI) 2021 which took effect on 1st April 2021, which temporarily suspended the requirement to hold a public event. The accompanying guidance advised that a public event was no longer required but the other requirements remained.

5.6 The applicant advised that they intended to undertake the following forms of consultation:

- Staffed online public exhibition on 29th March 2022, from 10am to 2pm and from 4pm to 8pm. Exhibition will provide information slides and feedback opportunities.
- Dedicated website providing online access to all information that would have been available at a public exhibition. Hard copies of the information to be provided upon request.
- An information letter will be issued to all residents within 5km and all community groups, including churches and schools with 7.5km advising of the online event.
- Provision of individual telephone/video appointments for members of the public to discuss in detail aspects of the proposal and to ask questions.
- Details of the above to be published in the local press, outlining where further details could be accessed and how to respond. The press ad would be published in the Limavady, Coleraine and Ballymoney Chronicles and the Northern Constitution.

Community Consultation Report

5.7 The community consultation report was submitted as part of the planning application, received on 15 September 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:

- Copy of the postal leaflet;
- List of elected members contacted by the applicant;
- Copy of Public Consultation Newspaper Advertisements;

- Copy of website pages;
- Copy of exhibition slides/information;
- Copy of a completed feedback and comment form.

5.9 The report states that formal notices advertising the website were placed in the Limavady, Coleraine and Ballymoney Chronicles and the Northern Constitution week commencing 14 March 2022. This was subsequently re-advertised in the same 4 papers week commencing 3 April 2022 to advise members of the public that the determining authority, to which representations should be made, would be CCGB Council and not DfI as initially thought. Notification was issued to Elected Members in the Limavady DEA advising them of the invite and inviting them to book an appointment to discuss the proposal with the applicant.

5.10 The online exhibition took place on Tuesday 29th March 2022 between 10am–2pm, and 4pm-8pm. The host website was: <http://dunbegsouthwindfarm.co.uk/>. RES staff members were available during the public event to discuss the proposals with members of the public who booked slots. The online exhibition was attended 151 times, by 42 people, over a duration of 24 days. The information on the website was available to download. The website provided sufficient details and information with regard to the proposal and details on how to provide feedback.

5.11 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.

5.12 Two issues were raised with regard to the proposal during the community consultation process. One of these was in support of the proposal and enquired as to whether it may reduce energy costs. The other was a concern over the impact of noise. The applicant has demonstrated that all comments raised have been considered.

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 falls within the Binevenagh AONB as indicated in the plan.
- 6.3 The site falls within Landscape Character Area (LCA) 36 – Binevenagh which has been assessed to have a high to medium landscape sensitivity to impact from wind turbine development.
- 6.4 The site is not within any European designations however it is hydrologically linked to the River Roe and Tributaries Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI) and Lough Foyle Special Protection Area (SPA), ASSI and Ramsar site. It is within close proximity to Gortcorbies ASSI and Ballyrisk More ASSI which are of international and national importance and are protected by the Habitats Regulations and The Environment (Northern Ireland) Order 2002 (as amended).
- 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 The extant planning approval LA01/2018/0200/F is a material consideration.
- 6.9 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 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 and landscape character, impact on biodiversity, habitat and built heritage, natural resources, public access to the countryside and future decommissioning.
- 8.3 The principle for a windfarm on this site has been established through the granting of planning permission LA01/2018/0200/F on 17 December 2020. This application is seeking to increase the rotor diameter from the consented 99.8m to a max. of 117m whilst maintaining the consented tip height of 149.9m. No other amendments to the previously approved scheme are proposed. The installed capacity will be up to 37.8MW of renewable electricity, an increase in output of approx. 8.1MW over that previously approved.

- 8.4 The development approved under LA01/2018/0200/F can be commenced up until 17 December 2025. Therefore, the extant approval is a fallback which can still be implemented should this application be refused and therefore is a material consideration.
- 8.5 An assessment was carried out under Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended) as the site has potential hydrological links to the River Roe and Tributaries Special Area of Conservation (SAC) and Lough Foyle Special Protection Area (SPA). The test of likely significance concluded that there would be no adverse effect on the integrity or features of any European site, either alone or in combination with any other project. Shared Environmental Service have advised mitigation should be controlled through conditions in the event of an approval.
- 8.6 As 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' an Environmental Statement was requested under Regulation 15 (1) of The Planning (Environmental Impact Assessment) Regulations (NI) 2017.
- 8.7 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

- 8.8 Planning Policy CTY 1 of PPS 21 allows for renewable energy projects in accordance with PPS 18 which is assessed below.
- 8.9 The SPPS 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 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

- 8.10 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

- 8.11 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.
- 8.12 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 remains 149.9m as consented. This constitutes the fall over distance, therefore the fall over distance plus 10% is 164.89m. The nearest turbine to a public road is turbine T1 which is at least 360m from the edge of Broad Road. Even when taking the proposed micro-siting of a maximum 50m into consideration, T1 will still be at least 310m from the edge of the public road and therefore complies with policy.
- 8.13 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 proposed maximum rotor diameter is up to 117m which equates to a separation distance of at least 1170m. The proposed 50m micro-siting must also be taken into consideration when determining the separation distances which means the distance required is 1220m i.e. 1170m +50m.
- 8.14 The nearest occupied dwelling is approx. 1239m from the nearest turbine, therefore, there are no properties within the 1220m safety separation distance of a proposed turbine at both the indicated turbine location and the proposed micrositing boundary.

Human Health

- 8.15 There is no indication from any consultees or other evidence to suggest that the proposed development will result in any detriment to human health.

Residential Amenity

- 8.16 Policy RE 1 stipulates that a separation distance of 10 times rotor diameter, with a minimum distance not less than 500m, will generally apply to protect residential amenity from noise. This is reiterated in the Best Practice Guidance at para 1.3.43 specifically in relation to noise. In this instance a separation distance of 1170m will generally apply. No residential dwellings have been identified as being within 1170m of a proposed turbine (even when taking micro-siting into consideration).
- 8.17 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.
- 8.18 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. As stated above, there are no dwellings within the 10 times rotor diameter, therefore, the potential for shadow flicker at any dwelling is deemed to be low.
- 8.19 In terms of impact on the visual amenity of the residents in proximity to the site, it is not considered that the increase in blade length will have any more impact than what was considered acceptable under the extant approval. Although the blade length is increasing, the overall tip height will remain as consented.

(b) visual amenity and landscape character;

- 8.20 The principle of a windfarm on this site has been established under LA01/2018/0200/F. The visual impact of the windfarm on the landscape was deemed acceptable. The consideration now falls to the impact of the change in turbine dimensions on visual amenity. Although the maximum blade length is increasing from 49.9m to 58.5m, the hub height will decrease to maintain an overall tip height of 149.9m as consented. The maximum hub height will be 100m, as consented.
- 8.21 The turbines are located within Landscape Character Area (LCA) 36 Binevenagh which supplementary planning

guidance (SPG) 'Wind Energy Development in Northern Ireland's Landscapes' describes as having a high to medium sensitivity to wind development.

- 8.22 The SPG goes on to state that lower and less prominent sections of the escarpment, and areas where there is extensive forestry, might be somewhat less sensitive to wind energy development. The proposal is sited away from the iconic escarpments of Keady Mountain and Binevenagh Mountain and is adjacent to existing commercial forestry.
- 8.23 The site is also within Binevenagh Area of Outstanding Natural Beauty. In the original assessment of the consented windfarm, the impact of the proposal on landscape character, and particularly the impact on the AONB, was assessed by NIEA Protected Landscapes Team (PLT) who is the competent authority in considering impact on the AONB. PLT considered the proposal in terms of the height and number of turbines and their location and advised that it had no objection to the proposal. In this proposal, the height, number and location of the turbines will remain as consented, only the geometry of the turbines is changing.
- 8.24 As part of the submission, a series of photomontages has been submitted to show the indicative visual setting of the proposed development from a range of viewpoints (VP) in the near and wider landscape. From critical views from the West including VP3 Broad Road, VP6 Broad Road, VP7 Windy Hill Road, VP10 Binevenagh Scenic Drive and VP13 Seacoast Road, the proposal will be prominent and extend the existing and proposed windfarm at Dunmore/Dunbeg further to the South. The submitted visuals demonstrate that the levels of visibility will remain unchanged.
- 8.25 When taking the fallback of the consented turbines into consideration and given that the proposed overall tip height, number and location of the turbines is unchanged, it is considered that the visual impact will be no greater than the consented. The proposed differences in turbine geometry will not affect the overall principle of development or its potential effects on the characteristics of LCA 36 or the AONB. From the principal CVPs the changes are negligible. Significant weight is given to the fallback position as a material consideration.

8.26 It is considered, on balance and weighing in the consented windfarm, the proposal will not result in an unacceptable or adverse impact on the visual amenity and landscape character of the area.

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

8.27 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.

8.28 The site is not within or adjacent to any nationally or internationally designated sites for nature conservation, but it is hydrologically linked to the River Roe and Tributaries Special Area of Conservation (SAC) and Lough Foyle Special Protection Area (SPA) which are of international and national importance and are protected by the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002 (as amended).

8.29 The site contains Northern Ireland priority habitats and priority species and species protected by the Habitats Regulations and the Wildlife (Northern Ireland) Order 1985 (as amended). NED Ornithology found no significant ornithological issues associated with this proposal at the time of the original submission. NED ornithology advise that the amended proposal is unlikely to result in significant adverse impacts upon local bird populations provided appropriate mitigation measures are implemented, including an Ornithological Mitigation Strategy and a Bird Monitoring Programme, as outlined and conditioned in the original consented application.

8.30 NED is content that the proposed amendment is unlikely to result in any significant changes to impacts on designated sites or protected and priority species and habitats already identified for the development approved under LA01/2018/0200/F, provided all conditions placed on the decision notice for LA01/2018/0200/F are applied.

- 8.31 NED and SES have considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, have no objection.
- 8.32 With regard to built heritage, Historic Environment Division (HED) previously advised under the original application that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions.

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

- 8.33 The Environmental Statement assesses the impacts of the development on land, soils and water. Water Management Unit (WMU) of NIEA has considered the impacts of the proposal on the surface water environment and has advised that it content with the proposal subject to previous conditions.
- 8.34 Regulation Unit (Land and Groundwater Team) of NIEA has considered the impacts of the proposal on the groundwater environment and is content with the proposal without condition.
- 8.35 Due to the nature of the development there will be limited impact on air quality except for the potential impact from dust primarily during the construction and decommissioning phases.

(e) public access to the countryside.

- 8.36 The lands within the application site boundary are not publicly owned and are 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.

PPS 18 Requirements for Wind Development

- 8.37 In RE1 of PPS 18 applications for wind energy development will also be required to demonstrate all of the following:

(i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;

8.38 It has been assessed above that the proposed development will not have an increased visual impact than the consented wind farm. The proposed development will appear as a prominent and skyline feature in the landscape when viewed from key vantage points in relative proximity to the site. However, critical views of the development diminish with distance from the site, and while still visible they are less obtrusive when viewed in the wider setting.

(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;

8.39 The proposed development represents a change in the geometry of a consented wind farm. The cumulative impact of the turbines was assessed under LA01/2018/0200/F. In assessing the proposed cumulative impact of this proposal weight needs to be given to the consented turbines.

8.40 The ES has considered the cumulative impact of the development along with other wind energy developments. There have been changes to the cumulative baseline since the original LVIA of the consented wind farm. There are now a total of 37 wind farms located within the study area of which 23 are existing, 11 are consented and 2 are proposed compared to the 36 which were originally considered, of which 20 were existing, 12 were consented and 4 were proposed.

8.41 The cumulative baseline has not been significantly altered and the proposed windfarm occupies the same lands as the consented windfarm, which offers a viable fallback. Therefore, the original assessment carried out under the consented wind farm is still deemed appropriate. The cumulative impact was assessed as not being significant, this assessment is unchanged.

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

8.42 A Peat Stability Risk Assessment was submitted as Further Environmental Information under the original approval. It concluded that there was a negligible risk of peat slide. There have been no changes with regard to the locations of the turbines and other infrastructure or the proposed foundations. Geological

Survey NI is satisfied that there are no issues of geological concern arising.

(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;

8.43 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;

8.44 The proposal falls within the 30km consultation zone for City of Derry Airport (CODA). On the previous application, CODA advised that it had no objection to the proposal subject to conditions which were included in the decision notice. National Air Traffic Services (NATS) has also advised that it had no objection to the proposal in terms of safeguarding. The proposed turbine tip height and locations are as consented therefore no further consultation was required.

8.45 The proposed development will not result in an 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

8.46 As set out 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 potential for shadow flicker is deemed low as previously discussed.

8.47 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.

8.48 The applicant has advised that the turbine blades will be finished with a light grey semi-matt finish. This means that they do not reflect light as strongly as polished materials. 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.

8.49 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

8.50 There is no development proposed on active peatland.

Habitat Management Plan

8.51 Policy RE1 of PPS 18 specifies that a 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) was submitted under the original application. NIEA NED was content with the oHMEP but require a final HMP to be agreed prior to any development commencing.

Economic, Environmental and Social Consideration

8.52 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

- 8.53 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.
- 8.54 Natural Heritage issues have 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

- 8.55 The proposed access to the windfarm is to be located on Broad Road (A37) which is a Protected Route. The access was approved under LA01/2018/0200/F, which is a valid fallback. No changes are proposed to the access. DfI Roads advised that they have no concerns with the proposal if it is considered to be an exception to the Protected Routes Policy. This falls to the Council to consider and there is no accepted legal interpretation.
- 8.56 Both the SPPS and Policy AMP 3 of PPS 3 restrict the number of new accesses onto protected routes. It goes on to state that outside of settlements where the principle of development accords with policy elsewhere in the SPPS approval may be justified for other developments which would meet the criteria for development in the countryside, and where access cannot be reasonably obtained from an adjacent minor road, proposals will be required to make use of an existing vehicular access onto the protected route.
- 8.57 There are no existing accesses from the site onto a public road and there are no adjacent minor roads. Therefore, a new access is required onto the protected route to serve the proposal. The policy states that it is important *“that a new access or intensified use of an existing access onto a protected route does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion”*
- 8.58 The proposal is an exceptional circumstance in that the use of the access will be limited to construction and decommissioning phases

and occasional maintenance access for a wind farm. Therefore, use will not be intensive and will be infrequent.

8.59 This principle has been previously accepted under appeal 2009/A0363 for Dunbeg Wind Farm where the Commissioner stated in paragraph 42 that, “*While Policy AMP 3 of Planning Policy Statement 3 states that the number of new accesses on to protected routes such as the A37 will be restricted, it would be difficult to develop this large site as a wind farm without two accesses on to the main road*”. The proposal does not accord with the requirements of Policy AMP 3 by proposing a new access onto a protected route. However, significant weight is given to the specific circumstances set out above as a material consideration under Section 45 of the Planning Act (Northern Ireland) 2011. These specific circumstances are considered to outweigh the policy provisions in this case. Accordingly, the principle of the access onto the protected route is acceptable.

8.60 DfI Roads has considered the detail of the access and this is considered acceptable relative to the requirements of PPS 3 Policy AMP 2 and DCAN 15 Vehicular Access Standards. Accordingly, the access will not prejudice road safety or significantly inconvenience the flow of traffic.

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

8.61 This policy has a presumption in favour of the physical preservation in situ of archaeological remains of regional significance and their settings. As stated above under policy RE 1, HED were content that the original proposal satisfied PPS 6 policy requirements, subject to conditions. The proposal only seeks to amend the geometry of the turbines, therefore, the proposal will not impact upon archaeology or built heritage and no further consultation is required with HED.

SPPS Flood Risk and PPS 15 Planning and Flood Risk

8.62 DFI Rivers previously confirmed that it was content that the original proposal met the requirements of the relevant policies in PPS 15 and the SPPS. No amendments have been proposed which would impact on water courses or site drainage, therefore, further consultation is not required.

Northern Area Plan, SPPS Tourism and PPS 16 Tourism

- 8.63 TSM 8 considers the safeguarding of tourism assets by not granting permission for development which would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset. In this case the tourism asset is the Binevenagh AONB within which the proposal is located.
- 8.64 In an AONB, the feature associated with the built or natural environment which is of intrinsic interest to tourists is the unique landscape and the particular characteristics which are listed within the designation of that AONB. These features include the distinctive headland and dramatic cliffs and escarpments. The proposal is sited away from the iconic escarpments of Keady Mountain and Binevenagh Mountain and is adjacent to existing commercial forestry. NIEA Protected Landscapes Team (PLT) had no objection to the original proposal. As discussed above, the change in geometry of the turbines will have no greater impact on the AONB. Therefore, there is no unacceptable adverse impact on the tourism asset of the AONB.

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. The proposal is an amendment to the scheme consented in 2020. As this approval is extant, it offers a fallback position against which this proposal was assessed. Significant weight is given to this fallback position as a material consideration. Approval is recommended.

10.0 PROPOSED CONDITIONS

- 10.1 The permission hereby granted shall be for a limited period of 35 years only and shall expire on INSERT DATE.

Reason: To enable The Council to consider the development in the light of circumstances then prevailing.

10.2 The approved temporary compound shall be removed and the ground reinstated within 18 months from the date of the commencement of the development hereby approved. The measures for ground reinstatement shall be submitted to and agreed in writing with the Council prior to any reinstatement taking place.

Reason: In the interests of visual amenity.

10.3 All above ground structures shall be dismantled and removed from the site 30 years from the date when the wind farm is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 12 months (unless further consent has been granted). The land shall be restored in accordance with an agreed scheme to be submitted to the Council at least one year prior to the commencement of any decommissioning works. This scheme shall include details of all works and measures to restore the site, the timeframe within which the works shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To ensure the development is decommissioned in a manner that protects the ecology and hydrology of the site beyond the life span of the windfarm.

10.4 There shall be no development hereby permitted commenced until the works necessary for the improvement of the public road as shown on Drawing Nos: 24 rev1 and 25 rev1 dated 9 March 2020 (approved under LA01/2018/0200/F) have been carried out to the satisfaction of the Council.

Reason: In the interests of road safety and the convenience of road users.

10.5 The area within the visibility splays and any forward sight lines shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted becomes operational and 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.

10.6 The gradients of the access shall not exceed 4% (1 in 25) over the first 10 metres 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.

10.7 Effective wheel washing facilities shall be installed and operated for the duration of the construction period and any repair or remedial work periods thereafter.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience of road users.

10.8 Prior to the commencement of construction on site, the applicant/agent shall in association with DfI Roads Maintenance Section carry out a condition survey of all haul routes and shall at the applicant's expense carry out and provide to DfI Roads a DVD detailing the condition of the existing public roads being considered as haul routes.

Reason: In the interests of road safety and the convenience of road users.

10.9 During construction works, the applicant/agent shall carry out and record daily inspections of all haul routes and submit this information to the DfI Roads Section Engineer on a weekly basis.

Reason: In the interests of road safety and the convenience of road users.

10.10 Prior to the commencement of development an Article 11 application for the haulage routes and any associated traffic management proposals shall be submitted to and agreed in writing with DfI Roads.

Reason: In the interests of road safety and the convenience of road users.

10.11 Subject to the above conditions, the development shall be carried out in accordance with the stamped approved Drawing

Nos: 24 rev1 and 25 rev1 dated 9 March 2020 (approved under LA01/2018/0200/F).

Reason: To ensure the development is carried out in accordance with the approved plans.

10.12 No development shall take place until details of the model of the turbine to be installed, its noise specification, colour and finish, have been submitted to and approved in writing by the Council.

Reason: To ensure that wind turbines with excessive sound power levels are not installed.

10.13 The developer shall notify the Council in writing of the date of commencement of works on site and of the date when the turbines have become fully operational.

Reason: To ensure compliance with appropriate conditions.

10.14 The level of noise immissions from the combined effects of the permitted wind turbines (including the application of any Tonal Penalty when calculated in accordance with the procedures described on pages 104 - 109 of ETSU-R-97 and any Amplitude Modulation penalty when calculated in accordance with the procedures described in condition 20 shall not exceed values set out in Table 1. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in Table 1 shall be represented by the physically closest location listed in Table 1 unless otherwise agreed by the Council.

Table 1: Permitted Wind Farm Noise Limits dB LA90

Property as identified within Section	Standardised wind speed at 10m height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
10									
H6	26.6	29.5	33.6	34.9	34.9	34.4	34.4	34.4	34.4
H7	28.5	31.4	35.5	36.8	36.8	36.3	36.3	36.3	36.3
H8	28.6	31.5	35.6	36.8	36.9	36.4	36.4	36.4	36.4

H9	27.5	30.4	34.5	35.7	35.8	35.3	35.3	35.3	35.3
H10	26.2	29.1	33.2	34.5	34.5	34.0	34.0	34.0	34.0
H11	24.7	27.6	31.7	32.9	33.0	32.5	32.5	32.5	32.5
H12	24.6	27.5	31.6	32.8	32.9	32.3	32.3	32.3	32.3
H13	24.2	27.0	31.1	32.4	32.4	31.9	31.9	31.9	31.9
H14	24.1	26.9	31.0	32.3	32.3	31.8	31.8	31.8	31.8
H15	24.7	27.6	31.7	32.9	33.0	32.5	32.5	32.5	32.5
H16	24.9	27.7	31.9	33.1	33.2	32.6	32.6	32.6	32.6
H17	24.5	27.4	31.5	32.8	32.8	32.3	32.3	32.3	32.3
H18	24.2	27.1	31.2	32.5	32.5	32.0	32.0	32.0	32.0
H19	24.5	27.3	31.5	32.7	32.8	32.2	32.2	32.2	32.2
H21	21.6	24.4	28.6	29.8	29.9	29.3	29.3	29.3	29.3
H22	21.3	24.1	28.2	29.5	29.6	29.0	29.0	29.0	29.0
H23	21.1	23.9	28.1	29.3	29.4	28.8	28.8	28.8	28.8
H24	21.0	23.8	28.0	29.2	29.3	28.7	28.7	28.7	28.7
H25	20.8	23.6	27.7	29.0	28.5	28.5	28.5	28.5	28.5
H26	22.3	25.2	29.3	30.5	30.6	30.0	30.0	30.0	30.0
H27	22.9	25.8	29.9	31.1	31.2	30.7	30.7	30.7	30.7
H28	22.7	25.5	29.6	30.9	31.0	30.4	30.4	30.4	30.4
H29	23.4	26.3	30.4	31.7	31.7	31.2	31.2	31.2	31.2
H30	23.4	26.3	30.4	31.6	31.7	31.1	31.1	31.1	31.1
H31	23.6	26.5	30.6	31.9	31.9	31.4	31.4	31.4	31.4
H32	22.8	25.7	29.8	31.1	31.1	30.6	30.6	30.6	30.6
H33	23.1	26.0	30.1	31.3	31.4	30.8	30.8	30.8	30.8
H34	23.1	26.0	30.1	31.3	31.4	30.9	30.9	30.9	30.9

H35	23.2	26.1	30.2	31.5	31.5	31.0	31.0	31.0	31.0
H36	23.1	25.9	30.0	31.3	31.4	30.8	30.8	30.8	30.8
H37	22.8	25.7	29.8	31.1	31.1	30.6	30.6	30.6	30.6
H38	22.8	25.6	29.8	31.0	31.1	30.5	30.5	30.5	30.5
H39	20.7	23.5	27.7	28.9	29.0	28.4	28.4	28.4	28.4
H40	21.8	24.7	28.8	30.0	30.1	29.5	29.5	29.5	29.5
H41	27.6	31.0	34.4	35.7	35.7	35.1	35.1	35.1	35.1

10.15 Within 6 months of the development first becoming fully operational (unless otherwise extended by the Council) the wind farm operator shall at their expense employ a suitably qualified and competent person to undertake a noise survey to assess the level of noise immissions from the wind farm. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all turbines operating across the range of wind speeds referred to in Condition 14 and covering a range of wind directions. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.

Reason: To assess compliance with noise immission limits as required by Condition No. 14.

10.16 Within 4 weeks of a written request by the Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at their expense employ a suitably qualified and competent person, to assess the level of noise immissions from the combined effects of the permitted wind turbines, at the complainant's property, following the procedures described in Pages 102-109 of ETSU-R-97 and if necessary, those described in condition 19. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To control the noise levels from the development at noise sensitive locations.

10.17 The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 15 and 16, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of a written request of the Council unless otherwise extended in writing by the Council.

Reason: To control the noise levels from the development at noise sensitive locations.

10.18 Wind speed, wind direction and power generation data shall be continuously logged throughout the period of operation of the wind farm. This data shall be retained for a period of not less than 12 months. The recorded wind data, standardised to 10m height above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint, shall be provided within 3 months of the date of a written request of the Council unless otherwise extended in writing by the Council.

Reason: To facilitate assessment of monitoring exercises and complaint investigation.

10.19 Within 4 weeks from receipt of a written request from the Council, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall submit a scheme for the assessment and regulation of AM to the Council for its written approval. The scheme shall be in general accordance with:

- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,
- Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology,
- The methodology published by Renewable UK on the 16th December 2013;

and implemented within 3 months of the written request of the Council unless otherwise extended in writing by the Council.

Reason: To control the levels of AM from the development at noise sensitive locations.

10.20 Noise and vibration due to site preparation works shall be controlled by adherence to Best Practicable Means, having regard to BS 5228:2009, Parts 1 and 2. The hours of working shall be restricted to 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday, unless otherwise agreed by Causeway Coast and Glens Borough Council. Outwith these hours, work at the site shall be limited to turbine erection, testing/commissioning works, emergency works, or construction work that is not audible at any noise sensitive property.

Reason: To control noise levels from construction noise at noise sensitive locations.

10.21 No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

10.22 Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

10.23 No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the planning authority. The CEMP shall include the following:

- a) Construction methodology and timings of works;
 - b) Pollution prevention measures, including details of the establishment of buffer zones to watercourses and details of works on or adjacent to watercourses;
 - c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
 - d) Peat Management Plan; including identification of peat/spoil storage areas, management and handling of peat/spoil and details of the reinstatement of excavated peat/spoil;
 - e) Details of grid connection route and proposed mitigation measures;
 - f) Water Quality Monitoring Plan;
 - g) Environmental Emergency Plan;
 - h) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities;
- Natural Heritage

Reason: To protect Northern Ireland priority/protected habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent adverse impacts on the River Roe and Tributaries ASSI/SAC.

10.24 No development activity, including ground preparation or vegetation clearance, shall take place until a final Habitat Management Plan (HMP) has been submitted to and approved in writing by the Council. The approved HMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The HMP shall include the following:

- a) Clear aims and objectives of proposed habitat management/restoration;
- b) Description of pre-construction, baseline habitat conditions;
- c) Appropriate maps, clearly identifying habitat management areas;

- d) Detailed methodology and prescriptions of habitat management/restoration measures, including timescales, and with defined criteria for the success of the measures;
- e) Details of the prohibition of habitat damaging activities, including agricultural activities;
- f) Confirmation of landowner agreement with all proposed habitat management measures for the lifetime of the wind farm;
- g) Details of the regular monitoring of the effectiveness of habitat management measures using appropriate methodology (e.g. visual inspections, vegetation quadrats, fixed point photography) for the lifetime of the habitat management plan;

Reason: To compensate for the loss of and damage to Northern Ireland priority habitats and to mitigate for impacts to priority species/breeding birds.

10.25 Progress reports detailing the implementation and monitoring of the Habitat Management Plan shall be produced by a competent ecologist and submitted to the Council in years 1, 2, 3, 5, 10, 15, 20 and 25 after construction, within 6 months of the end of each monitoring year. These shall include details of any necessary contingency and/or remedial measures to ensure that the aims and objectives of the Habitat Management Plan are met.

Reason: To ensure proper implementation of the habitat management plan and make provisions for any necessary contingency and/or remedial measures.

10.26 No development activity, including ground preparation or vegetation clearance, shall take place until a Protected Species Management Plan (PSMP) has been submitted to and approved in writing by the Council. The approved PSMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The PSMP shall include the following:

- a) Details of the appointment of a competent ecologist as an Ecological Clerk of Works (ECoW), with the power to halt works, and their roles and responsibilities with regard to management of protected species;
- b) Details of a pre-construction survey for badgers to determine any changes to setts;

- c) Details of appropriate mitigation for protected species, particularly badgers, smooth newts and common lizards, to be implemented during the site preparation, construction and operational phases, including wildlife corridors, buffer zones and/or fencing;
- d) Details of appropriate monitoring of impacts to protected species during construction works;
- e) Details of appropriate procedures/measures to be followed should monitoring indicate potential impacts to protected species and/or potential breaches of wildlife legislation;

Reason: To ensure protection of species protected by law.

10.27 There shall be no site clearance or development activity within 25 metres of badger sett A2, as detailed in the Confidential Badger Report, submitted under LA01/2018/0200/F, date stamped 26 April 2019 by the Council, until written evidence has been provided to the Council that badgers have been excluded and the setts have been closed under the terms of a licence issued by the Northern Ireland Environment Agency.

Reason: To protect badgers.

10.28 No development activity, including ground preparation or vegetation clearance, shall take place between 1st March and 31st August until an Ornithological Mitigation Strategy (OMS) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Council. The approved OMS shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The OMS shall include:

- a) Details of the appointment of a suitably experienced and competent ornithologist, with the power to halt works, to supervise works during the bird breeding season;
- b) Details of the timing of ground preparation and vegetation clearance to avoid disturbance to breeding birds;
- c) Details of pre-construction bird surveys and appropriately timed bird surveys to be conducted throughout the construction phase;
- d) Details of appropriate mitigation measures to be implemented before and during the construction phase, including identifying the location of any recorded active nests or breeding activity, the establishment of species specific buffer zones to active nests or

breeding territories (to be agreed with NIEA), temporarily halting works to avoid

disturbance to breeding birds;

e) Provisions for the reporting of the implementation of the OMS to the Council at the end of each bird breeding season during which works take place.

Reason: To protect breeding birds during the construction phase.

10.29 No development activity, including ground preparation or vegetation clearance, shall take place until an Ornithological Monitoring Plan (OMP) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Planning Authority. The approved OMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The OMP shall include:

- a) Details of a programme of long term monitoring of breeding and wintering birds, covering breeding and non-breeding seasons, using appropriate survey methodology, in the first survey period after construction is completed (year 1) and in years 2, 3, 5, 10 and 15 thereafter. Surveys shall target hen harrier, kestrel, snipe and red grouse but shall also record numbers and distribution of any other breeding wader species, meadow pipit and skylark;
- b) Provisions for the implementation of contingency mitigation measures should monitoring reveal significant impacts on birds;
- c) Details of the production of monitoring reports which shall be submitted to the Council within 6 months of the end of each monitoring year and which shall include details of any contingency mitigation measures implemented.

Reason: To monitor and mitigate for the impact of the proposal on wild birds.

10.30 No turbine shall become operational until a Bat Mitigation and Monitoring Plan (BMMP) has been submitted to and approved in writing by the Council. The approved BMMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The BMMP shall include the following:

- a) Details of the proposed monitoring of bat activity across the site using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;

- b) Details of bat carcass searches at selected turbines using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;
- c) Details of the production of yearly monitoring reports to be submitted to the planning authority within 6 months of the end of each monitoring year;
- d) Provision for additional mitigation or contingency measures which may be deemed necessary depending on the results of the monitoring and which shall be implemented if instructed by the Planning Authority;
- e) Provision for review of the mitigation measures and the length of the monitoring plan;

Reason: To monitor the impact of the proposal on bats.

10.31 All turbine blades shall be “feathered” when wind speeds are below the “cut-in speed” of the operational turbines. This shall involve pitching the blades to 90 degrees and/or rotating the blades parallel to the wind direction to reduce the blade rotation speeds below two revolutions per minute while idling.

Reason: To protect bats.

10.32 Not later than 12 months before the end of this permission a Decommissioning and Site Restoration Plan shall be submitted for the approval in writing of the Council. Such plan shall include the removal of above ground elements of the development to one metre below ground level, habitat restoration measures, including the reinstatement of access tracks, the management and timing of any works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The plan shall be implemented as approved within a time frame to be agreed with the Council.

Reason: To restore the site and protect the local environment beyond the lifetime of the permission.

10.33 Prior to the erection of any turbines, the developer shall commission an aviation consultant (approved by CODA) to revise all associated Instrument Flight Procedures (IFP) to illustrate a revised Low Holding Altitude of 2500 feet.

The developer shall submit and have agreed in writing with the Council, the draft IFPs which will be updated in the UK Aeronautical Information Publication (AIP).

Reason: In the interest of flight safety.

10.34 Prior to the erection of any turbines, the developer shall submit and have agreed in writing with the Council a scheme for the installation of aviation lighting. Upon erection of any of the turbines, the agreed lighting scheme shall be installed and operational for the lifetime of the turbines.

Reason: In the interest of flight safety.

10.35 In the event that City of Derry Airport (CODA) have installed a contemporary radar system prior to any of the turbines hereby approved being erected then a Radar Mitigation Scheme (RMS) shall be agreed in writing with the Council. This scheme shall:

- Set out the appropriate measures to mitigate the impact of the development upon the operation of the installed CODA Air Traffic Control (ATC) radar and any ATC operation which are reliant on the radar.
- Set out the appropriate performance criteria to mitigate the impact of the development on the radar.

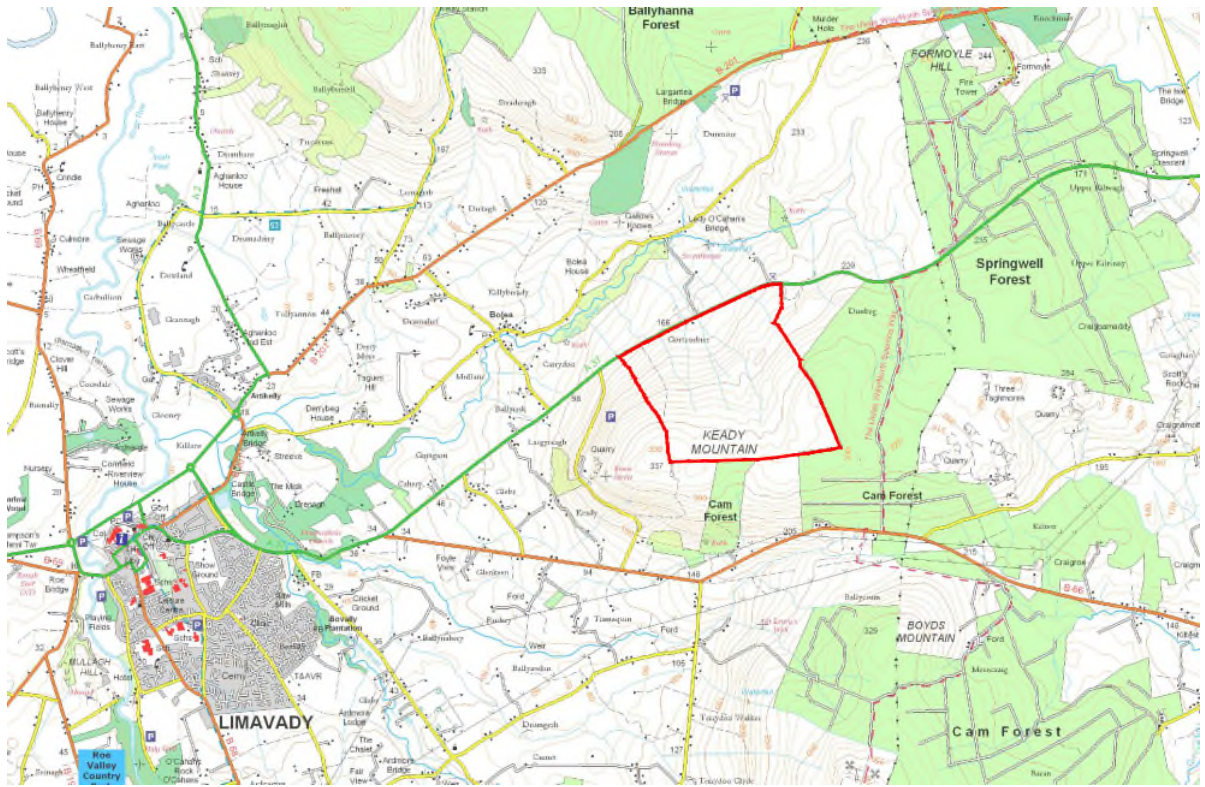
In the event that CODA (ATC) radar is installed prior to turbine erection, the turbines shall not become operational until all agreed measures and timescales within any previously agreed RMS have been implemented.

Reason: In the interest of flight safety

Appendix 1: Consultation Responses

Consultee	Response Date	Responses
Environ Health	14/10/2022	No objection – subject to condition
NIEA	21/09/2023	No objection – subject to condition
Ulster handgliding	10/05/2023	No objection
DIO Safeguarding	06/10/2022	No Objection
NATS	17/10/2022	No objection
SES	11/12/2023	No objection

Site Location



Site Layout

