

WITHOUT PREJUDICE

**DRAFT PLANNING CONDITIONS
LANDSCAPE AND VISUAL IMPACT**

LA10/2017/1249/F
LA10/2019/1386/F
LA11/2019/1000/F

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WITHOUT PREJUDICE DRAFT CONDITIONS – LA10/2017/1249/F

LANDSCAPE

Conditions LSC1, LSC2 and LSC3 are set out below in substitution for the corresponding draft conditions. Conditions LSC10 to LSC15 are additional. Draft conditions LSC4 to LSC9 are unaltered and are not reproduced.

LSC1. Colour and finish of buildings, structures and ancillary development. Prior to the commencement of development, a Colour and Finish Scheme shall be submitted to and agreed in writing by the Planning Authority. The Scheme shall apply to all above-ground buildings, structures, storage containers, tanks, silos, pipework, conveyors and conveyor housings, gantries, the covered stockpile, the water treatment plant, the substation, security fencing, gates, lighting columns and column bases, signage, and the surface finish of all hardstanding areas visible from outside the site.

The Scheme shall specify for each element the colour by BS 4800 or RAL reference, the surface finish, and a maximum Light Reflectance Value, and shall be informed by trial panels of not less than 4 square metres for each proposed colour and finish, assessed in both summer and winter conditions. The erection of trial panels on the site for the sole purpose of discharging this condition shall not constitute the commencement of development.

All development shall be finished in accordance with the agreed Scheme. All elements shall be inspected annually and reinstated to the agreed specification within three months of any inspection identifying fading, chalking, staining or deterioration.

Reason: In the interests of visual amenity within the Sperrin Area of Outstanding Natural Beauty, and to ensure that the appearance assessed in the Landscape and Visual Impact Assessment is achieved and maintained throughout the life of the development.

LSC2. Planting. Native planting, including woodland, trees, hedgerows, shrubs, upland heathland and wild flora grassland, shall be implemented and permanently retained in accordance with LUC Drawing Numbers LUC_6335_LP_PLN_002, LUC_6335_LP_PLN_003 and LUC_6335_LP_PLN_004, or such revisions as may be agreed in writing by the Planning Authority.

Prior to the commencement of development, a Planting Strategy shall be submitted to and agreed in writing by the Planning Authority specifying, for each planting compartment: species; provenance, all stock to be of local or Northern Ireland provenance and grown in the United Kingdom or Ireland from seed of that provenance; stock size and form; planting density; ground preparation; minimum depth and specification of planting media; drainage and irrigation arrangements during establishment; protection measures; the planting season for each phase; and measurable success criteria expressed as minimum percentage survival and minimum percentage vegetation cover by species group at years 3, 5, 10, 15, 20 and 25 from planting. All growing media shall be peat-free save where excavated site peat is used under condition LSC10.

The first phase of planting shall take place in the first available planting season following the commencement of development. Any planting which fails to meet an agreed success criterion at any monitoring point, or which is removed, uprooted, dies or becomes severely damaged or defective, shall be replaced in the next planting season with stock of the same species, provenance, variety and size. Where the same failure occurs in the same compartment on two successive monitoring occasions, a Remedial Planting Scheme, including revised species selection and revised ground preparation, shall be submitted to and agreed in writing before further replacement is undertaken.

No tree, shelterbelt or hedgerow identified in the Landscape and Visual Impact Assessment, the Addendum (2019) or the Second Addendum (2020) as providing screening of the development shall be felled, thinned, coppiced, uprooted or otherwise removed until replacement planting within the same visual envelope has been certified, by a suitably qualified person appointed with the written agreement of the Planning Authority, as having achieved a height, density and year-

round screening performance not less than that provided by the vegetation to be removed. Where the removal of such vegetation is required in order to construct an element of the development shown on the approved plans, this paragraph shall not prevent that removal, but no such removal shall take place until compensatory screening measures have been submitted to and agreed in writing by the Planning Authority. A Screening Vegetation Register, cross-referencing each such feature to the viewpoint or receptor it screens, shall be submitted to and agreed in writing prior to the commencement of development and shall be updated annually.

Reason: To ensure effective and durable landscaping of the site; to secure the mitigation relied upon in the Landscape and Visual Impact Assessment, including the restoration of the Dry Stack Facility; and to ensure that screening relied upon in the assessment of visual effects is not removed before equivalent screening has been established.

LSC3. Landscape and restoration management. Prior to the commencement of development, a Landscape and Restoration Management Plan shall be submitted to and agreed in writing by the Planning Authority. The Plan shall cover the whole life of the development — construction, operation, decommissioning and restoration — and a subsequent aftercare period of not less than 25 years from completion of the final phase of restoration.

The Plan shall accord with LUC Drawing Numbers LUC_6335_LP_PLN_002, _003 and _004 and shall include: the long-term functional and aesthetic objectives of the landscape design; details of earthworks, soil placement depths and cultivation; the success criteria required by condition LSC2; management responsibilities and named accountable persons; monitoring procedures; maintenance schedules for all routine tasks; management of retained existing vegetation; and a remediation procedure triggered automatically where a success criterion is not met.

The Plan shall be reviewed and resubmitted for agreement at intervals of not more than five years, and additionally within six months of any monitoring report identifying failure to meet a success criterion. Each Plan and review shall be made available by the Planning Authority for public inspection within 14 days of agreement.

An Annual Landscape Monitoring Report shall be submitted to the Planning Authority within one month of each anniversary of commencement and shall be made available for public inspection, including fixed-point photography in accordance with Landscape Institute Technical Guidance Note 06/19 or its successor from not fewer than twelve agreed locations, undertaken twice yearly in summer and winter; planting survival and vegetation cover against each success criterion; the as-built survey required by condition LSC13; the area of stripped and unrestored ground; and remedial action taken or proposed.

No development shall commence until the Planning Authority has confirmed in writing that the Plan demonstrates that the approved planting can be implemented in full without compromising the integrity of the Dry Stack Facility cap. Where any element of the approved planting cannot be delivered consistently with cap integrity, no development shall commence until a revised Restoration Plan and a supporting reassessment of landscape and visual effects have been submitted to and agreed in writing.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape during and after operations; to enable the effectiveness of mitigation to be verified and enforced; and to ensure that the restoration relied upon in the assessment of landscape and visual effects is capable of being delivered.

LSC10. Soil and peat resource survey and soil balance. No development, including site stripping, shall commence until a Soil and Peat Resource Survey and Soil Balance has been submitted to and agreed in writing by the Planning Authority, comprising:

- (a) a survey carried out in accordance with BS 3882 (topsoil) and BS 8601 (subsoil) quantifying by volume and by horizon all topsoil, subsoil, peat and other soil-forming material within the application site, supported by a mapped sampling grid at a density to be agreed and by

laboratory analysis of texture, organic matter, pH, nutrient status, stone content, water-holding capacity and contaminant screen;

- (b) a Peat Management Plan quantifying peat depth and volume across the site and identifying the peat to be excavated and the method of its excavation, storage and reinstatement;
- (c) a quantified Soil Balance demonstrating that the volume of soil and soil-forming material available from within the site is sufficient to deliver, across the entire restored surface of the Dry Stack Facility, the starter berm, the conveyor bund and all other restored areas, the full depth of planting media required to achieve the approved planting and the agreed success criteria, without importation of material; and
- (d) where the Soil Balance does not demonstrate sufficiency, a revised Restoration Plan and a supporting reassessment of landscape and visual effects.

No stripping of soils shall take place otherwise than in accordance with the agreed documents.

Reason: To ensure that the restoration relied upon in the assessment of landscape and visual effects can be delivered from resources within the site, in accordance with Policy MINo2 of the Fermanagh and Omagh Local Development Plan 2030 Plan Strategy.

LSC11.Site stripping, phasing and earthworks. No development, including site stripping or the placement of any waste rock or other material, shall commence until a Site Stripping, Phasing and Earthworks Management Plan has been submitted to and agreed in writing by the Planning Authority. Development shall be carried out only in accordance with the agreed Plan, which shall include:

- (a) a written methodology and phasing plan identifying the order in which each cell is to be constructed, the direction of working, the dimensions of each stripping increment, the rate of advance, and the interval between stripping and the placement of material upon the stripped surface. Where the sequence differs in any respect from that assessed in the Mine Waste Management Plan and depicted at Figures A9.1 to A9.10 of the Second Addendum (2020), the Plan shall identify each difference and shall be accompanied by a reassessment of landscape and visual effects, including revised visualisations at the same viewpoints for each year in which the appearance of the site differs from that previously depicted;
- (b) a geotechnical investigation of the full footprint of every cell and of the starter berm, at a borehole and trial pit density to be agreed, reporting ground conditions, bearing capacity, groundwater levels, peat depth, the presence of soft, compressible or organic horizons and rockhead, together with settlement and stability analysis demonstrating that the subgrade as encountered is capable of accepting the design loading of the completed Dry Stack Facility at its maximum height and extent, with factors of safety stated;
- (c) plans and sections showing, for each phase, the location, footprint, maximum height, side slopes, volume and expected duration of every soil storage mound, peat store, overburden or spoil heap, aggregate and rock stockpile, laydown area and temporary haul route, and the extent of stripped and unrestored ground. No topsoil store shall exceed 2 metres in height and no subsoil, peat or overburden store shall exceed 4 metres in height; any store in place for more than 28 days shall be seeded within that period and maintained in a vegetated condition; and no store shall be sited on a skyline or ridge. All such features shall be shown on the visualisations required at sub-paragraph (a);
- (d) a demonstration, in accordance with the approved drainage plans, of how surface water and groundwater will be managed during stripping and construction at each phase, having particular regard to the commencement of works at the lowest point of the site and to the working of a face progressively upslope, including interception and cut-off drainage, silt and sediment control, discharge points and consented discharge rates, capacity calculations for design storm events including an allowance for climate change, and confirmation that the permanent under-drainage and over-drainage systems beneath and within each cell will be installed, tested and certified as functional before any waste rock is placed above them;

- (e) written certification by a Chartered Engineer, being a corporate member of the Institution of Civil Engineers or of an equivalent body and independent of the applicant, that the prepared subgrade and drainage substructure of each stripping increment is approved to accept the design load of the Dry Stack Facility, such certification to be issued increment by increment and copied to the Planning Authority before material is placed;
- (f) a Soft Ground Contingency and Subgrade Integrity Protocol setting out the trigger criteria by which soft, compressible, organic or otherwise unsuitable ground will be identified; the actions to be taken on encountering it, including excavation and replacement, ground improvement or redesign; the volumes of additional material this would require and their source, having regard to conditions LSC10 and LSC15; the method by which continuity and integrity of the subgrade and of the drainage substructure will be maintained across the junctions between stripping increments and across the site as a whole; and reporting to the Planning Authority within five working days of any such ground being encountered;
- (g) a method statement and risk assessment for concurrent or sequential working between adjacent cells, including the design and construction of the geotechnical separation between cells, the stability of exposed cell faces and of the interface between completed and incomplete cells, the sequence of build-up within each cell, and the measures by which the structural integrity of each completed cell will be protected during construction of the adjoining cell; and
- (h) the maximum area, expressed in hectares, of stripped, bare or unrestored ground which may be open at any one time, and the maximum period for which any stripped surface may remain unrestored or unseeded.

No stripping shall advance beyond any increment until the certification required by sub-paragraph (e) has been issued in respect of that increment.

Reason: To control the extent, location and duration of stripped ground, storage mounds and stockpiles within the Sperrin Area of Outstanding Natural Beauty; to ensure that the appearance of the site during construction and operation accords with that assessed in the Landscape and Visual Impact Assessment; and to ensure that the landform relied upon in that assessment can be delivered and retained. This condition regulates the landscape and visual consequences of the construction method and does not duplicate the control of mine waste exercised under separate statutory regimes.

LSC12. Capping materials characterisation. No development shall commence until a Capping Materials Characterisation Report has been submitted to and agreed in writing by the Planning Authority. The Report shall identify every material proposed to be used in the capping, lining or barrier layers of the Dry Stack Facility, the starter berm and any pond, lagoon or containment structure, including any bentonite, bentonite-amended soil or geosynthetic clay liner, and shall state for each:

- (a) source, quantity, mineralogical composition including whether sodium or calcium bentonite, cation exchange capacity, exchangeable sodium percentage, and full geochemical analysis including trace metals;
- (b) design hydraulic conductivity and the results of laboratory testing of that conductivity following wetting and drying cycles representative of the slope gradient, aspect, soil cover depth and local climate data for the site, over a simulated period equal to the life of the development plus the aftercare period;
- (c) desiccation, shrinkage and crack-propagation testing under the same conditions, and cation-exchange durability testing against the chemistry of water expected to contact the barrier;
- (d) root penetration and root-barrier interaction testing for each tree and shrub species specified in the approved Planting and Maintenance Schedule, at the proposed depth of planting media;

- (e) an assessment of the moisture regime in the planting media above the barrier, including perching, run-off and drought stress, and the implications for the establishment and long-term survival of upland heathland and of each specified species; and
- (f) where any of the above demonstrates incompatibility between the barrier design and the approved planting, a revised Restoration Plan and a supporting reassessment of landscape and visual effects.

Reason: To ensure that the restoration and planting relied upon in the assessment of landscape and visual effects is capable of being established and sustained above the capping layer, the applicant's Restoration Plan recording that planting proposals remain to be developed in conjunction with engineers so as not to jeopardise the integrity of the cap. This condition is directed to the deliverability of landscape mitigation and does not duplicate the control of mine waste exercised under separate statutory regimes.

LSC13. Maximum heights, skyline and as-built verification. No part of the Dry Stack Facility, starter berm, bunds, buildings, covered stockpile, conveyor, stacks, vents, lighting columns, masts or any other structure shall exceed the maximum elevation above ordnance datum specified for it in a Schedule of Maximum Heights, to be submitted to and agreed in writing by the Planning Authority prior to commencement, which shall accord with the heights of the development as described in the Environmental Statement and shown on the approved drawings, and as modelled in the visualisations at Figures A9.1 to A9.10 of the Second Addendum (2020).

An as-built topographic survey of the Dry Stack Facility and starter berm, certified by a chartered surveyor, shall be submitted to the Planning Authority annually and within three months of the completion of each cell, demonstrating compliance with the Schedule and with the approved final landform profile including bench widths, bench intervals and slope gradients. Any exceedance shall be remedied within six months.

Reason: To ensure the development does not exceed the scale assessed, in the interests of the protection of skylines and the visual amenity of the Sperrin Area of Outstanding Natural Beauty, in accordance with paragraph 6.165 of the Strategic Planning Policy Statement and Policy DEO4 of the Plan Strategy.

LSC14. Restoration and aftercare bond. No development shall commence until a restoration and aftercare bond, or other financial provision securing the implementation of the approved restoration scheme and the agreed aftercare period, has been entered into and evidence of it submitted to and agreed in writing by the Planning Authority. The provision shall be in a sum calculated on the basis of the cost to a third party of implementing that scheme at its point of maximum liability, shall be independently verified, shall be index-linked, and shall be reviewed at intervals of not more than five years and on the completion of each cell. Development shall not continue at any time at which the provision is not in place, and the provision shall remain in place until the Planning Authority has certified in writing that the success criteria in condition LSC2 have been met.

Reason: To secure full restoration and aftercare in accordance with Policy MINO2 of the Fermanagh and Omagh Local Development Plan 2030 Plan Strategy, which provides that a restoration and aftercare bond or other financial provision will be required. If the Commission considers that financial provision is more appropriately secured by agreement under the Planning Act (Northern Ireland) 2011, the objector does not object to that course provided the provision is secured before the commencement of development.

LSC15. Importation of restoration materials. No soil, subsoil, peat, aggregate, growing medium or other material shall be imported to the site for the purpose of restoration, capping, landform creation or planting, save with the prior written agreement of the Planning Authority. Such agreement shall not be given unless it is demonstrated that material of the required specification cannot be obtained from within the site and that the importation would not give rise to landscape,

visual, traffic or amenity effects beyond those assessed in the Environmental Statement. All other such materials shall comprise overburden and materials taken from within the site.

Reason: To accord with Policy MINo2 of the Fermanagh and Omagh Local Development Plan 2030 Plan Strategy.

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LANDSCAPE AND VISUAL

Condition 15 is set out below in substitution for the corresponding draft condition. Conditions 16 to 26 are additional. Draft conditions 1 to 14 are not addressed in this topic; amendments to conditions 6, 8, 9, 10, 13 and 14 are reserved and will be advanced under the topics to which they relate. Numbering follows the Department's Appendix 1 draft conditions and is subject to renumbering on consolidation.

15. **Landscape, planting and reinstatement.** No development shall commence until a Landscape, Planting and Reinstatement Plan covering the whole of the connection route, including all underground sections, temporary construction compounds, access tracks, stringing sites and working areas, has been submitted to and agreed in writing by the Planning Authority. The Plan shall define the corridor on a plan at an agreed scale and shall include:
- (a) for each planting compartment: species, local provenance, stock size, density, ground preparation, protection, and measurable success criteria expressed as minimum percentage survival and cover at years 3, 5, 10, 15 and 25;
 - (b) the location of all planting relative to the conductors, together with confirmation that no planting relied upon for screening lies within any corridor subject to statutory clearance cutting and, where it does, the alternative screening proposed;
 - (c) a Vegetation Management Regime for the operational life of the connection, specifying the extent of the clearance corridor, the frequency and method of cutting, the arboricultural standards to be applied, the treatment of hedgerows and treelines within and adjoining the corridor, and the measures by which the landscape and visual effects of recurrent clearance will be minimised;
 - (d) full reinstatement proposals for all open-cut and ducted sections, including soil handling and replacement by horizon, peat reinstatement, and the reinstatement of hedgerows, field boundaries, stone walls, drains and access points to their pre-existing alignment and construction, together with reinstatement of all temporary compounds, tracks, stringing sites and working areas; and
 - (e) a schedule of all hedgerow and tree removal required for construction and for wayleave clearance, with replacement at a ratio to be agreed.

No hedgerow, treeline, shelterbelt or tree identified in the Environmental Statement or in the Residential Visual Amenity Assessment as screening or filtering views of the connection shall be removed otherwise than in accordance with the agreed Regime, and in no case until replacement planting within the same visual envelope has achieved equivalent year-round screening. Planting shall be implemented in the first planting season following completion of each section, and any planting failing a success criterion, or which dies or is removed, shall be replaced in the next planting season. Nothing in this condition shall prevent the carrying out of works reasonably necessary to comply with a statutory obligation as to electrical clearance or safety, provided that any such works are notified in writing to the Planning Authority within 14 days of being carried out.

Reason: To secure the establishment and long-term effectiveness of landscape mitigation, the control of recurrent clearance along approximately 26.9 kilometres of overhead line, and the full reinstatement of land affected by construction, within the Sperrin Area of Outstanding Natural Beauty and the Special Countryside Area.

16. **Commencement linked to the mine permission.** No development shall commence, including site clearance, vegetation removal, pole erection, trenching or intrusive ground investigation, until: (a) planning permission has been granted for the Curraghinalt mine, application reference LA10/2017/1249/F; (b) that permission has been lawfully implemented by the carrying out on the mine site of a material operation within the meaning of the Planning Act

(Northern Ireland) 2011; and (c) written confirmation of (a) and (b) has been submitted to and acknowledged in writing by the Planning Authority.

Reason: The connection has no independent function and exists solely to serve the Curraghinalt mine. To prevent the construction of overhead line infrastructure serving no development within the Sperrin Area of Outstanding Natural Beauty, contrary to Policies LO1 and LO2 of the Fermanagh and Omagh Local Development Plan 2030 Plan Strategy and paragraphs 6.186 to 6.188 of the Strategic Planning Policy Statement.

17. **Removal on failure or loss of the mine permission.** If, at any time after the commencement of development under this permission: (a) planning permission for LA10/2017/1249/F is refused, withdrawn, quashed, revoked or lapses without having been implemented; or (b) planning permission for LA10/2017/1249/F has not been granted and lawfully implemented within five years of the date of this permission, then no further development shall be carried out under this permission other than works of removal and restoration.

In that event, all works carried out under this permission shall be removed and all affected land restored in accordance with the Decommissioning and Restoration Plan required by condition 19, within twelve months of the date on which the event at (a) or (b) occurs.

Reason: To ensure that infrastructure whose sole justification is the servicing of the Curraghinalt mine does not remain in the Sperrin Area of Outstanding Natural Beauty in the absence of that development. The condition imposes an obligation to remove and restore and does not purport to revoke the permission.

18. **Restriction of use.** The connection hereby permitted shall be used solely for the purpose of supplying electricity to, and exporting electricity from, the development permitted under LA10/2017/1249/F. It shall not be used to supply any other customer, to reinforce the distribution network generally, or to connect any generating station, unless otherwise agreed in writing by the Planning Authority or authorised by a further grant of planning permission.

Reason: The landscape and visual effects of the connection within the Sperrin Area of Outstanding Natural Beauty have been assessed and, if permitted, justified solely by reference to the need arising from the Curraghinalt mine. Any other or additional use falls outside the assessed development.

19. **Removal and restoration on cessation of mining.** Not later than two years before the anticipated permanent cessation of mining operations at Curraghinalt, a Decommissioning and Restoration Plan shall be submitted to and agreed in writing by the Planning Authority, providing for the removal of all poles, conductors, stays, anti-climbing guards, bird diverters, signage, transformers, kiosks, substation structures and all other above-ground apparatus; the decommissioning of all underground cable and ducting; the removal of all permanent access tracks not required by the landowner; and the full reinstatement of all affected land including peat, hedgerows, field boundaries, stone walls and drains.

All works required by the agreed Plan shall be completed within twelve months of the permanent cessation of mining operations, or within twelve months of the expiry of the mine permission, whichever is the earlier. For the purposes of this condition and of condition 20, mining operations shall be taken to have permanently ceased where no mineral has been extracted or processed at the Curraghinalt mine for a continuous period of twelve months, unless the Planning Authority has agreed in writing that operations are temporarily suspended.

Reason: The connection serves a development of finite life. To secure the removal of permanent infrastructure and the restoration of the Sperrin Area of Outstanding Natural Beauty on cessation of the use it serves, in accordance with Policy LO1.

20. **Financial provision for removal.** No development shall commence until a bond or other financial provision securing the works required by conditions 17 and 19 has been entered into and evidence of it submitted to and agreed in writing by the Planning Authority. The provision shall be in a sum calculated on the basis of the cost to a third party of undertaking those works, shall be

independently verified, shall be index-linked, and shall be reviewed at intervals of not more than five years. Development shall not continue at any time at which the provision is not in place, and the provision shall remain in place until the Planning Authority has certified in writing that removal and restoration are complete.

Reason: To ensure that removal and restoration can be secured irrespective of the financial position of the operator or of the mine. If the Commission considers that financial provision is more appropriately secured by agreement under the Planning Act (Northern Ireland) 2011, the objector does not object to that course provided the provision is secured before the commencement of development.

21. **Buried section on the approach to the mine.** The section of the connection extending from the point at which the route meets the B46 to the west of the mine site, eastwards to the mine site, a distance of approximately 1.1 kilometres, shall be constructed as underground cable laid in ducts. No part of that section shall be constructed or operated as overhead line, and no permitted development right shall be exercised so as to construct, reconstruct or replace any part of that section as overhead line.

Reason: The assessment of cumulative landscape and visual effects of the mine and the connection, at paragraphs 229 to 231 of the mine Landscape and Visual Technical Report, depends entirely upon this section being placed underground; paragraph 231 records that significant cumulative effects could otherwise arise on the B46 between the two developments. To secure the design on which that assessment relies.

22. **Undergrounding secured.** The sections of the connection identified as underground cable in the approved drawings and Pole Schedule, comprising approximately 6.9 kilometres within the Fermanagh and Omagh District Council area and approximately 4.1 kilometres within the Derry City and Strabane District Council area, and shown as underground on those drawings, shall be constructed as underground cable laid in ducts. No part of any such section shall be constructed as overhead line.

Reason: To secure the form of development described in the applications and assessed in the Environmental Statement.

23. **Pole schedule, heights, micrositing and finishes.** No development shall commence until a Pole Schedule has been submitted to and agreed in writing by the Planning Authority specifying, for every pole-set, its unique reference, grid coordinates, height above ground level, type (single or H-pole), the presence and orientation of any stay, and any associated apparatus; together with a scheme for the finish of all poles, stays, cross-arms, anti-climbing guards, bird diverters, signage, transformers, kiosks and substation structures, providing for all metalwork to be non-reflective and for no advertising or corporate branding to be displayed, save for signage required to be displayed by statute or for reasons of public safety.

No pole shall exceed the height specified for it in the agreed Schedule, and in no case shall any pole exceed 20 metres above ground level. No pole-set shall be positioned more than 10 metres from its agreed coordinates, save where a greater tolerance is agreed in writing and is supported by an assessment of the resulting landscape and visual effects and, where the pole lies within the Sperrin Area of Outstanding Natural Beauty or a Special Countryside Area, by a photomontage from the nearest affected receptor. An as-built survey certifying compliance shall be submitted within three months of energisation.

Reason: To ensure the development does not exceed the scale or depart from the alignment assessed, in the interests of the visual amenity of the Sperrin Area of Outstanding Natural Beauty and the Special Countryside Area.

24. **Stone arrangement at Trinamadan.** No development, including intrusive ground investigation, vehicular access or the erection of any pole, shall take place within 100 metres of the stone arrangement at Trinamadan (stones 1 to 11 as recorded at Appendix 6.2 of the

Environmental Statement), the associated cairn at 249956/389209, or the possible standing stone at 249314/389250, until sub-paragraphs (a) and (b) below have been discharged.

- (a) A programme of archaeological investigation, agreed in writing with the Planning Authority in consultation with Historic Environment Division, shall be undertaken to establish the full extent, form and character of the arrangement, including the removal or reduction of ground cover sufficient to establish whether further stones are present and whether the arrangement forms a stone circle. The results shall be reported in writing and, if the arrangement is determined to be of regional importance, notified to the Northern Ireland Sites and Monuments Record.
- (b) An assessment of the effect of the connection on the setting of the arrangement shall be submitted to and agreed in writing, prepared in accordance with Historic Environment Division setting guidance and supported by visualisations from the arrangement towards the south (the Owenkillew valley, Mullaghcarn and Curraghchosaly), towards the west (West Tyrone and the Bluestack Mountains, County Donegal), and towards the east-south-east (down the Owenkillew valley in the direction of Beaghmore).

Where that assessment identifies adverse effects on setting, no development shall commence within 250 metres of the arrangement until a revised alignment or pole configuration avoiding or minimising those effects has been agreed in writing. No development shall take place within 50 metres of the undulation or mound at Rousky recorded at Plates 6.16 and 6.18, or the field clearance cairns recorded at Plate 6.15, until each feature has been investigated and characterised under the programme of archaeological work agreed under condition 3.

Reason: To protect the setting of a previously unrecorded prehistoric feature, the setting being expressly described at Appendix 6.2 of the Environmental Statement by reference to long views which the proposed development would affect, and to establish the extent of the feature, which that Appendix records as unresolved. Conditions 1 to 5 provide for the identification and recording of archaeological remains but do not address the effect of the development on setting, which is a landscape and visual matter.

25. **Cumulative visualisations.** No development shall commence until visualisations showing the connection and the Curraghinalt mine together, prepared in accordance with Landscape Institute Technical Guidance Note 06/19 or its successor, have been submitted to and agreed in writing by the Planning Authority. Visualisations shall be provided from not fewer than six agreed locations from which both developments will be visible, to include at least one elevated location within the Sperrin Area of Outstanding Natural Beauty and at least one location on the B46. Where the visualisations identify significant cumulative landscape or visual effects not identified in the Environmental Statement, no development shall commence until measures to avoid or reduce those effects have been submitted to and agreed in writing by the Planning Authority.

Reason: No visualisation of the two developments in combination has been prepared. Policy LO1 of the Plan Strategy requires effects to be considered individually or cumulatively alongside existing or approved development.

26. **Pre-commencement residential receptor survey.** No development shall commence until a survey of all residential properties within 500 metres of the connection, undertaken by site visit not earlier than six months before commencement, has been submitted to and agreed in writing by the Planning Authority. The survey shall identify every property, confirm whether each is habitable and habited, and assess each individually in accordance with Landscape Institute Technical Guidance Note 02/19. Where any property is predicted to experience a magnitude of change of medium or above, mitigation shall be agreed in writing and implemented before energisation.

Reason: The Residential Visual Amenity Assessment submitted with the Environmental Statement was carried out substantially by desk study; a review in August 2024 identified twenty additional receptors within the study area, and three of the twenty-one properties given detailed assessment could not be confirmed as habitable dwellings.