

<b>Planning Committee Report Item 5.8</b>	<b>22<sup>nd</sup> June 2016</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Shane Mathers
<b>Cost: (If applicable)</b>	N/a

# **ITEM 5.8**

**Site 196m North west of 100  
Bolea Road, Limavady**

**B/2015/0040/F**

**Full Planning**

**22<sup>nd</sup> June 2016**

<b><u>App No:</u></b>	<b>B/2015/0040/F</b>	<b><u>Ward:</u></b>	<b>Aghanloo</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Site 196m North West of 100 Bolea Road, Limavady</b>		
<b><u>Proposal:</u></b>	<b>250kw wind turbine on a 30m tower with 27m blades</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>20<sup>th</sup> February 2015</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Mr Wilfred Purcell</b>		
<b>Agent:</b>	<b>2020 Architects, 37 Main Street, Ballymoney, BT53 6ANW</b>		
<b>Objections:</b>	<b>0</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 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 section 7 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located 700m north of the Bolea Road and Drumalief Road junction and comprises a circular portion of an agricultural field. A laneway of 100m in length is proposed to link the site to the existing laneway onto Bolea Road.
- 2.2 The site is reasonably flat with the surrounding land rising to the north. While the boundaries of the site are not formally defined

the nearest boundary and the boundary at the access lane is defined by the intermittent hedges.

- 2.3 The site lies within the Binevenagh Area of Outstanding Natural Beauty. The surrounding landscape is characterised by the valley basin with the land rising to either side and sweeping down to Limavady. The site will be clearly visible from both the A37 Broad Road and Windyhill Road, the main arterial routes linking Coleraine to Limavady.
- 2.4 The site lies within Landscape Character Area 37: Roe Basin within the Wind Energy Development in NI's Landscapes, the SPG that accompanies PPS 18.

### **3 RELEVANT HISTORY**

No relevant planning history on the application site.

### **4 THE APPLICATION**

- 4.1 This is a full application for the erection of a 250 kw Wind Turbine on a 30m Tower with 27m blade diameter.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

- 5.1 **Neighbours:** There are no objections to the proposal.

#### **Internal**

- 5.2 **Transport NI:** No objection

**Environmental Health:** No objection

**Northern Ireland Water:** No objection

**NATS:** No objection

**MOD:** No safeguarding objection

**Westica:** No objection

**Belfast international airport:** No safeguarding objection

**Defence Infrastructure:** No objection

**Arquiva:** No objection

**NIEA:** No objection

**City of Derry Airport:** No objection

## **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
- 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**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 18 (PPS 18) Renewable Energy

Planning Policy Statement 2 (PPS 2) Natural Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to: planning policy context; public safety, human health and residential amenity; visual amenity and landscape character, biodiversity and nature conservation; local natural resources; public access to the countryside and any other material consideration.

### **Planning Policy Context**

8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements which in this case are PPS 18 and PPS2. The main policy considerations within these policy documents are policy RE1 in PPS18 and policy NH2 and NH6 in PPS2.

8.3 Policy RE 1 of PPS18 is supportive of renewable energy proposals, unless it would result in an unacceptable impact on a number of criteria as set out under the headings of the paragraphs below. In addition, policy RE1 states that in relation to wind energy development, applications 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;

(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;

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

(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;

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

(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

(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.

### **Public safety, human health and residential amenity**

- 8.4 Policy RE1 of PPS18 requires an assessment of potential harm to the safety or amenity of sensitive receptors arising from noise, shadow flicker, ice throw and reflected light.
- 8.5 In terms of impact upon public safety the guidance within the 'Best Practice Guidance to PPS 18' indicates that in relation to occupied properties and proximity to road and rail crossings a safe separation distance from the turbine is considered to be the fall over distance (height of the turbine to the tip of the blade) plus an additional 10%. There are no dwellings or roads located within this safety zone and therefore there should be no significant risk to safety.
- 8.6 Following the submission of a voluntary noise impact assessment, the Planning Authority sought advice from the Council's Environmental Health Department as the competent authority on such matters. After full consideration of the noise impact assessment, Environmental Health have not raised any objection to the proposal.
- 8.7 A shadow flicker assessment is required. No evidence has been forthcoming in relation to the potential impact of shadow flicker on nearby residential properties. Given concerns in relation to visual impact it would not be appropriate to request

this additional information. The proposal fails to comply with policy RE1 of PPS 18 in terms of shadow flicker.

### **Visual amenity and landscape character**

- 8.8 As detailed in paragraphs 2.3 and 2.4 the site is located within the Binevenagh AONB and Landscape Character Area 37 Roe Basin. The AONB enjoys, amongst others, views across Lough Foyle. In assessing visual impact the Landscape Character Assessment (LCA) guidance provides an overall assessment of the sensitivity of landscape value. In this case the guidance states that the LCA is of a broad scale overall and a sense of enclosure is afforded by hedges, hedgerow trees and woodland. However, it has relatively small and complex landform and landcover features; and its western and southern edges are more exposed and provide the setting for the basalt escarpment landscapes of Binevenagh LCA and for the Sperrin Mountains.
- 8.9 The LCA warns that any inappropriate wind energy development could affect views to and from adjoining upland areas and, importantly, could interrupt the broad sweep of the basin landform. The site which is subject of this application is located within the sweep of the basin landform. The LCA identifies that limited areas around the periphery of this character area, away from the principal views, might be of somewhat lower sensitivity to appropriately scaled wind energy development.
- 8.10 In considering the location, siting, layout and design the LCA states that care should be taken to avoid adverse impacts on the extremely sensitive and prominent skylines or settings of Binevenagh and the Sperrins. Care should also be taken to avoid adverse impacts on the other skylines, settings or views within the LCA.
- 8.11 When considered in the context of the guidance, the proposal would result in detrimental impact to the setting of Binevenagh. The site is positioned inside the Binevenagh AONB, with the boundary of the designation following the sweep of the valley basin as the land begins to rise to the north east and south.
- 8.12 Views of the turbine will be available from both Broad Road and Windyhill Road, which run parallel along either side of the valley.

Both roads are heavily trafficked. Both roads are elevated relative to the site which will afford views of the turbine over a significant transient distance particularly on approach from Coleraine. From Broad Road, the turbine would interrupt the broad sweep of the landform in the valley basin out across the Foyle estuary. From Windyhill Road the turbine would detract from the important views across the open countryside to Keady Mountain.

8.13 Wind farms exist along the plateau at the top of Binevenagh at Dunmore and Dunbeg. While the wind farms impact on the AONB they do not detract from the important views out across Lough Foyle. The lower slopes have remained free from turbine development and it is this area which harbours the greatest sensitivity as it provides the setting to the more dramatic rock escarpment to the north. If a turbine were approved in this location it would introduce a feature which would harm the character and quality of the open countryside as it would sit in stark contrast to the sloping hillside, interrupting the broad sweep of the valley basin.

8.14 The proposal is therefore contrary to policy RE1 of PPS18 and policy NH6 of PPS2.

### **Biodiversity and nature conservation**

8.15 The main impact on the natural environment is likely to be the impact on bats and birds. The Best Practice Guidance indicates that birds and their habitats are rarely impacted upon by turbine development, with the main risk being 'bird strike' from flying through the swept area of the blades. Given that the site is not within a designated SAC, SPA or ASSI, where the protection of birds is a key point of designation, it is not anticipated that the turbine will have any detrimental impact on birds. NIEA have not raised any objection on this matter.

8.16 Bats are a protected species and therefore consideration must be taken of the potential for harm within proximity to turbines. Following the submission of a Bat Survey NIEA are content with the proposal subject to conditions.

## **Local natural resources**

- 8.17 Due to the nature of the proposal it is unlikely to impact on local natural resources. NIEA were consulted on the proposal as the competent authority on such matters and did not raise any nature conservation issues. The site has not been identified as bog at risk of bog burst.

## **Public access to the countryside**

- 8.18 Access to the site is via an existing laneway onto Bolea Road. TransportNI were consulted and have not raised any concerns about access to the site subject to standard conditions. The proposal will not result in an unacceptable adverse impact to public access to the countryside.

## **Other Material consideration.**

- 8.19 The Planning Authority has carried out considerable consultation and no issues with regards to unacceptable electromagnetic interference to communications installations, radar, air traffic control, emergency services or other telecommunication systems have been identified.

## **9 CONCLUSION**

- 9.1 On balance, the proposal would introduce a feature which would harm the special landscape character and visual amenity of this part of the Binevenagh AONB which would be contrary to both PPS18 and PPS2. Furthermore, the applicant has failed to provide sufficient information to assess the potential for shadow flicker on nearby residents.

## **10.0 REASONS FOR REFUSAL**

- 10.1 The proposal is considered contrary to PPS 18: Renewable Energy, Policy RE 1 and paras 6.223 and 6.224 of the SPPS in that the development would not be sensitive to the landscape character and visual amenity of the AONB by reason of the scale and siting of the turbine.

- 10.2 The proposal is considered contrary to PPS 2: Natural Heritage, Policy NH6 and para 6.188 of the SPPS in that the siting and scale of the development is not sympathetic to the special character of the AONB and it would not conserve features of importance to the character and appearance of the landscape.
- 10.3 The proposal is considered contrary to PPS 18: Renewable Energy, Policy RE 1 and para 6.224 of the SPPS in that insufficient information has been provided to ascertain the potential for shadow flicker on nearby third party receptors.