

Planning Ref: LA03/2015/0234/F

To:

Minister of Infrastructure
and
Strategic Planning Department
Causeway Exchange
1 – 7 Bedford Street
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Objector's Name and Address:

DFIPlanninggroup@infrastructure-ni.gov.uk

This is a Further Letter of Objection to the proposed Solar Power Station, Kells:

I understand that the applicant/agent has amended their application to remove portions of panels in selected areas and that they have provided some additional information requested by the Department and Consultees.

After consideration of all this, I remain utterly unconvinced by the information provided and by claims made by the applicant. This proposed development would completely change the character of the area from rural to industrial and this change will be visible from both close distances and far off. I reject totally the agent's assessment of the outlook from my home - they haven't ever visited my home and therefore cannot even begin to understand the negative impact that the proposed development would have on my visual amenity or my 'sense of place'.

This development proposal contravenes the "Ten Commitments" of the Solar Trade Association, of which Elgin Energy is a member, which states that: ***"land should aim to avoid affecting the visual amenity of landscapes, maintaining their natural beauty and should be predominantly flat, well screened by hedges, tree lines etc., and not unduly impact upon nearby domestic properties or roads"*** **This application is still in breach of all these.**

Policy: The SPPS has been amended and renewable applications now have to be given an appropriate weighting, rather than a significant one as previously under PPS18. I understand that the agent is now trying to argue that appropriate can sometimes mean significant. If that were the case there would have to be no context, and no weightings. However, there is context, very significant context, which will be detrimentally affected by this large scale solar power station as follows:

- significant visual impact and complete change of character from rural to industrial;
- significant loss of residential amenity for many householders who enjoy, and now expect, a rural outlook;
- the significant loss of habitat for NIEA listed species such as the curlew;
- the significant damage to the land ecology;
- the significant increase of flood risks on saturated peat land which occupies a large percentage of the application site;
- the significant health and safety risks to road users during the construction of the development because the developer has failed to purchase land and provide his own infrastructure for this major development and instead is relying on a minor road.
- the increase, not decrease, to CO2 levels caused by large scale solar panel manufacturing;

These are all significant factors in the context of this application and these all need to be weighted.

Expanding on the above, I have listed out below my reasons for my continued objection to this application:

1. Loss of Visual Amenity and change of Rural Character

The proposed Kells Solar Development sits within the Landscape Character Areas (LCAs) – LCA – 125 Tardree Upland Pastures. The northern and eastern fringes of this LCA fall within the Antrim Coast and Glens AONB.

Unusually for development in the countryside, this proposal spans for approximately 1.2 miles across 250 acres of undulating farmland. From the Doagh Road it will be seen at the junction of the Doagh Road and the short stub road that leads up to the Ross Lane. The current attractive grouping of houses framing the extended slope of fields rising up to Mann's Hill will now frame an industrial scale development in the fields. Reference can be made to the visual impact of the nearby power substation which has a hugely negative impact on its immediate neighbourhood and it is of a much smaller scale than the proposed widespread destruction of agricultural land proposed here.

The little grouping of 15 houses that form this Ross Lane cluster corresponds to the traditional character of hamlets traditionally found throughout rural NI. Clearly Planning Service has seen the granting of permission here for an extensive number of houses as acceptable within the countryside setting framing the rural prospect that surrounds them. However, Elgin's proposal detrimentally changes the character of this area when it directly abuts these residential properties in a crude manner and with no regard to the loss of residential amenity for around 36 residents or change of rural character.

On the Speerstown Road, the fields will be replaced by an industrialised landscape in full visibility of the busy public road. There are no hedges here due to the harsh microclimate of this area - this is the character of the area - wild and windswept. The developer has offered to take some of the panels away and replace the proposed bund with a few trees and hedges. However, the trees and hedges proffered are not augmenting existing mature trees and hedges as there are none here - it is wild and open and that is the character of the landscape. If planted, they will take years to establish without protection from existing mature landscape and the applicant has failed to address this issue properly within their proposals. The result will be a complete change of rural character of this area and loss of visual amenity.

On the northern Craigstown Road there are a number of intermittent views of the proposed development. The impact is not as directly crude, visually, as that proposed for the Doagh or Speerstown Roads, but what is noticeable is the extended length of visual impact of it. The overriding visual and psychological impression will be of relentless industrialisation over a never ending distance. It is hard to imagine anywhere where such a blatant intrusion into people's visual amenity would be sanctioned, and it should not be allowed to proceed here. These large scale developments should not be placed in undulating landforms - they become visible from surrounding higher ground and this cannot be mitigated against. The photo-montages submitted by the agent show trees 10-15m high yet only 10% of new trees will be maximum 4.5m high. The photomontages are therefore, at best, misleading.

The Whappstown Road is particularly attractive road and is enjoyed as a rural amenity by walkers, runners, cyclists, horse riders and pony and trap enthusiasts. It also is home to the RSPB reserve and a wetlands area. The area is bounded by low or sparse hedges and as you rise up above the snow line, the vegetation decreases further to give way to open hills farmland with extensive fields, areas of wetlands, lakes and dams. This is what makes this area particularly beautiful to residents and visitors. From long stretches of this road the solar development will entirely cover this area and this will have a significant visual impact throughout the year, changing it from rural to industrial, because of its open landscape character and the road's elevated position above the development. It can't be hidden.

This application is in breach of the **Northern Ireland's Landscape Charter**. This important charter, **signed by the Minister of the Environment and the Chief Executive of the NIEA in January 2014**, underscores the European Landscape Convention, signed by 37 countries, and **places particular value on regional and local landscapes. This Charter defines 'landscape' as 'an area as perceived by people whose character is the result of the action and interaction of natural and/or human factors' and 'it concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes'.**

This proposal by Elgin does not in any way protect our landscape heritage -by contrast, it seeks to ride roughshod over it and turn it into an industrialised wasteland for their own profit - the amended proposal is not acceptable because the landscape is too open and too undulating to absorb it satisfactorily.

The overall impression of the development proposal, as seen from the peripheral roads, is purely that of development activity corresponding to land ownership rather than the sensitive integration of a solar farm into a landscape setting. Simply stated, the developers intend to exploit this farm land that has become available to them so close to the NIE substation. The amended proposal is still unacceptable because it fails to take due regard of our landscape heritage.

It is as if the last thirty years of environmental thinking, care and policy for amelioration had never existed. This denial of any cognisance of visual impact sensitivity is symptomatic of a greedy, exploitative attitude. In this context, we as a rural community are meant to entrust a huge chunk of our landscape to their custodianship for at least the next 30 years.

This would be bad enough if it were a remote uninhabited landscape but this proposal directly affects 49 houses and many more indirectly who will feel the threat of this industrialisation of their rural domain.

It is therefore not acceptable to support such indifference to a community and the landscape setting within which they reside.

2. Loss of residential amenity. For residents on the Ross Lane, the development will in some cases abut their homes creating an oppressive environment in which they will be forced to live because they will be unable to sell their homes. Some neighbours have already talked of not sleeping since they heard of these plans and this has severely impacted their health - and this is the impact when it is still a proposal. The development will have security cameras and I am concerned that these will impinge upon my right to privacy in my own home and in my own garden - this is in breach of **Article 8 (Right to respect for private and family life) and First Protocol Article 1 (protection of property)(xi)**. I am also concerned about them filming our children in the garden. These cameras are there to survey the outline of the security fence but it is such an irregular shape that the line of vision will undoubtedly impinge on private amenity space. **In the case of Britton V SOS, the courts reappraised the purpose of the law and concluded that protection of the countryside falls within the interests of Article 8 of the Human Rights Act 1998 - Privacy and Family Life - and therefore encompasses not only the home but also the surroundings.(xi)**

I understand that the agent has carried out an assessment on the visual impact, before and after, on each dwelling affected by their proposal. They have not visited my home to do this.

Additionally I am concerned about the tangible effect this proposed development has already had on the residents and properties within this area and I draw your attention to a letter on the planning portal from McGuinness Fleck Estate Agents. They state that:

We understand that the previous estate agent failed to sell the property because prospective buyers withdrew their offer when they realised the scale of the solar development proposed for the area. Our experience, unfortunately, has been similar, we have had the property sale agreed and it has fallen through due to the proposed solar farm as buyers are very nervous about purchasing a high end property and values being effected or the property becoming unsaleable.

We understand that the Department of Infrastructure does not have any data on the effect large scale solar developments may have on house prices in Northern Ireland simply due to the newness of such schemes, however, our experience has been that the prospect of a solar farm in the vicinity has hurt the sale of this property and caused hesitation from otherwise very keen buyers.

I understand that previously the Department had no experience of such installations and their effect on property prices. Now you have this information, we ask that you weight this as a material consideration.

3. Security fencing: There has been no amendment to the proposal of the security fencing and this remains a significant concern for all residents. Additional to the solar panels, there will be a high security fence bounding the entire facility and abutting the roads and residents' private amenity spaces. It will feel like living in a prison. Elgin have responded with an amendment to the fencing with 'deer' fencing. There are no deer on the Whappstown Road. Security fencing is required for insurance purposes to keep vandals out and for their own protection from injury such as electrocution. Due to the adjacency of the solar panels to the road, deer fencing will not keep vandals out and

therefore not keep them safe from electrocution should they damage they panels. Deer fencing will not keep the children of residents out and I am concerned that children from the local area will be injured if the proposed development proceeds. Elgin's proposal show a 150mm gap at the bottom of the fencing for wildlife - children or vandals will be able to get under that with ease. **Because Elgin have chosen to maximise their opportunity for development and extend the facility right up to the edge of properties and roads, high security fencing is required, not deer fencing. This high security fencing will have a further detrimental visual impact on the landscape visual amenity.**

4. Loss of habitat and damage to the ecology of the area.

There has been little amendment to the proposal to address this issue and it still remains a significant concern of mine. Curlew are seen and heard throughout the area of this proposal, it is nonsense for the bird surveyor not to record them. Come and see for yourselves any evening and you will hear them and see them foraging.

The proposed Kells Solar site sits close to The Antrim Hills Special Protection Area (SPA) 3.4km. Causing visual and environmental impact on this area. This SPA covers over 27,000 hectares of upland and was classified under the EU Birds Directive for its important populations of Hen Harrier and Merlin.

Two other designated areas lie within close proximity of the proposed site - Sandy Braes ASSI (1.75 kilometres) and Tardree Quarry ASSI (4.5 kilometres), which were both designated for their earth science interest and are of vital importance to the area. Current Guidelines state that Any developments that are close to (or within) the boundary of a Special Protection Area may require a Habitat Regulations Assessment. http://www.designingbuildings.co.uk/wiki/Special_protection_areas

I still have concerns about the quality of bird survey that was undertaken by the applicant. I know that KellsVOCAL reported to the Planning Service on several occasions that the bird surveyor had been sleeping in his vehicle during surveying periods and that he had brought his dog which was running around the fields. He suggests that there are no nesting sites of curlew within the application site however, the fields opposite No's 15 and 13 Whappstown Road are well known for the curlew nesting and breeding there, including this year. He has noted that 'Forty-nine of the eighty species recorded are considered to be of moderate to high conservation value' but then goes on to say that development can proceed so long as breeding seasons are avoided. With the wind farms in close proximity to the site, and allowing for an 800m mitigation zone around these, where exactly are the forty nine species meant to go? The site is also rich foraging and breeding ground for badgers, Irish hare and otters. The cumulative effect of the wind farms already approved, with yet more wind farms pending decision, and now this 250 acre solar power station - the landscape as a place of breeding for wildlife will be obliterated.

Elgin's Environmental Statement states that twenty-two of the forty-nine birds of conservation concern were recorded as "probable" or "confirmed" breeding on site. This solar power station is seven times the size of the average solar farm so the effects will be up to seven times as severe and in an area which has a significant environmental and wildlife impact on the landscape and the effects will be extremely damaging. This is an unacceptable loss to the environment and is not outweighed by the over-estimated gains this particular renewable application claims to bring. This is backed up by the NI Strategic Environmental Assessment (SEA) scoping project 2013 – 3.13.2. Ecology and Nature convention. "The focus of government conservation policy is on protecting and managing high value habitats. Intermediate value habitats, which contain much of the species diversity in the countryside and provide ecosystems service including food, materials, water, flood control and carbon storage are unprotected and thus vulnerable to land use change, disturbance."

Elgin says that this land is of little agricultural value therefore it is good for a solar power station. However, at the RSPB Solar Power briefing in 2011, the RSPB stated “it is likely that the least productive land for agricultural use (grades 3 and 4) will be targeted for development, raising concerns as these grades are often venerable (**or potentially venerable**) in nature conservations terms.” So the very fields that are targeted by Elgin, the same fields are the richest fields in terms of habitat for our most endangered species. **These fields of the application site must therefore be given priority protection by the Planning Service.**

6. Roads and Health & Safety during construction

The applicant has submitted a Construction Management Plan. This has raised new concerns.

The applicant proposes to service the construction site from a minor road (Whappstown Road). I find this unacceptable. Given the huge scale of the proposal, a responsible developer would purchase the land and construct a new road to service the development. The Whappstown Road is so narrow that two cars passing have to slow down to crawl past one another, and one vehicle will have to go into the verge. Should you meet a small lorry or tractor, then one vehicle will have to pull into a dwelling access somewhere on the road. The hundreds of articulated lorries required to deliver 200,000 panels will mean that the road will be at a standstill for much of the time during the four or five month construction period. It will effectively be one-way, prioritised in the direction of the delivery lorries. This is not acceptable.

Additionally, there has been no solution put forward for the children who walk to and from school along the Whappstown Road twice daily from 7:30am to 5:30pm. Additionally there has been no solution for the school buses who pick up and drop off children from Moorfields Primary School.

5. Decommissioning. There has been no meaningful amendment to this section of the Environmental Statement and remains a deep concern for myself and residents that they will be left with a defunct solar development decaying in the fields and there will be no money set aside for removing it because, if approved, the Department will not have listened to common sense arguments at this stage of the application and putting in place financial assurance measures. I understand that in other jurisdictions, decommissioning arrangements are agreed at the planning stage in advance of permission being granted. The agents continue to affirm: 'Any waste generated during the decommissioning process will be removed and transported by a certified and licensed contractor.' So clearly there are hazardous materials involved. The decommissioning statement fails to confirm who will be responsible for paying for and carrying out the decommissioning. PPS18 does not contain a decommissioning bond requirement - such as exists in Scotland. Therefore there exists a loop hole which could allow the developer to go bust without any bond to guarantee that the provisions of the temporary permission can be executed. **Will the Department therefore adopt the responsibility of the decommissioning?**

6. Design: There has been no meaningful amendment to the proposal to address this issue and my objection still stands. An article in the Ballymena Guardian November 2014 reported that Elgin Energy representatives had made a presentation to Ballymena Borough Council's Spatial Planning Committee at which Elgin Director Ronan Kilduff told the meeting: ***“We have worked very hard to find the most suitable location to site a large scale solar project in Northern Ireland”*** .

I have seen no evidence to support this claim. In England, where sequential testing is a requirement of Planning, the largest solar developments are all located on disused airfields or adjacent to industrial parks: Faldingworth 50 MW former Faldingworth RAF **airbase** in Lincolnshire; Defford 50MW solar PV installation at Defford **Aerodrome** in

Worcestershire; Wymeswold 34MW solar PV farm at Wymeswolds **Airfield** near Loughborough; Deeside 45.7 MW solar PV park located alongside **Deeside Industrial Estate** in Flintshire, Wales; Coltishall 49.9 MW solar park at Coltishall **WW2 RAF Airbase** in Norfolk; **West Raynham** 49.9 MW solar park West Raynham **RAF airfield** near in Norfolk.

In Northern Ireland we too have disused airfields such as in Toomebridge. We have flat low lying land, we have land available adjacent to industrial zones, commercial zones and even prisons. Yet Elgin have '**worked very hard to find the most suitable location**' in the whole of NI and come up with 250 acres in Kells of undulating wet lands and farm land, that crosses three country roads, adjacent to 60 homes. It's preposterous that such statements can even be published, let alone listened to.

Looking closer, this land is fundamentally unsuitable for the development of large scale solar PV because the land typically slopes facing the Northwest. Therefore the panels will have to be mounted counter to the slope of the land in order to gain exposure to the sun at the correct angle. The result of this counter intuitive orientation is that it will massively reduce the actual output of this proposal yet still blight the same acreage of land.

7. Prematurity: I draw your attention to the **Joint Ministerial Statement: Emerging Development Plans and Prematurity**. The Department must issue a refusal for this application on grounds of prematurity because: Under Item 1, a decision to approve would prejudice the ability of the new RDS to achieve general conformity. This is evidenced by the lack of rigour in previous approvals issued by Planning for large scale solar which have failed to include a decommissioning clause in the approval notice; Under Item 2, a decision to approve this application would prejudice the outcome of the plan by predetermining decisions that are currently being taken in preparation of the RDS. Such decisions would have an adverse impact on the landscape, in this case, which is an environmental asset protected under The Landscape Charter, an EU Charter that protects all landscape not just AONB and which has been signed by the Minister of the Environment. The Department must issue a refusal on grounds on prematurity.

8. Myth of jobs to the area: A recent article in the Ballymena Times (05-04-17), Elgin stated that they had done a deal with "BayWa r.e. to deliver the construction and ongoing operation...The total output of the projects on which agreement has been reached between Elgin and BayWa r.e. in 2016 now stands at 76MW.'

We have spoken with residents living opposite the Rasharkin solar development and they said that most of the construction workers were from Portugal - they knew this because they all drove left hand drive vehicles and spoke Portuguese. We ask that the Department do due diligence on this economics document to ascertain how many local jobs were created at Rasharkin and how many permanent new jobs have been created locally now that it is operational. We note that the application P1 Form states that there will be less than 1 vehicle increase per day visiting the site. So there will be no on site maintenance jobs with this proposal.

Elgin's claims over 500 jobs being created are a myth. Most of these relate to the four-month construction phase and include jobs like yours, in the Planning Service. Were you brought in specially to deal with this application? I doubt it. So it's not job creation. In one of their applications in England, Elgin stated that post-construction there would be 'one man in a van every quarter for maintenance'. So even allowing for the larger development, there will be a no more the equivalent of a man in a van every week maintaining these panels. No doubt there are jobs in Asia manufacturing panels and shipping them around the world. But as for job for unemployed people in Kells - there are no real jobs post construction and no prospect of local jobs during construction.

This objection still stands and any claim that the economics of this proposal should be given significant weighting should be rejected.

9. Community Consultation: Elgin Energy continue to assert that they have met with this community. They have not. We have repeatedly asked to meet them as a group to discuss all these matters and we wanted to do that because some of our neighbours are elderly, or disabled, or are women who live on their own or simply folk who did not want to feel 'bullied by a sales pitch by multiple representatives from Elgin in their own home and they need the support that the whole neighbourhood can give to them. This is not unreasonable yet Elgin refused on multiple occasions to facilitate us. Rather they set up meetings at a distance and only allowed small numbers together at one time to meet with their team. That is divisive and therefore unacceptable. They even refused to answer written letters of enquiry - what kind of community engagement is that? Some residents actually wrote and asked them to come to their home to explain the proposal but they never heard back from them. Their notices in the papers were innocuous and did not give any idea of the scale and impact of this proposal - I believe this was deliberate. The people at Rasharkin said they knew nothing of the approved solar development until it started on site - then they were horrified with what they are now left with.

I am not sure who Elgin have consulted with as they have not spoken to me and I remain unconvinced that their research is unbiased, however their own research pertaining to community consultation shows that the development is unwanted. Appendix 3.2 of the Environment Statement entitled 'Community Engagement Report' details that the majority of people consulted were concerned about climate change and would support solar farms, however 59% stated that they did not support the proposed development named as 'Kells Solar Farm'. This means that even with representatives of the applicant attempting to convince residents using pressure tactics, almost 2/3 of those surveyed are opposed to the proposal.

The maps submitted to the Department are still decades out of date and do not show all the houses they will be affecting - yet they claim to have carried out a residential amenity analysis on each property - they have not visited me in my home.

I must advise you that should the Department consider Elgin's proposal in the knowledge that public participation has not taken place the department is in contravention of the Aarhus Convention.

10. Cost to the Environment - CO2 emissions will rise. This objection still stands.

When the wind stops blowing or the sun disappears, the electricity supply needed to power the national grid becomes scarce. So the coal and oil fired power stations need to keep spinning, revving up and down to balance out the erratic power supply provided by the renewables. Germany has 27% renewables at the moment (we are currently around 20%) and this high percentage of erratic power supply has pushed Germany into increased use of heavy oil and coal power plants, which is why Germany released more carbon dioxide into the atmosphere in 2012 than in 2011." And despite Germany's shift to renewable solar and wind energies, and amid a recession, its carbon emissions rose by 1.8% last year. (2012) **Their policies hailed as saving the world from climate change have, in fact, increased CO2 emissions by 1.8%.**

For all these reasons, and any further that arise during the course of this process with which I will contact you, this application must be refused.

Signature: _____

Date: _____