

PROPOSED WIND FARM

PRE-INQUIRY MEETING: 8TH MAY 2019

Welcome and introduction

1. Good evening everyone and welcome. This meeting concerns an application by SSE Renewable Developments Limited seeking planning permission for a 33-turbine wind farm on land approximately 12 kilometres to the west of Draperstown and 2 kilometres to the north of Broughderg, adjacent to the B47 road.
2. The application was submitted as a regionally significant application to the former Department of the Environment in June 2015. In May 2016, the planning functions of DOE passed to the newly constituted Department for Infrastructure. On 1st February 2019, the Department for Infrastructure asked the Planning Appeals Commission to arrange a public local inquiry.
3. The Planning Appeals Commission is a statutory tribunal body independent of any government department or agency. It is not beholden to any interest and approaches its work with an open mind. My name is Pamela O'Donnell. I am a Principal Commissioner. My colleagues Julie de-Courcey and Trevor Rue are also in attendance. The Chief Commissioner has appointed Commissioner de-Courcey to conduct the inquiry. Administrative support is provided by Yvonne Adgey.
4. The Commissioner's tasks will be to record the evidence presented at the inquiry, to visit the application site and any other relevant sites and to present a report and recommendations to the Department. The Commission's remit is purely advisory. Section 26 of the Planning Act NI 2011 reserves to the Department the final decision on the application but requires it to take account of the Commission's report.
5. There is an agenda on your desk or seat. The purposes of this meeting are to outline the arrangements for the inquiry and to answer any procedural queries you may have. I must emphasise that the merits of the proposed development are not for discussion this evening.

6. Can I please have the names of everyone who wishes to speak at this meeting and an indication of whom they are representing? When you are speaking, please do so slowly as we will be taking notes. Would anyone who does not intend to speak, but is here as an observer, please complete the attendance sheet which is being circulated by Admin. If you have a mobile phone, please take a moment now to ensure that it is on silent.

Timetable leading to the inquiry

7. The Commission has written to the applicants' agents, the Department and everyone who made representations about the application, setting out a timetable leading to the inquiry. We have invited all parties to submit a statement of case by 21st June 2019. The statements of case will be exchanged and there will be an opportunity to submit rebuttal evidence by 2nd August 2019. The inquiry will open on Wednesday, 4th September 2019 in this venue.
8. All written evidence should be presented in advance. Anyone seeking to submit new evidence at the inquiry will have to persuade the Commissioner that it is relevant and could not have been included in their statement. Statements of case should not exceed 2,500 words but there is no need to pad them out – the more concise and focused they are, the more likely they are to be effective. Appendices may be used for supporting information but argument must be confined to the main body of the statement. Rebuttal evidence should be confined to 1,500 words.
9. The applicants, the Department and the third party supporter of the proposal are requested to provide 12 copies of each document, most of which will be distributed to third party objectors. The objectors need only provide 6 copies of each document.
10. I am of the opinion that it would be helpful if those sharing the same views could get together and present a combined case to the inquiry. This meeting is an opportunity for people to find out who are making similar representations and explore the idea of pooling resources. If this is something that you can accommodate please speak to Ms Adgey at the end of the meeting.

11. Are there any questions about the timetable? I will now hand over to Commissioner de-Courcey

Clarification of certain matters

12. From the documents currently to hand, but at this early stage in my preparation largely based on the Department's report of 3 July 2018 on the proposal, there are particular matters on which I will be seeking clarification at the inquiry. I am flagging them up now so that everyone is aware of them and can include specific evidence thereon in their statements of case:

- (1) At para 1.1 of their report the Department refers to a micro-siting area of 50m for turbines and 25m for ancillary development. They add that it is proposed to, and I quote, "*accommodate variations encountered on site*". I note that the Environmental Statement deals with this issue in Section 2.4 and Chapter 6. However, in the context of an application seeking full planning permission, what weight can be attached to the relevant environmental information where there might be a 50m variation in turbine's horizontal and/or vertical plane which could therefore affect the proposed wind farm's relationship with surrounding topography? Such latitude introduces uncertainty into assessment of the proposal's impact on visual amenity and landscape character. Therefore, it would be useful to have the parties' advice on this concern in their further written evidence.

As with every mention of planning conditions that might attach to any forthcoming planning permission, no one should infer that I have pre-determined my recommendation on the proposal. It would be helpful if, in its further written evidence, the Department would: specifically address the applicant's associated suggested condition at Chapter 6, paragraph 19 of the Environmental Statement and/or suggest an associated planning condition relating to micro-siting that is tailored to the nature and scale of the proposed development and to the possible effects on layout and the overall visual coherence of the scheme.

- (2) Looking at the consultation response of Fermanagh & Omagh DC (FODC) Environmental Health Section dated 21 December 2017, other than saying that they are not supportive of a fixed upper daytime limit of 40 dBA to ensue flexibility in turbine selection, they said that it is a matter for the planning authority to determine the appropriate daytime noise limit. The Department notes that Derry & Strabane and Mid-Ulster DC EHO responses are largely in line with that of FODC. It'd be helpful if the Department could provide a definitive view on the day-time background noise level as this is vital baseline information to enable me to understand its position on likely noise impact.

I'd also expect that as part of their suggested planning conditions should planning permission be forth-coming that the Department set out draft conditions relating to noise impact.

- (3) NE Environment Agency Natural Environment Division is content that the proposed habitat management plan provides adequate compensation for the loss of priority habitats. However, on the basis of the *Barr Cregg* judgement, it says that the planning authority should weigh the proposal against the value of the habitats that would be affected. It would be helpful if the Department's further written evidence sets out its opinion on whether the proposed compensation outweighs the likely detriment to natural habitats applying the High Court's latest interpretation of Policy NH5 of Planning Policy Statement 2 on the weight to be given to compensation and mitigation.

Procedures at the inquiry

13. The Commission has produced a booklet "Procedures for Public Local Inquiries and Hearings into Regionally Significant and Called-in Planning Applications". A limited number of copies are available this evening. It can be viewed on our website www.pacni.gov.uk under the heading 'Publications'.
14. I will try to conduct the inquiry in a manner with which everyone is comfortable. There are no opening statements. The written evidence will

be taken as read. I will prepare an agenda that will be circulated on or before Friday 23 August 2019. A copy will be placed on the Commission's web-site and either emailed or posted to those who have submitted a statement of case. To this end, it would be helpful if those submitting further written evidence can provide an email address that the agenda can be sent to. The agenda will set out the topics that I need the parties' clarification on in order to make an informed and reasoned recommendation on the proposal. However, it will not be exhaustive and there will be an opportunity to consider adding to it at the inquiry.

15. I will lead a round-table discussion on each agenda item in turn. The Department's representatives will generally be invited to speak first on each topic, followed by the objectors, then the applicants' team and the third party supporters.
16. Before moving on from each item, I will give all parties an opportunity for formal questioning or submissions to cover any issues relevant to that item which have not already been covered in the round-table discussion.
17. The inquiry will commence at 10.30am on 4th September. All participants will be expected to be ready to proceed in accordance with the agenda. I will move steadily through the business, using the time to the fullest extent reasonable. There will be a lunch break of around 45 minutes. The inquiry will probably finish around 5.30pm unless discussion turns out to be unduly protracted. In that case, the inquiry would resume at 10.00am the following day or days and proceed until completed. Before the inquiry closes, I will give an approximate indication of when I expect to deliver my report to the Department.
18. If you have queries of a purely administrative nature, please feel free to approach Ms Adgey immediately after this meeting. Has anyone any questions about procedures? If queries arise prior to the inquiry, you can contact our Inquiry Administrator, Mr Colm Morgan who will do his best to assist. Contact details are set out on the letter the Commission sent you.
19. Should any issues arise during the inquiry, please raise them with me publicly when the inquiry is in session as I will not be able to engage in any

private conversations. I am confident that the inquiry will run smoothly provided everyone co-operates.

Other relevant business and close of meeting

20. Is there anything else anyone wants to raise before we close the meeting?
21. If there is no further business, it remains only for us to thank you for your attendance this evening and to wish you a safe journey home.

COMMISSIONER PAMELA O'DONNELL

COMMISSIONER JULIE DE-COURCEY

COMMISSIONER TREVOR RUE

8th May 2019