



**Planning Committee Report
LA01/2019/0052/F**

24th June 2020

PLANNING COMMITTEE

Linkage to Council Strategy (2015-19)

Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost:	N/a

No: LA01/2019/0052/F

Ward: Drumsurn

App Type: Full Planning

Address: Approximately 150 metres north of No.66 Terrydoo Road Limavady (land stretching from Terrydoo Rd to existing operational Rigged Hill Windfarm)

Proposal: Construction of new access track (approx.. 3, 037m in length and 4m width), new site entrance off the Terrydoo Rd, associated drainage and ancillary development (including temporary construction compound and internal signage) to link new site entrance to the existing Rigged Hill windfarm access tracks for operational use by Rigged Hill windfarm

Con Area: n/a

Valid Date: 22/01/2019

Listed Building Grade: n/a

Target Date: 20/08/2020

**Applicant: David Buchanan
Scottish Power Renewables
Scottish Power HQ
320 St Vincent Street
Glasgow
G2 5AD**

**Agent: Juno Planning and Environmental Ltd
409 Lisburn Road
Belfast
BT9 7EW**

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

Executive Summary

- Full planning permission is sought to provide an access track to the existing operational Rigged Hill Wind Farm.
- The site is located approximately 4.5km south east of Limavady on Terrydoo Road.
- The site is located outside the Binevenagh Area of Outstanding Natural Beauty (AONB).
- This is a Major application that was accompanied by a Community Consultation Report and a Design and Access Statement.
- The proposal was accompanied by an Environmental Statement and is therefore EIA development.
- No letters of objection have been received in relation to the application.
- The proposed track will replace the existing approved track due to expiration of the agreement that provides the windfarm operator right to use the existing track.
- The proposal is considered acceptable with regard to the key issues comprising: visual amenity; natural/ built heritage interests; residential amenity and access.
- These issues were considered with regard to the main relevant polices which are the Northern Area Plan 2016, the SPPS, PPS 2, PPS 3, PPS 6, PPS 18 and PPS 21.
- Approval is recommended. This is subject to specific conditions to protect natural and built heritage interests in addition to road safety.

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

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at the existing operational Rigged Hill windfarm which is located on the summit of Rigged Hill. Rigged Hill is a north-south running ridge set between Tremain Hill to the south and Boyd's Mountain. The site entrance is located approx. 4.5km south east of Limavady on the Terrydoo Road.
- 2.2 The area is rural in character and the predominant land use is agriculture. The site is not within any designations as indicated in the Northern Area Plan 2016.
- 2.3 There are scattered farmsteads and single dwellings within the vicinity. There is a commercial coniferous plantation, known as Cam Forest, to the west of the site. The Ulster Way Walking Route utilises the existing Rigged Hill windfarm access tracks. The proposed track will not cross the Ulster Way route.

3 RELEVANT HISTORY

- 3.1 LA01/2018/1212/DETEIA – Construction of new access track, new site entrance off the Terrydoo Road, associated drainage and ancillary development (including temporary construction compound and internal signage) to link new site entrance to the existing Rigged Hill Windfarm access tracks

for operational use by Rigged Hill Windfarm – Environmental Statement required 16.05.2019

- 3.2 B/1993/0377 - Construction of wind farm with associated anemometer electricity lines, access tracks and sub-station – Permission Granted 01.07.1994

4 THE APPLICATION

- 4.1 The proposal is for a stoned access track of approx. 3km in length and 4m wide to serve the existing operational Rigged Hill windfarm. The track will be used by light duty vehicles driven by the windfarm site operations team and will be used occasionally by larger vehicles supporting turbine repairs and servicing.
- 4.2 The proposed track will replace the existing approved track due to expiration of the agreement that provides the windfarm operator right to use the existing track. The existing track is accessed via the Cam Forest entrance on Craigmore Road, approx. 1km east of the junction between Cam Road and Craigmore Road, to the north east of the windfarm. The proposed track, which is located on Terrydoo Road, to the north west of the windfarm, will enable the continuing operation of the windfarm in the event that a new right of way over the existing track cannot be secured.
- 4.3 The track will include a new ‘bell mouth’ site entrance onto Terrydoo Road, with a new site entrance gate which will be set back from the road to allow vehicles to wait clear of the carriageway. The track will link the existing windfarm to Terrydoo Road. The existing fence and hedge along Terrydoo Road at this point will be replaced with a new tapered hedge to provide for the visibility splays.
- 4.4 A temporary compound which will consist only of an area of hardstand will be located near the start of the track during the construction period. This will be removed, and the ground reinstated, once construction is complete.

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 major category due to the site area exceeding 1 hectare.
- 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 In this application the report states how the layout and design of the track was considered giving regard to the land form, topography, and environmental/locational constraints while meeting the technical requirements of the track.
- 4.8 The report demonstrates that the applicant undertook significant consideration of the siting of the track and ancillary development such as minimising the requirement for cut and fill, following, where possible, the local landscape, making best use of the topography to provide screening of sections of the route and minimising impact on the ecological environment. This involved detailed assessment of the site and public consultation.
- 4.9 Details are given of the site access and the relevant planning policies. There are no specific issues which might affect access to the site. The access will only be used by those maintaining the windfarm.
- 4.10 With regard to public access to the site, 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 PUBLICITY & CONSULTATIONS

Internal:

- 5.1 **DAERA Fisheries Division:** No objection
DfC Historic Environment Division: No objection subject to conditions
DfI Rivers: No objection subject to conditions
DfI Roads: No objection subject to conditions
Foyle, Carlingford and Irish Lights Commission: No objection
NIEA: No objection subject to conditions
Shared Environmental Services (SES): No objection subject to conditions

External - Proposal of Application Notice:

- 5.2 As this application is 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.
- 5.3 A Proposal of Application Notice was submitted on 2nd August 2018 under LA01/2018/0948/PAN. The applicant advised that they intended to undertake the following forms of consultation:
- Staffed public consultation event;
 - Press notice of the public event;
 - Circulation of invitations/information leaflets to all properties within 200m of the proposed site entrance;
 - Publication of information of SPR's website.
- 5.4 The public event was proposed for 20th September 2019 in Garvagh Community Building, Main Street, Garvagh. Prior to this, the information leaflets were to be delivered to all properties within 200m of the proposed site entrance as well as a press notice advertising the public exhibition.

Community Consultation Report

- 5.5 The community consultation report was submitted as part of the planning application, received on 2nd January 2019 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.6 Copies of the following have been provided in the report:
- press notice;
 - information leaflet;
 - map showing properties which received an event leaflet;
 - photo taken at the public exhibition which shows staff and information boards displayed at exhibition;
- 5.7 The report states that formal notices were displayed within The Chronicle (Limavady, Coleraine, Ballymoney and Ballycastle editions) on 13th September 2018, a copy of the notice has been provided. An event leaflet was delivered to every property within a 200m radius of the proposed site entrance, a map of the properties has been provided to support this. Overall, sufficient evidence has been provided to show compliance with section 27 of the Planning Act (Northern Ireland) 2011.
- 5.8 With regard to attendance and feedback, the report states that no members of the public attended the event in Garvagh on 20th September 2019 and only one person provided comments by email. The individual sought further information, including as to the reason why the existing access route is no longer sufficient. A response was issued to the individual providing them with the information leaflet and explaining the reason for the proposal. No response was received from the individual. No issues were raised by any other individual.
- 5.9 No letters of objection or support have been received.

6 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:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 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.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

- 7.1 Northern Area Plan 2016
Strategic Planning Policy Statement for Northern Ireland (SPPS)
Planning Policy Statement 2 (PPS2) – Natural Heritage:
Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 6 (PPS 6) – Planning,
Archaeology and the Built Heritage
Planning Policy Statement 15 (PPS 15) - Planning and
Flood Risk
Planning Policy Statement 18 (PPS 18) – Renewable
Energy
Planning Policy Statement 21 (PPS 21) – Sustainable
Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of the proposed development; residential amenity; access to public road; nature conservation / built heritage interests; fluvial environment; visual amenity & landscape character.
- 8.2 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.3 The site is located within the rural area as defined by the Northern Area Plan 2016.
- 8.4 The principle of the type and scale of development proposed must be considered having regard to the policy documents specified above.
- 8.5 The Strategic Planning Policy Statement (SPPS) for Northern Ireland sets out under ‘Sustainable Development in the Countryside’ that other types of development in the countryside, other than those set out in the policy, should be considered as part of the development plan process in line with the other policies set out within the SPPS. These policies are considered below.
- 8.6 Policy CTY 1 of PPS 21 states that there are a range of types of non-residential development that may be

acceptable in principle in the countryside. One such development is renewable energy projects in accordance with PPS18. Although the proposal is not for a renewable energy development, it is associated with one as it will be used to serve an existing windfarm. Policy CTY 1 states that proposals for such development will be considered in accordance with existing published planning policies.

Public Safety / Residential Amenity

- 8.7 Policy RE 1 of PPS 18 requires consideration of the potential impact on public safety, human health and residential amenity. Due to the nature of the development there will not be a significant impact on human health and it will not give rise to noise. The impact of the proposal on public safety in terms of road safety is considered below.
- 8.8 The impact of the proposal on visual amenity is discussed in detail below under Visual Amenity & Landscape Character. With regard to the impact of the proposal on the visual amenity of residents, there are several dwellings along Terrydoo Road in the vicinity of the proposed development, the nearest ones being approx. 150m to the south of the site entrance and approx. 200m to the north of the entrance. Having regard to the nature of the development and given that it is not a prominent feature in the landscape, it is not considered that it will have an unacceptable adverse impact on residential amenity.

Access to Public Road

- 8.9 The proposal includes the creation of a new access onto the Terrydoo Road. Policy AMP 2 of PPS 3 states planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. Policy RE 1 of PPS 18 also requires consideration of the impact of the proposal on road safety. DfI Roads as the competent authority are

content with the proposal, subject to conditions, with regard to road safety. Officials agree with this position.

Biodiversity, Nature Conservation / Built Heritage Interests

Impact on the Environment

- 8.10 Policy RE 1 of PPS 18 requires consideration of the proposal on biodiversity and nature conservation, the environment and on natural heritage. An Environmental Impact Assessment determination was carried out under LA01/2018/1212/DETEIA. The applicant requested a determination to be carried out by the Council under Regulation 8(1)(a) of The Planning (Environmental Impact Assessment) Regulations (NI) 2017 as to whether the proposal would be an EIA development as defined by the same regulations. The Council determined that the proposal is an EIA development, and as such, this planning application was required to be accompanied by an Environmental Statement. This was submitted as part of the planning application and was considered as part of the application process.

International Designations

- 8.11 Para 6.175 of the SPPS and Policy NH 1 of PPS 2 require the impact of the proposal on International designations such as European and Ramsar Sites to be considered. Development proposals are restricted where they are likely to impact upon the integrity of European (SPA, SAC and SCI) or Ramsar (listed or proposed) sites as these are afforded the highest form of statutory protection.
- 8.12 The site is not within or adjacent to any European designated sites. However, the site is hydrologically linked to the River Roe and Tributaries SAC.
- 8.13 Shared Environmental Services (SES) requested under the DETEIA application that a shadow HRA be carried out. SES has reviewed the shadow HRA and state that provided

mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

- 8.14 NIEA agree that due to the distance of the proposal from the designated site and the minor nature of the watercourses involved, providing appropriate mitigation and pollution prevention measures are implemented, the proposal is unlikely to have a significant effect on the River Roe and Tributaries ASSI/SAC.

Protected Species

- 8.15 Para 6.180 of the SPPS and Policy NH 2 require the impacts of the proposal on protected species to be considered. Planning permission will only be granted for a development proposal that is not likely to harm a European protected species or any other statutorily protected species.
- 8.16 Certain breeds of birds in Northern Ireland benefit from national and international protection. The ornithological report indicates that the site contains both Snipe and Meadow Pipet which are protected under The Wildlife and Countryside Act 1981. NIEA NED is content that the proposed works can be carried out without significant risk to local bird populations provided the mitigation measures presented in sections 5.6.1 and 5.6.2 of the Environmental Report are fully implemented. Planning conditions require the submission of an Ornithological Mitigation Strategy and a Snipe Monitoring and Management Plan.
- 8.17 Badgers are a nationally protected species. Badgers and their setts are protected under the Wildlife (Northern Ireland) Order 1985 (as amended). The Environmental Statement indicates that there will be no construction works within 25m of a badge sett, therefore, there will be no direct damage or disturbance to the sett. NIEA NED is content that, providing appropriate mitigation measures are implemented during

construction works, there is unlikely to be any direct impacts on badgers or their setts.

8.18 Subject to conditions, NIEA NED has no concerns that any protected species are likely to be impacted.

National Designations

8.19 Paras 6.183 to 6.188 of the SPPS and policy NH3 of PPS 2 require the impacts of the proposal on national designations to be considered. Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity of a national designation such as an Area of Special Scientific Interest (ASSI) or an AONB.

8.20 The proposal is not within an Area of Special Scientific Interest (ASSI) but is hydrologically linked to the River Roe and Tributaries ASSI. NIEA NED has considered the impacts of the proposal on the ASSI and advise that with the implementation of the mitigation measures set out in the Environmental Statement, the development will not adversely affect the integrity of the ASSI.

Other habitats, species or features of Natural Heritage importance

8.21 Other habitats, species or features of Natural Heritage importance which must be considered under para. 6.192 of the SPPS and NH 5 of PPS 2 include priority habitats, priority species and rare or threatened native species.

8.22 NIEA NED has indicated that the proposal contains Northern Ireland priority habitats (NIPH), namely acid flush, wet heath and hedgerows. The hedgerows were noted to be species poor and of negligible ecological value. The removal of these hedgerows is to be compensated by planting of a new native hedgerow. The proposed track has been designed to

avoid areas of peat therefore there is no significant risk of bog burst.

8.23 NED is content that, provided mitigation measures are implemented, no NIPH is likely to be significantly impacted. NED has requested the inclusion of a condition on any planning approval requiring a Habitat Management Plan, which shall include such mitigation measures, to be agreed prior to the commencement of development.

8.24 The ornithology report submitted as part of the Environmental Statement indicates that the site contains Red Grouse which is a Northern Ireland Priority Species (NIPS). NIEA have assessed the report and are satisfied that any impact on the Red Grouse population is likely to be negligible.

Local Natural Resources, such as air quality or water quality

8.25 Due to the nature of the proposal it is unlikely to have a detrimental impact on local natural resources. The consultees were content that there would be no adverse impact on air or water quality.

Built Heritage

8.26 Policy RE 1 of PPS 18 requires consideration of the impact of the proposal on built heritage interests. The application site is located in proximity to several of archaeological sites and monuments including a number of possible enclosures and the remains of a medieval cashel (a ringfort). The proposed track passes through or close to one of the sites.

8.27 Policy BH 2 of PPS 6 states that development proposals which would adversely affect archaeological sites or monuments which are of local importance will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

8.28 DfC Historic Environment Division (HED) has assessed the information provided and is content that the proposal satisfies the requirements of BH 2 subject to archaeological monitoring of the site which should be conditioned as part of any approval. Therefore, it is unlikely that there will be an unacceptable adverse impact on built heritage interests.

Fluvial Environment

8.29 It is proposed that, as far as possible, any drainage installed will coincide with naturally occurring or previously constructed drainage channels. The proposed route for the track will cross 6 ephemeral drains which are proposed to be culverted under the track. Policy FLD 4 of PPS 15 states that the planning authority will only permit the artificial modification of a watercourse, including culverting in certain exceptional circumstances. One such circumstance is 'where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof'. The proposal meets this exceptional circumstance in that the track is required to provide access to the existing windfarm site.

8.30 DfI Rivers has indicated that the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. However, they state that a drainage assessment is not required by Policy FLD 3 of PPS 15. Policy FLD 3 states "Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site."

8.31 The proposal includes mitigation measures and the developer has stated that 'following mitigation, given the

short duration of construction, anticipated level of use, and limited areas of ground disturbance proposed during construction, there should be no significant effects to any aspect of the surface water and groundwater environments. DfI Rivers have not raised any issues.

8.32 DfI Rivers is content that the proposal meets the requirements of policy PPS 15. Officials agree with this position.

Visual Amenity & Landscape Character

8.33 Policy RE 1 of PPS 18 requires consideration of the visual impact of the proposal on amenity and landscape character and the SPPS at para 6.250 states that proposals should avoid areas of landscape sensitivity, including AONBs. The site is not within any designated landscapes or area of landscape sensitivity.

8.34 The proposal is for an access track which, by its nature, will not be a prominent feature in the landscape. The track will be viewed with the associated, constructed, Rigged Hill wind farm which already dominates the landscape at this location.

8.35 The applicant has demonstrated that they undertook significant consideration of the siting of the track and ancillary development such as minimising the requirement for cut and fill. Where possible, the local landscape is followed and best use is made of the topography to provide screening of sections of the route, therefore minimising the visual impact of the development.

8.36 The proposed small temporary compound which measures 30m x 15m, as detailed at para. 4.4 above, which will be located near the start of the track, will be removed once construction of the track has been completed. There are no buildings or other structures proposed within the compound.

8.37 The only critical views of the development are from the site entrance on Terrydoo Road and from Temain Road looking towards the site (see figures 5 and 6 of applicant's submission which show these viewpoints). However, due to the nature of the development and the siting and design of the development, as discussed above, it is not a prominent feature in the landscape and will therefore not have a significant visual impact on the landscape.

8.38 Given the foregoing, having regard to the specific nature of the development, the proposal is consistent with the requirement of Policy CTY 1 in PPS 21 Sustainable Development in the Countryside that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings. Similarly, the proposal is consistent with the requirement in the SPPS at Paragraph 6.70 that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

8.39 As well as the visual impact of the development, Policy RE 1 of PPS 18 sets out a number of additional tests for windfarm developments. As this proposal is for an access track and not a windfarm, the only other tests that apply are the risk of bog burst and the impact of the development on road safety. These have been considered above and meet the policy requirements.

9 CONCLUSION

9.1 Having regard to the principle of the proposed development, residential amenity, access to the public road, nature conservation / built heritage interests, fluvial environment, visual amenity and landscape character, the proposal is acceptable. The proposal complies with planning policy. Approval is recommended.

10 CONDITIONS

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

Reason: Time limit.

2. No development shall take place until the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with Drawing No. 24 bearing the date stamp 28 February 2020. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m 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 user.

4. The development shall not be commenced until a Certificate issued by a Chartered Structural Engineer certifying that the culvert extension structure has been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by DfI Roads. The certificate should state;

“I/We certify all reasonable professional skill and care has been used in the design & check of the above

named structure in accordance with the following design standards and advice notes”

Reason: In the interests of road safety.

5. Prior to the commencement of development on site, a Traffic Management Plan for construction traffic along the Terrydoo Road, including the detail and location of any temporary passing bays for construction traffic or other traffic management protocols as deemed necessary, must be submitted to and agreed in writing by DfI Roads.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

6. No development activity, including ground preparation or vegetation clearance, shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. 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) Details of the excavation and storage of peat soils and the reinstatement of peat vegetation along track verges;
- e) Badger mitigation measures;
- f) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

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

7. 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 Planning Authority. The approved HMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved HMP, unless otherwise approved in writing by the Planning Authority. The HMP shall include the following:

- a) Clear aims and objectives of proposed habitat management/restoration;
- b) Appropriate assessment and 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 and with defined criteria for the success of the measures;
- e) Timescales for the implementation of habitat management measures;
- f) Details of the regular monitoring of the effectiveness of habitat management measures using appropriate methodology (e.g. visual inspections, vegetation quadrats, fixed point photography) in years 1, 2, 3, 5 and 10 after construction;
- g) Details of the production of regular monitoring reports to be submitted to the Planning Authority within 6 months of the end of each monitoring year and which shall include details of contingency measures should monitoring reveal unfavourable results.

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

8. 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 Planning Authority. The approved OMS shall be implemented in accordance with the approved details and all works must conform to the approved OMS, unless otherwise approved in writing by the Planning Authority. 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 Planning Authority at the end of each bird breeding season during which works take place.

Reason: To protect breeding birds during the construction phase.

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

- a) Details of a programme of snipe monitoring, using appropriate survey methodology, in the year of construction (year 1), and in years 2 and 3 thereafter;
- b) Details of the implementation of specific snipe management measures should monitoring reveal two or fewer snipe territories within the 500m buffer zone of the development;
- c) Details of the production of monitoring reports to be submitted to the Planning authority within 6 months of the end of each monitoring year, which shall include details of the implementation any additional snipe management measures deemed necessary.

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

10. 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.

11. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division 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.

12. 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.

Appendix 1: Consultation Responses

Consultee	Response Date	Responses
DAERA – Fisheries Division	19/02/19	No objection
Loughs Agency (Foyle Carlingford & Irish Lights Commission)	18/11/19	No objection
NIEA	22/10/19	No objection subject to conditions
HED	04/02/19	No objection subject to conditions
DfI Rivers Agency	14/03/19	No objection
Transport NI	02/06/20	No objection subject to conditions
SES	19/11/19	No objection subject to conditions

Site Location Map

