

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 04 November 2021 13:24  
**To:** [REDACTED]  
**Subject:** RE: Carnalbanagh Wind Farm  
**Attachments:** LA02.2017.0594.F Professional Planning Report October 2021.pdf

Thanks [REDACTED]

B and C apply in this case.

The application reference is LA02/2017/0594/F and the application was heard at this morning's Planning Committee meeting of Mid and East Antrim Borough Council. Professional planning report attached.

Regards

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 04 November 2021 13:02  
**To:** [REDACTED]  
**Subject:** Carnalbanagh Wind Farm

[REDACTED]

Further to our telephone conversation the relevant direction which must be fully considered by Mid and East Antrim Council is contained within THE PLANNING (NOTIFICATION OF APPLICATIONS) DIRECTION 2017. A link is provided for your convenience.

[THE PLANNING \(NOTIFICATION OF APPLICATIONS\) DIRECTION 2017 \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk)

This direction places a statutory obligation upon the council to notify DFI when it is proposing to approve an application in circumstances where a statutory consultee, such as NED, have significant objection by a Government Department or Statutory Consultee to a major development application and the development has the potential to:

- (a) affect a marine conservation zone designated under the Marine Act (Northern Ireland) 2013;
- (b) have an adverse effect on a Northern Ireland priority habitat or priority species<sup>2</sup>;
- (c) have an effect on a Natura 2000 site as designated under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995<sup>3</sup>;
- (d) have an effect on an Area of Special Scientific Interest designated under Article 28 of the Environment (Northern Ireland) Order 2002<sup>4</sup>;
- (e) have an effect on a World Heritage site appearing on the World Heritage List kept under the 1972 UNESCO Convention for the Protection of World Cultural and Natural Heritage<sup>5</sup>;
- (f) affect a site or setting of any historic monument as defined under Article 2 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995<sup>1</sup> or an area which contains archaeological remains or historic park, garden or demense;
- (g) affect a listed building as defined under section 80 of the 2011 Act

Whilst not having the full detail of the application, I am assuming by the nature of your query that sections b, c and d may be relevant.

During the notification process the council are prohibited from issuing there decision notice.

I also note your concerns your raise regarding SES position on this application.

Could you kindly give me the application reference number and the date of the council meeting the application was discussed at if you have those to hand.

Thank you



[REDACTED]

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**From:** Dfl Planning Service HQ  
**Sent:** 08 November 2021 10:17  
**To:** [REDACTED]  
**Cc:**  
**Subject:** FW: Mid and East Antrim BC - LA02/2017/0594/F

[REDACTED]

Please see below, received into the Planning HQ inbox. Grateful if you would take forward, or please advise if this one isn't for you. Please note I have not acknowledged receipt of this email.

Thank you

[REDACTED]  
Planning Service HQ Inbox

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**From:** [REDACTED]  
**Sent:** 08 November 2021 10:15  
**To:** Dfl Planning Service HQ <Planning@infrastructure-ni.gov.uk>  
**Subject:** FW: Mid and East Antrim BC - LA02/2017/0594/F

**Caution – This email has been received from outside the NICS network. Please ensure you can verify the sender's name and email address. Treat all attachments and links with caution. FOR INTERNAL NICS STAFF ONLY - If you have any concerns regarding the email please forward to [spam@finance-ni.gov.uk](mailto:spam@finance-ni.gov.uk).**

Hi  
In reference to the above planning application for a windfarm at Carnalbanagh, hard copies of the Planning Committee report, slides and speaking notes have been posted to the Strategic Planning Directorate.

The Committee Meeting audio recording can be accessed via the following link. Consideration of this application is from 29:50 to 2:06.

[https://midandeantrim.public-i.tv/core/portal/webcast\\_interactive/614667](https://midandeantrim.public-i.tv/core/portal/webcast_interactive/614667)

All details of plans, environmental statement, further environmental information and consultation responses as well as correspondence received from local residents is available on the portal however if you require anything else, just let me know.

Thanks [REDACTED]

[REDACTED]

From: [REDACTED]  
Sent: 05 November 2021 15:27  
To: [REDACTED]  
Subject: Mid and East Antrim BC - LA02/2017/0594/F

[REDACTED]

In general terms it is good practice to denote what part or parts of the statutory legislative direction the council has considered triggers the obligation to notify DFI. These are set out in the schedule attached to the Direction.

Part 3(1) of the direction sets out the information to be provided to DFI. Basically we need to be able to see everything that led to the recommendation to committee and the subsequent decision by committee. I would assume that this should already be publically available on the portal. We also need the committee minutes to follow their reasoning and any third party information given to them at committee for reaching their decision. There can obviously be a lag in providing minutes as some councils choose not to release minutes until they have been ratified.

Part 3(2) of the direction allows for electronic submission. There is no DFI preference so if you wish to submit documents by hard copy, they need to be addressed to Clarence Court. If you submit electronically then the direction sets out you can do this by providing the links to the relevant application. In terms of committee minutes there may be a link to a council website you can provide for both written minutes and any audio recordings possibly made. Be mindful that any links need to be accessible to an external user.

Submissions by email need to be made to [Planning@infrastructure-ni.gov.uk](mailto:Planning@infrastructure-ni.gov.uk)

Hopefully this is of some help.

Kind regards,

[REDACTED]

From: Henry McAlister [REDACTED]  
Sent: 05 November 2021 14:35  
To: [REDACTED]  
Cc: DfI Planning Service HQ <[Planning@infrastructure-ni.gov.uk](mailto:Planning@infrastructure-ni.gov.uk)>  
Subject: RE: Mid and East Antrim BC - LA02/2017/0594/F

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**FOR INTERNAL NICS STAFF ONLY** - If you have any concerns regarding the email please forward to [spam@finance-ni.gov.uk](mailto:spam@finance-ni.gov.uk).

Hi [REDACTED]  
I'm just working on this at the minute. Please see attached from Paul Duffy, Head of Planning

Can you let me know just the exact details that DFI require? As you can imagine the application file is pretty big – do you need a copy of everything or can you work from the information on the portal? We can get copies made up if necessary.

Thanks [REDACTED]



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Antrim**  
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our MEA safe**



Wash hands



Cover face



Make space



Fresh air

#ourMEA



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**From:** [Redacted]

**Sent:** 05 November 2021 14:30

**To:** [Redacted]

**Subject:** Mid and East Antrim BC - LA02/2017/0594/F



I hope you are keeping well.

DFI Regional Planning have been made aware that the committee at yesterday's planning committee meeting overturned the recommendation to refuse the above application. Obviously the council will be aware that there are statutory notification processes to DFI as per the 2017 direction for major applications. I have been asked to seek confirmation if it is the intention of council to notify DFI?

A link to the relevant direction is attached for your convenience.

[THE PLANNING \(NOTIFICATION OF APPLICATIONS\) DIRECTION 2017 \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/the-planning-notification-of-applications-direction-2017)

If the council do proceed to notify please be aware that electronic submission please be aware that all notifications to DFI should be made to [Planning@infrastructure-ni.gov.uk](mailto:Planning@infrastructure-ni.gov.uk)

Further guidance on the notification and call in process can be found in DMPN 13. A link is provided for your convenience. Please note that guidance makes reference to the now superseded 2015 direction for major applications.

[https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn\\_13-notification-and-call-in-v5-may-2016\\_0.pdf](https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn_13-notification-and-call-in-v5-may-2016_0.pdf)

Kind Regards

[Redacted]

Senior Planning Officer, Regional Planning Directorate | Department for Infrastructure | Rm 1.01 | Clarence Court | 10-18 Adelaide Street | BELFAST BT2 8GB

[Redacted]



**Mid & East  
Antrim**  
Borough Council

Our ref: LA02/2017/0594/F

Mr Angus Kerr  
Chief Planner  
Department for Infrastructure  
Strategic Planning Directorate  
Clarence Court  
10-18 Adelaide Street  
Belfast  
BT2 8GB

5 November 2021

Dear Mr Kerr

**“The Planning (Notification of Applications) Direction 2017”**

Mid and East Antrim Council proposes to grant planning permission for a wind farm development at Carnalbanagh, which is approximately 9.5km east of Broughshane, Ballymena, planning ref: LA02/2017/0594/F.

In accordance with the above Direction, I am Notifying the Department that Mid and East Antrim Borough Councils Planning Committee voted to approve the above application, which attracted a significant objection from a Statutory Consultee. DAERA, Natural Environment Division objected to the proposed development due to its visual impact and loss of protected habitat.

Please find attached a copy of the application, which includes all representations and a copy of the Committee Report, together with a statement setting out the council's reasons for proposing to grant planning permission.

This letter is to be taken as the requisite notice.

Yours sincerely

**Paul Duffy**  
**Head of Planning & Building Control**

Please reply to

**Head Office**  
The Braid  
1-29 Bridge Street  
Ballymena BT43 5EJ

**Ballymena Office**  
Ardeevin  
80 Galgorm Road  
Ballymena BT42 1AB

**Carrickfergus Office**  
Museum & Civic Centre  
11 Antrim Street  
Carrickfergus BT38 7DG

**Larne Office**  
Smiley Buildings  
Victoria Road  
Larne BT40 1RU

**Planning Office**  
Silverwood Business  
Park  
190 Raceview Road  
Ballymena  
BT42 4HZ

Chief Executive OBE  
Anne Donaghy

Tel: 0300 1245 000

[www.midandeantrim.gov.uk](http://www.midandeantrim.gov.uk)



Application LA02/2017/0594/f relates to the construction of a wind farm comprising 7 No. wind turbines at lands north of Carnalbanagh, Ballymena. This rural site, within an Area of outstanding natural beauty, is located approximately half way between Broughshane and Ballygally.

Due to the nature and scale of this proposal, an Environmental Statement was also submitted along with the planning application.

The application is seeking to construct 7 turbines with a tower height of 72.5 metres and a blade height of 125 metres. Additional works will include a turbine transformer located at the base of the turbine, an electrical substation/control building and access upgrades.

This is not the first planning application for a wind farm at this site. Application G/2014/0182/F, submitted in May 2015, related to the construction of 10 turbines with a blade height of 126.5 metres. The applicant chose not to bring it before the planning committee and opted for a non-determination appeal before the Planning Appeals Commission. However, this appeal was dismissed on the 6<sup>th</sup> June 2016 on visual grounds.

Whilst the turbine heights are similar please note that 3 turbines have been removed. That is a single turbine at the south western point of the site and two from the north easterly section of the site. This has reduced the horizontal extent of the windfarm across the landscape.

After an extensive consultation process, all consultees were satisfied subject to conditions with the exception of DAERA's Protected Landscape team and Natural Environment Division who in conjunction with the RSPB expressed major concerns in regards to birds.

When determining the visual impacts of a windfarm on the landscape, one tool available to decision makers is the booklet: NI: Landscape Character Assessment 2000. This subdivided NI into 130 different landscape based upon geology, land form, ecological features etc. It also set out the principles for accommodating wind energy development within these areas.

The landscape area to which this proposal relates is the Central Ballymena glens. The guidance notes refers to this as one which is extremely sensitive to wind energy development due to its distinctive character, relative wildness and tranquillity. The Landscape team believe that not only is this proposal unacceptable in this sensitive location but it is not sympathetic to the unique physical land mark that is Slemish when viewed from the critical views.

These critical views include Glenview Road, please note Slemish to the right of the photograph; Feystown Road, Slemish is more central within this photo and Shilnavogy road.

DAERA's Natural Heritage Division and the RSPB indicated that 10% of NI curlew population can be found within the mid Antrim area, whilst 13 pairs have been recorded within the windfarm and surrounding area. These figures, I must add are disputed. However, even with the submission of additional information on this matter, the decline in the Curlew breeding population and the need to protect breeding sites was deemed sufficient to recommend refusal.

The Natural Heritage Division also considered the impact on raptures and particularly the hen harrier. Like the curlew this bird is in steep decline and this area is one where nesting has been noted. Taking into consideration the above points, namely the impact on nesting sites, refusal, is also recommended.

There were 962 letters of objections and 518 letters of support.



Supporters indicate the benefits to renewable energy targets, employment opportunities and financial gains via the community fund. Councillors, please note that community funds cannot be considered a material consideration when assessing this application.

Letters of objections included points such as the impact on the landscape and priority species – see above; tourism issues, noise, public safety and shadow flicker. These issues have generally been address via consultee responses and / or conditions.

In terms of the latter, shadow flicker; this occurs when the sun shines behind a turbine. When the blades rotate the shadow can flick on and off. It is a rare occurrence due to the direction of the residence relative to the turbine, distance of the property from the turbine, time of year, the frequency of bright sunshine and cloudless skies etc. However, as the possibility of it occurring has been identified, turbines 4 & 5 will be subjected to mitigation measures and shut down at the appropriate times.

Having considered the planning history - refusal, the sensitive nature of the site – area of outstanding natural beauty, consultation responses and letters of support /objection, the planning department would recommend refusal on visual grounds and impact on priority species.



Mid & East  
Antrim  
Borough Council

**Planning Committee  
04<sup>th</sup> November 2021**

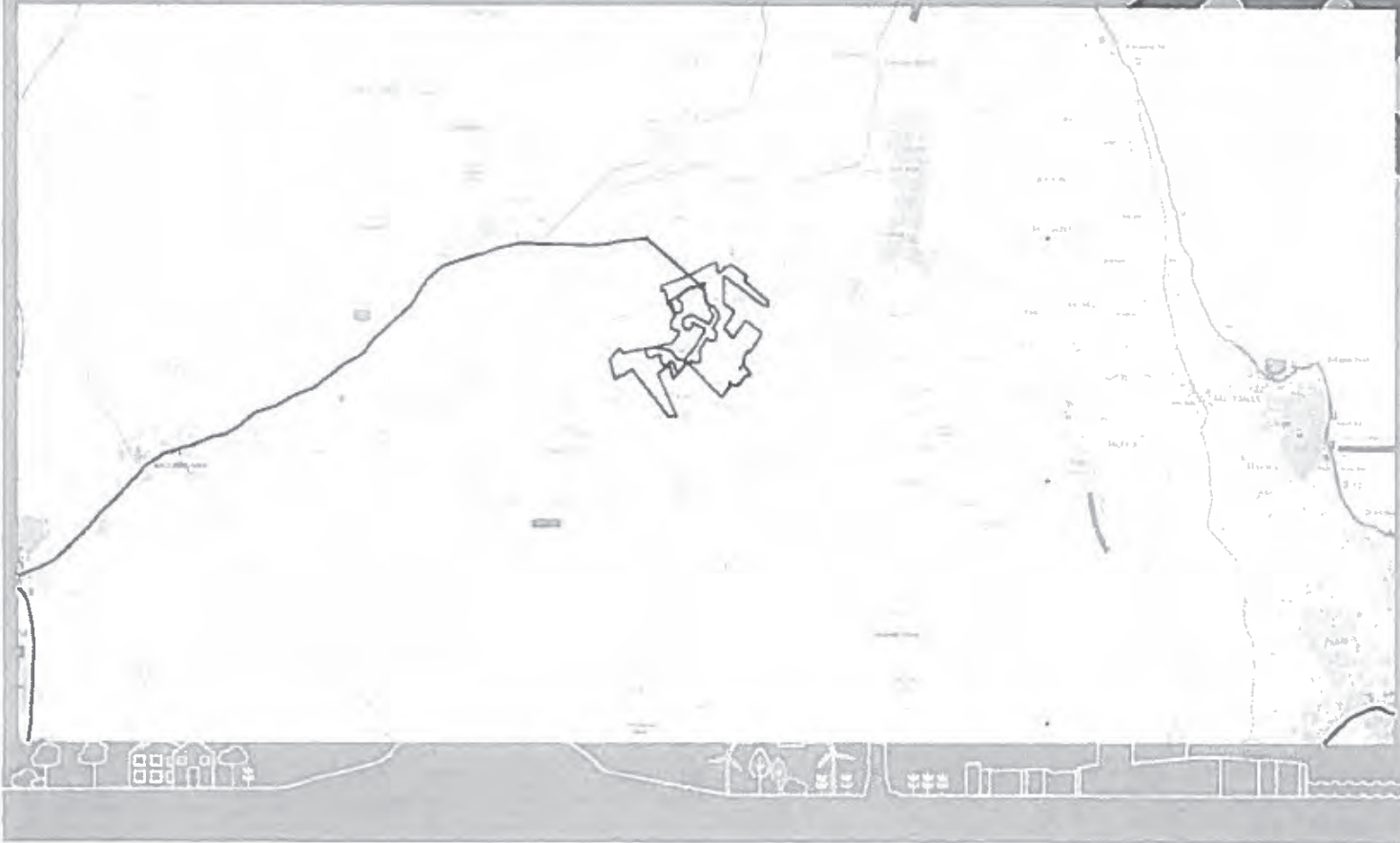
**Application: LA02/2017/0594/F**

**Construction of a wind farm  
comprising 7 no. wind turbines  
(tip height not exceeding 125  
metres), at Carnalbanagh,  
Broughshane**





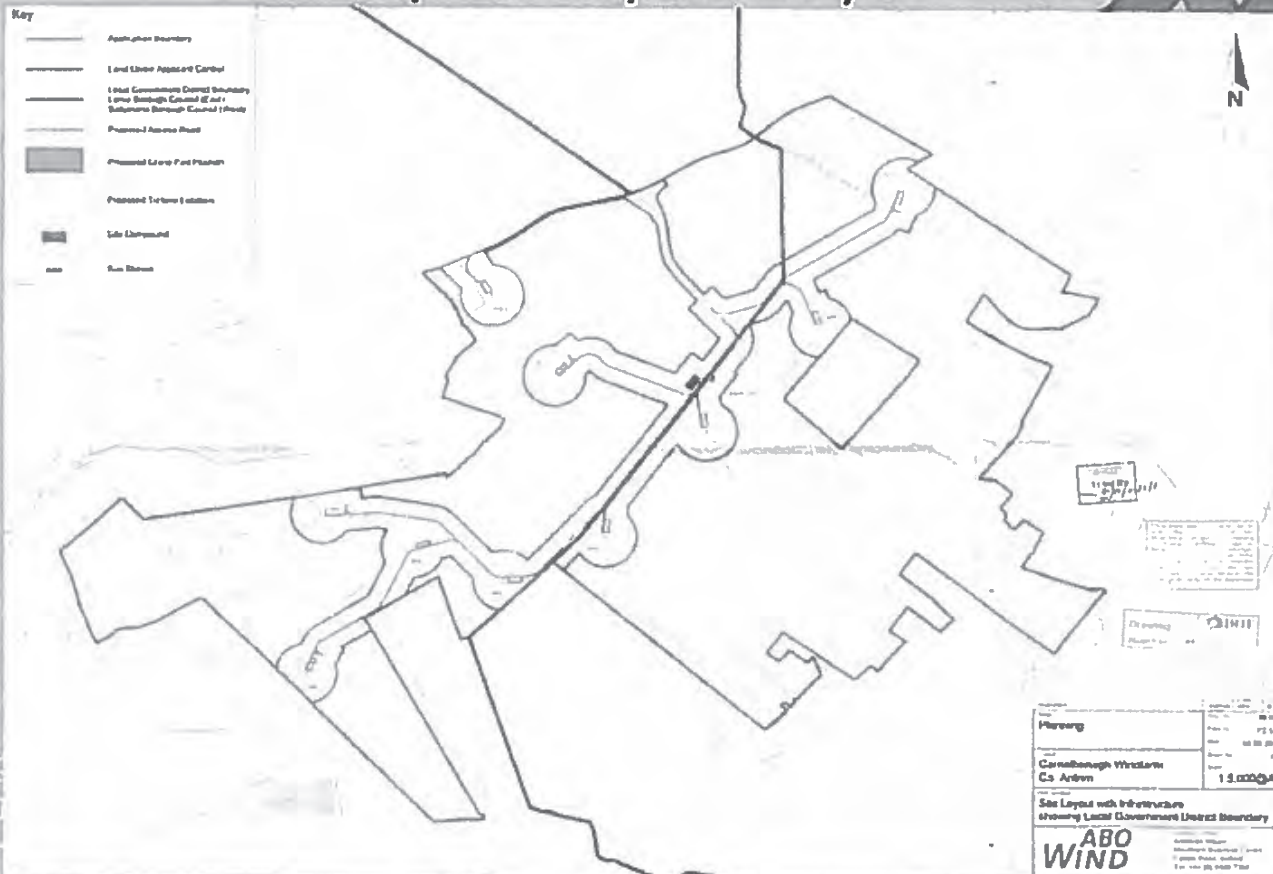
# Site Context







# G/2014/0182/F





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# Landscape Character Areas







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# Central Ballymena Glens





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# Critical View – Glenview Rd

Approximate location of the Proposed Development



Baseline Photograph



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# Critical View – Feystown Rd

Approximate location of the Proposed Development



Baseline Photograph

**REPRESENTATIVE VIEWPOINT 16: VIEW WEST FROM FEYSTOWN ROAD, FEYSTOWN**

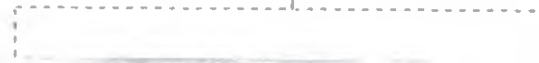




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Borough Council

# Critical View – Shilnavogy Rd

Approximate location of the Proposed Development



Baseline Photograph

**REPRESENTATIVE VIEWPOINT 2: VIEW NORTH-EAST FROM SHILLANAVOGY ROAD, BALLYNCAIRD**



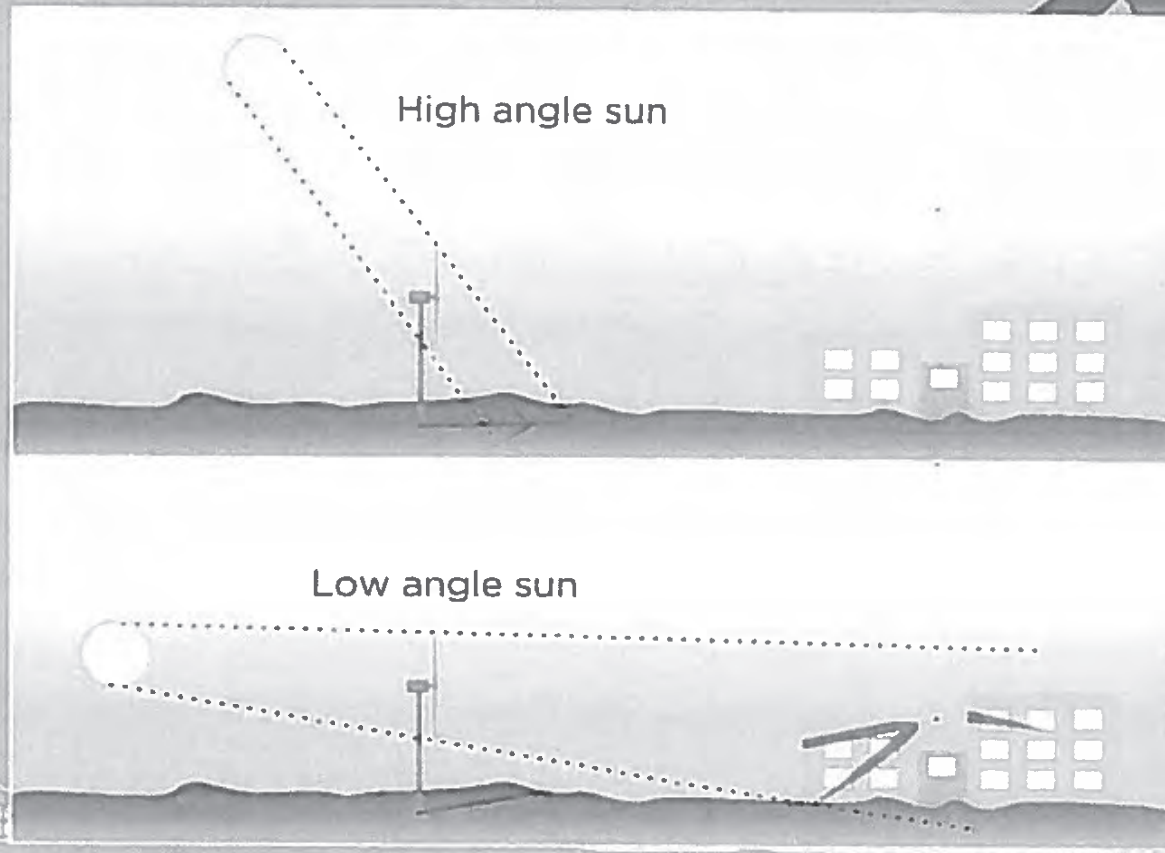


# CURLEW

# HEN HARRIER



# Shadow flicker



## Summary

- **Proposal: Residential Development.**
- **Major Application**
- **Consultees satisfied subject to conditions**
- **1 Objections**
- **Fulfil Planning Policy**
- **Recommendation: Approval**





**Mid and East Antrim Borough Council – Planning Committee**

<b>Application Ref:</b>	LA02/2017/0594/F
<b>Application type:</b>	Full Application
<b>Publication Status:</b>	Open meeting
<b>Date of Committee</b>	<b>4<sup>th</sup> November 2021</b>
<b>Case Officer:</b>	Henry McAlister
<b>Email:</b>	Henry.mcalister@midandeastantrim.gov.uk
<b>Telephone:</b>	028 25633225
<b>Proposal:</b>	Construction of a wind farm comprising 7 no. wind turbines (tip height not exceeding 125 metres), an electrical substation/control building, construction of internal access tracks and new access upgrade out onto the Kilnacolpagh Road and new access out onto Lough Road, temporary construction compound, formation of passing bays on Lisles Hill Road, Kilnacolpagh Road and Lough Road, junction improvements at A8/A36 roundabout junction, A8 Millbrook roundabout, Road bend on the A36 near Larne, motorway off slip at Broughshane (A42) junction 11, and Raceview Road, Lisles Hill Road, Lough Road and Kilnacolpagh Road and all associated ancillary works.
<b>Location:</b>	Lands 560 metres east of 87 Carnalbanagh Road to 770 metres north west of 43 Carnalbanagh Road including access out onto Kilnacolpagh and Lough Road in the townlands of Carnalbanagh, Kilnacolpagh and Buckna, 9.5 kilometres east of Broughshane.
<b>Applicant:</b>	ABO Wind NI Ltd
<b>Agent:</b>	Clyde Shanks Ltd
<b>Objections:</b>	962
<b>Support:</b>	518
<b>Recommendation:</b>	<b>Refusal</b>

## **1. Description of site and surroundings**

The site is located in a relatively exposed upland area to the northwest of Carnalbanagh on the boundary of the former Ballymena and Larne District Council areas. The majority of the site, as outlined in red, is within the former Ballymena District and therefore subject to consideration under the Ballymena Area Plan 1986-2001. The land to the east of the Kilnacolpagh Road, outlined in blue, is subject to the Larne Area Plan 2010, but both areas are located in the Antrim Coast and Glens Area of Outstanding Natural Beauty. Slernish is the closest distinctive landform in the surrounding open landscape and sits to the southwest of the proposed site. The nearest settlement is the village of Carnalbanagh which lies approximately 750m to the south of the site. Further to the west, the larger settlements of Broughshane and Ballymena can be found with Broughshane approximately 9.5km from the site of the proposed windfarm. The village of Glenarm is also of a similar distance to the northwest of the site.

Access to the site is taken from the Kilnacolpagh Road, close to its junction with the Lough Road. The site and the surrounding land comprises agricultural land with areas of peat/bogland and appears to be used mainly for grazing sheep. Boundaries are predominantly post and wire fences or low stone walls. The site comprises seven turbines with Turbine 7 being the closest to the Kilnacolpagh Road and the access to the site. The other six turbines are scattered along the ridge to the north of and above the Carnalbanagh Road, close to Carnalbanagh Sheddings, with the site spread across the townlands of Kilnacolpagh, Carnalbanagh and Buckna.

The proposed site is located within the southeastern portion of the Central Ballymena Glens Landscape Character Area (LCA 117), and is also close to its boundaries with the Larne Glens (LCA 123) and Larne Basalt Moorland (LCA 124) Landscape Character Areas, all of which are entirely or predominantly located within the Antrim Coast and Glens Area of Outstanding Natural Beauty.



## **2. Proposed Development**

Full Planning Permission is sought for a wind farm comprising 7 no. wind turbines (tip height not exceeding 125 metres). The infrastructural development associated with the windfarm includes an electrical substation/control building, the construction of internal access tracks and a new access upgrade out onto the Kilnacolpagh Road as well as a new access out onto Lough Road, a temporary construction compound, the formation of passing bays on the Lisles Hill Road, Kilnacolpagh Road and Lough Road, and junction improvements at the A8/A36 roundabout junction, the A8 Millbrook roundabout, the Road bend on the A36 near Larne, the motorway off slip at Broughshane (A42) junction 11, and at the Raceview Road, Lisles Hill Road, Lough Road and Kilnacolpagh Road.

Due to the nature, scale and size of the proposed development, an Environmental Statement has been submitted as part of the accompanying documentation with the planning application.

### **3. Relevant Planning History**

**G/2014/0182/F (Carnalbanagh windfarm):** Construction of a windfarm comprising 10 no. wind turbines (tip height not exceeding 126.5 metres), an electrical substation and control building, construction of internal access tracks, temporary construction compound, formation of passing bays on Lisles Hill Road, Kilnacolpagh Road and Lough Road, junction improvements at motorway off-slip and Raceview Road, Lisles Hill Road and Lough Road, and Lough Road and Kilnacolpagh Road, and all associated ancillary works. **Non-determination Appeal dismissed on 6<sup>th</sup> June 2016.**

**Recent windfarm decisions in the Mid and East Antrim Council Area include:**

**G/2011/0136/F (Castlegore):** Proposed 4 turbine wind farm (max blade to tip height 125m, hub height 75m) and ancillary development works at lands at Whappstown and Castlegore, Kells, Ballymena, Co Antrim. **Permission granted 23<sup>rd</sup> July 2015**

**LA02/2020/0516/LDP (Castlegore):** Establishing the lawful commencement of full planning permission G/2011/0136/F at Lands at Whappstown and Castlegore, Kells. **Permission Granted 9<sup>th</sup> December 2020**

**G/2011/0155/F (Cloghinarney):** Wind farm development comprising 6 no. wind turbines and ancillary development with each turbine to be 2.3MW with 126 metres max tip height on lands in the townland of Cloghinarney, east of Ballynulto Road, Ballymena. **Appeal dismissed on 12<sup>th</sup> April 2016.**

**F/2013/0085/F (Killyglen windfarm):** Construction of windfarm of 5 no. wind turbines (total hub height and blade length=approx. 125m), meteorological mast and ancillary development on lands approximately 700m south of 35 Mullaghsandall Road and Starbog Road, Kilwaughter, Larne. **Permission refused 10/07/2014. Appeal Dismissed on 6<sup>th</sup> May 2016.**

**F/2013/0101/F (Feystown):** Wind farm development of 6no. turbines, and associated ancillary works. Maximum height of each turbine to be 120.5m at lands east of Feystown Road, Glenarm; extending between an area situated approximately 750m east of 54 Feystown Road to lands adjacent to 92 Feystown Road. **Appeal dismissed on 6<sup>th</sup> July 2016.**

**F/2013/0244/F (Ballykeel windfarm):** Proposed Wind farm comprising of 7 no. wind turbines with total height of 99.5 metres including turbine transformers, turbine bases, and all ancillary works including road widening and improvement

works within the public verge on sections of the transport route along Shane's Hill Road and Starbog Road. **Mid and East Antrim Planning Committee overturned the Planning Department's recommendation to refuse the proposal and granted planning permission on 8<sup>th</sup> December 2016**

#### **4. Planning Policy Context**

Article 45 of the Planning Act (Northern Ireland) 2011 states that, "where an application is made for planning permission, the Council, or as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.

#### **The Regional Development Strategy 2035**

**Ballymena Area Plan 1981-2001**

**Larne Area Plan 2010**

#### **Mid and East Antrim BC – Local Development Plan 2030 - draft Plan Strategy**

The proposed turbines are located outside the proposed Area of Constraint on High Structures, therefore the proposed development does not raise issues of prematurity.

#### **The Strategic Planning Policy Statement for Northern Ireland (SPPS)**

The SPPS is a consolidation of the various planning policies into one document and sets out the strategic subject planning policy for a wide range of planning matters. For wind energy developments however, the SPPS adopts a slightly different emphasis from the previous policy context. Paragraph 6.223 states that a cautious approach for renewable energy development proposals will apply within designated landscapes of significant value, such as Areas of Outstanding Natural Beauty. The wider environmental, economic and social benefits of all renewable energy projects are material considerations to be given "*appropriate weight*" not significant weight, as was the case in PPS 18.

#### **DOE's Planning Strategy for Rural Northern Ireland – PSU 8**

**Planning Policy Statement 2 – Natural Heritage.**

**Planning Policy Statement 3 – Access, Movement and Parking/DCAN 15 Vehicular Access Standards**

**Planning Policy Statement 4 – Planning and Economic Development**

## **Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage**

## **Planning Policy Statement 16 – Tourism**

### **Planning Policy Statement 18 – Renewable Energy**

Policy RE 1 of PPS 18 the primary policy context for assessing this proposal. Development that generates energy from renewable sources will be permitted provided they do not result in an unacceptable adverse impact on visual amenity and landscape character nor on residential amenity.

### **Planning Policy Statement 18 Best Practice Guidance**

This guide provides background information on various renewable energy technologies and is designed to contribute to the determination of planning applications for such proposals.

### **Wind Energy Development in Northern Ireland's Landscapes – Supplementary Planning Guidance to accompany PPS 18 'Renewable Energy'**

Northern Ireland's landscapes, have been subdivided into 130 different landscape character areas and this guidance provides a description of key characteristics and an analysis of landscape condition and its sensitivity to change for each character area.

### **Planning Policy Statement 21 – Sustainable Development in the Countryside'**

Supplementary guidance within "Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside".

## **5. Consultations**

### **Environmental Health Department**

The Council's Environmental Health Department responded initially to advise that additional information was required in relation to the selection of the Quiet Daytime noise limit. Following the submission of Further Environmental Information, Environmental Health indicated that they are satisfied with the Noise Assessment and the justification for its daytime limit. Suggested conditions have been provided to ensure that the noise environment at the neighbouring receptors is no greater than that presented by the applicant.



### **NI Water Windfarms**

NIW Information Systems responded to advise no objections in relation to the fixed radio links and ST radio links that NIW operate.

### **NI Water Strategic**

NI Water provided standard advice and informatives on 28<sup>th</sup> July 2017.

### **Rivers Agency**

The Rivers Agency initially responded to advise that a Drainage Assessment would be required as well as the flood risk rationale to justify the parts of the site that were located within a predicted flooded area (as indicated on the Surface Water Flood Map). Following the submission of the further environmental information Rivers Agency stated that they did not disagree with the Flood Risk Assessment & Drainage Assessment as the proposed SuDs scheme is to discharge into an underground strata as opposed to a watercourse and was outside their remit.

### **Transport NI**

In their response of 10<sup>th</sup> October 2017, DfI Roads indicated that they were content subject to conditions relating to a detailed Programme of Works and Traffic Management proposals to be submitted prior to the commencement of the roads works and the provision of the access.

### **Historic Environment Division**

The Historic Environment Division (HED) responded to advise that additional information was required to address concerns regarding the potential effects on the historic environment. A number of deficiencies were noted in the previously submitted data and corrections sought along with further photomontages and a more detailed assessment of certain aspects of the impacts on the historic features in the area and additional provisions in the mitigation strategy. Following the submission of Further Environmental Information, HED responded to advise that whilst they did not entirely agree with all of the conclusions of the Environmental Statement and Further Environmental Information, they indicated that it would be acceptable under the PPS 6 archaeological requirements. Conditions include a developer-funded programme of archaeological works be agreed and implemented to mitigate against the impacts of the development in advance of new construction.

### **DAERA: Natural Environment Division (NED)**

In their initial response of 6<sup>th</sup> October 2017, the Natural Environment Division highlighted concerns with the proposal in relation to the loss of designated site features through collision with the turbines and associated infrastructure, the loss of breeding and foraging habitats through disturbance or displacement and requested up-to-date bird surveys due to the reliance on the data from application G/2014/0182/F and the RSPB data which has indicated significant changes in the



bird populations in the intervening period. Advice was given as to the extent and nature of the bird surveys required. Clarification was also sought in relation to the grazing management measures and confirmation of the applicant's control of the land for the habitat management measures to be implemented for the lifetime of the wind farm. Updated bat surveys were also requested as was a draft/outline decommissioning plan.

Following the submission of the updated surveys, NED indicated that they had concerns in relation to the proposed development, and in the absence of further information, considered the proposal to be contrary to the EIA Regulations, the Strategic Planning Policy Statement and Planning Policy Statement 2 as it would be likely to have a significant adverse impact on a NI priority species and protected species. The impact of the proposal on Curlew at the site was deemed to be the principal issue as NED felt there would be a significant risk of displacement of the Curlew holding territories. NED also considered that insufficient information had also been submitted in relation to mitigation and compensation measures and how these would be achieved or implemented. In addition it was noted that there were important omissions, ambiguities and contradictory statements in the outline Habitat Management Plan (OHMP).

In terms of priority habitats, NIEA noted that, although there are measures to enhance areas within the proposed development, the net result will be an overall permanent loss of a small area of degraded NI priority habitat which needs to be considered in any determination.

The Draft Restoration/Decommissioning Plan was considered to be acceptable subject to a condition on any grant of permission. The proposed grid connection route was also considered acceptable subject to a final Construction and Environmental Management Plan and proposed mitigation measures. NIEA also acknowledged that overall the site was a low risk for bats, and that they were generally content with the surveys provided but noted that a bat monitoring programme proposed at Turbine 1 was a necessary measure.

Following the submission of Additional Environmental Information to rebut the comments made by Shared Environment Services in relation to the conservation features of the designated sites (specifically Hen Harriers), NED were re-consulted. Their subsequent response recommended refusal of the proposed windfarm on the basis that the development would be contrary to the SPPS, PPS 2 – Policies NH 1, NH 2 and NH 5 and the Conservation Regulations as it was likely to have a significant adverse impact on the Antrim Hills SPA and cause harm to and have an unacceptable adverse impact on hen harriers (an Annex 1 species of the European Birds directive (2009/147/EC), a Northern Ireland priority species and a Schedule 1 species of the Wildlife (NI) Order 1985, as amended)

The rebuttal was followed up by Further Environmental Information (FEI) in the form of an Ornithology Survey (DOC 15) in December 2019 and NED's final response dated 18<sup>th</sup> October 2021 reiterated their previous comments that the proposed development is likely to have a significant adverse effect on, and undermine the conservation objectives of the Antrim Hills Special Protection Area

and cause harm and have an unacceptable adverse impact on hen harriers and curlew.

**DAERA: Protected Landscapes Team**

The Protected Landscapes Team highlighted significant concerns with the proposed development in their response of 7<sup>th</sup> August 2017 and advised that the proposed development was contrary to Policy NH 6 of PPS 2 in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality (specifically the physical, historical and cultural significance of Slemish). Concerns were also raised about the impact on Dark Skies due to the requirement for aviation warning lights on the turbines and the cumulative impacts of other windfarm and single turbine developments in the surrounding area. Following the submission of the Further Environmental Information, (DOC 10 and DOC 11), the Protected Landscapes team indicated that they had no additional comments to make to their previous response.

**DAERA: Waste Management (Land, Soil & Air)**

The Regulation team initially advised that the submitted information was out-of-date as it was previously submitted for the 2014 application and an updated water features survey was required. Following the submission of Further Environmental Information (DOC 10 and 11), the Regulation Unit considered that the proposed development would have minimal impact on local groundwater resources and/or quality.

**DAERA: Water Management Unit (WMU)**

The Water Management Unit responded on 6<sup>th</sup> October 2017 to advise that they were content subject to conditions relating to a Construction Environmental Management Plan prior to the commencement of construction and adherence to Standing Advice in relation to pollution prevention. Following the submission of Further Environmental Information (DOC 10 and DOC 11), the WMU stated that they were content with the amendments and that their previous conditions remained valid.

**Royal Society for the Protection of Birds (RSPB)**

On 30<sup>th</sup> August 2017, the RSPB (a non-statutory consultee) indicated that they had serious concerns in relation to the proposed wind farm in that it could have the potential to significantly impact upon breeding populations of breeding curlew and hen harriers in Northern Ireland. The lack of updated bird surveys was highlighted as was their view that the proposed curlew compensation area was unacceptable to mitigate against any potential impacts. Following the submission of updated surveys as part of the Further Environmental Information, (DOC 10 and DOC 11), the RSPB reiterated their previous recommendation and recommended that the Council refuse the application based on Policies NH 2 and NH 5 of PPS 2 – Natural Heritage as the RSPB were of the opinion that the proposal has the potential to significantly impact upon breeding populations of

breeding curlew. Concern was also expressed again in relation to the potential impact on hen harriers in the local area. Following the submission of rebuttals, (DOC 13 and DOC 14), and further Ornithology Surveys, (DOC 15), by the applicant to address the concerns raised in relation to the hen harriers and the impact on the Antrim Hills SPA, the RSPB reiterated their previous concerns.

#### **Shared Environmental Services**

Shared Environmental Services (SES) advised that the site is close to the Antrim Hills SPA and hydrologically connected to Lough Neagh and Lough Beg SPA/Ramsar and the East Coast pSPA. Additional information requested by DAERA was required for the Habitats Assessment. Following its submission, Shared Environmental Services concluded that the proposal as currently planned could have an adverse effect on the site integrity of the Antrim Hills SPA due to the attempted nesting of the Hen Harriers within and in the vicinity of the site. As the proposed windfarm could cause the loss of nesting habitat and potentially disturb or displace the Hen Harrier, it would be contrary to the conservation objectives of the site in light of the documented decline in the species in Northern Ireland. SES therefore recommended that planning permission should not be granted until the applicant could demonstrate that there was no adverse effect on site integrity. Following the submission of additional information and consideration of information supplied by the NI Raptor Study Group, Shared Environmental Services reiterated their previous conclusion as Hen Harriers have been confirmed to have bred successfully within the vicinity of the proposed windfarm. Their consideration concluded that the proposal would likely cause loss or deterioration of traditional nesting habitat and disturbance to and displacement of Hen Harrier which are active within the site. Consequently as the area is functionally linked to the SPA, the proposal would therefore result in an adverse impact on the site integrity of the SPA.

#### **Geological Survey of Northern Ireland**

Geological Survey indicated on 2<sup>nd</sup> August 2017 that the peat slide risk is considered low due to the relatively flat nature of the site and the thin peat layer and consequently they had no issues of concern.

#### **NIE Windfarm developments**

NIE responded on 31<sup>st</sup> July 2017 to advise that they had no objections to the proposed windfarm.

#### **DETI Energy**

The DETI Energy Division indicated on 17<sup>th</sup> July 2017 that they had no issues of concern and indicated their support for the proposal as it would contribute to the NI Strategic Energy Framework's target of 40% of its energy consumption from renewable sources by 2020.

**Belfast International Airport (BIA)**

On 21<sup>st</sup> July 2017, BIA stated that the proposed development did not conflict with the Belfast International Airport's safeguarding criteria. Conditions were provided relating to the need for aircraft warning lighting of the turbines and confirmation of the exact coordinates of the turbines, the level at the top of the base (Ordnance datum/above mean sea level), the height of the hub to the centre of the blade shaft and the blade diameter

**Civil Aviation Authority (CAA)**

No comments have been received from the CAA to date.

**NATS Safeguarding**

NATS (En Route) plc are responsible for the management of en route air traffic and indicated in their response of 18<sup>th</sup> July 2017, that whilst the proposed development was likely to impact on their electronic infrastructure, they had no safeguarding objections to the proposed development. Further consultation was requested in the event of amendments to the proposal.

**Defence Infrastructure Organisation (DIO) – Land Management and Disposals (NI)**

DIO stated in their response of 26<sup>th</sup> July 2017 that they did not object to the planning application.

**MOD Defence Infrastructure Organisation (DIO) - Safeguarding airspace**

The Ministry of Defence DIO have not provided any comments to date.

**Arqiva**

Arqiva responded to advise that they were responsible for providing the BBC and ITV transmission networks and ensuring the integrity of the Re-Broadcast Links and that they had no objection to the proposed windfarm.

**OFCOM**

OFCOM responded to indicate that there were no fixed links that would be affected by the proposed windfarm.

**Vodafone/Everything, Everywhere**

Everything, Everywhere have indicated that there are no links within 100m of the proposed windfarm and consequently they have no objections to the proposal.

**Vodafone Cable and Wireless**

Vodafone have indicated that they have no objections to the proposal.

**Lonmin (Northern Ireland Ltd)**

Lonmin have not provided any comments to date.

**British Telecom Radio Network Connection – windfarms**

BT advised that they had no objections as the proposed windfarm should not cause interference to their current and presently planned radio networks.

**PSNI Information & Communication Services / Westica**

Westica have considered the potential impact on the NI Emergency Services Radio Communications and Public Safety Telecommunications infrastructure and have no technical safeguarding objections to the proposal. Further consultation is requested in the event of amendments to the proposal.

**Northern Ireland Tourist Board (NITB)**

The NITB responded on 5<sup>th</sup> September 2017 to advise that, with the transfer of planning powers to local government, it does not consider it appropriate to comment. However NITB considered that the judgement of the acceptability of a proposal based on visual impacts and landscape protection would be sufficient to protect tourism assets and that the planning authority is best placed to make this determination.

**DAERA Fisheries & Climate Change**

DAERA Fisheries responded on 25<sup>th</sup> July 2017 to advise that they had no issues or concerns with the project from an aquaculture aspect subject to standard advice in relation to Art. 47 of the Fisheries Act and guidance on pollution prevention measures.

**DAERA Countryside Management**

DAERA Country Management Section have reiterated previous comments from a former Pre-Application Discussion under reference G/2012/0238/PreApp. These comments included advice to landowners involved in agri-environment schemes to notify the Department, to be aware of the restrictions on works within the bird nesting season, the need for precautions to be taken to minimise disturbance on farmland habitats, flora and fauna as well as recommendations for appropriate native species for tree planting.

**DAERA Forestry**

In their response of 12<sup>th</sup> January 2018, the Forest Service indicated that they had no objection to the proposed development. However they reiterated the need for

further consultation should amendments be proposed to the site boundary, the turbine locations or haulage route.

#### **Loughs Agency**

The Loughs Agency responded on 9<sup>th</sup> August 2017 to advise that they had no comments as it fell outside the geographical jurisdiction of their Agency and advised consultation with DAERA.

#### **Ulster Hang Gliding and Paragliding Club**

The Ulster Hang Gliding and Paragliding Club have not provided any comments to date.

## **6. Representations**

There have been a significant number of representations received with respect to this application – 1480 in total - of which 518 are letters of support and 962 are letters objecting to the proposed windfarm. Although there were local representations, a large number were also received from other parts of Northern Ireland and in some instances, further afield. The following issues were raised in the letters of objection:

- Contrary to SPPS, PPS 18 and PPS 2 – not appropriate design, siting, and scale for the locality and not sympathetic to the special character of the Antrim Coast and Glens AONB, which is a sensitive landscape that should be safeguarded
- Visual impacts of the proposed development on AONB, Slemish and Carnalbanagh area – it is of an excessive scale, and will be domineering and overbearing on an existing unspoilt and natural landscape
- The heights of the turbines will cause a blight on any landscape - not just a sensitive one
- Impact on the tourism assets of the area and filming locations
- Impact on Slemish - one of most recognised landmarks in Co. Antrim - especially in relation to its historic and religious interests and associations with St. Patrick
- Impact on recreational use and detract from the experience of walkers/ramblers using the Antrim Hills Long Distance footpath and their enjoyment of the natural landscape
- Impact on wildlife/flora and fauna
- Impact on wild birds, especially Priority Species such as Hen Harriers, Curlews and other conservation features of the European designated sites
- Destruction of/Loss of habitat
- Noise – impact on the stillness and tranquillity of area due to the introduction of mechanised movements as well as the impacts on the residential amenity of the closest dwellings
- Property Devaluation



- Proximity of dwellings to turbines – within recommended safety separation distances – structural safety of proposed turbines/ice throw
- Impacts on human health – in relation to sleeping patterns, school children with special needs & residents with existing medical conditions, such as epilepsy, autism and hearing disorders
- Shadow flicker/glare and reflection from turbines – also data underestimates the impact on No 43 Carnalbanagh Road
- Inadequacy of existing road network/infrastructure and traffic disruption during construction phase due to abnormally large loads/vehicles
- Road safety during construction phase especially in relation to the two local schools
- Potential impact on school numbers and consequently funding/status if parents withdraw children due to proximity of the turbines
- Also impact on cyclists who use these roads as part of the National Cycle Network 97
- Impacts on spring wells/water supplies
- Impacts on air quality
- Lack of long term research of impacts of turbines on flora and fauna
- Lack of Economic benefits – marginal to the area and only received by landowners; also the technology is imported and engineering firms constructing the turbines are not local
- Strategic Energy targets on line to be met from energy generated from other committed wind turbines/farms.
- Will magnify fuel poverty in NI – expensive form of energy and high industrial costs in NI
- Interference with TV signals
- Breach of human rights – affects residential and social amenities
- Impacts on area used for flying model aircraft

The letters of support highlighted the positive economic, community and educational benefits associated with a windfarm and the fact that they are sustainable and a form of renewable energy. Other points noted include;

- Provides investment in local area through local community benefit fund
- Supports the farming incomes of the landowners – farm diversification project
- Results in local contracts and jobs associated with the sourcing of materials (eg stones/aggregates) and construction.
- Rates will be payable to Mid and East Antrim Council
- Renewable energy is the way forward – infinite source of “green” energy
- Clean source of electricity and less air pollution
- Reduces carbon footprint and impacts of climate change
- Contributes towards Government targets for sustainable energy generation
- Supports local community groups and local businesses – knock-on effects include increased sales in shops, filling stations and accommodation



- Provides a visual attraction to the area
- Will not impact on human health/minimal medical risk associated with proposed turbines

## **7. Consideration and Assessment**

**Policy CTY 1 of Planning Policy Statement 21 – Sustainable Development in the countryside** allows planning permission for non-residential development within the countryside (and in this case, wind energy development), provided the development meets the criteria listed in **Policy RE 1 of PPS 18 - Renewable Energy**. The principle of development is therefore acceptable subject to the proposal meeting the specific criteria listed. PPS 18 is also supported by a Best Practice Guide (BPG) which provides more specific guidelines for assessing the various types of renewable energy sources.

Under Policy RE 1, development that generates energy from renewable resources will be permitted provided the proposal will not result in unacceptable adverse impacts on five elements;

- 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
- e) Public access to the countryside

In addition, all wind energy development will be required to demonstrate the development has taken the cumulative impact of existing and current valid turbines into consideration, that it will not create landslide or bog burst, nor unacceptable electromagnetic interference, no impact on roads rail or aviation, no impact arising from noise shadow flicker, ice throw and reflected light. Supplementary Planning Guidance "Wind Energy Development in Northern Ireland's Landscapes" is also taken into consideration.

### **(a) Public safety, human health or residential amenity**

The Planning Department has considered carefully the potential risks that the proposed turbines pose to public safety, human health and residential amenity and are of the opinion that significant adverse impacts will be minimal. The windfarm is located within a remote area with few dwellings in the immediate locality. The nearest dwelling, No 87 Carnalbanagh Road is approximately 560m from the closest turbine and the occupant is a landowner. The next closest (third party) dwelling is No 43 Carnalbanagh Road which is approximately 769m to the Southeast of Turbine 5. The small settlement of Carnalbanagh lies less than 1km to the south-east of the site and comprises a number of other dwellings, a

Primary School and Church. There are also a number of scattered dwellings in both directions along the Carnalbanagh Road. However all of the other dwellings in the locality have separation distances greater than 500m from the various turbines within the proposed windfarm. Objections have been raised in relation to the impact that these turbines will have on the health of the existing residents and in particular; their associated side effects such as noise, disturbance and the impact on sleeping patterns. Noise and Shadow flicker impacts have also been highlighted as posing particular problems for epilepsy sufferers and autistic children. This has been considered in further detail below.

Infrasound (low frequency noise) was also raised as potentially impacting on human health with reference made to published research. The Further Environmental Information has referred to the review of this research by the Public Health Agency which stated that ***“provided established guidance and best practice in relation to the placement of wind turbines and mitigation measures is undertaken, there is minimal to no risk to the health of the population”***. They have also indicated that their view is supported by the best current scientific evidence. The DOE’s Best Practice guide published in conjunction with PPS 18 also states that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health. This was based on a comprehensive study by ETSU in 1997 of vibration measurements in the vicinity of a wind farm in the UK and another subsequent survey by DTI (*Dept of Trade and Industry*)

#### **Noise:**

Policy RE1 advocates a separation distance of 10 times the rotor diameter to occupied property, with a minimum distance of not less than 500m as a general rule for wind farm proposals. The rotor diameters of the proposed turbines are 105m, so the recommended separation distance would be 1050m. The Environmental Statement identifies the closest dwelling to be No 87 Carnalbanagh Road which is over 500m away from any of the proposed turbines and its occupant has a financial interest in the proposal. The closest third party dwelling is approximately 796m to the southeast of turbine 5. The Noise Assessment monitored noise levels at 7 locations - on the Lough Road(1), the Carnalbanagh Road (5) and on the Burnside Road(1) and identified 57 noise sensitive locations in the vicinity of the site. Two additional single turbines were assessed as part of the cumulative effects and the Assessment concluded that a number of properties on the Carnalbanagh Road required a mitigation strategy to ensure that the noise levels were acceptable. Environmental Health have accepted the robustness of the noise survey data but initially required additional information to justify the selection of the daytime fixed limit. Following the submission of Further Environmental Information in April 2018, (DOC 10 and DOC 11), Environmental Health have provided conditions to control the noise emissions which detail the required noise levels at 54 of the properties monitored. The conditions also include the need for monitoring of the noise levels of all the turbines upon their operation. Environmental Health have also considered the issues raised by the objectors and have rebutted their comments in relation to the ETSU standards in their response of 30<sup>th</sup> August 2018.

### **Safety**

Properly designed and maintained wind turbines are relatively safe technology and few accidents have occurred involving injury to humans. Best Practice separation distance for safety requirements in relation to wind farm developments equates to 10 times the rotor diameter to the occupied property, which in this case would be 1050m. The Environmental Statement has noted that there are 50 properties located within 1km of the windfarm, most of which are on the Carnalbanagh Road and therefore within this recommended distance. Objections have highlighted an application within the Causeway Coast and Glens Council Area (C/2011/0158/F) where a refusal reason relating to public safety was included due to occupied dwellings within the recommended separation distance of 10 x the rotor diameter. This application was subsequently withdrawn and the refusal reason has not been tested at appeal. However all of the third party properties at Carnalbanagh are more than 500m away from the turbines with the majority of the dwellings at least 700-800m from any of the proposed turbines. The likelihood of any potential significant risks to public safety reduces exponentially with distance, and whilst some of the neighbouring properties are under the threshold, it may be difficult to sustain a refusal reason on this basis given their locations and distances from the turbines.

### **Electromagnetic Production and Interference**

The proposed wind turbine should not cause any significant adverse effects on communication systems. OFCOM did not identify any links in the area and Arqiva (who are responsible for the BBC/ITV transmission networks) have indicated that they have no objections. NI Water also assessed the proposal with respect to their fixed radio links and have also responded with no objections to the proposed windfarm. Objections were raised from third parties in relation to interference with TV signals but no quantitative or qualitative information was submitted to support this position. The Best Practice Guide notes that these impacts can be alleviated by a range of measures such as aerial redirection / upgrade or the installation or modification of a local repeater station or cable connection and it has not been demonstrated that such measures have been employed and/or failed.

### **Shadow Flicker and Reflected Light**

Shadow flicker only occurs inside buildings where the flicker appears through a narrow window opening and generally only properties within 130 degrees either side of north, relative to the turbine can be affected at these latitudes in the UK. The impacts of shadow flicker decrease with distance and only occur at certain times/days within the year depending on the angle of the sun, the season/month and the interaction of the sun with the positioning and movement of the turbine blade. It is not a continual feature throughout the year and it is recommended that levels do not exceed 30 mins per day and 30 hours per year in the Best Practice Guidance.

A Shadow Flicker Assessment was included within the Environmental Statement which assessed the potential impacts on nine properties along the Carnalbanagh

and Glenview Roads, and included the Primary School and Church. The Further Environmental Information submitted in April 2018, (DOC 10 and DOC 11), also acknowledged the representations made in relation to shadow flicker and additional consideration was given to the impacts on the properties from which the objections had been raised. It was noted within the additional information that 77 objections had referred to shadow flicker and that of these, 66 locations were more than 10 times the rotor diameter (1050m) away from the various turbines. Turbines 4 and 5 had the greatest potential to impact on residential amenities due to their proximity to dwellings, whilst turbines 1 and 2 were also considered in relation to the closest of the dwellings at No 87 Carnalbanagh Road, though the occupant of that property has an interest in the site.

A further 13 properties were considered in detail within the Further Environmental Information, and of those, ten dwellings were located to the south and south-east of the proposed windfarm. Such locations generally do not experience significant impacts from shadow flicker according to the guidelines in the Best Practice Guide though Appendix 10.1 of the Environmental Statement indicates these dwellings on the Carnalbanagh Road to be included on the margins of the mapped area. The Shadow Flicker Assessment within the Statement states that any shadow flicker resulting from the turbine will fall below the recommended Best Practice Guidance levels at most of the properties, with mitigation suggested to ensure that any shadow flicker is minimised.

The Further Environmental Information also noted that the replacement dwelling at No 53 Carnalbanagh Road had been incorrectly mapped and was further north and therefore closer to the windfarm. This dwelling had three Northwest facing skylights and it was concluded that it would potentially be affected by minor shadow flicker impacts. Objections from this property have stated that the property is already affected by shadow flicker from the existing single turbine to the north and that the shadow flicker has a detrimental health impact on at least one of its occupants due to an existing medical condition. The existing 11kW single turbine was considered as part of the cumulative impacts in the Assessment and the report proposed that Turbine 4 and Turbine 5 would be subjected to mitigation measures to ensure that they shut down at appropriate times where the prevailing light, time and wind conditions would result in the potential for shadow flicker. These measures would mean that the turbines could be conditioned to be fitted with a Shadow Flicker Protection System, if permission was forthcoming for the proposed windfarm.

### **Aviation Interests**

There are unlikely to be any adverse effects on air traffic movement and safety. Belfast International Airport has not objected to the proposal subject to aviation warning lights and precise coordinates/location details being supplied prior to development commencing. The National Air Traffic Services (NATS), has indicated that there may be impacts on electronic infrastructure but they have no safeguarding objections. The Defence Infrastructure Organisation has also cleared the proposed windfarm. To date no comments have been received from the Ulster Hang-gliding club.

### **Proximity to Power Lines**

The nearest overhead power lines are 11KV lines which run along the minor roads in the surrounding network and there is no evidence to demonstrate that the proposed development will have any detrimental impacts on these power lines. NIE were consulted but did not offer any objections to the proposal.

However the proposed windfarm will lead to an upgrading of the electricity infrastructure in the area to allow grid connection. The Further Environmental Information submitted in April 2018, (DOC 10 and DOC 11), indicates that the intention is to provide a grid connection to a Kells Cluster substation via a dedicated 33kV underground cable of approximately 23.93km. The exact nature of the grid connection was unknown at the time of the submission of the Further Environmental Information in April 2018. Additional information received from NIE has indicated that the remaining capacity of the proposed Kells Cluster, which has not yet been constructed, is 21.7 MW (ie. capacity that has not yet been committed). Underground cabling is also not without problems as damage can be caused to the ground/habitats from construction works and the electromagnetic fields which can permanently destroy the vegetation. According to the Best Practice Guide, peat is very slow at reinstatement. The underground cabling has the advantage of removing the more harmful visual impacts of pylons within the surrounding area but the proposed route is quite extensive – approximately 23km. The proposed cabling will traverse an area that is currently unspoilt with a lack of built structures and a natural environment comprising an abundance of flora and fauna. Natural Environment Division are content with the information provided the mitigation measures are conditioned to form part of a final Construction Environmental Management Plan.

### **Proximity to Road and Railways**

The proposed development will not attract significant regular vehicle movements as most of the traffic generated will be a result of the construction phase and thereafter for maintenance purposes. There are also no railway lines within close proximity to the site. The agent has indicated the access will be taken from the Kilnacolpagh Road with the main haulage route originating from the port of Larne. The road network around the site of the windfarm comprises mainly minor roads, though the transportation of the larger sections of the turbines will also take place along larger roads within the network such as the A8 and A36 to Ballymena before using the A42 to access the surrounding minor roads. The proposed development also includes improvement works to allow passing bays on the Lough Road, Kilnacolpagh Road and Lisles Hill Road during the construction phase. Consequently there are not likely to be any significant road safety issues arising from the proposal. DfI Roads have no objections to the proposal subject to a number of conditions being included on any decision notice.

### **Economic Considerations:**

PPS18 allows wider environmental, economic and social benefits to be given 'significant weight' in determining whether planning permission should be granted



and this is highlighted in Paragraph 4.1 of the policy's Justification and Amplification. However whilst the SPPS acknowledges that wider environmental, economic and social benefits of renewable energy projects are material considerations, it states that there is a need to attribute "*appropriate weight*" to them, rather than the "*significant weight*" of PPS 18. The difference in the weight given to these considerations means that such benefits are not necessarily overriding factors in the determination of any planning application. Where there is conflict between the newly published SPPS and the existing PPS 18, the transitional arrangements contained in Paragraph 1.12 of the policy states that it must be resolved in favour of the provisions of the SPPS.

The accompanying information indicates that the windfarm will generate approximately 24.6MW of electricity which will be enough power to meet the needs of 21,705 houses. It also states that it will create and support jobs in the locality especially during the construction phase, and that the landowners will get rental income for the use of their land. The jobs specified comprise development and construction posts, all of which are temporary in nature, with only 1 of the development posts and 10 of the construction posts being for the maximum duration of 1 year. The remainder of the posts are for a duration of less than 6 months and no job displacements have been factored into these figures. For maintenance, an estimate of 3 FTE posts per annum has been made with a small portion of administrative work and caretaking involved. However it goes on to clarify that these posts may not necessarily be located within the Mid and East Antrim Area, but may be somewhere in Northern Ireland.

The supporting information also notes that there may be benefits in the area due to local expenditure of the direct and indirect wages generated in the construction phase. However these benefits depend somewhat on the contractors used in this specialised field of construction. There are also few local services within Carnalbanagh Village so any benefits arising from these sources are more likely to be found in the wider area. In this instance the information has stated that the benefits of this nature are likely to be realised in Northern Ireland, with Larne and Ballymena the more likely recipients in the Mid and East Antrim Area.

The supporting documentation also indicates that the Council will benefit from the additional rates generated by the proposal and that a Community Fund will be established for the benefit of local community groups. Renewable energy is also promoted as a clean source of electricity and the windfarm would contribute to the strategic targets for such energy sources. However statistics from NIE indicate that these targets are not in any danger of not being met due to the numbers of already connected and committed renewable projects in Northern Ireland.

Whilst these latter benefits could potentially offer significant financial contributions to the local area, they have to be weighed up against the other social, economic and environmental impacts of the proposed development and its ancillary infrastructure, and appropriate weight given to their consideration. In this instance the Planning Authority is of the opinion that, although potentially significant, the overall wider economic considerations do not outweigh the

unacceptability of the environmental and visual impacts of the proposed windfarm.

**(b) Visual amenity and landscape character**

The overall heights of the wind turbines will range from 343.5m to 382.7m above sea level taking into account the tower heights of 72.5m, the blade diameters of 105m, the total turbine heights of 125m and their actual location within the landscape. Turbines by their nature are unlikely to be screened or concealed in the landscape, but their siting should be carefully considered to minimise their visual impact.

**Landscape Character Area**

The site is located within the Central Ballymena Glens Landscape Character Area (LCA No 117) and the Landscape guidance identifies this area as one which is extremely sensitive to wind energy development due to its distinctive character, relative wildness and tranquillity, its high scenic quality and key role in views from surrounding ridges and major tourist routes. The area is described as broad expansive glens fringed by slopes rising to 349 AOD at Slieve Rush to the north and a significant portion of the area within its south-eastern half is located with the Antrim Coast and Glens Area of Outstanding Natural Beauty. Landscape quality is described as extremely good and scenic quality as high and it has been noted that adverse impacts should be avoided on perceptual landscape qualities such as the wildness and tranquillity of the area and the setting of the Antrim hills, coast and glen.

The glen landscape also provides an important setting for the landmark feature of Slemish to the south. The Landscape Character Assessment for the area notes that care should be taken to avoid adverse impacts on the settings of cultural heritage sites or settlements, and on the setting of Slemish which is particularly sensitive. The need for consideration of other operational and consented wind energy developments within adjacent Landscape Character Areas was also highlighted.

This Landscape Character Area is also an important nature conservation area as it comprises a number of Areas of Special Scientific Interest and the Antrim Hills Special Protection Area which is known for supporting protected bird species such as Hen Harrier and Merlin. It has also been noted that there are scattered archaeological sites in the area which is a key gateway to the Antrim Coast and Glens AONB and is valued for recreation and leisure pursuits.

**Landscape Assessment**

The Landscape and Visual Impact Assessment within the Environmental Statement carried out an initial desk based study of an area with a 35km radius from the outermost turbines, as the Zone of Theoretical Visibility. Upon further

examination of the terrain within this area, a broad landscape context study was carried out for an area with a 20km radius and then a detailed landscape setting study of 10km was selected for further analysis. Detailed photomontages were also produced to demonstrate the impacts from 21 viewpoints as part of the Landscape Assessment.

### **Critical Views**

In relation to the previous appeal for application G/2014/0182/F, Mid and East Antrim Council were of the opinion that the visual impacts from all of the 21 viewpoints indicated were unacceptable. The same viewpoints have been considered by both the applicant and the Council's Planning Department for this current application. However the Planning Appeals Commission (PAC) felt that the more significant and detrimental critical views of the previous 10-turbine scheme were from the Glenview Road, Feystown Road and the Shilnavogy Road. These equate to Viewpoints 15, 16, 17, and 21 of the submitted photomontages. Although the visual impacts of the 10-turbine scheme were considered to be localised along the Kilnacolpagh road and Lisles Hill Road (viewpoints 3, 6 and 7) by the Commissioner, it was also noted that the turbines were prominent features within the landscape. Likewise, the appeal consideration felt that the visual impacts of the turbines from viewpoints, 8, 9 and 10 on the Carnlough Road were mitigated by their distance from Slemish and various intervening structures and vegetation, but the consideration also stated that the proposal would be relatively prominent from these viewpoints and would represent a notable introduction on the Carnalbanagh Ridge from the Carnlough Road.

The removal of three turbines from the previous scheme has reduced the horizontal extent of the windfarm across the landscape but the total turbine heights are only 1m lower than the previous proposal. Consequently, all of the critical views remain relevant considerations. As before, the most significant adverse impacts are found from the viewpoints along the Glenview Road, Feystown Road and the Shilnavogy Road. From these viewpoints, the landscape is characterised by wide open expanses, most of which are within the Area of Outstanding Natural Beauty (AONB). In this open landscape, the windfarm will be highly visible and will compete with Slemish as the dominant feature thereby resulting in an adverse impact on its setting.

The views from the summit of Slemish encompass the full panorama of the AONB's remote landscape with views extending to the east and northwards towards the coast. Although there are other structures visible from this viewpoint, they will not be of the same size, scale and grouping as the windfarm. Their location to the northeast of Slemish will also detract the observer's eye from the view of the open landscape towards the coast. Whilst the previous appeal consideration did highlight the presence of other wind turbines in a 360° view, the majority of them are single turbines of 30-40m in height scattered towards the western and southern flanks of the mountain. From the southern flank of Slemish views exist of a generally more developed rural area on this side of the mountain

as there are numerous scattered dwellings, farm buildings and other types of development associated with the larger settlements.

Slemish is a unique landmark sitting above mainly lower lying farmland and there are extensive views of its distinctiveness from longer distances, even from the more developed parts of the region to the south. Although these longer views were not considered as part of the detailed analysis due to their distance, it is likely that the turbines will also be visible from other locations. There are only a couple of single turbines between Slemish and the Coast within the northern part of the AONB and development within this area is generally much sparser. The proposed windfarm will therefore introduce large vertical structures into this open and generally undeveloped remote landscape and consequently have a significant detrimental visual impact on the AONB.

The proposed windfarm is a visible and significant feature in the landscape from all of the other viewpoints detailed in the Environmental Statement with these being taken from various distances. NIEA's Protected Landscapes team have indicated that they consider the proposed windfarm to be contrary to Policy NH 6 (Areas of Outstanding Natural Beauty) of PPS 2 in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. The Protected Landscapes team have also highlighted that the quality, character and heritage value of the landscape of the AONB lies in its tranquillity, cultural associations, conservation interest, visual amenity value and unique landscape character. In addition to its location within this sensitive area, the proximity of the proposal to Slemish Mountain means that it is not sympathetic to this particular locality as Slemish is not only a unique physical landmark but is of outstanding historic and cultural significance to the island of Ireland. Slemish is also regarded as being an iconic feature in the landscape and of local, regional and national importance.

Cumulative visual impacts of the proposed turbines with other windfarms have been considered within the supporting information. Since the time of the previous application, Cloghinarney windfarm (application: G/2011/0155/F) was dismissed on appeal. The Castlegore windfarm lies approximately 12km to the south and west of the proposed site with intervening higher ground so should have little cumulative impact. However the Ballykeel proposal (F/2013/0244/F), which is within 9km of the current site and to the east, close to Larne, was granted permission by Mid and East Antrim Planning Committee. Previously the Planning Appeals Commissioner felt that the intervening landform would limit views between the Ballykeel site and this location, and although visible from the summit of Slemish, the cumulative impact of the original proposal would not have an adverse visual impact on the character of the area. To the northwest, the Elginny Hill and Rathsherry windfarms were also considered by the Planning Authority to have had cumulative visual impacts with the previous proposal but the Commissioner was of the opinion that due to the intervening distance, it would not have an adverse visual impact on the character of the area. These have since been constructed and the cumulative visual impacts are now apparent.

Further consideration by the Protected Landscapes team have highlighted that they do not agree with the analysis within the Environmental Statement and have



detailed assertions and conclusions within the applicant's Landscape and Visual Assessment which they feel are misleading and/or offer incorrect interpretations of designations and analysis. They feel that the importance of the AONB has been downplayed in the analysis. Their opinion, which has been supported by reference to a previous appeal case PAC 1996/A084, is that the AONB is also an area for quiet contemplation as well as active pursuits and rural character is a reflection of isolation and the absence of the public in great numbers. Tranquillity and the perception of wildness is thus considered to be a significant asset of the landscape. The impact of the proposal on areas of Dark Skies within the AONB has also been noted as the turbines will require aviation warning lights. The Protected Landscapes team concluded the proposed windfarm would have substantial adverse landscape and visual impacts on a highly sensitive environment, which would be detrimental to the setting of Slemish (physically, historically and culturally) and which would visually dominate the receiving environment.

Following the submission of Further Environmental Information the Protected Landscapes Team referred again to their previous comments.

The Council's Planning Department have considered the Landscape Character Assessment of the area in relation to Wind Energy, the critical views from the surrounding road network, the surrounding landscape, topography, vegetation, the tourism assets of the area, the consultation responses, the various representations received, the presence of other built structures in the area including existing and approved turbines and electricity lines but are of the opinion that the visual impacts of this proposal are unacceptable.

### **(c) Biodiversity, nature conservation or built heritage interests**

There are a number of heritage assets within close proximity of the proposed development and also within the wider area which could potentially be impacted by the development. These include sites such as the Ticloy Portal Tomb, the Tamybuck Wedge Tomb, the Owencloghy ring barrows, several previously unrecorded features identified and mapped within the Inner Study Area of the Environmental Statement under the previous application (G/2014/0182/F), the Knockdhu Area of Significant Archaeological Interest (ASAI), the cairns on the summit of Slemish, as well as Slemish as a historic and cultural feature in its own right. The Historic Environment Division requested Further Environmental Information in order to assess the impact of the proposed development on these assets and whilst they did not entirely agree with the conclusions of documentation submitted, indicated that they were content to provide conditions relating to a developer-funded programme of archaeological works.

In relation to nature conservation, both NIEA's Natural Environment Division and the RSPB initially highlighted their concerns about the impacts on the breeding populations of curlew. The RSPB also noted the impact on hen harriers in the local area and have recommended Refusal under Policies NH 2 & NH 5 of PPS 2 based on the adverse impacts to breeding curlews. Curlew are a NI priority



species and a Schedule 1 Listed Species under the Wildlife (NI) Order 1985 (as amended). The RSPB also highlighted the importance of the Antrim Hills and Glenwherry area for over 10% of the NI curlew population, most of which are found in the Glenwherry area. Thirteen pairs of nesting curlew have been recorded by the RSPB as being within the windfarm site itself and within 3km of the site. Various assertions within the submitted information were also disputed as was the unacceptability of the mitigation measures proposed and the size of the compensation lands. It was also noted that no times were included for the wader walkover surveys in order to assess if they were carried out at the appropriate times. Under Policy NH 5 of PPS 2, a development proposal which is likely to result in an unacceptable adverse impact on or damage to habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

NIEA's Natural Environment Division also considered the impact of the proposed development on Priority Habitats, ornithology, bats and have concluded that the proposal is contrary to the EIA Regulations, the Strategic Planning Policy Statement and Planning Policy Statement 2 as it would be likely to have a significant adverse effect on a NI priority species and protected species. In addition NED considered that insufficient information was submitted in relation to necessary mitigation and compensation measures. NED initially stated that the data on nesting Hen Harriers was inconclusive and on that basis they considered the principal issue at the site related to the impact of the proposal on Curlews. The decline in the NI Curlew population was highlighted as was the need to maintain the remaining breeding sites and NED considered that there is a significant displacement risk of the Curlew territories by the wind farm.

Further environmental information, (DOCs 12, 13 and 14), was submitted to rebut and address the concerns raised by Shared Environmental Services about the impacts on the Hen Harriers, a conservation feature of the Antrim Hills Special Protection Area. NED also considered recent survey work carried out by the NI Raptor Study Group, which provided new evidence and highlighted the importance of Hen Harriers both within the Antrim Hills SPA and in the vicinity of the windfarm location. Their importance is accentuated by the overall decline in the population of the species and the fact that nesting has occurred within the vicinity of the windfarm. Consequently, NED subsequently recommended that, due to significant adverse impacts on the population of hen harriers in the area and Antrim Hills SPA, the proposed development was contrary to the SPPS and Policies NH 1, NH 2 and NH 5 of PPS 2. They have also reiterated that the precautionary principle is applicable to the Habitats Regulations Assessment with respect to the potential impacts on the designated site, the Antrim Hills SPA.

Additional Ornithology surveys, (DOC 15), were submitted to further rebut the concerns raised by NED and the Shared Environmental Service but they have reiterated their positions.

In relation to Priority Habitats, NED highlighted the presence of blanket bog, upland heathland and upland fens, flushes and swamps. Although enhancements in two areas were noted, NED have pointed out that, due to the

fact that there is no significant additional gain of priority habitat, the overall net result is the permanent loss of a small area of degraded NI priority habitat.

NED considered the updated bat surveys to be acceptable and that overall the site was low-moderate risk for bats. However NED noted that a proposed precautionary monitoring measure in the Further Environmental Information in relation to Turbine 1, is a necessary requirement.

The draft/outline Restoration/Decommissioning Plan was considered acceptable subject to conditions, as was the proposed route for Grid connection, with the details of such works to be conditioned and provided subsequent to any grant of planning permission.

**(d) Local natural resources such as air quality or water quality**

No concerns were raised by NIEA, the Rivers Agency or NI Water with respect to the impact on water quality from the proposed development that could not be addressed by conditions to ensure pollution control and mitigation measures being in place to protect the water environment. NIEA's Regulation Unit also indicated that they were content that there would be minimal impact from the proposed development on local groundwater resources and/or quality. There were also no issues raised from any of the statutory consultees in relation to air quality.

**(e) Public access to the countryside**

The proposed windfarm is in a remote location though the area is frequented by visitors to Slemish and members of the public pursuing outdoor activities. Tourists also visit other sites in the area which are associated with film locations. Access to the wind turbines is from the Kilnacolpagh and Lough Roads, and their operation will not interfere with these road users. Whilst the proposed windfarm will have significant visual impacts on the open landscapes viewed from Slemish and the other locations, the proposed development is unlikely to prevent visitors from accessing these sites. The Visitor's Car park at Slemish is on the southern flank of the mountain and therefore access to the mountain will not be affected, even though the turbines will be clearly visible from the summit of the mountain. Some of the film locations, are also found in these remoter landscapes, such as the Shilnavogy Road, so the visual impact of the proposed turbines could also potentially detract from the Visitor/Tourist Experience.

**8. Consideration of Representations**

**(i) Impact on visual amenity, landscape quality and character**

The impact of the proposed turbine on the visual amenity and landscape quality of the area has been raised by the objectors. The visual assessment of

a proposed development is a subjective judgement and the consideration of the visual impact of the turbine as well as its cumulative visual impacts have already been considered in Section 7 above. NIEA Protected Landscapes team have highlighted the detrimental impacts that the proposal will have on this area of the AONB and recommended refusal on the basis that the visual impacts are unacceptable. The previous planning application, G/2014/0182/F, for 10 turbines (126m in height) was dismissed on appeal at this location on the basis that the visual impacts were unacceptable. The current proposal comprises 7 turbines of 125m and it has been considered that the visual impacts of these turbines do not differ significantly enough from the previous proposal especially from the critical viewpoints, and are therefore also considered unacceptable,

**(ii) Impact on wildlife including bats, buzzards and specific birds**

NIEA: Natural Heritage (NED) and the RSPB have been consulted and initially requested additional information in relation to curlews, hen harriers and other species as the bird surveys were out-of-date since the previous appeal process. Following the submission of updated surveys, the RSPB and NED again highlighted concerns relating to breeding populations of curlew. Concerns relating to the potential impacts on Hen Harriers were subsequently highlighted following the consideration of further environmental information and recent research. As Hen Harriers are a Priority species and a conservation feature of the Antrim Hills SPA, the Planning recommendation to refuse the application and the associated refusal reason reflect these concerns. Aircraft warning lights are a normal safety feature for high structures such as turbines and are normally conditioned as part of any permission. The consideration of this element of the proposed development is also implicit in any assessment of impacts on wildlife and NIEA's Protected Landscapes team have highlighted the impact of such developments on Dark Skies areas.

**(iii) Impact on cultural heritage features**

The impacts on the archaeological and built heritage features in the area have been considered. Concerns were raised in relation to the accuracy of the analysis within the Environmental Statement regarding the nearby heritage assets. The need to sufficiently assess the impact of the proposed development on Slemish and its surrounding area as well as the Khockdhu Area of Significant Archaeological Interest was noted and the archaeological mitigation strategy was also considered inadequate. The submission of Further Environmental Information, (DOC 10 and DOC 11), included a broader assessment of the archaeological assets in the area and the Historic Monuments Unit are now content subject to conditions relating to a developer funded programme of archaeological works are included.

**(iv) Impact on Tourist Routes – Amenity recreation in need of protection**

The visual impact of the proposal has been considered above and the impact on Tourism is an integral aspect of the visual assessment as visitors to an area are attracted by unique and scenic landscapes. The main tourist assets

in the Carnalbanagh area include the Antrim Coast and Glens Area of Outstanding Natural Beauty and Slemish, which is of significant cultural and heritage value due to its association with St. Patrick. Slemish is a volcanic plug and forms a distinctive landmark feature in the surrounding landscape, much of which is undeveloped, remote and tranquil land. The proximity of the proposed windfarm will detract from its setting, distinctiveness and prominent uniqueness and the proposed development will have a significant visual impact on Slemish. However the proposed windfarm will not prevent access to the mountain as the access road and Visitor's car park are located on the southern flank. The Tourism offer in this Area of Outstanding Natural Beauty also includes walking and active outdoor pursuits as well as the opportunity to visit film locations for popular dramas/TV series. These attractions are found in some of the remoter areas of the Mid and East Antrim district and the proposed turbines could detract from the Visitor experience at these locations. However the previous appeal consideration concluded that there was no strong evidence of the impact of wind energy developments on tourist numbers, thus in the absence of such evidence, it would be difficult to sustain a refusal reason on that basis.

**(v) Impact on public safety and residential amenity by reason of Noise Pollution / Shadow Flicker /Cumulative noise impact / Infrasound (vibration)**

The potential for noise impacts has been considered above. Environmental Health as the authoritative body have considered the submitted Noise Assessment within the Environmental Statement and the subsequent Further Environmental information and have indicated that they are content with the proposed development subject to conditions. The Public Health Agency have also indicated that, subject to best practice and established guidance, there is minimal to no risk to the population associated with these facilities.

The issue of Shadow flicker has also been considered in Section 7 above and within the submitted Shadow Flicker Assessment. The letters of objections have been considered further with the submission of Further Environmental Information and to acknowledge these concerns, mitigation measures have been proposed which involve shutting off the closest turbines during periods where it is expected that shadow flicker conditions could occur. Such measures can be conditioned if appropriate. Most of the affected neighbouring dwellings are also on the margins of the safety zone and are at least 500-700m distant from the turbines. Given the Best Practice guide indicates that the impact is reduced with distance, any impacts from shadow flicker are unlikely to be significant enough to sustain a refusal reason.

## **Conclusions**

Having regard to the Ballymena Area Plan 1981-2001 and the current planning policies, the physical characteristics of the site, the proposed plans,

the various representations and all other material considerations the planning department is of the opinion that the application should be refused

### **Recommendation – Refusal**

## **9. Recommendations and Conditions**

The planning department recommends that planning permission is refused for the following reasons:

- R1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies NH 1, NH 2 and NH 5 of Planning Policy Statement 2: Natural Heritage and Policy RE1 of Planning Policy Statement 18: Renewable Energy in that the proposed development is likely to have a significant adverse impact on the Antrim Hills Special Protection Area (SPA) and cause harm to and result in an unacceptable adverse impact on:
- hen harriers (*Circus cyaneus*), an Annex 1 species of the European Bird Directive (2009/147/EC), a Schedule 1 species of the Wildlife (Northern Ireland) Order 1985 (as amended) and a Northern Ireland priority species;
  - curlew (*Numenius arquata*), a Schedule 1 species of the Wildlife (Northern Ireland) Order 1985 (as amended) and a Northern Ireland priority species
- R2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy RE1 of Planning Policy Statement 18: Renewable Energy in that the proposed development would, if permitted, have an unacceptable adverse impact on the visual amenity and landscape character of the area, which is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty by reason of the number, scale and siting of the turbines, the cumulative impact of approved windfarms within the vicinity of the site and sensitivity of the landscape.



[Redacted]

**From:** [Redacted]  
**Sent:** 17 November 2021 09:31  
**To:** Kerr, Angus; [Redacted] Dfl PG Secretariat  
**Subject:** FW: CM: DFIPG 353/21 - LA02/2017/0594/F - Wind Farm Carnalbanagh Road, Broughshane  
**Attachments:** DFIPG 353 21 - Letter to Mr Paul Duffy - LA02 2017 0594 F Wind Farm Carn....pdf; Untitled document.pdf

Please see attached letter & encl which issued today to Mr Paul Duffy for your records

Please note I have trimmed to CM IN1-21-291P004 for ref.

Thank you

[Redacted]



[Redacted]

Please consider the environment - do you really need to print this e-mail?

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**From:** [Redacted]  
**Sent:** 17 November 2021 09:28  
**To:** [Redacted]  
**Subject:** CM: DFIPG 353/21 LA02/2017/0594/F Wind Farm Carnalbanagh Road, Broughshane

Mr Duffy

Please see attached letter & enclosure from Scott Symington, Senior Principal, Regional Planning Directorate, Dfl for your attention.

Kind regards

[Redacted]

Please consider the environment - do you really need to print this e-mail?

Regional Planning Directorate



Department for

**Infrastructure**

An Roinn

**Bonneagair**

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Mr Paul Duffy  
Head of Planning and Building Control  
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BALLYMENA  
BT43 5EJ

Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB  
Tel: 0300 200 7830

Email: [REDACTED]

Our refer: DFIPG 353/21

17 November 2021

Dear Mr Duffy

**PLANNING ACT (NORTHERN IRELAND) 2011  
THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) (NORTHERN IRELAND)  
ORDER 2015  
THE PLANNING (NOTIFICATION OF APPLICATIONS) DIRECTION 2017**

**LA02/2017/0594/F - CONSTRUCTION OF A WIND FARM COMPRISING 7 NO. WIND TURBINES (TIP HEIGHT NOT EXCEEDING 125 METRES), AN ELECTRICAL SUBSTATION/CONTROL BUILDING, CONSTRUCTION OF INTERNAL ACCESS TRACKS AND NEW ACCESS UPGRADE OUT ONTO THE KILNACOLPAGH ROAD AND NEW ACCESS OUT ONTO LOUGH ROAD, TEMPORARY CONSTRUCTION COMPOUND, FORMATION OF PASSING BAYS ON LISLES HILL ROAD, KILNACOLPAGH ROAD AND LOUGH ROAD, JUNCTION IMPROVEMENTS AT A8/A36 ROUNDABOUT JUNCTION, A8 MILLBROOK ROUNDABOUT, ROAD BEND ON THE A36 NEAR LARNE, MOTORWAY OFF SLIP AT BROUGHSHANE (A42) JUNCTION 11, AND RACEVIEW ROAD, LISLES HILL ROAD, LOUGH ROAD AND KILNACOLPAGH ROAD AND ALL ASSOCIATED ANCILLARY WORKS ON LANDS 560 METRES EAST OF 87 CARNALBANAGH ROAD TO 770 METRES NORTH WEST OF 43 CARNALBANAGH ROAD INCLUDING ACCESS OUT ONTO KILNACOLPAGH AND LOUGH ROAD IN THE TOWNLANDS OF CARNALBANAGH KILNACOLPAGH AND BUCKNA 9.5 KILOMETRES EAST OF BROUGHSHANE**

I refer to your Council's notification, received by this office on 08 November 2021, in relation to the above planning application.

The information you have provided in support of your notification, under The Planning (Notification of Applications) Direction 2017, is incomplete. Before the Department can

E-mail: [planning@infrastructure-ni.gov.uk](mailto:planning@infrastructure-ni.gov.uk)

Website: [www.infrastructure-ni.gov.uk/topics/planning](http://www.infrastructure-ni.gov.uk/topics/planning)

proceed with its consideration of this notification please can you submit the following documentation/information:-

- Please provide clarification as to the criteria under which the Department has been notified as set out in Part 3(iii) of the Schedule to The Planning (Notification of Applications) Direction 2017.
- Please also submit a copy of the statement of Council's reasons for proposing to grant planning permission, required by Section 3(1)(e) of the 2017 Direction. This statement is referred to in your notification letter, however, it does not appear to have been included.
- In addition to the matters outlined above, please confirm the title of the document received as part of your submission on 10 November 2021. It seems to outline a case for refusing the application. However, I would ask that the nature and purpose of this document be clarified. A copy is enclosed.

I would be grateful if you could submit this information at your earliest convenience.

For clarification purposes, the 28 day period within which the Department may require you to refer the application to it for determination will commence on the date of receipt of all of the above information.

Yours sincerely



**Senior Principal**

**Encl**

Application LA02/2017/0594/f relates to the construction of a wind farm comprising 7 No. wind turbines at lands north of Carnalbanagh, Ballymena. This rural site, within an Area of outstanding natural beauty, is located approximately half way between Broughshane and Ballygally.

Due the nature and scale of this proposal, an Environmental Statement was also submitted along with the planning application.

The application is seeking to construct 7 turbines with a tower height of 72.5 metres and a blade height of 125 metres. Additional works will include a turbine transformer located at the base of the turbine, an electrical substation/control building and access upgrades.

This is not the first planning application for a wind windfarm at this site. Application G/2014/0182/F, submitted in May 2015, related to the construction of 10 turbines with a blade height of 126.5 metres. The applicant choose not to bring it before the planning committee and opted for a non determination appeal before the Planning Appeals commission. However, this appeal was dismissed on the 6<sup>th</sup> June 2016 on visual grounds.

Whilst the turbine heights are similar please note that 3 turbines have been removed. That is a single turbine at the south western point of the site and two from the north easterly section of the site. This has reduced the horizontal extent of the windfarm across the landscape.

After an extensive consultation process, all consultees were satisfied subject to conditions with the exception of DAERA's : Protected Landscape team and Natural Environment Division who in conjunction with the RSPB expressed major concerns in regards to birds.

When determining the visual impacts of a windfarm on the landscape, one tool available to decision makers is the booklet: NI: Landscape Character Assessment 2000. This subdivided NI into 130 different landscape based upon geology, land form, ecological features etc. it also set out the principles for accommodating wind energy development within these areas..

The landscape area to which this proposal relates is the Central Ballymena glens. The guidance notes refers to this as one which is extremely sensitive to wind energy development due to its distinctive character, relative wildness and tranquillity. The Landscape team believe that not only is this proposal unacceptable in this sensitive location but it is not sympathetic to the unique physical land mark that is Slemish when viewed from the critical views.

These critical views include Glenview Road, please note slemish to the right of the photograph; Feystown Road, Slemish is more central within this photo and Shilnavogy road.

DAERA's Natural Heritage Division and the RSPB indicated that 10% of NI curlew population can be found within the mid Antrim area, whilst 13 pairs have been recorded within the windfarm and surrounding area. These figures, I must add are disputed. However, even with the submission of additional information on this matter, the decline in the Curlew breeding population and the need to protect breeding sites was deemed sufficient to recommend refusal.

The Natural Heritage Division also considered the impact on raptures and particularly the hen harrier. Like the curlew this bird is in steep decline and this is area is one where nesting has been noted. Taking into consideration the above points, namely the impact on nesting sites, refusal, is also recommended.

There were 962 letters of objections and 518 letters of support.

Supporters indicate the benefits to renewable energy targets, employment opportunities and financial gains via the community fund. Councillors, please note that community funds cannot be considered a material consideration when assessing this application.

Letters of objections included points such as the impact on the landscape and priority species – see above; tourism issues, noise, public safety and shadow flicker. These issues have generally been address via consultee responses and / or conditions.

In terms of the latter, shadow flicker; this occurs when the sun shines behind a turbine. When the blades rotate the shadow can flick on and off. It is a rare occurrence due to the direction of the residence relative to the turbine, distance of the property from the turbine, time of year, the frequency of bright sunshine and cloudless skies etc. However, as the possibility of it occurring has been identified, turbines 4 & 5 will be subjected to mitigation measures and shut down at the appropriate times.

Having considered the planning history - refusal, the sensitive nature of the site – area of outstanding natural beauty, consultation responses and letters of support /objection, the planning department would recommend refusal on visual grounds and impact on priority species.



## **LA02/2017/0594/F - Wind Farm, Carnalbanagh**

### **Statement setting out the Council's reasons for proposing to grant planning permission**

Mid and East Antrim Borough Council proposes to grant planning permission for the above major development application, which has a significant objection from a Statutory Consultee, namely the Department of Agriculture, Environment and Rural Affairs, Natural Environment Division (Northern Ireland Environment Agency).

The application was recommended to the Planning Committee of Mid and East Antrim Council on 4 November 2021 with a recommendation to refuse. Two refusal reasons were recommended, which can be summarized as follows:

1. The proposed development is likely to have a significant adverse impact on the Antrim Hills Special Protection Area and cause harm to and result in an unacceptable adverse impact on:
  - Hen harriers, an Annex 1 spec of the European Bird Directive and a Schedule 1 species of the Wildlife Order and a Northern Ireland priority species.
  - Curlew, a Schedule 1 species of the Wildlife Order and a Northern Ireland priority species.
2. That if approved, the proposed development would have an unacceptable adverse impact on the visual amenity and landscape character of the area, which is within the Antrim Coast and Glen Area of Outstanding Natural Beauty.

In respect to the first refusal reason, Members took the view that the harm caused to a relatively small number of protected birds did not outweigh the bigger picture of the environmental benefits of promoting renewable carbon free energy and the harmful impacts caused by climate change, furthermore, they were also of the view that there was insufficient evidence presented to demonstrate that the proposed turbines would cause significant harm to the protected birds and that adequate land management mitigation measures were being proposed by the applicant.

The second reason related to the unacceptable visual impact of the proposed windfarm. Visual impact is clearly a matter of subjective planning judgement. Members took the view that, amongst other things, that the proposed windfarm was smaller in scale than the application previously refused planning permission by the Planning Appeals Commission at this location and that the current scheme would not have an unacceptable visual impact. Given the different circumstances, Members are entitled to reach a different conclusion from officers and attach different weight to subjective matters such as visual impact.

The Members were divided, which is not surprising given the subjective assessment which was at issue, and the fact that conflicting evidence was presented rebutting the harm that the proposed development would have on the protected birds, but ultimately they reached a majority decision.

The application was discussed for over an hour and a-half and the reasons for the Members ultimate decision is clear from the audio transcript, which is available to listen to on the Council's website.

Our ref: LA02/2017/0594/F  
Your ref: DFIPG 353/21

Mr Scott Symington  
Department for Infrastructure  
Strategic Planning Directorate  
Clarence Court  
10-18 Adelaide Street  
Belfast  
BT2 8GB

19 November 2021

Dear Mr Symington

**LA02/2017/0594/F Construction of a windfarm comprising of 7 No. wind Turbines, approximately 9.5km east of Broughshane**

I refer to your letter dated 17 November 2021 in relation to the above planning application and notification under The Planning (Notification of Applications) Direction 2017. As I understand, the Department is of the opinion that the information previously submitted was incomplete. Please find attached the outstanding information:

- **Clarification as to the criteria under which the Department has been notified as set out in part 3 (iii) of the Schedule to The Planning (Notification of Applications) Direction 2017.**

**(b) have an adverse impact on a Northern Ireland priority habitat or priority species.**

Curlew and hen harrier, a Schedule 1 species of the Wildlife (Northern Ireland) Order 1985 (as amended) and Northern Ireland priority species.

NIEA has serious concerns over the suitability of the Carnalbanagh site for the proposed development mainly because of its location within an important area for breeding curlew and its historical and current use for nesting by hen harriers. Both of these species have undergone severe declines in recent times, currently have very small populations within Northern Ireland and are at serious risk of extension.

Please reply to:

Head Office  
The Braid  
1-29 Bridge Street  
Ballymena BT43 5EJ

Ballymena Office  
Ardeevin  
80 Galgorm Road  
Ballymena BT42 1AB

Carrickfergus Office  
Museum & Civic Centre  
11 Antrim Street  
Carrickfergus BT38 7DG

Larne Office  
Smiley Buildings  
Victoria Road  
Larne BT40 1RU

Planning Office  
Silverwood Business  
Park  
190 Raceview Road  
Ballymena  
BT42 4HZ

Chief Executive OBE  
Anne Donaghy



**(c) have an effect on a Natura 2000 site as designated under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995.**  
Hen harriers, an annex I species of the European Birds Directive (2009/147/EC).

The proposal represents a major development which is 'functionally linked' to the Antrim Hills SPA. Hen harrier are active within the proposed wind farm site. It is considered that the proposed wind farm is likely to cause loss or deterioration of traditional nesting habitat. This is contrary to the conservation objectives of the site "*To maintain or enhance the population of the qualifying species*". Given the documented decline in the species in Northern Ireland, an adverse effect on site integrity of Antrim Hills SPA cannot be excluded beyond reasonable scientific doubt.

- **Copy of Statement of Council's reasons for proposing to grant planning permission.**  
Statement enclosed.
- **Confirm the title of document received as part of submission on 10 November 2021.**  
The document attached was the presenting officer's notes for the Planning Committee.

I trust you now have sufficient information to consider this notification.

Yours sincerely



**Head of Planning & Building Control**

Please reply to:

**Head Office**  
The Braid  
1-29 Bridge Street  
Ballymena BT43 5EJ

**Ballymena Office**  
Ardeevin  
80 Galgorm Road  
Ballymena BT42 1AB

**Carrickfergus Office**  
Museum & Civic Centre  
11 Antrim Street  
Carrickfergus BT38 7DG

**Larne Office**  
Smiley Buildings  
Victoria Road  
Larne BT40 1RU

**Planning Office**  
Silverwood Business  
Park  
190 Raceview Road  
Ballymena  
BT42 4HZ

Chief Executive OBE  
Anne Donaghy

[Redacted]  
**From:** [Redacted]  
**Sent:** 19 November 2021 16:32  
**To:** Symington, Scott  
**Cc:** [Redacted]  
**Subject:** RE: DFIPG 353/21 - LA02/2017/0594/F - Wind Farm Carnalbanagh Road, Broughshane  
**Attachments:** Dfl Carnalbanagh Letter.pdf; Carnalbanagh Statement.pdf

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Scott

LA022017/0594/F  
Please find attached outstanding information regarding Carnalbanagh Wind Farm.

Regards  
[Redacted]

[Redacted]  
Head of Planning & Building Control

Silverwood Business Park  
190 Raceview Road  
Ballymena  
BT42 1HN



☎ 028 2563 3216  
[Redacted]  
🌐 [www.midandeantrim.gov.uk](http://www.midandeantrim.gov.uk)

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#ourMEA

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**From:** [REDACTED]  
**Sent:** 17 November 2021 09:28  
**To:** [REDACTED]  
**Subject:** DFIPG 353/21 - LA02/2017/0594/F - Wind Farm Carnalbanagh Road, Broughshane

Mr Duffy

Please see attached letter & enclosure from Scott Symington, Senior Principal, Regional Planning Directorate, DfI for your attention.

Kind regards

[REDACTED]

Please consider the environment - do you really need to print this e-mail?





Nichola Mallon (MLA)  
Department for Infrastructure  
Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB

10 November 2021

Dear Minister Mallon,

**RE: LA02/2017/0594/F**

**Construction of a wind farm comprising 7 no. wind turbines (tip height not exceeding 125 metres), an electrical substation/control building, construction of internal access tracks and new access upgrade out onto the Kilnacolpagh Road and new access out onto Lough Road, temporary construction compound, formation of passing bays on Lisles Hill Road, Kilnacolpagh Road and Lough Road, junction improvements at A8/A36 roundabout junction, A8 Millbrook roundabout, Road bend on the A36 near Larne, motorway off slip at Broughshane (A42) junction 11, and Raceview Road, Lisles Hill Road, Lough Road and Kilnacolpagh Road and all associated ancillary works**

**Lands 560 metres east of 87 Carnalbanagh Road to 770 metres north west of 43 Carnalbanagh Road including access out onto Kilnacolpagh and Lough Road in the townlands of Carnalbanagh Kilnacolpagh and Buckna 9.5 kilometres east of Broughshane**

I am writing to request your urgent intervention to recall the above planning application for determination by the Department for Infrastructure. The manner in which the decision on this application was made by Mid and East Antrim Council Planning Committee raises serious questions regarding how it has discharged its statutory duties.

The application concerns a wind farm, comprising seven turbines, located within the south-eastern portion of the Central Ballymena Glens Landscape Character Area (LCA 117), and also close to its boundaries with the Larne Glens (LCA 123) and Larne Basalt Moorland (LCA 124) Landscape Character Areas, all of which are entirely or predominantly located within the Antrim Coast and Glens Area of Outstanding Natural Beauty.

On Thursday 04 November 2021 the application came before the Mid and East Antrim Planning Committee. The Planning Committee did not accept the Planning Department recommendation to refuse on material planning matters and instead overturned the recommendation. The Planning Committee cited reasons for approval as:

- The need for green carbon free energy for homes in the district
- Climate change - with references to the COP 26 conference in Glasgow

During the Committee debate members also referenced hill farming families and critical financial income. An audio recording of the meeting can be listened to at [Mid and East Antrim Planning Committee - Thursday, 4th November 2021 at 10:00am - Mid and East Antrim Council Webcasts \(public-i.tv\)](#)

You will be aware that where a Planning Committee departs from the recommendation to refuse in the final planning report it is obliged to furnish substantive and relevant planning reasons. The case of *Stuart Knox v Causeway Coast and Glens Council* states, **“Councils in Northern Ireland should, therefore, both welcome and embrace the legal duty to provide adequate, coherent and intelligible reasons for their decisions on planning applications and should, if necessary, revisit practices, procedures and cultures which are not conducive to the discharge of this solemn legal obligation.”**<sup>1</sup>

No such reasons have been provided by the Planning Committee and it has clearly failed in its legal duty.

You will also wish to know that a previous planning application, G/2014/0182/F, for 10 turbines (126m in height) was dismissed on appeal at this location on the basis that the visual impacts were unacceptable.

In this instance the Council's Planning Department, informed by its professional statutory consultees, recommended the application for refusal for the following reasons:

- **Reason 1**  
The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies NH 1, NH 2 and NH 5 of Planning Policy Statement 2: Natural Heritage and Policy RE1 of Planning Policy Statement 18: Renewable Energy in that the proposed development is likely to have a significant adverse impact on the Antrim Hills Special Protection Area (SPA) and cause harm to and result in an unacceptable adverse impact on:
  - hen harriers (*Circus cyaneus*), an Annex 1 species of the European Bird Directive (2009/147/EC), a Schedule 1 species of the Wildlife (Northern Ireland) Order 1985 (as amended) and a Northern Ireland priority species;
  - curlew (*Numenius arquata*), a Schedule 1 species of the Wildlife (Northern Ireland) Order 1985 (as amended) and a Northern Ireland priority species
- **Reason 2**  
The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy RE1 of Planning Policy Statement 18: Renewable Energy in that

---

<sup>1</sup> *Stuart Knox v Causeway Coast and Glens Council* -Paragraph 62

the proposed development would, if permitted, have an unacceptable adverse impact on the visual amenity and landscape character of the area, which is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty by reason of the number, scale and sitting of the turbines, the cumulative impact of approved windfarms within the vicinity of the site and sensitivity of the landscape

The manner in which the Planning Committee reached its decision is unacceptable and therefore I request that you exercise your authority under Section 29 of the Planning Act (Northern Ireland) 2011 to 'call in' this application for determination by the Department for Infrastructure. It should be 'called in' for the following reasons:

- The Planning Committee have not provided relevant planning reasons why this application should be approved.
- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) whereby the environmental, landscape, visual and amenity impacts associated with or arising from this application have not been adequately addressed or given appropriate weight.
- The proposal is contrary to PPS 2 Natural Heritage whereby the development will have a detrimental impact upon priority species. The Council has overlooked case law<sup>2</sup> whereby a precautionary approach must be taken.
- The proposal is contrary to PPS 2 Natural Heritage whereby the wind turbines will have an unacceptable impact on the Antrim Hills Special Protection Area (SPA) and the Antrim Coast and Glens Area of Outstanding Natural Beauty, as well as impacting upon the physical, historical and cultural significance Slemish Mountain and the Dark Skies
- The proposal is contrary to PPS16 Tourism TSM8 whereby the proposal will not ensure the safeguarding of tourism assets.
- The proposal is contrary to PPS 18 Renewable Energy whereby the development will have unacceptable adverse impact on the visual amenity and landscape character of the area.
- The proposal is contrary to Paragraph 6.224 of the SPPS & PPS 18 RE1 whereby it has not been demonstrated that the development will not give rise to unacceptable impact on public safety by virtue of proximity of turbines to occupied dwellings.

Under the guidelines relating to the Planning Act (Northern Ireland) 2011, the Department for Infrastructure can 'call in' any application for determination up until a decision notice is "formally issued". Since no decision notice has been issued to date the Department still has the authority to call in the application.

Yours Sincerely,

A black rectangular box redacting the signature of the sender.

---

<sup>2</sup> European Commission Guidance: Managing Natura 2000 Sites and the Waddenzee ruling in the European Court of Justice C-127/02

Regional Planning Directorate



Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB  
Tel: 0300 200 7830

Email: [REDACTED]

Our refer: TOF-1457-2021

24 November 2021

Dear [REDACTED]

**LA02/2017/0594/F - CONSTRUCTION OF A WIND FARM COMPRISING 7 NO. WIND TURBINES (TIP HEIGHT NOT EXCEEDING 125 METRES), AN ELECTRICAL SUBSTATION/CONTROL BUILDING, CONSTRUCTION OF INTERNAL ACCESS TRACKS AND NEW ACCESS UPGRADE OUT ONTO THE KILNACOLPAGH ROAD AND NEW ACCESS OUT ONTO LOUGH ROAD, TEMPORARY CONSTRUCTION COMPOUND, FORMATION OF PASSING BAYS ON LISLES HILL ROAD, KILNACOLPAGH ROAD AND LOUGH ROAD, JUNCTION IMPROVEMENTS AT A8/A36 ROUNDABOUT JUNCTION, A8 MILLBROOK ROUNDABOUT, ROAD BEND ON THE A36 NEAR LARNE, MOTORWAY OFF SLIP AT BROUGHSHANE (A42) JUNCTION 11, AND RACEVIEW ROAD, LISLES HILL ROAD, LOUGH ROAD AND KILNACOLPAGH ROAD AND ALL ASSOCIATED ANCILLARY WORKS ON LANDS 560 METRES EAST OF 87 CARNALBANAGH ROAD TO 770 METRES NORTH WEST OF 43 CARNALBANAGH ROAD INCLUDING ACCESS OUT ONTO KILNACOLPAGH AND LOUGH ROAD IN THE TOWNLANDS OF CARNALBANAGH KILNACOLPAGH AND BUCKNA 9.5 KILOMETRES EAST OF BROUGHSHANE**

Thank you for your correspondence, dated 10 November 2021, regarding the above planning application. The Minister has asked that I respond on her behalf.

I note your request for the Department to 'call in' planning application LA02/2017/0594/F from Mid and East Antrim Borough Council and also your reasoning for this request. You may be aware that the Council notified the Department on 19 November 2021, in accordance with The Planning (Notification of Applications) Direction 2017, which requires notification in circumstances including where a council has resolved to approve an

application against the advice of a statutory consultee, in this case the Natural Environment Division of the Department for Agriculture, Environment and Rural Affairs (DAERA).

The Department also issued a 'holding direction' to the Council on 23 November 2021, under Article 17 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 which prohibits the Council from issuing a decision notice until it has heard further from the Department. This Direction was issued to allow the Department time to consider whether or not the application should be referred to it for determination, under the provisions of Section 29 of the Planning Act (Northern Ireland) 2011, and the points you have raised in your 'call in' request will be considered as part of this assessment accordingly.

It is important to stress that the detailed planning merits of the application will not be taken into account, at this stage, and the decision will be based on whether or not there are issues of such importance that their impacts are considered to extend to a sub-regional or regional level.

As jurisdiction currently remains with the Council, any comments you may have in relation to the merits of the application should be directed to it in the first instance. I would also advise that if you are not satisfied with the manner in which the Council has handled this planning application or your particular concerns in relation to the application process you should, in the first instance if you have not already done so, raise this with the Council through its formal complaints procedure available via the following website link:-

<https://www.midandeantrim.gov.uk/council/about-us/complaints-comments-and-compliments>

If you do not feel that you receive a satisfactory response to your complaint from the Council you may also approach the Northern Ireland Public Service Ombudsman who provide a free, independent, and impartial service for handling complaints about public services in Northern Ireland. A link to their website can be found below:-

<https://nipso.org.uk/nipso/>

Furthermore, The Local Government (Northern Ireland) Act 2014, for which the Department for Communities is responsible, requires councillors to observe The Code of Conduct for Councillors (2014) and complaints from anyone who believes a councillor may have failed to comply with the Code can complain to the NI Local Government Commissioner for Standards (NILGCfS), who can investigate and adjudicate on complaints. The relevant weblinks are as follows:-

<https://www.communities-ni.gov.uk/sites/default/files/publications/doe/the-northern-ireland-local-government-code-of-conduct-for-councillors.pdf> and

<https://nipso.org.uk/nilgcs/>



I trust that this information is of assistance to you.

Yours sincerely



**ANGUS KERR**  
**Chief Planner**  
**& Director of Regional Planning**

Mr Angus Kerr  
Chief Planner and Director of Regional Planning  
DfI Planning  
Clarence Court  
10-18 Adelaide Street  
BELFAST BT2 8GB

By Email only

11 November 2021

Dear Mr Kerr

**RE: Application for wind farm (7 turbines) Lands 560 metres east of 87 Carnalbanagh Road to 770 metres north west of 43 Carnalbanagh Road (LA02/2017/0594/F)**

With reference to the above **major planning application**, on Friday 05 November 2021 a decision was taken by Mid and East Antrim Planning Committee, **to overturn the Council's Planning Department recommendation to refuse** said application, and approve it 6 votes to 5.

With COP 26 ongoing in Glasgow at the time, Mid and East Antrim Planning Committee were rightly mindful of climate change and need to go carbon free, with the Council's aspiration for Mid and East Antrim to be a leader in hydrogen even discussed. However, it appeared that the material nature considerations were significantly downplayed and at one point being referred as 'satisfying environmental lobby groups'. RSPB NI is not alone in sharing its concerns with regards to unacceptable adverse impact on curlew and hen harrier, and this is supported by the statutory consultees, legislation and planning policy.

Amid a nature and climate emergency, the need to reconcile the challenge of increased low carbon infrastructure deployment and threats to biodiversity has never been more urgent. RSPB NI recognises that decarbonising energy is a vital part of efforts to reach net zero. However **urgent action is required to ensure action on climate change does not increase the threat to nature**. In order to phase out fossil fuels, the deployment of renewable technology must be significantly increased – **in the right places**.

**Peer reviewed evidence on climate change<sup>[1]</sup> and biodiversity<sup>[2]</sup> shows that the Nature and Climate Emergencies are inextricably linked**. Therefore, it is essential that we pursue an integrated and joined-up approach to tackling them together, **they cannot be resolved in isolation or traded off against one another**.

---

<sup>[1]</sup> Intergovernmental Panel on Climate Change (IPCC) 2018 <https://www.ipcc.ch/sr15/chapter/spm/>

<sup>[2]</sup> Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) 2019, <https://ipbes.net/document-library/catalogue/summary-policy-makers-global-assessment-laid-out>

Northern Ireland HQ  
Belvoir Park Forest  
Belvoir Drive  
Belfast  
BT8 7QT

Tel: 028 9049 1547  
Facebook: RSPBNI  
Twitter: @RSPBNI  
[rspb.org.uk](https://rspb.org.uk)



The RSPB is part of BirdLife International,  
a partnership of conservation organisations  
working to give nature a home around the world.

Patron: Her Majesty the Queen    Chairman of Council: Kevin Cox    Chief Executive: Beccy Speight

Director RSPB NI: Joanne Sherwood    Chair of Committee for Northern Ireland: Judith Annett

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

### Council Planning Department's Recommended Reasons for Refusal

1. The **proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies NH 1, NH 2 and NH 5 of Planning Policy Statement 2: Natural Heritage and Policy RE1 of Planning Policy Statement 18: Renewable Energy** in that the proposed development is **likely to have a significant adverse impact on the Antrim Hills Special Protection Area (SPA) and cause harm to and result in an unacceptable adverse impact on:**
  - **hen harriers** (*Circus cyaneus*), an **Annex 1 species of the European Bird Directive (2009/147/EC)**, a **Schedule 1 species of the Wildlife (Northern Ireland) Order 1985** (as amended) and a **Northern Ireland priority species**;
  - **curlew** (*Numenius arquata*), a **Schedule 1 species of the Wildlife (Northern Ireland) Order 1985** (as amended) and a **Northern Ireland priority species**
2. The **proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy RE1 of Planning Policy Statement 18: Renewable Energy** in that the proposed development would, if permitted, **have an unacceptable adverse impact on the visual amenity and landscape character of the area, which is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty by reason of the number, scale and siting of the turbines, the cumulative impact of approved windfarms within the vicinity of the site and sensitivity of the landscape.**

### Statutory Consultee Objection

In summary, **DAERA's Natural Environment Division (NED) has serious concerns with this proposal and considers that it is contrary to the Habitats Regulations and planning policy** in that the development is likely to have a significant adverse effect on, and undermine the conservation objectives of, the Antrim Hills Special Protection Area (SPA), and cause harm to and have an unacceptable adverse impact on hen harriers and curlew.

**Shared Environmental Services (SES) also advised that it was contrary to the Habitats Regulations and planning policy** in that the project is likely to have a significant effect on one or more European sites and therefore was subject to appropriate assessment. The appropriate assessment found that it cannot be certain, beyond reasonable scientific doubt, that it will not have lasting adverse effects on the integrity of one or more European sites. Approval of this project would not comply with Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) or meet the policy requirements of Policy NH1 of Planning Policy Statement 2 Natural Heritage. No evidence has been provided to demonstrate that any exceptional circumstances detailed in NH1 apply. RSPB NI, as a non-statutory consultee, also objected to the application due to impacts on curlew and hen harrier.

In arriving at the recommendation to refuse the application, the Council's Planning Department took on board the views of the statutory consultees and RSPB NI. As such, the Council's Planning Department requested that RSPB attend the Planning Committee meeting.

In terms of proposed reason for refusal 2, DAERA: Protected Landscapes Team highlighted significant concerns with the proposed development and advised that the proposed development was contrary to Policy NH 6 of PPS 2 in that the siting and scale of the proposal is not sympathetic to the special

character of the Area of Outstanding Natural Beauty in general and of the particular locality (specifically the physical, historical and cultural significance of Slemish). Concerns were also raised about the impact on Dark Skies due to the requirement for aviation warning lights on the turbines and the cumulative impacts of other windfarm and single turbine developments in the surrounding area.

### **Call-in of Application**

Given the nature conservation issues raised in the responses from DAERA NED and SES (i.e **contrary to the Habitats Regulations and planning policy**), RSPB NI considers that such responses within the context of The Planning (Notification of Applications) Direction 2015 are considered to be significant objections<sup>1</sup>. Against this background, RSPB NI urges DfI Planning to utilise its powers under Section 29 of the Planning Act (Northern Ireland) 2011 to **call-in this major planning application immediately for determination**.

### **Precedent**

**Should the overturned decision by Mid and East Antrim Planning Committee be allowed to stand, RSPB NI is of the view that this could set a dangerous precedent moving forward** by allowing development(s) which, even though are deemed to be contrary to the Habitats regulations and planning policy, international and domestic responsibilities, and environmental commitments with respect to the management and conservation of biodiversity which includes priority species (in this instance curlew and hen harrier), are able to progress.

Decision makers must ensure that renewables are deployed in harmony with nature, avoiding adverse impacts and maximising genuine and scientifically proven opportunities for nature recovery and resilience, and are consistent with legislation, planning policy, and other biodiversity responsibilities and commitments (internationally and domestically).

### **Meeting to Discuss Further**

We would welcome the opportunity to discuss (over Zoom/MS Teams) the above further with you including our continued reasons for objection, and why the Department should call this application in immediately for determination.

I look forward to hearing from you in early course.

Yours sincerely

  
**Head of Nature Policy and Casework**  
**RSPB NI**

---

<sup>1</sup> conferred by Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (S.R. 2015 No.72)

Regional Planning Directorate



Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

[REDACTED]  
Head of Nature Policy and Casework  
RSPB NI

Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB  
Tel: 0300 200 7830

Email: [REDACTED]

Our refer: DfIPG 361/21

08 December 2021

Dear [REDACTED]

**LA02/2017/0594/F - CONSTRUCTION OF WIND FARM**

Thank you for your correspondence, received by this office on 15 November 2021, regarding the above planning application. I also note that Joanne Sherwood, RSPB NI Director, wrote separately to the Minister on this issue dated 26 November 2021.

I have noted your request for the Department to 'call in' planning application LA02/2017/0594/F from Mid and East Antrim Borough Council and also your reasoning for this request. You may be aware that the Department received a valid notification from Mid and East Antrim Borough Council (MEABC) on 19 November 2021 in relation to the above application, under the provisions of The Planning (Notification of Applications) Direction 2017, as it recommended approval of the proposal against the advice of the Department of Agriculture, Environment and Rural affairs (DAERA), Natural Environment Division (NED), who had raised a significant objection regarding the protection of bird habitats. A 'holding' direction was subsequently issued to the council prohibiting it from issuing a decision until it has heard further from the Department.

The role of the Department at this point is to decide, based on the information submitted, if the application raises issues of such importance that their impact is considered to extend to a sub-regional or regional level and also to decide whether or not the circumstances of this case are exceptional such as to render it appropriate to 'call in' the application for determination by the Department.

As jurisdiction currently remains with the council, it would not be appropriate for me to meet with you at this stage in the process to discuss the application. Once officials have completed the assessment of the notification referred to above the Department will respond to the council as soon as possible with a decision as to whether or not the application



should be 'called in' for determination. I can assure you, that the points you have raised in your 'call in' request will be fully considered as part of this assessment.

I would also advise that if you are not satisfied with the manner in which the Council has handled this planning application or your particular concerns in relation to the application process you may wish to raise this with the Council through its formal complaints procedure available via the following website link:-

<https://www.midandeantrim.gov.uk/council/about-us/complaints-comments-and-compliments>

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<https://nipso.org.uk/nilqcs/>

I trust that this information is of assistance to you.

Yours sincerely



**Chief Planner  
& Director of Regional Planning**

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 28 March 2022 10:28

**To:** [REDACTED]

**Subject:** FW: LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

**From:** [REDACTED]

**Sent:** 25 November 2021 10:57

**To:** [REDACTED]

**Subject:** [WARNING: MESSAGE ENCRYPTED, NOT VIRUS SCANNED]Fwd: LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

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Good morning Tanya, I hope this finds you well.

Please see below a planning application that has been passed by MEABC but has now been referred to Nichola (Dept of Infrastructure)

There has been a huge amount of debate over this issue at the planning committee and indeed I spoke in favour of the application. A cross party group of councillors did similar. To that end we were hoping that a meeting might be set up with Nichola in order to inform her of all of the issues and indeed the amount of support that exists locally for this application.

Of this could be facilitated that would be an excellent outcome. Many thanks in advance for your help and I look forward to hearing from you soon.

Kind regards

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 28 March 2022 10:28

**To:** [REDACTED]

**Subject:** FW: LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

**From:** [REDACTED]

**Sent:** 25 November 2021 10:57

**To:** [REDACTED]

**Subject:** [WARNING: MESSAGE ENCRYPTED, NOT VIRUS SCANNED]Fwd: LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

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Of this could be facilitated that would be an excellent outcome. Many thanks in advance for your help and I look forward to hearing from you soon.

Kind regards

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 03 December 2021 16:01  
**To:** Dfl Private Office  
**Cc:** Kerr, Angus; Symington, Scott; [REDACTED]  
**Subject:** INV-0574-2021 : LA02/2017/0594/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction  
**Attachments:** FW INV-0574-2021 Ministers comments.msg; INV-0574-2021 QA & DR.msg; INV-0574-2021 - Reply - Cllr Reid (MEABC) meeting request for LA02 2017....docx; INV-0574-2021 - Reply - Cllr Reid (MEABC) meeting request for LA02 2017....tr5

Good afternoon,

Please find enclosed amended reply, as per the Ministers comments.

[REDACTED]  
Dfl Regional Planning Division

-----Original Message-----

**From:** Dfl Private Office  
**Sent:** 03 December 2021 13:13  
**To:** Kerr, Angus <Angus.Kerr@infrastructure-ni.gov.uk>  
**Cc:** Thompson, Louise (Dfl) <Louise.Thompson@infrastructure-ni.gov.uk>; Dfl Press Office <Press.Office@infrastructure-ni.gov.uk>; Gaughran, Aine <Aine.Gaughran@infrastructure-ni.gov.uk>; Orr, Gillian <Gillian.Orr@infrastructure-ni.gov.uk>; Campbell, Fionnuala <Fionnuala.Campbell@infrastructure-ni.gov.uk>; McAleenan, Turlough <Turlough.McAleenan@infrastructure-ni.gov.uk>; McCarroll, Kerry <Kerry.McCarroll@infrastructure-ni.gov.uk>; Taggart, Cecilia <Cecilia.Taggart@infrastructure-ni.gov.uk>; Groves, Georgia <Georgia.Groves@infrastructure-ni.gov.uk>; Symington, Scott <Scott.Symington@infrastructure-ni.gov.uk>; Pringle, Cathy <cathy.pringle@infrastructure-ni.gov.uk>; Kennedy, Irene <Irene.Kennedy@infrastructure-ni.gov.uk>; McGowan, Philip <Philip.McGowan@infrastructure-ni.gov.uk>; Maroadi, Julie <Julie.Maroadi@infrastructure-ni.gov.uk>; McGrady, Fiona <Fiona.McGrady@infrastructure-ni.gov.uk>; McEvoy, Catherine <Catherine.McEvoy@infrastructure-ni.gov.uk>; [REDACTED]  
Thompson, Julie <Julie.Thompson@infrastructure-ni.gov.uk>; Gorman, Brian <Brian.Gorman@infrastructure-ni.gov.uk>; Dfl PG Secretariat <PG.Secretariat@infrastructure-ni.gov.uk>; Hargie, Joy <Joy.Hargie@infrastructure-ni.gov.uk>; McCartan, Fiona <Fiona.McCartan@infrastructure-ni.gov.uk>; Godfrey, Katrina (Dfl – Perm Sec) <Katrina.Godfrey@infrastructure-ni.gov.uk>; Murray, Andrew (ROADS) <Andrew.Murray@infrastructure-ni.gov.uk>; Hinds, Sandra <Sandra.Hinds@infrastructure-ni.gov.uk>; Higgins, Louise <Louise.Higgins@infrastructure-ni.gov.uk>; Wylie, Annemarie <Annemarie.Wylie@infrastructure-ni.gov.uk>; Thompson, Julie <Julie.Thompson@infrastructure-ni.gov.uk>; Graham, James <James.Graham@infrastructure-ni.gov.uk>; [REDACTED]  
[REDACTED] Gallagher, Paul (Dfl Private Office) <Paul.Gallagher2@infrastructure-ni.gov.uk>; McGeown, Declan <declan.mcgeown@infrastructure-ni.gov.uk>  
**Subject:** INV-0574-2021 : LA02/2017/0594/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

**Raised By:** [REDACTED]  
**Reference:** INV-0574-2021

**Subject:** INV-0574-2021 : LA02/2017/0594/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

**Referred To:** ANGUS KERR  
**Date Referred:** 03/12/2021

Please see attached Ministers comments, grateful if this could be amended and forwarded to Private Office by noon on Monday 6 December or sooner

Regards,

  
DfI Private Office  
40421

Copied To For Information:

DfI Press Office cc list; RPD CC list; INV CC List



[REDACTED]

---

**From:** DfI Ministerial Casework  
**Sent:** 03 December 2021 12:32  
**To:** DfI Private Office  
**Subject:** FW: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

Please see below from the Minister.  
Many thanks,

-----Original Message-----

**From:** DfI Ministerial Casework  
**Sent:** 03 December 2021 12:20  
**To:** DfI Ministerial Casework <Ministerial.Casework@infrastructure-ni.gov.uk>  
**Subject:** RE: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

Cleared with this amendment

As jurisdiction currently remains with the council, I am advised that it would not be appropriate for me to meet with you at this stage in the process to discuss the application. I can assure you, however, that my Department hopes to respond to the council as soon as possible with a decision as to whether or not the application should be 'called in' for determination.

-----Original Message-----

**From:** DfI Ministerial Casework  
**Sent:** 02 December 2021 14:53  
**To:** DfI Ministerial Casework <Ministerial.Casework@infrastructure-ni.gov.uk>  
**Subject:** FW: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

Minister,

Officials have advised-

Unfortunately there was an error in the submission sent earlier. Cllr Reid had quoted the reference number for this application as LA02/2017/0597/F, however the actual reference of the application is LA02/2017/0594/F.

It has been amended on the advice and the draft reply.

This is the only update to this file since SpAd had seen.

[REDACTED]

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**From:** DfI Ministerial Casework  
**Sent:** 02 December 2021 12:18  
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**Subject:** FW: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

SPAD: PS

-----Original Message-----

**From:** [REDACTED]

Sent: 02 December 2021 11:17

To: DfI Private Office <Private.Office@infrastructure-ni.gov.uk>

Subject: FW: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

Minister

Please see attached advice and draft reply for your consideration and approval.

Many thanks





**INVITATION ADVICE MEMO**

**From:** Angus Kerr  
Chief Planner & Director of Regional  
Planning

**Reference:** DfI/INV/0574/2021

**Tel:** 40636

**Date:** 02 December 2021

**To:** MINISTER

cc: As per email

<b>From:</b>	[REDACTED] – Mid and East Antrim Borough Council (MEABC)		
<b>Invitation type:</b>	Event <input type="checkbox"/>	Meeting <input checked="" type="checkbox"/>	
<b>Details:</b>	[REDACTED] along with a cross party group of councillors, is seeking a meeting with you to inform you of all the issues and support that exists for an application your Department has recently been notified on. The application, LA02/2017/0594/F, is for the construction of a wind farm at Carnalbanagh Road near Broughshane.		
<b>Venue</b>	N/A		
<b>Date and time</b>	N/A		
<b>Any other diary commitments</b> <small>(This will be completed by Private Office prior to commissioning of case)</small>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
	Details of any conflicts:		
<b>Recommendation:</b>	Accept <input type="checkbox"/>	Decline <input checked="" type="checkbox"/>	Offer Official Attendance Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Reason for Recommendation:</b>	The meeting request relates to a major application currently with Mid and East Antrim Borough Council. The application has recently been notified to your Department as DAERA (Natural Environment Division) have significant concerns regarding the protection of bird habitats. Several third parties have also requested that the application is 'called in'. As a notified application that may or may not be 'called in', you are potentially the final decision maker and, therefore, to meet with the local councillors who resolved to approve the proposal prior to your determination on this matter could prejudice the decision making process.		
<b>Special Adviser's Recommendation:</b>	Accept <input type="checkbox"/>	High Priority <input type="checkbox"/>	Medium Priority <input type="checkbox"/>
		Low Priority <input type="checkbox"/>	
	Decline <input type="checkbox"/>		

	Further information required	<input type="checkbox"/>	
<b>Minister's comments:</b>	Accept	<input type="checkbox"/>	<b>High Priority</b> <input type="checkbox"/>
			<b>Medium Priority</b> <input type="checkbox"/>
			<b>Low Priority</b> <input type="checkbox"/>
	Decline	<input type="checkbox"/>	
	Further information required	<input type="checkbox"/>	
<b>Signed:</b>			<b>Date:</b>

### **Additional Background**

- Application LA02/2017/0594/F, which seeks permission to construct a wind farm (7 turbines) in the townlands of Carnalbanagh, Kilnacolpagh and Buckna 9.5 kilometres East of Broughshane, was presented to the council's planning committee, by its planning officials, on 04 November 2021 with a recommendation to refuse. Council officers had recommended refusal on the grounds the proposal was contrary to planning policy, relating to natural heritage and renewable energy, as there was likely to be a significant adverse impact upon the habitat of hen harriers, which are protected species, and an unacceptable adverse impact on the visual amenity of the area. The site is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty that contains Slemish Mountain.
- However, this recommendation was overturned by the planning committee. The Planning Committee considered the application to be acceptable as it considered the harm caused to the protected birds did not outweigh a need to promote renewable energy and that it would not have an unacceptable impact.
- MEABC subsequently notified your Department, under the provisions of the Planning (Notification of Applications) Direction 2017, as it recommended approval of the proposal against the advice of DAERA, Natural Environment Division (NED), who had raised a significant objection regarding the protection of bird habitats. Regional Planning Directorate (RPD) received a valid notification on 19 November 2021 and a 'holding' direction was issued to the council on 23 November, under Article 17 of The Planning (General Development Procedure) Order (Northern Ireland) 2015, which prohibits the council from issuing a decision notice until it has heard further from the Department.

- Correspondence seeking referral ('call in') of the application has been received from The Irish Grouse Conservation Trust (DFIPG 379/21), The Earl of Antrim (DFIPG 376/21), Sammy Wilson MP (CORR-1938-2021), [REDACTED] (TOF-1457-2021) and the RSPB (DFI PG 361/21). The RSPB are also seeking a meeting with you (INV-0582-2021) to outline their concerns regarding the proposal.
- Officials will liaise with DAERA before making a recommendation to you as to whether or not the application should be called in to your Department for determination. Whilst a 'holding' direction is currently in place, jurisdiction remains with the council at this time. Whilst a 'holding' direction is currently in place, jurisdiction remains with the council at this time.
- Your officials sought previous advice from DSO on a separate notification, in relation to responding to requests to meet third parties whilst considering a notification, and were advised at that time that the Department has no statutory duty to attend a meeting in relation to the application at this stage in the process. Whilst an argument may be made along the lines that there is no statutory bar on the Department attending the meeting as requested, DSO's view was that to concede to any such request would unnecessarily put the Department in a very difficult position with no obvious benefit to be gained. DSO also advised that in order not to blur lines of where responsibility for the application currently lies, cause confusion with regard to the Department's role or set an unhelpful precedent for the future, it is reasonable for the Department (particularly in the context of such a controversial application) to decline an invitation to attend a meeting as suggested.





Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

From the office of the Minister for Infrastructure  
**Nichola Mallon MLA**



Room 708  
Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB  
Telephone: (028) 9054 0540  
Email: [Private.office@infrastructure-ni.gov.uk](mailto:Private.office@infrastructure-ni.gov.uk)

Your reference:  
Our reference: INV-0574-2021

XX December 2021

[No salutation – leave blank]

**LA02/2017/0594/F – WIND FARM CARNALBANAGH ROAD, BROUGHSHANE**

Thank you for your correspondence of 25 November 2021 regarding the above application.

You will be aware that my Department received a valid notification from Mid and East Antrim Borough Council (MEABC) on 19 November 2021, under the provisions of The Planning (Notification of Applications) Direction 2017, as it recommended approval of the proposal against the advice of the Department of Agriculture, Environment and Rural affairs (DAERA), Natural Environment Division (NED), who had raised a significant objection regarding the protection of bird habitats. A 'holding' direction was subsequently issued to the council prohibiting it from issuing a decision until it has heard further from my Department.

My Department has commenced its assessment of the notification received from MEABC, which includes a copy of the minutes from the relevant Planning Committee meeting. The role of my Department at this stage of the process is to decide, based on the information submitted, if the application raises issues of such importance that their impact is considered to extend to a sub-regional or regional level and also to decide whether or not the circumstances of this case are exceptional such as to render it appropriate to 'call in' the application for determination by my Department.

As jurisdiction currently remains with the council, I am advised that it would not be appropriate for me to meet with you at this stage in the process to discuss the application. I can assure you, however, that my Department hopes to respond to the council as soon as possible with a decision as to whether or not the application should be 'called in' for determination.

Further information on the notification and 'call in' of applications can be found in Development Management Practice Note 13. A link is provided below for your convenience.

Development Management Practice Note 13 Notification and Call In of Applications  
(infrastructure-ni.gov.uk)

[No valediction – leave blank]

**NICHOLA MALLON MLA**  
**Minister for Infrastructure**

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 28 March 2022 10:28

**To:** [REDACTED]

**Subject:** FW: LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

**From:** [REDACTED]

**Sent:** 25 November 2021 10:57

**To:** [REDACTED]

**Subject:** [WARNING: MESSAGE ENCRYPTED, NOT VIRUS SCANNED]Fwd: LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

**Caution** – This email has been received from outside the NICS network.

Please ensure you can verify the sender's name and email address.

Treat all attachments and links with caution.

**FOR INTERNAL NICS STAFF ONLY** - If you have any concerns regarding the email please forward to [spam@finance-ni.gov.uk](mailto:spam@finance-ni.gov.uk).

Good morning Tanya, I hope this finds you well.

Please see below a planning application that has been passed by MEABC but has now been referred to Nichola (Dept of Infrastructure)

There has been a huge amount of debate over this issue at the planning committee and indeed I spoke in favour of the application. A cross party group of councillors did similar. To that end we were hoping that a meeting might be set up with Nichola in order to inform her of all of the issues and indeed the amount of support that exists locally for this application.

Of this could be facilitated that would be an excellent outcome. Many thanks in advance for your help and I look forward to hearing from you soon.

Kind regards

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 03 December 2021 16:01  
**To:** Dfl Private Office  
**Cc:** Kerr, Angus; Symington, Scott; [REDACTED]  
**Subject:** INV-0574-2021 : LA02/2017/0594/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction  
**Attachments:** FW INV-0574-2021 Ministers comments.msg; INV-0574-2021 QA & DR.msg; INV-0574-2021 - Reply - Cllr Reid (MEABC) meeting request for LA02 2017....docx; INV-0574-2021 - Reply - Cllr Reid (MEABC) meeting request for LA02 2017....tr5

Good afternoon,

Please find enclosed amended reply, as per the Ministers comments.

[REDACTED]  
Dfl Regional Planning Division

-----Original Message-----

**From:** Dfl Private Office  
**Sent:** 03 December 2021 13:13  
**To:** Kerr, Angus <Angus.Kerr@infrastructure-ni.gov.uk>  
**Cc:** Thompson, Louise (Dfl) <Louise.Thompson@infrastructure-ni.gov.uk>; Dfl Press Office <Press.Office@infrastructure-ni.gov.uk>; Gaughran, Aine <Aine.Gaughran@infrastructure-ni.gov.uk>; Orr, Gillian <Gillian.Orr@infrastructure-ni.gov.uk>; Campbell, Fionnuala <Fionnuala.Campbell@infrastructure-ni.gov.uk>; McAleenan, Turlough <Turlough.McAleenan@infrastructure-ni.gov.uk>; McCarroll, Kerry <Kerry.McCarroll@infrastructure-ni.gov.uk>; Taggart, Cecilia <Cecilia.Taggart@infrastructure-ni.gov.uk>; Groves, Georgia <Georgia.Groves@infrastructure-ni.gov.uk>; Symington, Scott <Scott.Symington@infrastructure-ni.gov.uk>; Pringle, Cathy <cathy.pringle@infrastructure-ni.gov.uk>; Kennedy, Irene <Irene.Kennedy@infrastructure-ni.gov.uk>; McGowan, Philip <Philip.McGowan@infrastructure-ni.gov.uk>; Maroadi, Julie <Julie.Maroadi@infrastructure-ni.gov.uk>; McGrady, Fiona <Fiona.McGrady@infrastructure-ni.gov.uk>; McEvoy, Catherine <Catherine.McEvoy@infrastructure-ni.gov.uk>; [REDACTED]  
Thompson, Julie <Julie.Thompson@infrastructure-ni.gov.uk>; Gorman, Brian <Brian.Gorman@infrastructure-ni.gov.uk>; Dfl PG Secretariat <PG.Secretariat@infrastructure-ni.gov.uk>; Hargie, Joy <Joy.Hargie@infrastructure-ni.gov.uk>; McCartan, Fiona <Fiona.McCartan@infrastructure-ni.gov.uk>; Godfrey, Katrina (Dfl – Perm Sec) <Katrina.Godfrey@infrastructure-ni.gov.uk>; Murray, Andrew (ROADS) <Andrew.Murray@infrastructure-ni.gov.uk>; Hinds, Sandra <Sandra.Hinds@infrastructure-ni.gov.uk>; Higgins, Louise <Louise.Higgins@infrastructure-ni.gov.uk>; Wylie, Annemarie <Annemarie.Wylie@infrastructure-ni.gov.uk>; Thompson, Julie <Julie.Thompson@infrastructure-ni.gov.uk>; Graham, James <James.Graham@infrastructure-ni.gov.uk>; [REDACTED]  
[REDACTED] Gallagher, Paul (Dfl Private Office) <Paul.Gallagher2@infrastructure-ni.gov.uk>; McGeown, Declan <declan.mcgeown@infrastructure-ni.gov.uk>  
**Subject:** INV-0574-2021 : LA02/2017/0594/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

**Raised By:** [REDACTED]  
**Reference:** INV-0574-2021

**Subject:** INV-0574-2021 : LA02/2017/0594/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

**Referred To:** ANGUS KERR  
**Date Referred:** 03/12/2021

Please see attached Ministers comments, grateful if this could be amended and forwarded to Private Office by noon on Monday 6 December or sooner

Regards,

  
DfI Private Office  
40421

Copied To For Information:  
DfI Press Office cc list; RPD CC list; INV CC List

[REDACTED]

---

**From:** DfI Ministerial Casework  
**Sent:** 03 December 2021 12:32  
**To:** DfI Private Office  
**Subject:** FW: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

Please see below from the Minister.  
Many thanks,

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**From:** DfI Ministerial Casework  
**Sent:** 03 December 2021 12:20  
**To:** DfI Ministerial Casework <Ministerial.Casework@infrastructure-ni.gov.uk>  
**Subject:** RE: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

Cleared with this amendment

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**From:** DfI Ministerial Casework  
**Sent:** 02 December 2021 14:53  
**To:** DfI Ministerial Casework <Ministerial.Casework@infrastructure-ni.gov.uk>  
**Subject:** FW: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

Minister,

Officials have advised-

Unfortunately there was an error in the submission sent earlier. Cllr Reid had quoted the reference number for this application as LA02/2017/0597/F, however the actual reference of the application is LA02/2017/0594/F.

It has been amended on the advice and the draft reply.

This is the only update to this file since SpAd had seen.

[REDACTED]

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**Sent:** 02 December 2021 12:18  
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**Subject:** FW: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

SPAD: PS

-----Original Message-----

**From:** [REDACTED]



Sent: 02 December 2021 11:17

To: DfI Private Office <Private.Office@infrastructure-ni.gov.uk>

Subject: FW: INV-0574-2021 : LA02/2017/0597/F - Wind Farm Carnalbanagh Road, Broughshane - Holding Direction

Minister

Please see attached advice and draft reply for your consideration and approval.

Many thanks





**INVITATION ADVICE MEMO**

**From:** Angus Kerr  
Chief Planner & Director of Regional  
Planning

**Reference:** DfI/INV/0574/2021

**Tel:** 40636

**Date:** 02 December 2021

**To:** MINISTER

**cc:** As per email

<b>From:</b>	[REDACTED] – Mid and East Antrim Borough Council (MEABC)		
<b>Invitation type:</b>	Event <input type="checkbox"/>	Meeting <input checked="" type="checkbox"/>	
<b>Details:</b>	[REDACTED] along with a cross party group of councillors, is seeking a meeting with you to inform you of all the issues and support that exists for an application your Department has recently been notified on. The application, LA02/2017/0594/F, is for the construction of a wind farm at Carnalbanagh Road near Broughshane.		
<b>Venue</b>	N/A		
<b>Date and time</b>	N/A		
<b>Any other diary commitments</b> <small>(This will be completed by Private Office prior to commissioning of case)</small>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
	Details of any conflicts:		
<b>Recommendation:</b>	Accept <input type="checkbox"/>	Decline <input checked="" type="checkbox"/>	Offer Official Attendance Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Reason for Recommendation:</b>	The meeting request relates to a major application currently with Mid and East Antrim Borough Council. The application has recently been notified to your Department as DAERA (Natural Environment Division) have significant concerns regarding the protection of bird habitats. Several third parties have also requested that the application is 'called in'. As a notified application that may or may not be 'called in', you are potentially the final decision maker and, therefore, to meet with the local councillors who resolved to approve the proposal prior to your determination on this matter could prejudice the decision making process.		
<b>Special Adviser's Recommendation:</b>	Accept <input type="checkbox"/>	High Priority <input type="checkbox"/>	Medium Priority <input type="checkbox"/>
		Low Priority <input type="checkbox"/>	
	Decline <input type="checkbox"/>		

	Further information required	<input type="checkbox"/>	
<b>Minister's comments:</b>	Accept	<input type="checkbox"/>	High Priority <input type="checkbox"/>
			Medium Priority <input type="checkbox"/>
			Low Priority <input type="checkbox"/>
	Decline	<input type="checkbox"/>	
	Further information required	<input type="checkbox"/>	
<b>Signed:</b>			<b>Date:</b>

### **Additional Background**

- Application LA02/2017/0594/F, which seeks permission to construct a wind farm (7 turbines) in the townlands of Carnalbanagh, Kilnacolpagh and Buckna 9.5 kilometres East of Broughshane, was presented to the council's planning committee, by its planning officials, on 04 November 2021 with a recommendation to refuse. Council officers had recommended refusal on the grounds the proposal was contrary to planning policy, relating to natural heritage and renewable energy, as there was likely to be a significant adverse impact upon the habitat of hen harriers, which are protected species, and an unacceptable adverse impact on the visual amenity of the area. The site is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty that contains Slemish Mountain.
- However, this recommendation was overturned by the planning committee. The Planning Committee considered the application to be acceptable as it considered the harm caused to the protected birds did not outweigh a need to promote renewable energy and that it would not have an unacceptable impact.
- MEABC subsequently notified your Department, under the provisions of the Planning (Notification of Applications) Direction 2017, as it recommended approval of the proposal against the advice of DAERA, Natural Environment Division (NED), who had raised a significant objection regarding the protection of bird habitats. Regional Planning Directorate (RPD) received a valid notification on 19 November 2021 and a 'holding' direction was issued to the council on 23 November, under Article 17 of The Planning (General Development Procedure) Order (Northern Ireland) 2015, which prohibits the council from issuing a decision notice until it has heard further from the Department.

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Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

From the office of the Minister for Infrastructure  
**Nichola Mallon MLA**



Room 708  
Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB  
Telephone: (028) 9054 0540  
Email: [Private.office@infrastructure-ni.gov.uk](mailto:Private.office@infrastructure-ni.gov.uk)

Your reference:  
Our reference: INV-0574-2021

XX December 2021

[No salutation – leave blank]

**LA02/2017/0594/F – WIND FARM CARNALBANAGH ROAD, BROUGHSHANE**

Thank you for your correspondence of 25 November 2021 regarding the above application.

You will be aware that my Department received a valid notification from Mid and East Antrim Borough Council (MEABC) on 19 November 2021, under the provisions of The Planning (Notification of Applications) Direction 2017, as it recommended approval of the proposal against the advice of the Department of Agriculture, Environment and Rural affairs (DAERA), Natural Environment Division (NED), who had raised a significant objection regarding the protection of bird habitats. A 'holding' direction was subsequently issued to the council prohibiting it from issuing a decision until it has heard further from my Department.

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Development Management Practice Note 13 Notification and Call In of Applications  
(infrastructure-ni.gov.uk)

[No valediction – leave blank]

**NICHOLA MALLON MLA**  
**Minister for Infrastructure**



Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

From the office of the Minister for Infrastructure  
**Nichola Mallon MLA**



Room 708  
Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB  
Telephone: (028) 9054 0540  
Email: 

Your reference:  
Our reference: INV-0574-2021

6 December 2021

Dear 

**LA02/2017/0594/F – WIND FARM CARNALBANAGH ROAD, BROUGHSHANE**

Thank you for your correspondence of 25 November 2021 regarding the above application.

You will be aware that my Department received a valid notification from Mid and East Antrim Borough Council (MEABC) on 19 November 2021, under the provisions of The Planning (Notification of Applications) Direction 2017, as it recommended approval of the proposal against the advice of the Department of Agriculture, Environment and Rural affairs (DAERA), Natural Environment Division (NED), who had raised a significant objection regarding the protection of bird habitats. A 'holding' direction was subsequently issued to the council prohibiting it from issuing a decision until it has heard further from my Department.

My Department has commenced its assessment of the notification received from MEABC, which includes a copy of the minutes from the relevant Planning Committee meeting. The role of my Department at this stage of the process is to decide, based on the information submitted, if the application raises issues of such importance that their impact is considered to extend to a sub-regional or regional level and also to decide whether or not the circumstances of this case are exceptional such as to render it appropriate to 'call in' the application for determination by my Department.

As jurisdiction currently remains with the council, I am advised that it would not be appropriate for me to meet with you at this stage in the process to discuss the application. I can assure you, however, that my Department hopes to respond to the council as soon as possible with a decision as to whether or not the application should be 'called in' for determination.

Further information on the notification and 'call in' of applications can be found in Development Management Practice Note 13. A link is provided below for your convenience.

Development Management Practice Note 13 Notification and Call In of Applications  
([infrastructure-ni.gov.uk](http://infrastructure-ni.gov.uk))



**NICHOLA MALLON MLA**  
**Minister for Infrastructure**