

**Derry City and Strabane District Council Planning Committee Report**

**COMMITTEE DATE:** 3<sup>rd</sup> May 2017

**APPLICATION NO:** J/2015/0059/F

**APPLICATION TYPE:** Full

**PROPOSAL:** Proposed installation of 1 no. 250KW wind turbine on a tubular tower of up to 50m (to hub height) with blades up to 77m (to tip height)

**LOCATION:** Lands 871m South East of 3 Bearney Road, Edenmore, Strabane

**APPLICANT:** Edymore Systems

**AGENT:** CD Consulting

**ADVERTISEMENT:** 24.03.2015, 16.04.2015

**STATUTORY EXPIRY:** 07.05.2015

**RECOMMENDATION:** Refuse

**REASON FOR PRESENTATION TO COMMITTEE:** This application is for a single wind turbine and also refusal is being recommended.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

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**1. Description of Proposed Development**

Proposal installation of 1 no. 250KW wind turbine on a tubular tower of up to 50m (to hub height) with blades up to 77m (to tip height).

**2. EIA Determination**

This proposal falls within Category 3 (J) of Schedule 2 of the Planning (EIA) Regulations (NI). It has been determined that this application does not require to be accompanied by an Environmental Statement in that the proposal meets the thresholds and given its size, nature and location it is unlikely that any resultant environmental impact would be significant.

**3. Site and Surrounding Area**

The site is located within open countryside as identified in Strabane Area Plan 2001 and just inside the Sperrins Area of Outstanding Natural Beauty (AONB). The site is within LCA 29 Sperrin Mountains which has an overall high sensitivity. The topography of this part of the LCA consists of an upland area with land rising to the rounded peaks of Carrigullin, Conthem Hill and Meenashesk.

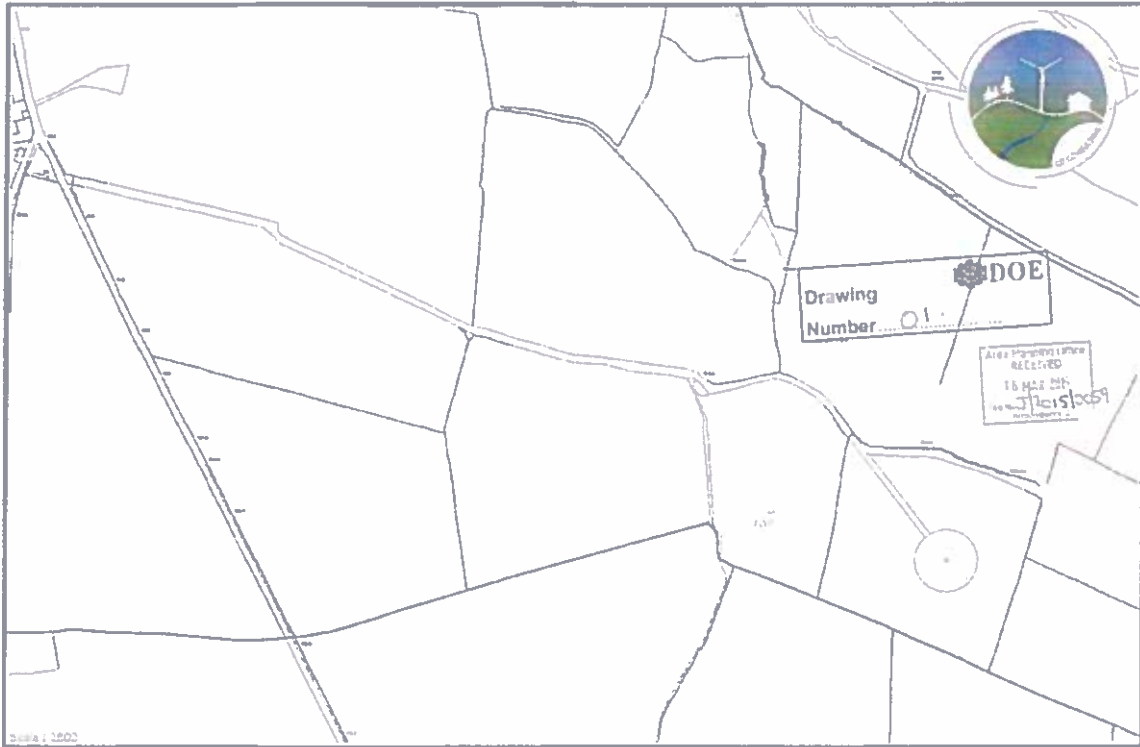


Figure 1 – Site Location Plan



*Figure 2 – Overhead view of site*

#### 4. Site Constraints

Loughs Agency Consultation Zone

Sperrin AONB

#### 5. Neighbour Notification Report

No neighbour notification is required given that the application site is more than 90m from any property.

#### 6. Recent Relevant Site History

APP REF	PROPOSAL	SITE ADDRESS	DECISION	DATE
J/2015/0025/F	Proposed installation of a wind turbine on a tubular tower of up to 50m (to hub eight)	Lands 458m NE of 25 Carrigullin Road, Edymore	Appeal dismissed	30.08.2016

	with blades up to 77m (to tip height)	Strabane		
J/2014/0274/F	Proposed installation of 1no. wind turbine on a tubular tower of up to 40m (hub height) with blades up to 67m (to tip height).	Lands 560m south west of 25A Cavanlee Road Edymore Strabane Co Tyrone	Permission granted	05.11.2015
J/2014/0212/F	Proposed installation of 1no. wind turbine on a tubular tower of up to 40m (hub height) with blades up to 67m (to tip height).	Lands at 451m South of 25a Cavanlee Road, Edymore, Strabane.	Permission granted	20.09.2015
J/2013/0016/F	Proposed wind turbine (total height 58m with a hub height of 45m)	500m SSW of 25a Cavanlee Road, Strabane	Application withdrawn	25.09.2013
J/2010/0216/F	Proposed erection of a 31m hub Vestas V27 225kw wind turbine to serve for export to the grid.	Site 470m south of 25a Cavanlee Road, Strabane	Appeal Upheld	15.10.2012

## 7. Policy Framework

Regional Development Strategy for Northern Ireland 2035 (RDS)

Strabane Area Plan 2001

Strategic Planning Policy Statement for Northern Ireland (SPP5) Planning for Sustainable Development

PPS 21: Sustainable Development in the Countryside (PPS 21) Policy CTY 1

Planning Policy Statement 18: Renewable Energy (PPS 18) Policy RE1 - Renewable Energy Development

Best Practice Guidance to PPS 18 - Renewable Energy

Supplementary Guidance "Wind Energy Development in Northern Ireland's Landscapes"

Planning Policy Statement 2 – Nature Conservation

Planning Policy Statement 6 – Planning, Archaeology and Built Heritage

## 8. Consultee Responses

<u>PSNI</u>	No objection
<u>NI Water</u>	No objection
<u>Ofcom</u>	No objections
<u>DIO Safeguard</u>	Condition aviation warning light
<u>Belfast Airport</u>	Condition aviation warning light
<u>Transport NI</u>	Conditions & Informatives
<u>Environmental Health</u>	Issues with content of acoustic report – discussed below.

## 9. Representations

No objections have been received in relation to this proposal from the general public.

## 10. Planning Assessment, including Other Material Considerations

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires the Council to make planning decisions in accordance with the local development plan, unless material considerations indicate otherwise.

This proposal has been assessed against the provisions of the Strabane Area Plan 1986 - 2001, as well as other material considerations including the Regional Development Strategy; the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS 3: Access, Movement and Parking, PPS 18: Renewable Energy Development and associated guidance in terms of visual amenity, residential

amenity, public safety, nature conservation interests etc, and finally PPS 21: Sustainable Development in the Countryside.

Both the SPPS and PPS 18 are supportive of projects for generating renewable energy *provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:*

- (a) public safety, human health, or residential amenity,*
- (b) visual amenity and landscape character;*
- (c) biodiversity, nature conservation or built heritage interests;*
- (d) local natural resources, such as air quality or water quality; and*
- (e) public access to the countryside*

Policy RE 1 also states *applications for wind energy development will also be required to demonstrate that:*

- (i) the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;*
- (ii) 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) the development will not create a significant risk of landslide or bog burst;*
- (iv) 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) no part of the development will have an unacceptable impact on roads, rail or aviation safety;*
- (vi) the development will not cause significant harm to the safety or amenity of any sensitive receptors<sup>1</sup> (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and*
- (vii) 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.*

Additionally, Para.2.3 of the SPPS states that the planning system operates in the public interest of local communities. The basic question is whether the proposal would unacceptably affect amenities

of owners or occupiers of neighbouring properties and the existing use of the land and buildings that ought to be protected in the public interest.

Para 5.72 relates to the refusal of planning permission. Sustainable development should be permitted having regard to the local development plan and all other material considerations unless the proposal will cause demonstrable harm to interests of acknowledged importance.

AONB - The Sperrin AONB is also a consideration. Such designations are designed to protect and enhance the quality of the area and to promote its enjoyment by the public, and therefore development proposals must be sensitive to the distinctive character of the area and the quality of their landscape.

Paragraph 2.223 of the SPPS states that a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets.

The proposal is for the installation of a EWT DW 250kW turbine with a 50m hub height and 54m rotor diameter (77m to tip). The agent has indicated that the proposed turbine is to support a farm diversification scheme and the intention is that the turbine will provide power to dry willow which will be used for pellets for biomass boilers in poultry houses, for which there is growing demand.

#### Public Safety, Human Health & Residential Amenity

In terms of residential amenity, the area potentially affected by shadow flicker is 10 times the rotor diameter of the wind turbine for 130 degrees either side of north. The nearest residential properties appear to be located 470 metres to the north east on Cavanlee Road and also 550 metres east of the site at 25 Cavanlee Road, both of which are on the edge of the area potentially affected by shadow flicker. The applicant has identified these properties on their shadow flicker map but has not provided an assessment of the impact of shadow flicker on these dwellings or demonstrated that the development will not cause significant harm to residential amenity in this respect.

In terms of noise, the applicant submitted a revised noise impact assessment in an attempt to address the issues raised by Environmental Health in relation to turbine dimensions, location co-ordinates, separation distances, data analysis, sound power levels, wind directivity correction, noise limits, additional receptors and the contribution of J/2010/0216/F to cumulative noise details.

The main area of contention within the consideration of the noise report is the status of three vacant properties within ten times rotor diameter of the turbine site. These properties are 25 Carrigullin Road, 30 Carrigullin Road and 25 Cavanlee Road.

25 Carrigullin Road (NSR 3) is 576m from the turbine, whilst not occupied remains a habitable structure.

30 Carrigullin Road – Unreferenced- this site was not accessible on the day of inspection.

25 Cavanlee Road (NSR 2) is 529 from the turbine, whilst also unoccupied, this represents a habitable structure.

As such at least two of the structures identified represent habitable structures and should be considered as part of the acoustic report. These are three of the closest properties to the proposed development. It is vital that all relevant NSR's are included within the assessment. The applicant must include noise predictions of the proposed turbine in isolation and also cumulatively with the other turbines in the area. The additional noise predictions should also be provided at the closest point to the external amenity areas of these three properties.

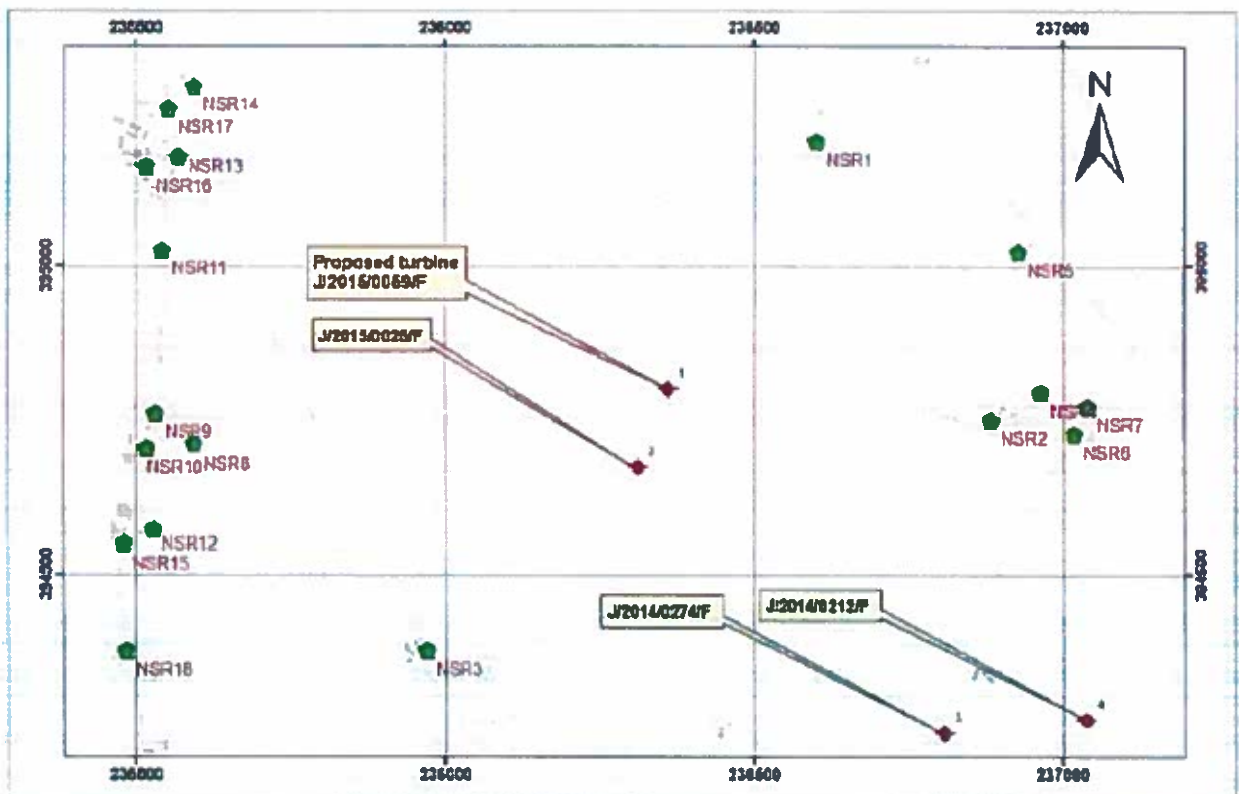


Figure 3 – map showing location of noise sensitive receptors proximate to turbine site



Table 1 Noise Sensitive Receptors

Id	Eastings	Northings	Separation Distance	Address
NSR1	236604	395203	472	Cavanlee road
NSR2	236888	394749	529	25 Cavanlee road
NSR3	235971	394374	576	25 Carrigullin road
NSR4	236967	394793	606	J/2009/0490/F
NSR5	236931	395023	612	21 Cavanlee road
NSR6	237021	394725	663	25A Cavanlee road
NSR7	237042	394770	682	31 Cavanlee road
NSR8	235594	394709	772	Bearney road
NSR9	235532	394759	830	7 Bearney road
NSR10	235518	394703	848	9 Bearney road
NSR11	235543	395027	850	2 Bearney road
NSR12	235527	394570	865	10 Bearney road
NSR13	235569	395179	879	19 Carrigullin road
NSR14	235593	395294	914	Carrigullin road
NSR15	235481	394548	915	11 Bearney road
NSR16	235518	395162	918	1 Bearney road
NSR17	235553	395256	929	17 Carrigullin road
NSR18	235486	394374	972	15 Bearney road

Figure 4 – key showing postal addresses of Noise Sensitive Receptors

#### Visual Amenity & Landscape Character

The Planning Appeals Commission have also considered an appeal some 50m from this proposal, this turbine is shown in the submitted visuals below. The PAC determined that this turbine would have a detrimental impact on the landscape quality when viewed from the A5.

Paragraph 1.3.18 of the BPG acknowledges that there are no landscapes into which a wind farm will not introduce a new and distinctive feature. Paragraph 1.3.24 of the BPG cross refers to the supplementary planning guidance contained within 'Wind Energy Development in Northern Ireland Landscapes' (SPG). The SPG provides a description of the sensitivity of the Northern Ireland's landscape to wind energy development in terms of the extent to which the inherent character and visual amenity of each LCA is vulnerable to change due to such development. The appeal site lies within the LCA 29 Sperrins which is described as having a high sensitivity to wind energy development. The landform is described as very diverse. The SPG advises that care should be taken to avoid detrimental impacts on the Sperrins and A5 tourist route. Important skylines and settings within the Foyle Valley should also be respected.

Policy RE1 recognises the dominant and prominent nature of wind energy development. Wind turbines are apparent over long distances by reason of their height and scale it is the mid and closer

range views that are most striking in terms of visual impact. This is openly acknowledged in the Best Practice Guidance. It is also acknowledged in the BPG that at up to 2km wind energy development is likely to be a prominent feature and that within 2-5kms it will be relatively prominent. The analysis must therefore be based upon what if any significant detrimental harm would be caused by the turbine within the radius of the viewpoints identified.

It states that in the east the skyline is generally lower and more broken and the main skyline features include Knockavoe and Owenreagh Hill. Exceptionally fine mountain views characterise the LCA and are an important element of views east from the A5 Derry to Omagh Road near Strabane. The location, siting, layout and design considerations recommend that consideration should be given to siting turbines on hill flanks where they might be seen against a backdrop of land and care should be taken to avoid adverse impacts on skylines, views and the visual amenity, recreational value and wild character of this LCA. Open exposed slopes and ridgelines should be respected and care should be taken to ensure wind energy developments do not dominate and flatten this topographically complex landscape.

The site is located on the mid-western slopes of this hill at Carrigullin, at the foothills of the Sperrin Mountains and within the setting of the Sperrins when viewed from the west from the A5 Derry to Omagh Road. The western slopes to the crest of this hill are apparent when travelling along the A5 between Sion Mills and Strabane. The site is also visible from Evish Road to the north at the foot of Knockavoe as well as from the local roads surrounding this hill i.e. Cavanlee Road to the north, Conthem Road to the south and the blades of the turbine will also be visible from Ligford Road to the east.



**LANDSCAPE VISUALISATION IMAGES**

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13 APR 2015  
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CD CONSULTING 2015  
**Viewpoint 1**

**Proposed Turbine - Cumulative Setting**



**Existing Landscape Setting**



**LANDSCAPE VISUALISATION IMAGES**

**Proposed Turbine - Cumulative Setting**



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**Viewpoint 2**

**Existing Landscape Setting**



LANDSCAPE VISUALISATION IMAGES

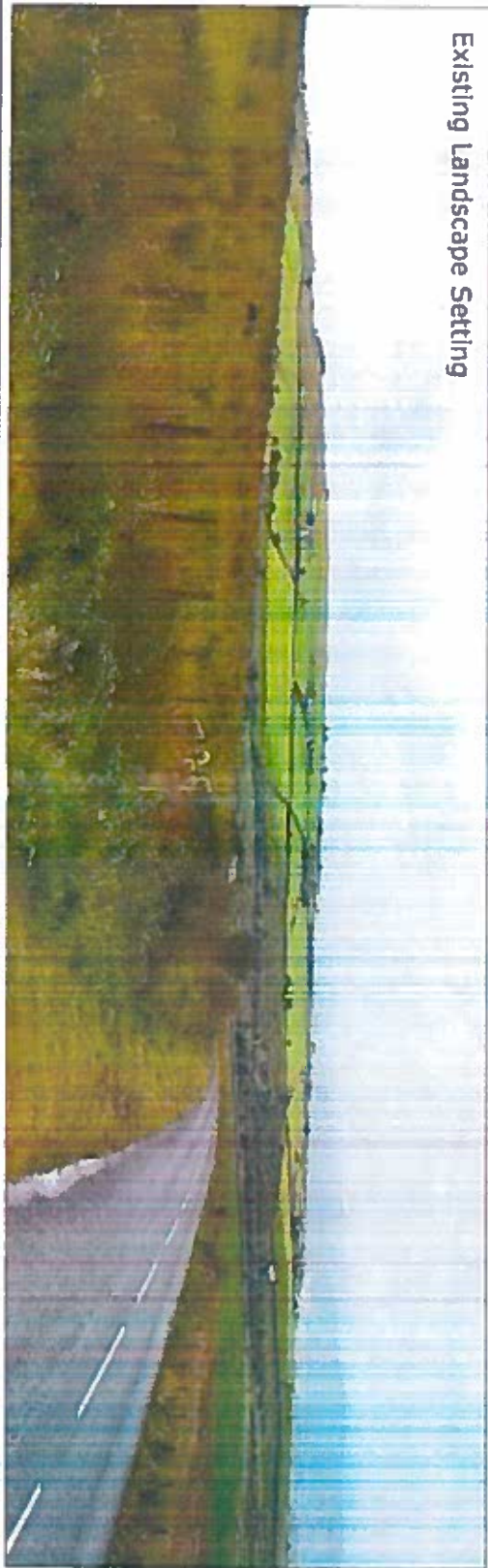
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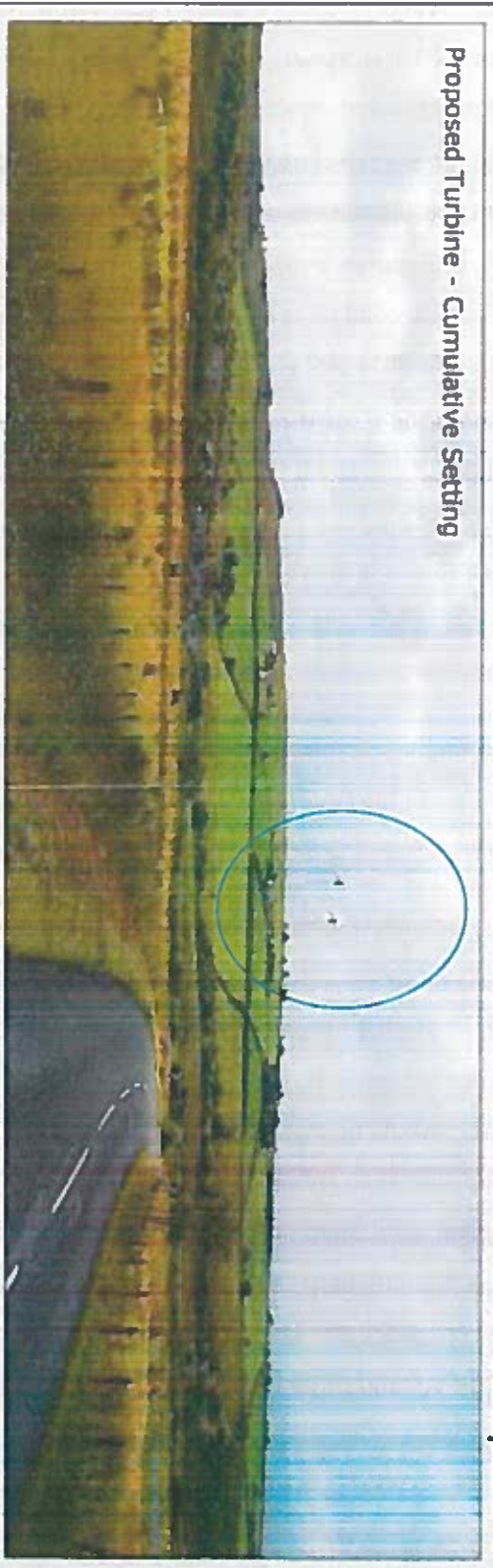

CD CONSULTING 2015  
Viewpoint 3

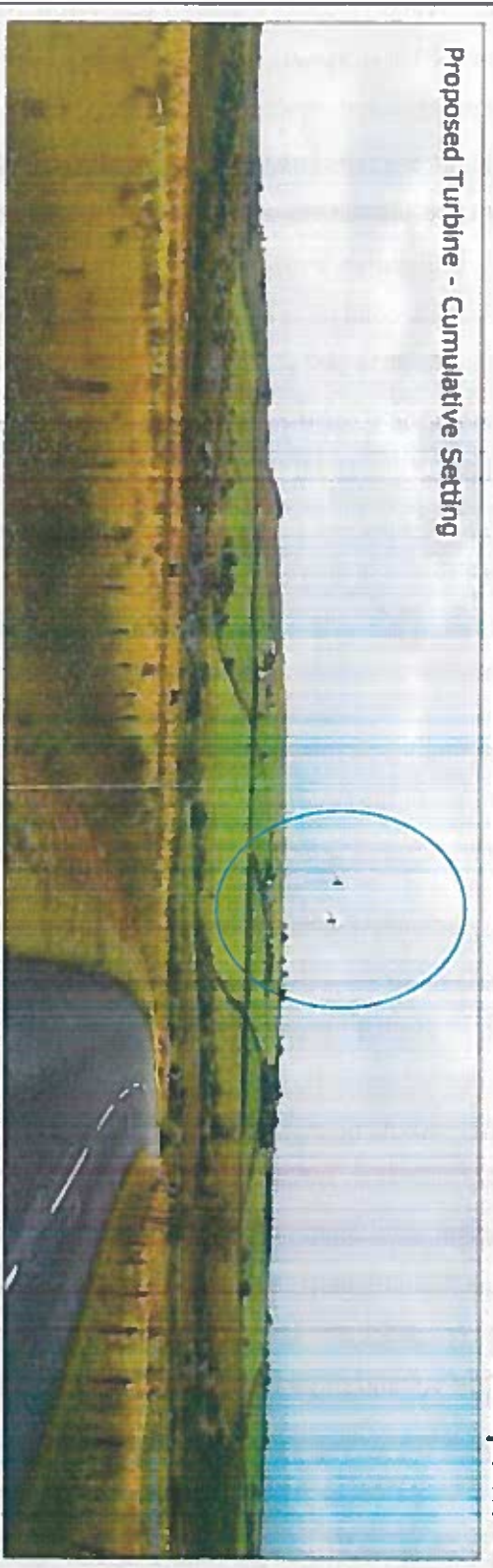
Proposed Turbine - Cumulative Setting



Existing Landscape Setting



<b>LANDSCAPE VISUALISATION IMAGES</b>	<b>RECEIVED</b> 15 APR 2015	<b>CD CONSULTING 2015</b> <b>Viewpoint 4</b>
<b>Proposed Turbine - Cumulative Setting</b> 		
<b>Existing Landscape Setting</b> 		



From the above vantage points and particularly from the A5, the proposed turbine will be sited on the mid slopes of the hill at a level approx. 50 metres below the crest of the hill. Although the turbine will not be sited directly on the skyline, the rotor and blades will project above the ridge of the hill. There are two turbines erected close to the apex of this hill, the first turbine J/2010/0216/F was granted by the PAC on the basis that the Commissioner gave substantial weight to the inter visibility of the turbine with manmade features on the skyline, distances involved in views from the A5 and intervening topography. The second turbine J/2014/0274/F was received prior to the current application and was therefore considered in sequential order in terms of visual and cumulative impacts. It was considered at that time that the J/2014/0274/F proposal was comparable to the adjacent PAC approval in terms of scale, degree of elevation, visibility from critical view points and inter visibility with other features on the hill and the proposal was therefore granted planning approval on this basis. The two approved turbines are also of a smaller scale with 40m hub heights. I consider the scale of the proposed turbine with a 50m hub height and 54m rotor diameter, with an overall height of 77m to tip, to be excessive in this context.

The Planning Appeals Commission have also considered an appeal some 50m from this proposal, this turbine is shown in the submitted visuals above. The PAC determined that this turbine would have a detrimental impact on the landscape quality when viewed from the A5.

Viewpoint 1, possibly the most critical viewpoint, is located on the A5 where views from it are restricted by landform to a short stretch of the road when travelling from Sion Mills towards Strabane. From this short stretch of road, the landscape largely comprises of open views towards Carrigullan Hill. The proposed wind turbine would be clearly seen with the two consented wind turbines. However, there would be a gap between the consented and proposed wind turbines and they would not appear as a cohesive group. Because of this and taking account of the differences in their heights, the Planning Appeals Commission stated that "they would appear as a discordant ad hoc grouping in the landscape. Even though the range of visibility of the wind turbines would be limited, a large extent of the slopes of Carrigullan Hill would appear dominated by sporadic wind energy development from this part of the A5 and this would be unacceptable." The cumulative impact of the proposal would therefore result in an unacceptable detrimental impact on the landscape in this part of the Foyle Valley LCA.

At the time of the J/2014/0274/F approval, it was accepted that the area had the capacity to accommodate two turbines, however I feel that this landscape has now reached its capacity for turbine development and any further development on this hill would have a detrimental cumulative impact upon the visual amenity and landscape character of the area. The proposed turbine would be



inter visible with the two approved turbines. When viewed from the A5 as well as from the surrounding local road network, these developments would read as discordant grouping of ad hoc turbines. In this particular case, I do not consider that this upland landscape with views from the main A5 lends itself to wind farm developments of this nature and is therefore not capable of accommodating the proposed turbine in addition to the existing approvals on this hill.

The agent has raised several specific points in relation to the visual assessment of the proposed development which he would like addressed. He refers to other sites in the vicinity which have four or more turbines which he considers are more visible from the A5 and physically closer i.e. the hill above Sion Mills has 5 turbines, in Castlederg, Killeter Road where there are 4 turbines and the Newtonstewart Victoria Bridge Road site (known as Milltown area) which has 5 turbines. The applicant stated that this turbine will have less of a visual and cumulative impact than those already approved and queries whether and how cumulative impact was considered in the applications for the above turbines and on what grounds the Council would justify refusing permission for his application. Whilst I acknowledge there is a concentration of existing and approved turbines in the areas which the agent has identified in the district, this further consolidates my opinion regarding the dominance of turbine developments in these areas which are creating a cumulative problem. It would be my opinion that some of these particular areas have now reached saturation point and with regards to this specific hill, any further turbine development would have a detrimental cumulative visual impact. The cumulative visual impact of developments is a key consideration by the Council in the assessment of all renewable energy developments.

Each development is considered on a case by case basis taking into consideration a number of different factors which vary from site to site. This Council cannot comment specifically on the consideration of all planning approvals in the areas which the agent has identified. The majority of the approvals in these areas were decided by the DOE prior to local government reform and the transfer of planning functions to Derry City and Strabane District Council. Since the transfer of planning functions, the Council has received further guidance in relation to the consideration of the cumulative impact of wind turbine development through the publication of the SPPS. In this particular case, I consider that the features of the local landscape do not lend themselves to this number of turbines and is not capable of accommodating the proposed turbine in addition to the two approvals on this hill. Clear determining weight has been afforded to the previous appeal decision in relation to the turbine adjacent (J/2015/0025/F), the impact of this proposal upon the local landscape character was clearly a concern for the Commissioner in this instance. I find this appeal to be very similar in nature

and if I were to disagree with the commissioner's decision it would be entirely difficult to distinguish between the impacts of the cases.

In terms of the potential wider environmental, economic and social benefits of the development, the agent has also indicated that the proposed turbine is to support a farm diversification scheme and the intention is that it will provide power to dry willow which will be used for pellets for biomass boilers in poultry houses, for which there is growing demand. The applicant has not submitted any information with regards to his existing farm business or specifically detailed any plans for expansion/diversification and there does not appear to be any current planning applications or planning approvals for such a venture in this area. It has therefore not been demonstrated that the economic benefits of the turbine are proportionately significant to out weight the significant adverse visual impacts of the development, (especially given that there are alternative means of renewable energy development which could deliver benefits with a significantly lesser visual impact upon the landscape).

#### Biodiversity, nature conservation / built heritage interests

The site is not located within close proximity to any built heritage sites. I do not consider that the proposal will significantly impact upon potential bat habitat features as there is sufficient separation distance between the tip of the turbine blades and the boundaries of the field. I do not consider the proposal will have any significant impacts upon any biodiversity or nature conservation interests. The site does not appear to be bogland which would potentially be at risk of land slide or bog burst. Due to the nature of the proposal it is unlikely to have a detrimental impact on local natural resources.

#### Public access to the countryside

The proposal is using an existing laneway off Carrigullin Road which will be upgraded to provide visibility splays and an entry/exit radi of 10m. Transport NI have no objections to the proposed access arrangements and I do not consider that the development will prejudice road safety or significantly inconvenience traffic flow. The proposal will not hinder public access to the countryside.

#### Electromagnetic interference

A significant level of consultation has been carried out in relation to a number of issues including the impact on communications installations, telecommunications equipment, as well as aviation and defence authorities. To date no significant issues have arisen.

## **11. Conclusion**

In conclusion, as detailed above, this proposal is considered unacceptable when assessed against the relevant policy requirements and all material considerations. It is therefore respectfully requested that the Committee agree with the professional recommendation to refuse this application for the reasons set out below.

## **12. Proposed Reasons for Refusal**

1. The proposal is contrary to Policy RE 1 of Planning Policy Statement 18: Renewable Energy and the Strategic Planning Policy Statement for Northern Ireland (SPSS) in that the development would, if permitted, have an unacceptable adverse impact on visual amenity through the size, scale and siting of the turbine and that the development will be viewed with existing wind turbines and cumulatively will have a detrimental visual impact.

2. The proposal is contrary to Policy RE 1 of Planning Policy Statement 18: Renewable Energy and the Strategic Planning Policy Statement for Northern Ireland (SPSS) in that it has failed to be demonstrated that there would not be a detrimental impact on nearby properties by reason of noise impact and shadow flicker.

