

Planning Committee Report LA01/2016/0061/F	26th April 2017
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	Principal Planning Officer
Cost: (If applicable)	N/a

**On lands directly North of A37/
Broad Road to the East of 156
Broad Road and to the West of
the operational Dunbeg
Windfarm in the townland of
Dunbeg Limavady**

26th April 2017

<u>App No:</u>	LA01/2016/0061/F	<u>Ward:</u>	Limavady
<u>App Type:</u>	Full		
<u>Address:</u>	North of A37/ Broad Road to the East of 156 Broad Road		
<u>Proposal:</u>	Full planning application for a three turbine extension to the operational Dunbeg Wind Farm (consented under PAC REF. 2009/A0363 to planning reference B/2007/0560/F), each turbine will have a Hub Height not exceeding 84m and Blade Diameter not exceeding 82m, associated access tracks, underground cabling, temporary construction compound, upgrade and widening of an existing site entrance off the A37, forestry felling (approximately 1.36ha) and all associated works.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	2 nd December 2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	12 th August 2016
Applicant:	Gaelectric Developments Ltd		
Agent:	None		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.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 reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within Dunbeg townland. The site is located on an area of rough grazing pastures that are currently used for

livestock grazing. The 3 proposed turbines are located directly North of A37/ Broad Road to the East of 156 Broad Road. The lands are to the West of the operational Dunbeg Windfarm.

3.0 RELEVANT HISTORY

- 3.1 B/2007/0563/F Dunmore 7 turbines, approved at appeal 25.10.2010
- 3.2 B/2007/0560/F – Dunbeg 14 turbines, approved at appeal 28.01.2011
- 3.3 B/2013/0241/F – Dunmore extension, 8 turbines, under consideration at this Committee.

4.0 THE APPLICATION

- 4.1 The proposal is for a three turbine extension to the operational Dunbeg Wind Farm. Each turbine will have a hub height not exceeding 84m and blade diameter not exceeding 82m. It will also have associated access tracks, underground cabling, temporary construction compound, upgrade and widening of an existing site entrance off the A37, approximately 1.36ha forestry felling and all associated works.
- 4.2 Each turbine will have a generational capacity of up to 3MW, giving a combined generation capacity of up to 9MW.
- 4.3 The application was accompanied by a voluntary environmental statement.

Design & Access Statement

- 4.4 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application. The application falls within the major category due to the 9MW generation capacity of the wind farm.

- 4.5 The design and access statement is to provide details of the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with.
- 4.6 In this application the report states how the layout of the wind farm extension was considered giving regard to the land form, topography, and environmental/locational constraints while meeting the technical siting requirements of wind turbines.
- 4.7 The report demonstrates that the applicant undertook significant consideration of siting of the wind turbines and ancillary development. This involved detailed assessment of the site and early discussions with consultees to provide an acceptable scheme prior to submission of an application.
- 4.8 It is accepted that due to the inherent design characteristics of wind farms and for health and safety that there will be no requirement for access for 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 advertised on 20th January 2016 in the local papers and again for the Environmental Statement on 9th March 2016. There are no objections to this proposal from members of the public.

Internal

- 5.2 See appendix 1 for details of consultations carried out and the responses provided. Within this there are no outstanding issues and no objections.

Proposal of Application Notice

- 5.3 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.

- 5.4 A Proposal of Application Notice was submitted on 1st September 2015 under LA01/2015/0617/PAN. The applicant advised that they intended to undertake the following forms of consultation:
- Circulation of pamphlets to all houses within 1Km of the proposal
 - Press notice of the public event
 - Staffed public exhibitions with information boards
 - Provision of information about the public event through a website
 - Information sheets at the public event
 - Questionnaires made available for feedback at the public event
- 5.5 The public event was to be held on 5th November 2015 in the Limavady Community Development Initiative Centre, Limavady. Prior to this the information pamphlets were to be delivered to the neighbouring properties within 1Km of the proposed development site as well as a press notice advertising the public exhibition.
- 5.6 A webpage was to be created making all relevant information centrally available and information sheets were to be available on the day. The public were to be able to provide viewpoints and feedback through questionnaires available at the event.

Community Consultation Report

- 5.7 The community consultation report was submitted as part of the planning application, received on 22nd December 2015 which is more than 12 after the Proposal of Application Notice was received, as required by the legislation.
- 5.8 It contained the methods of consultation carried out and the comments and feedback from this exercise. The report demonstrates that the consultation was carried out as agreed in the Proposal of Application Notice.

5.9 Three people signed the attendance sheet and of those who attended the issues raised were:

- Wind energy benefits
- Visual impact
- Socio-economic benefits
- Ecology
- Grid Connection
- Telecommunication interference
- Lighting of operational turbines

5.10 All these issues have been addressed in the report below with the exception of grid connection which is not a requirement of RE1 of PPS 18.

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 Northern Area Plan 2016 (NAP) and the site falls within the falls within the Binevenagh Area of Outstanding Natural Beauty (AONB).
- 6.3 The site is located within Landscape Character Area (LCA) 36 – Binevenagh which has been assessed to have a high – medium landscape sensitivity to impact from wind turbine development.
- 6.4 The site is also with the following European designations River Roe and Tributaries Special Area of Conservation (SAC) and

Areas of Special Scientific Interest (ASSI), Lough Foyle Special Protection Area (SPA), Ramsar and Areas of Special Scientific Interest (ASSI) and Bann Estuary Special Area of Conservation (SAC) and Areas of Special Scientific Interest , Binevinagh AONB designations.,

- 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 both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.7 Due weight should be given to the relevant policies in the development plan.
- 6.8 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7. 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 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

Supplementary Guidance

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; the impact on the AONB, impact on the public, safety, human health, residential amenity, visual amenity, landscape character, biodiversity, nature conversation, and local natural resources.

Principle of development

- 8.2 The SPPS states in paragraph 6.223 that a cautious approach should be taken for renewable energy development proposals in designated landscapes which are of significant value such as an Area of Outstanding Natural Beauty (AONB). It goes on to state that in such sensitive landscapes it may be difficult to accommodate renewable energy proposals without detriment to the region’s cultural and natural heritage assets.
- 8.3 The SPPS also goes on to advise that the Council should take account of the proposal’s contribution to the wider environmental benefits along with consideration of impact on health, safety and amenity, visual impact, impact on biodiversity and habitat, and future decommissioning.
- 8.4 An assessment was carried out under Regulation 43 (1) of the Conservation (Natural Habitats) Regulations (NI) 1995 (as amended) as the proposal falls within the River Roe and Tributaries Special Area of Conservation (SAC), Lough Foyle Special Protection Area (SPA) and Bann Estuary Special Area of Conservation (SAC). The stage 1 test of likely significant for the Habitats Regulations Assessment concluded that the mitigation planned and detailed in the ES and amended drawings that there will be no adverse effect on site integrity of

any European site subject to appropriate mitigation controlled through conditions in the event of an approval.

- 8.5 The Northern Area Plan 2016 is silent on the matter of wind farm development in this area.

Compliance with PPS 18

- 8.6 Policy RE1 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

- 8.7 Section 1.3.54 of the Best Practice Guidance to PPS18 requires that the turbines should be set back at least fall over distance plus 10% from the “edge of any public road”, right of way or railway line. The maximum base to tip height in this proposal is 125m which constitutes the fall over distance, therefore the fall over distance plus 10% is 137.5m. All turbines should be least 137.5m back from the public road (Broad Road). The closest turbines to the Broad Road are at least 200m from the edge of actual road.

Human Health

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

Residential Amenity

- 8.9 RE1 of PPS18 states that, “for wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.” In this case the turbine proposed has a rotor

diameter at 82m therefore requiring a separation distance of 820m from any occupied property.

8.10 Only 1 property has been identified as being within 820m of a proposed turbine, (156 Broad Road) however this is within the appellant's control and will remain unoccupied for the life of the windfarm.

8.11 Environmental Health had no objections to the noise impact statement submitted. They have indicated that they are content with the proposed noise levels predicted at sensitive receptors and as such have no objection subject to conditions being applied in the event of an approval.

(b) visual amenity and landscape character;

8.12 In this case it is considered that there is potential for significant detrimental impact on both visual amenity and landscape character due to its siting within the Binevenagh AONB and critical views from the public roads within the vicinity. This is laid out in detail in below under "PPS18 Requirements for Wind Development".

8.13 The proposal also included associated access tracks, underground cabling, temporary construction compound, upgrade and widening of an existing site entrance off the A37, approximately 1.36ha forestry felling and all associated works. Most of these works will not have any significant visual impact. The construction compound will be removed once the turbines are operational and while the forestry felling may change the views of the area, as a commercial forest this will not be particularly detrimental to the special characteristics of the AONB (ie the mountain and the other escarpments).

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

- 8.14 Disturbance to any badgers on site is fully mitigated by the design of the proposal which avoids any impact and will be conditioned as such in any approval granted.
- 8.15 It was identified by NED that the development would be likely to harm bats, however they are content that the mitigation proposed is adequate provided a condition is applied to deliver a bat monitoring plan in the event of an approval.
- 8.16 Based on the ornithological surveys submitted NED are content that the surveys do not suggest that the development would present a significant threat to any bird species of conservation concern subject to conditions being applied to any approval granted.
- 8.17 A detailed outline Habitat Management Enhancement Plan (oHMEP) has been provided to compensate for the impact on and damage to 3.48ha of priority habitats of nature conservation value as a result of the proposal. There is 6.32ha of marshy grassland, 1.7ha of mixed ash wood and 3.6ha of modified bog which will be enhanced, managed and created. There will be no overall loss of habitat biodiversity provided a condition is applied requiring the submission and implementation of a Habitat Management Plan (HMP) in the event of an approval.
- 8.18 The application site sits within an archaeologically sensitive landscape with a number of monuments in close proximity, including a counterscarp rath (LDY 010:010) and a sweat house (LDY 010:014), both of which are scheduled monuments of regional importance protected by the Historic Monuments and Archaeological Objects (NI) Order 1995 and to which PPS 6 Policy BH1 would normally apply. In addition there are a large number of sites and monuments in the wider landscape and therefore the development is set within an archaeologically rich landscape. There is a potential for previously unknown below ground archaeological remains within the limits of the application site.

8.19 Built heritage have not indicated any significant detrimental impact on any built heritage or designated sites subject to all mitigation measures being submitted and agreed within a Construction & Environmental Management Plan (CEMP) prior to commencement of works and the implementation of a developer funded programme of archaeological works as proposed.

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

8.20 Water Management Unit (WMU) of NIEA has considered the impacts of the proposal on the surface water environment and are content that there is no impact on water quality on the basis that foul sewage and wash down effluent produced by the development will be directed to a holding tank. WMU have been supplied with details on this and are content that this can be dealt with within the Construction Management Statement which would be conditioned for submission post approval but pre construction of the wind farm if permitted.

8.21 Due to the nature of the development there will be limited impact on air quality except for dust suppression upon construction.

8.22 Waste management of NIEA considered the information presented for potential impacts of the proposal on the aquatic environment (especially groundwater) and considers that there is potential to impact upon local groundwater resources. In particular it is advised that at the property 250m West of T15 (156 Broad Road), that the drinking water supply be clarified and if a private water supply is identified then a baseline condition survey of the source should be undertaken. The agent has advised that this dwelling is within their control and a lease is in place that ensures that the house will remain uninhabited for the lifetime of the wind farm. Water quality monitoring will also form part of the Construction Method Statement which will be submitted as part of the compliance upon the grant of any approval.

8.23 The site is hydrologically connected to the River Roe and Tributaries ASSI and SAC, Lough Foyle SPA, Ramsar and ASSI, and Bann Estuary ASSI/SAC and there is potential for pollution caused by runoff from the development which poses a risk to the aquatic environment. NED are content that detail and clarification provided that the mitigation measures supplied are sufficient to prevent any significant adverse impacts on the receiving water environment and the designated sites. This is subject to a CEMP being submitted and agreed prior to the commencement of works and should be conditioned as such in the event of any approval.

(e) public access to the countryside

8.24 The site in question is not publicly owned land and as such public access to the site upon the construction of the proposed development will be no different than before, that is, access to the land will depend on the landowners consent.

PPS 18 Requirements for Wind Development

8.25 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;

8.26 The site is located within LCA 36 – Binevenagh which has been assessed to have a high – medium landscape sensitivity to impact from wind turbine development. The site is also located within the Binevenagh Area of Outstanding Natural Beauty (AONB). In this case it is important to understand that, while the area is determined to be very sensitive to wind development and is of an outstanding quality, there are already 2 existing wind farms here totalling 21 turbines. This means that the

consideration must demonstrate any unacceptable impact as beyond the impact of the original 2 wind farms of 21 turbines.

8.27 The 3 proposed turbines, are sited the midst of the constructed Dunbeg wind farm on the South and the constructed Dunmore 1 wind farm on the North. Their addition to the landscape will only be evident to the most perceptive or studied viewer. To the majority their addition will be imperceptible particularly when combined with the 60mph speed limit of the Dunhill and Windyhill Roads.

(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;

8.28 Due to the proximity of the approved windfarms Dunmore and Dunbeg, the proposal and the cumulative impact on the landscape is evident but not so significant as to warrant a refusal for the proposal. It should also be noted that there is a current undetermined application for an extension to the Dunmore windfarm under B/2013/0241/F which is being presented to this Committee with a recommendation for refusal. The current proposal will not be impacted by nor have any cumulative impact upon B/2013/0241/F due to the contained siting of the turbines of this application within the existing wind farms.

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

8.29 Geological Survey NI have indicated that peatslide is only a negligible risk within this proposed development.

(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;

8.30 There is no indication from consultees 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;

8.31 City of Derry Airport (CODA) and Belfast International Airport (BIA) were both consulted. Neither had any objection. Transport NI advised that they are content subject to conditions being applied in the event of an approval being granted. Therefore no unacceptable impact has been identified.

(vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

8.32 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.

8.33 Paragraphs 1.3.73 to 1.3.78 of the Best Practice Guide assert that shadow flicker is only likely to occur at distances greater than 10 rotor diameters from a turbine so in this case it would be receptors within 820m (10 x maximum rotor diameter of 82m). In this case consideration was given to the potential for shadow flicker in combination with the existing 21 turbines. 156 Broad Road (dwelling) has been identified within this distance and is within 500m of the turbines (256m). This receptor would experience shadow flicker impact of more than 30 minutes per

day (1.18 hours if taking the mean data). This property is in lease and under the control of the applicant. The same receptor will experience shadow flicker for more than 30 hours per year (183 hours) and but is within the control of the applicant. All detailed figures are laid out within P14-6 of the Environmental statement.

8.34 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.

(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.

8.35 The removal of the turbines and any of the associated infrastructure will be dealt with by condition if approved. Ongoing restoration of the site will be dealt with in the Final Habitat Management Plan which will be submitted if the application is approved..

Development on Active Peatland

8.36 There is no development proposed on active peatland.

Habitat Management Plan

8.37 Policy RE1 of PPS 18 also specifies that the Habitat Management Plan (HMP) should be submitted and agreed before any permission is granted. Policy NH5 of PPS 2 also states that appropriate mitigation and/or compensatory measure will be required. An outline HMP has been submitted which is considered to be acceptable and any approval will be conditioned with the requirement for the submission and of a full HMP and its agreement prior to the commencement of the development.

Economic Considerations

- 8.38 Paragraph 4.1 of policy RE1 of PPS18 states that “the Department would support renewable energy proposal unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits.” In this case where there are no unacceptable adverse effects, there is no need to consider the further environmental benefits nor the economic and social benefits.
- 8.39 While social benefits are not a material consideration in this case, the applicant intends to provide a community fund of a minimum of £1000 per MW of energy generated (@ £9000 per year). This is managed by industry good practice and is not subject to any conditions or Council controls.

Appeal Precedents

- 8.40 Previous appeals on the site regarding windfarms are a significant material consideration. Permission was granted at appeal for both the existing wind farms which have now been constructed.
- 8.41 Dunmore (2009/A0037) for 7 turbines at a height of 125m and associated works on 18th October 2010. The PAC in this case was satisfied that the proposal “*would not detract from the intrinsic landscape which is recognised by the Binevinagh AONB designation*”. Moreover they considered that the proposal could “*coexist with tourism in the and perhaps even add to tourist interest in this area*”
- 8.42 Dunbeg (2009/A0363) for 14 turbines at a height of 90m on 27th January 2011. The Commissioner considered that the wind farm “*would be a new and distinctive element in the landscape but it would not interrupt important views or seriously harm the overall appearance of the area. For some people it might even add visual interest*”. In the report the Commissioner concluded that it would not impinge on the distinctive skyline of

Binevenagh, would not have an unacceptable impact on the character of the wider landscape nor would it undermine the importance of the AONB.

9. CONCLUSION

- 9.1 This proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. Key to this development is the positive relationship between the existing wind farm and the proposal which will effectively enable the three additional wind turbines to assimilate into the landscape. While the site is within a sensitive area, the proposed nature and scale of the proposal is considered acceptable having regard to the policy guidance set out in policy RE1 of PPS18. Approval is recommended.

10. CONDITIONS

- 10.1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

- 10.2 Prior to operation of the development a low/medium,(low if its less than 45m above ground level or Medium if it is more than 45m above ground level) Intensity, Omni-directional, Night Vision Compatible, Steady Red Obstacle light should be installed at the highest point of the hub. The light should be lit 24 hours a day, seven days a week.

Reason: In the interest of aviation safety

- 10.3 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.

10.4 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.

10.5 The level of noise immissions from the combined effects of the 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) shall not exceed values set out in the tables below.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 the tables shall be represented by the physically closest location listed in the tables unless otherwise agreed by the Department.

Table 1: Noise Limits dB LA90 for Night-time Periods
(23:00 - 07:00)

Property	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	
H1	10.8	10.8	15.2	17.6	18.8	18.8	18.8	18.8	18.8	
H2	12.1	12.1	16.5	18.9	20.1	20.1	20.1	20.1	20.1	
H3	11.9	11.9	16.3	18.7	19.9	19.9	19.9	19.9	19.9	
H4	12.7	12.7	17.1	19.5	20.7	20.7	20.7	20.7	20.7	
H5	17.1	17.1	21.5	23.9	25.1	25.1	25.1	25.1	25.1	

¹ As the predicted noise levels from the windfarm will generally be used as the noise limits a single table specifying the noise limits at all times may suffice unless it is proposed to operate the turbines to different limits during the day and night using noise restriction modes.

H6	22.2	22.2	26.6	29	30.2	30.2	30.2	30.2	30.2
H7	20.7	20.7	25.1	27.5	28.7	28.7	28.7	28.7	28.7
H9	12.1	12.1	16.5	18.9	20.1	20.1	20.1	20.1	20.1
H10	22.6	22.6	27	29.4	30.6	30.6	30.6	30.6	30.6
H12	11.6	11.6	16	18.4	19.6	19.6	19.6	19.6	19.6
H13	12.6	12.6	17	19.4	20.6	20.6	20.6	20.6	20.6
H14	11.9	11.9	16.3	18.7	19.9	19.9	19.9	19.9	19.9
H15	17.1	17.1	21.5	23.9	25.1	25.1	25.1	25.1	25.1
H16	12.1	12.1	16.5	18.9	20.1	20.1	20.1	20.1	20.1
H17	12.5	12.5	16.9	19.3	20.5	20.5	20.5	20.5	20.5
H18	17	17	21.4	23.8	25	25	25	25	25
H19	12.4	12.4	16.8	19.2	20.4	20.4	20.4	20.4	20.4
H20	11.6	11.6	16	18.4	19.6	19.6	19.6	19.6	19.6
H22	12.8	12.8	17.2	19.6	20.8	20.8	20.8	20.8	20.8
H23	12	12	16.4	18.8	20	20	20	20	20
H24	22.9	22.9	27.3	29.7	30.9	30.9	30.9	30.9	30.9
H25	25.4	25.4	29.8	32.2	33.4	33.4	33.4	33.4	33.4
H26	26	26	30.4	32.8	34	34	34	34	34
H28	26	26	30.4	32.8	34	34	34	34	34
H30	11.5	11.5	15.9	18.3	19.5	19.5	19.5	19.5	19.5
H33	11.4	11.4	15.8	18.2	19.4	19.4	19.4	19.4	19.4
H34	25.9	25.9	30.3	32.7	33.9	33.9	33.9	33.9	33.9

Table 2: Noise Limits dB LA90 at all other times
(Day-time limits)

Property	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
H1	10.8	10.8	15.2	17.6	18.8	18.8	18.8	18.8	18.8
H2	12.1	12.1	16.5	18.9	20.1	20.1	20.1	20.1	20.1
H3	11.9	11.9	16.3	18.7	19.9	19.9	19.9	19.9	19.9
H4	12.7	12.7	17.1	19.5	20.7	20.7	20.7	20.7	20.7
H5	17.1	17.1	21.5	23.9	25.1	25.1	25.1	25.1	25.1
H6	22.2	22.2	26.6	29	30.2	30.2	30.2	30.2	30.2
H7	20.7	20.7	25.1	27.5	28.7	28.7	28.7	28.7	28.7
H9	12.1	12.1	16.5	18.9	20.1	20.1	20.1	20.1	20.1
H10	22.6	22.6	27	29.4	30.6	30.6	30.6	30.6	30.6
H12	11.6	11.6	16	18.4	19.6	19.6	19.6	19.6	19.6
H13	12.6	12.6	17	19.4	20.6	20.6	20.6	20.6	20.6
H14	11.9	11.9	16.3	18.7	19.9	19.9	19.9	19.9	19.9
H15	17.1	17.1	21.5	23.9	25.1	25.1	25.1	25.1	25.1
H16	12.1	12.1	16.5	18.9	20.1	20.1	20.1	20.1	20.1
H17	12.5	12.5	16.9	19.3	20.5	20.5	20.5	20.5	20.5
H18	17	17	21.4	23.8	25	25	25	25	25
H19	12.4	12.4	16.8	19.2	20.4	20.4	20.4	20.4	20.4
H20	11.6	11.6	16	18.4	19.6	19.6	19.6	19.6	19.6
H22	12.8	12.8	17.2	19.6	20.8	20.8	20.8	20.8	20.8
H23	12	12	16.4	18.8	20	20	20	20	20
H24	22.9	22.9	27.3	29.7	30.9	30.9	30.9	30.9	30.9
H25	25.4	25.4	29.8	32.2	33.4	33.4	33.4	33.4	33.4

H26	26	26	30.4	32.8	34	34	34	34	34
H28	26	26	30.4	32.8	34	34	34	34	34
H30	11.5	11.5	15.9	18.3	19.5	19.5	19.5	19.5	19.5
H33	11.4	11.4	15.8	18.2	19.4	19.4	19.4	19.4	19.4
H34	25.9	25.9	30.3	32.7	33.9	33.9	33.9	33.9	33.9

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

10.6 Within 6 months of the development first becoming fully operational (unless otherwise extended with the Council) the wind farm operator shall at his/her 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 3 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. 3.

10.7 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 his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the wind farm at the complainant's property,

following the procedures described in Pages 102-109 of ETSU-R-97. 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.

10.8 The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 4 or 5, 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.

10.9 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.

10.10 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.

10.11 Construction work, which is audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday. 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

10.12 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.

10.13 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.

10.14 A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, via the Council at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

10.15 Should any construction work be undertaken during the bird breeding season (1st March until 31st August), weekly checks for nesting activity (particularly by snipe) should be carried out by a suitably qualified Ecological Clerk of Works with the authority to suspend operations and establish species specific buffer zones (400m for Snipe) around any nests found. Wet areas suitable for breeding Snipe should be maintained within the site as per the Habitat Management and Enhancement Plan or fully compensatory habitat restoration carried out.

Reason: To protect the habitat of breeding birds

10.16 Once operational the turbines shall be fitted with a minimum intensity 25 candela omni directional, flashing, red light or equivalent infra-red light fitted at the highest practicable point of the structure.

Reason: In the interest of aviation safety

10.17 There shall be no micrositing of any of the turbines

Reason: To preserve amenity, protect biodiversity and to prevent radio or TV interference

10.18 A Habitat and Species Management Plan shall be agreed with the Council prior to any works on site in order to ensure the protection of species of conservation concern, (snipe, meadow pipit and skylark), and priority habitats are committed to, and suitable plans for restoration and enhancement are included.

Reason: To protect biodiversity within the designated ASSIs and SACs

10.19 Ornithological monitoring of the site and the operational Dunbeg Wind Farm should be carried out post construction in years 1, 2, 3, 5, 10, 15, 20 and 25 and then as agreed with the Council in order to monitor the impacts of the development on the ornithological interest of the site. All reports shall be submitted to the Council when completed.

Reason: To protect biodiversity within the designated SPA

10.20 No development shall take place until the vehicular access, including visibility splays and any forward sight distance, are provided in accordance with Drawing No's. 02 (Rev1), 03(Rev1), 04(Rev1), and 14(Rev1) all bearing the date stamp 26 May 2016, 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.

10.21 The access gradient to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary.

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

10.22 Any gates/security barriers at the access shall be located at a distance from the edge of the carriageway that will allow a 16.5 metres long vehicle to stop clear of the carriageway when the gates or barrier is closed.

Reason: To ensure waiting vehicles do not encroach on to the carriageway, in the interests of road safety and convenience of road users.

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

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

10.24 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 the Department for Infrastructure (TransportNI).

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

10.25 Following felling of the area of woodland that is crosshatched and labelled as 20-30m buffer and 20m buffer (as shown in 160908 DUWX Clarification (Ecology) – Response to NIEA Natural Environment Division, Figure 27 – Location of proposed woodland and riparian buffer zones, p28 dated September 2016), that the area is replanted with appropriate tree species in the first available planting season following the commercial operation of turbine 16

Reason: In the interest of retaining woodland as a riparian zone adjacent to the Curley watercourse

10.26 That the area shown hatched (as shown in 160908 DUWX Clarification (Ecology) – Response to NIEA Natural Environment Division, Figure 27 – Location of proposed woodland and riparian buffer zones, p28. Dated September 2016), is permanently retained as a riparian buffer zone.

Reason: In the interest of retaining woodland as a riparian zone adjacent to the Curley watercourse

10.27 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 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 agreed in writing by the Council. The CEMP shall include the following:

- a) Spoil/Peat Management Plan, including identification of spoil/peat storage areas and reinstatement of excavated spoil/peat.
- b) Details of site drainage, foul water disposal and silt management measures, including SuDS.
- c) Details of the establishment of buffer zones to watercourses; 50m to streams and 20m to any minor drains.
- d) Details of watercourse crossings.
- e) Pollution Prevention Plan.
- f) Water Quality Monitoring Plan.

Reason: To ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the River Foyle and Tributaries Area of Special Scientific Interest (ASSI) and Special Area of Conservation (SAC).

10.28 No development activity, including ground preparation or vegetation clearance, shall take place until a 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 and all works on site

shall conform to the approved HMP, unless otherwise agreed in writing by the Council. The HMP shall include the following:

- a) Pre-construction baseline habitat surveys to National Vegetation Class (NVC) level;
- b) Appropriate maps, clearly identifying habitat management areas;
- c) Detailed methodology and prescriptions of habitat management measures, including timescales and with defined criteria for the success of the measures;
- d) Details of regular monitoring of habitat management measures using fixed quadrat locations;
- e) Details of planting native tree species in the woodland corridor and along the Curly River
- f) Details of management of wet areas for snipe;
- g) Details of the production of regular monitoring reports to be submitted to the Planning Authority at intervals to be agreed and to 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 breeding birds.

10.29 No development activity shall commence on site until an Ecological Clerk of Works (ECoW) has been appointed and the roles of the responsibilities of the ECoW submitted to, and agreed in writing by, the Council.

Reason: To ensure effective implementation of the Habitat Management Plan and Construction and Environmental Management Plan.

10.30 There shall be no ground preparation works or vegetation clearance during the bird breeding season (1 March to 31 August) in any year.

Reason: To protect breeding birds.

10.31 No development activity shall take place until an Ornithological Management & Monitoring Plan (OMMP) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Planning Authority. The approved OMMP shall include details of ornithological mitigation measures, including snipe habitat management measures, and be implemented in accordance with the approved details and all works must conform to the approved OMMP, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure implementation of the long term ornithological mitigation measures as described in the Environmental Statement and to monitor the impact of the proposal on sensitive bird species.

10.32 No turbine shall become operational until a Bat Monitoring Programme (BMP) has been submitted to and approved in writing by the Planning Authority. The approved BMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Planning Authority. The BMP shall include the following:

- a) Details of the monitoring of bat activity across the site post construction using appropriate methodology for a period of time to be agreed with the planning authority
- b) Details of bat carcass searches at selected turbines using appropriate methodology for a period of time to be agreed with the planning authority

- c) 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 review of the monitoring programme, including timescales.
- e) Provision for contingency measures which may be deemed necessary depending on the results of the monitoring and which shall be implemented if required by the Planning Authority.

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

10.33 No development activity shall commence on site until protection zones, clearly marked with posts joined with hazard warning tape, have been provided around each badger sett entrance at a radius of 25 metres. No works, clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones without the consent of the Council. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site.

10.34 A Final Construction Environmental Management Plan (CEMP) must be submitted to the Council by the appointed contractor at least 8 weeks prior to works commencing. This should reflect all the mitigation and avoidance measures to be employed as outlined in the Outline CEMP (September 2016), Environmental Statement (December 2015) and all additional submitted information.

Reason: To ensure that the appointed contractor is aware of all the mitigation and monitoring measures required to protect the integrity of River Roe and Tributaries SAC

10.35 All above ground structures shall be dismantled and removed from the site 25 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 6 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.



Appendix 1

Consultee	Response Date	Comments
Arqiva	05-May-16	No objection subject to condition
Belfast International Airport	18-Feb-16	No objection subject to condition
City of Derry Airport	23-Feb-16	No objection
Civil Aviation Authority	23-Feb-16	No objection subject to informative
Council for Nature Conservation	None	No response provided
DARD - Countryside Management Branch	23-Mar-16	No comment
DARD - Forest Service	07-Oct-16	No objection subject to condition and informatives
DARD Fisheries & Environment Division	26-Feb-16	No comment subject to informative
Defence Infrastructure Organisation	19-Feb-16	No objection
Defence Infrastructure Organisation - Safeguarding	20-Apr-16	No objection subject to condition and informative
DETI - Geological Survey	23-Feb-16	No objection
DETI Energy Branch	16-Feb-16	No comment
Environmental Health	23-Mar-16	No objections subject to conditions
Loughs Agency	01-Jun-16	No objection subject to informative
NATS Safeguarding	11-Feb-16	No objection
NI Water Windfarms	29-Feb-16	No objection
NIE - Windfarm Development	17-Feb-16	No objection subject to informative
NIEA - Archaeology and Built Heritage	18-Apr-16	No objection subject to conditions
NIEA - Drainage & Water	18-Apr-16	No objection subject to conditions
NIEA - Land, Soil & Air	14-Mar-17	No objection subject to informative

NIEA - Natural Heritage	14-Mar-17	No objection subject to conditions
OFCOM - Windfarms	03-Mar-16	Two fixed links identified (Arquiva)
Rivers Agency	24-Feb-16	No objection subject to informatives
RSPB	18-May-16	No objection subject to conditions
Shared Environmental Services	20-Mar-17	No objection subject to conditions
Tourism Northern Ireland	26-Feb-16	No comment
Transport NI	14-Jun-16	No objections subject to conditions and informatives
Westica Communications Ltd	17-Feb-16	No objection