

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 25 November 2021 12:44  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** LA02/2017/0594/F Construction of a windfarm comprising of 7 No. wind turbines, approximately 9.5km east of Broughshane.  
**Attachments:** LA02 2017 0594 F Wind Farm Carnalbanagh Road, Broughshane - Request for ....docx

[REDACTED]

I hope you are keeping well.

Enclosed is a request from DFI Regional Planning Directorate (RPD) for input into a notification assessment that we are undertaking after Mid and East Antrim Borough Council undertook their statutory notification obligation to inform DFI RPD that they intend to approve a major application for development in circumstances where a statutory consultee has objected.

At this point, the role of DFI Planning, is to assess 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. The detailed planning merits of the application will not be taken into account at this stage, rather the decision is 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 that merit referral of the application to DFI.

I spoke with Chris Perry on 04 November 2021 and indicated that this correspondence would be forthcoming after MEABC had undertaken their notification. I am happy to answer any questions either of you may have.

Advice and guidance on the notification and call in process can be found in Development Management Practice Note 13.

[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)

Thank you

Kind regards  
[REDACTED]

Regional Planning Directorate



Department for

**Infrastructure**

An Roinn

**Bonneagair**

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

[REDACTED]  
Principal Scientific Officer  
DAERA – NIEA - NED

Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB  
Tel: (028) 9054 0636

Email: [REDACTED]

25 November 2021

Dear [REDACTED]

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

The Department of Infrastructure (DFI) Regional Planning Directorate (RPD) was notified on 19 November by Mid and East Antrim Borough Council (MEABC) under the terms of The Planning (Notification of Applications) Direction 2017 regarding the above application. This was required as MEABC resolved to grant permission for this application at their planning committee meeting of 04 November 2021 against the advice of a statutory consultee. A copy of the notification is attached for your convenience.

It is noted that DAREA Natural Environment Division (NED) concluded the proposal 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 Antrim Hills Special Protection Area, and cause harm to and have an unacceptable adverse impact on hen harriers and curlew.

In assessing whether this application merits referral to DFI for determination, we hereby request that NED provide considered opinion as to whether this proposal raises issues of such importance that the impact is considered to extend to a sub-regional or regional level as per the Strategic Planning Policy Statement for Northern Ireland.

A holding Direction has been issued by DFI Planning Regional Planning Directorate which prohibits the council from issuing a decision notice. A copy is enclosed.

Please can NED therefore provide considered comments as a matter of urgency in order that RPD can fully consider the notification and finalise its response as soon as possible.

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

Website: [www.planningni.gov.uk](http://www.planningni.gov.uk)

[REDACTED]





If you have any queries please do not hesitate to contact me.

Yours sincerely,

[Redacted]

**DFI Regional Planning Directorate  
Oversight and Governance Team**

[Redacted]

Notification from MEABC to DFI Regional Planning Directorate	 Dfi-Notification-Carnalbanagh.doc	 Dfi Carnalbanagh Letter.pdf	 Carnalbanagh Statement.pdf
Holding Direction	 Letter to Mr Paul Duff re Holding Dire		



**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 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 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.



Mid & East  
Antrim  
Borough Council

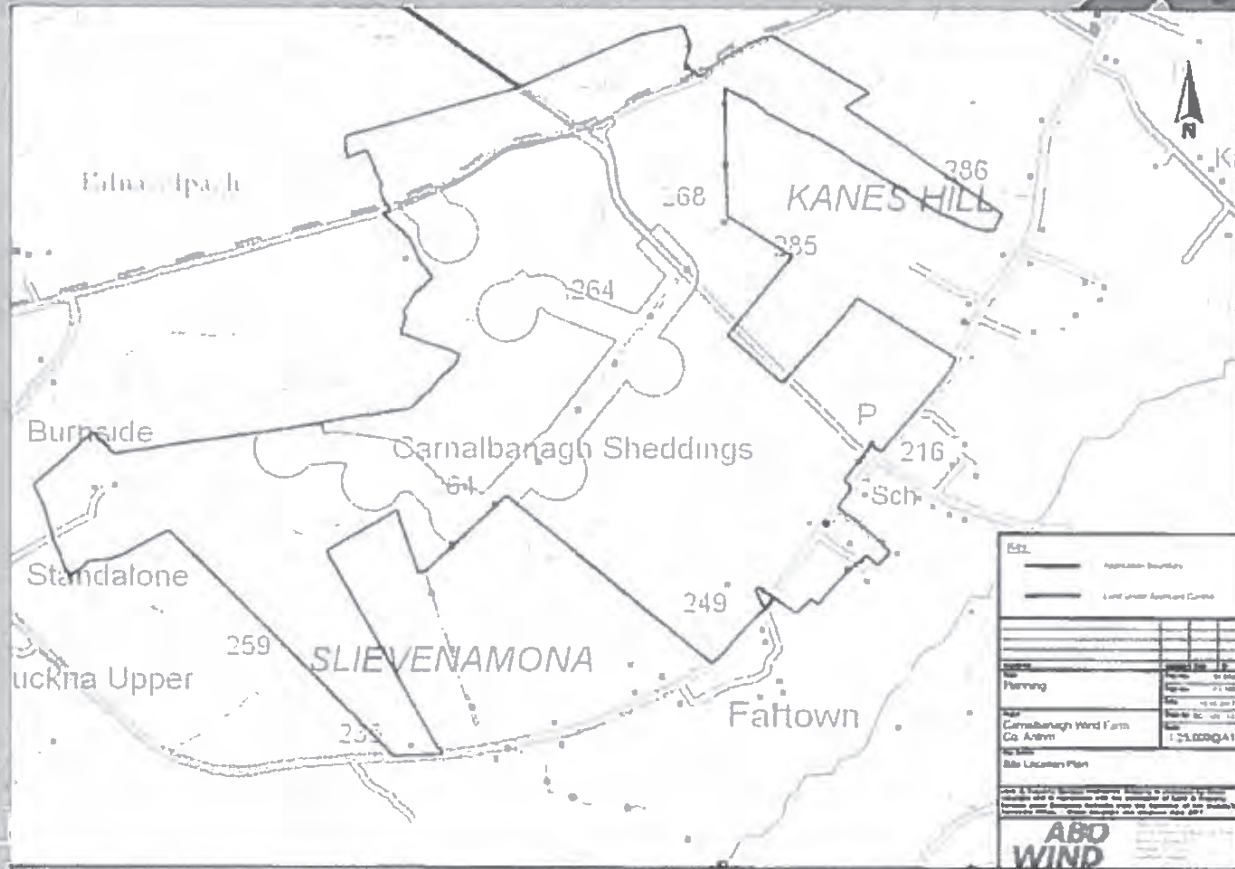
**Planning Committee  
04<sup>th</sup> November 2021**

**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 Location Plan



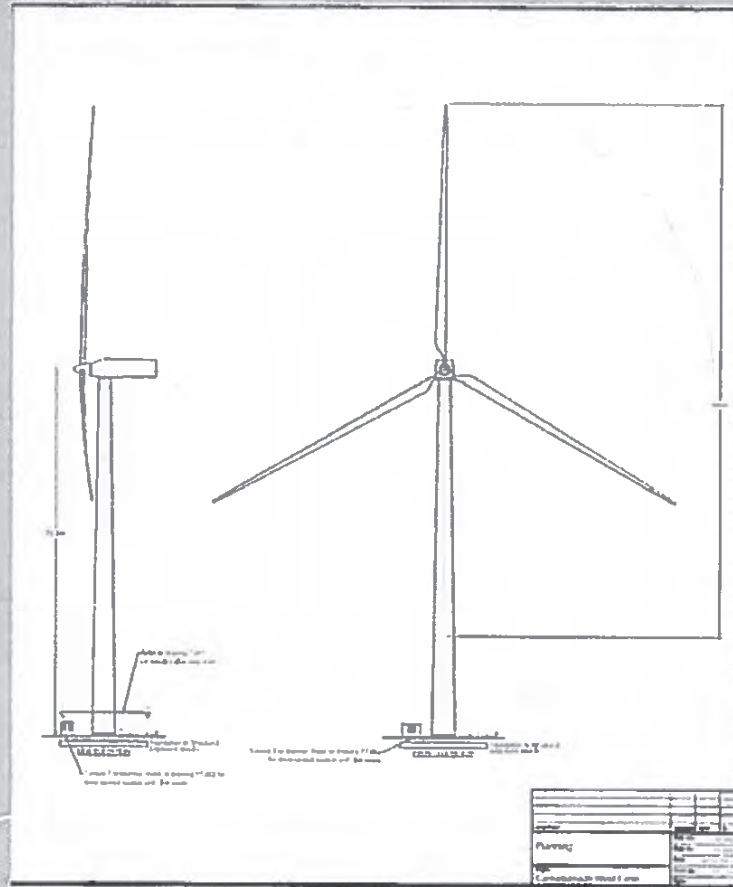
**ABO WIND**



# Site Context



# Turbine



# 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**





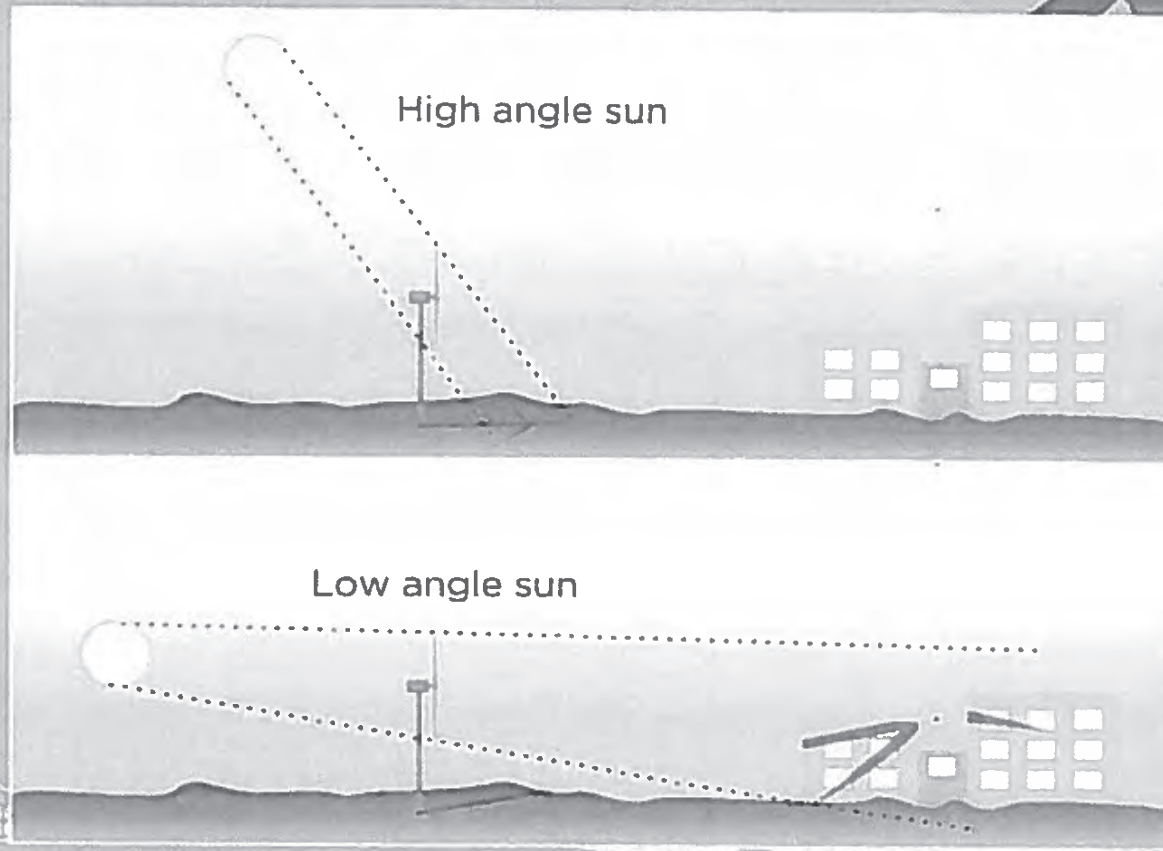
# CURLEW



# 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. Slemish 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.



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**  
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Larne BT40 1RU

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Silverwood Business  
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190 Raceview Road  
Ballymena  
BT42 4HZ

Chief Executive OBE  
Anne Donaghy

## **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 species 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.

[Redacted]

**From:** [Redacted]  
**Sent:** 11 March 2022 15:35  
**To:** [Redacted]  
**Cc:** Hammond, Mark; [Redacted]  
**Subject:** LA02/2017/0594/F Carnalbanagh Wind Farm - NIEA, NED Response to DFI  
**Attachments:** LA02.2017.0594.F Carnalbanagh Wind Farm - NIEA NED Response to Dfl 11 Ma....pdf; Appendix 1 - Antrim Hills SPA Monitoring Report 2020.pdf; Appendix 2 - NED Comments on Ecological Issues Raised.pdf

Dear [Redacted]

I refer to your letter and email of 25 November 2021 and the request for information from DFI regarding the application for construction of a wind farm at Carnalbanagh, approximately 9.5km east of Broughshane (planning ref LA02/2017/1594/F), and the notification by Mid and East Antrim Borough Council.

Please find attached NIEA, Natural Environment Division's response to this request which comprises a letter detailing the main issues and concerns and two appendices containing further relevant information.

If you require any clarification or further information please do not hesitate to get in touch.

Regards

[Redacted]

[Redacted]

Land Management Unit  
Natural Environment Division  
Northern Ireland Environment Agency  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Belfast  
BT7 2JA

[Redacted]

██████████  
Department for Infrastructure  
Regional Planning Directorate  
Oversight and Governance Team  
Clarence Court  
10-18 Adelaide Street  
Belfast  
BT2 8GB

11 March 2022

Dear ██████████

**RE: LA02/2017/0594/F Construction of a wind farm comprising of 7 No. wind turbines, approximately 9.5km east of Broughshane.**

I refer to your letter of 25 November 2021 regarding the decision of Mid and East Antrim Borough Council (MEABC) to grant planning permission for a wind farm at Carnalbanagh, approximately 9.5km east of Broughshane (application reference LA02/2017/0594/F).

NIEA, Natural Environment Division (NED), as a statutory consultee, were formally consulted by MEABC on this application seven times, between July 2017 and February 2021. NED also engaged with the applicant on several occasions between formal consultation responses, providing additional information. NED provided its final consultation response to MEABC on 15 October 2021, prior to the application being considered at the Planning Committee Meeting on 4 November 2021. NED representatives also attended the meeting to provide evidence and summarise their advice and recommendations to the Council.

NED's final advice to MEABC, detailed in its planning consultation response of 15 October 2021, was that it had serious concerns with the proposal and considered that it was contrary to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) and Northern Ireland planning policy because it was likely to have a significant adverse effect on, and undermine the conservation objectives of, the Antrim Hills Special Protection Area (SPA) and likely to cause harm to nationally protected and priority species (hen harrier and curlew).

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NED's Protected Landscapes Team also objected to this proposal in their consultation response, dated 7 August 2017, on the basis of substantial adverse impacts on the landscape and visual amenity of the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB) and a detrimental effect on the setting of Slemish Mountain. However, NED notes that, under the Planning (Notification of Applications) Direction 2017, this is not listed as a reason for the Department to be notified on an application.

NED's recommendations were accepted by the Council's planners and a recommendation to refuse the application was communicated in the Council's Professional Planning Report, published on the planning portal on 28 October 2021.

#### Summary of NED's position on the relevant natural heritage issues of the proposal

NED continues to have serious concerns with this proposal. The location of the proposed wind farm is located within an area vitally important for two legally protected and Northern Ireland priority species, hen harrier and curlew. Both of these species show strong site-fidelity, currently have a very poor conservation status and are at risk of becoming extinct as breeding species within Northern Ireland. It is therefore imperative to reduce further threats to these populations to try and ensure their survival.

NED considers the development of a wind farm at this location is likely to have significant effects on both species through direct loss and fragmentation of breeding and foraging habitat, direct mortality through collision with wind turbines, and/or disturbance and displacement from breeding and foraging habitat. Any reduction in the breeding populations of these species from this proposal could have significant consequences for their conservation status in Northern Ireland and jeopardise their survival.

Hen harriers have been known to use the area at Carnalbanagh since at least the 1990's and a nesting site within the vicinity of the proposed wind farm has been monitored regularly by the Northern Ireland Raptor Study Group (NIRSG) since 2006. This monitoring has detected potential hen harrier breeding activity at, or in proximity to, the wind farm site every year, bar one, between 2006 and 2020, and confirmed breeding attempts in nine of those years.

The construction of a wind farm at this location will result in the loss and fragmentation of hen harrier breeding and foraging habitat as well as disturbance to the birds and NED considers that this is likely to lead to the permanent displacement of this long established breeding pair from the area and/or pose a collision risk should they attempt to return to the site. Therefore, NED considers that the proposal is likely to result in the loss of one breeding pair of hen harriers from the site which could have a significant effect on a Northern Ireland population already in a precarious state (see below).

The Antrim Hills is also one of the last remaining strongholds for curlew in Northern Ireland and the wider area around the proposed wind farm is one of the most important areas for

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breeding curlew in Northern Ireland and has been targeted by the RSPB for curlew conservation measures since the 1980's.

Information from the RSPB and the applicant's bird surveys have shown on average 8 to 10 pairs of curlew within the applicant's wind farm survey area and two pairs within an 800m buffer of the wind farm over the last few years. Based on peer reviewed research<sup>i ii</sup> NED finds there to be a risk of displacement of curlew breeding territories from within the wind farm buffer zone, likely to result in the loss of one territory and potentially two. Given the steep downward trajectory of the Northern Ireland curlew population and the other pressures they are facing this is likely to have significant consequences for their conservation status in Northern Ireland (see below).

While the applicant submitted mitigation and compensation measures for both hen harrier and curlew, which they claimed would be effective in ameliorating any significant effects on these species, NED had concerns with the measures proposed and considered that they had significant deficiencies and uncertainties associated with them and were unlikely to adequately reduce the harm and adverse impact on these species from the proposal.

#### Regional/sub-regional significance of effects

NED considers that the likely effects of this proposal on hen harrier and curlew have both regional and sub-regional significance. For the purposes of this assessment NED considers that an effect of regional significance would have consequences at a Northern Ireland level and an effect of sub-regional significance would have consequences at a smaller geographic level, such as a Council area or a biogeographic region, in this case, the Antrim Hills.

The hen harrier is an Annex I species of the European Birds Directive (2009/147/EC), is listed on Schedule 1 of the Wildlife (Northern Ireland) Order 1985 (as amended) and is a Northern Ireland priority species. It is a scarce breeding species in Northern Ireland and is a red-listed species of conservation concern in the UK and amber-listed in Ireland. The species is almost entirely confined to upland habitats during the breeding season, with nesting harriers in Northern Ireland found mainly in the Antrim Hills, the Slieve Beagh area and the west Fermanagh uplands. Two Special Protection Areas (SPAs) have been designated in Northern Ireland under the Habitats Regulations for the protection of nationally important populations of hen harriers, the Antrim Hills SPA and Slieve Beagh-Mullaghfad-Lisnaskea SPA.

While the hen harrier nesting site at Carnalbanagh lies outside the boundary of the Antrim Hills SPA, NED considers this land to be *functionally linked* to the SPA and that the breeding pair of hen harriers at Carnalbanagh form part of the SPA population. This is based on the observation of foraging flights from the birds at Carnalbanagh into the SPA over several years, the potential recruitment of juvenile birds into the SPA population and also the likely use of Carnalbanagh as a winter roost by birds from inside the SPA.

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The inclusion of the pair of hen harriers at Carnalbanagh in the Antrim Hills SPA population was confirmed within NED's Antrim Hills SPA Monitoring Report 2020 (see Appendix 1). This report highlighted the significant declines seen in the Antrim Hills hen harrier population and confirms that hen harriers, as a site selection feature of the designated site, are in unfavourable condition.

Between the UK national censuses of the species in 2010 and 2016, the hen harrier population in Northern Ireland declined by 22% to 49 pairs. A more severe decline has been observed within the Antrim Hills SPA where numbers have fallen from 24 pairs at the time of designation in 2006 to five breeding pairs in 2019, representing a reduction of 79%.

The site of the proposed wind farm is a traditional nesting site for a pair of hen harriers, observed over many years. This single breeding pair represents more than 2% of the entire Northern Ireland breeding population and 20% of the Antrim Hills SPA population.

Given that the quality of habitat for hen harriers has declined substantially in the wider countryside over recent decades, those nesting sites currently selected are likely to be located in the best habitat currently available. NED, therefore believes that it is vitally important that this habitat remains available for this species. In view of the very small size of the current breeding population, it is considered particularly important that all currently active breeding locations for hen harrier are maintained.

NED considers the loss of a single pair of hen harrier from this site would represent a significant reduction in both the Antrim Hills population and the Northern Ireland population of breeding hen harrier and would undermine the conservation objectives of the Antrim Hills SPA and constitute a significant adverse effect on the integrity of the site. Given the widespread decline seen in this species it could push it closer to extinction in Northern Ireland.

NED's final advice to MEABC regarding hen harrier was that the proposal was contrary to the Habitats Regulations, the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 2: Natural Heritage, Policies NH1, NH2 and NH5 in that the development was 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 harrier, a nationally protected species and Northern Ireland priority species.

The curlew is a Schedule 1 species of the Wildlife (Northern Ireland) Order 1985 (as amended) and a Northern Ireland priority species. It is a red-listed species of high conservation concern in Ireland, is in decline throughout its range and has been listed as "near-threatened" globally by the International Union for Conservation of Nature (IUCN), with the likelihood of this classification being upgraded to "vulnerable" in the near future. The decline of the curlew has been described as the most urgent bird conservation issue in the UK (Brown *et al* 2015<sup>iii</sup>).

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While curlew numbers have fallen in all parts of the UK, the decline in Northern Ireland over the past 30 years has been especially concerning. In 2013 it was estimated that the breeding population in Northern Ireland had declined by 82% since 1987, with around 500 pairs remaining (Colhoun *et al* 2015<sup>iv</sup>). A similarly rapid decline was observed in the Republic of Ireland, with rates of around 12% per year being recorded in some important areas.

Observations in Northern Ireland suggest that the decline is continuing and, if the rate of loss is comparable to that seen south of the border, the current population could be as low as 200 pairs or less. Substantial aggregations of breeding curlew are currently only known to remain in a region of the south Antrim Hills, centred on Glenwherry and including the Carnalbanagh area, and in the Lough Erne basin where most pairs are confined to islands managed for conservation. This small population size, combined with the low productivity observed in curlews here, gives rise to a significant risk of the species being lost from Northern Ireland.

The Antrim Hills area is estimated by the RSPB to contain 57 breeding pairs of curlew with most of these contained within the Glenwherry area (48 pairs), which overlaps with the Carnalbanagh area. This is based on the most recent data available from 2021. The Antrim Hills population may therefore contain at least 28% of the total Northern Ireland population, with the Glenwherry area containing around 84% of the wider Antrim Hills population. Therefore, the predicted loss of one to two pairs of breeding curlew from the wind farm buffer zone could mean the loss of 1.75 to 3.5% of the Antrim Hills breeding population of curlew and push this species closer to extinction in Northern Ireland.

As for hen harrier, suitable habitat for curlew has declined substantially in the wider countryside over recent decades and those nesting sites currently selected are likely to be located in the best habitat currently available. NED, therefore believes that it is vitally important that this habitat remains available for this species to try and arrest the decline.

Because of the importance of this area to breeding curlew, and the under-representation of curlew within the UK's SPA network, as identified within the third UK SPA review (Stroud *et al* 2016<sup>v</sup>), NED is currently considering a proposal to extend the boundaries of the Antrim Hills SPA to include the Glenwherry and Carnalbanagh/Aughfatten areas to ensure the protection of this important area.

NED's final advice to MEABC regarding curlew was that the proposal was contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 2: Natural Heritage, Policies NH2 and NH5 in that the development was likely to cause harm to and have an unacceptable adverse impact on curlew, a nationally protected species and Northern Ireland priority species.

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## Habitats Regulations Assessment – Shared Environmental Services

The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) transpose the European Habitats Directive (92/43/EEC) and certain elements of the Wild Birds Directive (2009/147/EC) in Northern Ireland.

NED, as the statutory nature conservation body in Northern Ireland, provides advice and recommendations to the planning authority, who, in the determination of planning applications, are the competent authority under the Habitats Regulations.

The application site lies between two sections of the Antrim Hills Special Protection Area (SPA) (the designated site) which are approximately 4km to the northwest and 2km to the southeast of the site. Antrim Hills SPA has been designated for its nationally important populations of hen harrier (*Circus cyaneus*) and merlin (*Falco columbarius*) and is protected under the Habitats Regulations.

As highlighted above, NED considers the land at Carnalbanagh to be functionally linked to the Antrim Hills SPA and the breeding pair of hen harrier at the site to be part of the Antrim Hills SPA population. Therefore, under the Habitats Regulations, the pair of breeding hen harriers at this site are afforded the same protection as birds nesting within the boundaries of the site.

In its consultation responses to MEABC, NED highlighted that the proposal was likely to have a significant effect on the Antrim Hills SPA through impacts on breeding hen harriers at the site.

Therefore, in accordance with Regulation 43 of the Habitats Regulations, MEABC, as the competent authority, were required to assess whether this proposal, either alone or in combination with other plans or projects, was likely to have a significant effect on the designated site, before granting any planning approval. Where a significant effect cannot be ruled out the competent authority is required to carry out an appropriate assessment of the implications of the proposal on the site in view of the site's conservation objectives.

Shared Environmental Services (SES) have been given the responsibility of carrying out Habitats Regulations Assessments (HRA's) for Northern Ireland Councils. SES carried out a HRA (to Stage 2) on this proposal on behalf of MEABC, which was contained within their consultation response, dated 22 October 2021.

SES concluded that: *Following an appropriate assessment in accordance with the Regulations, SES advises that it cannot be certain, beyond reasonable scientific doubt, that this proposal will not have lasting adverse effects on the integrity of Antrim Hills Special Protection Area (SPA) in light of the conservation for the site.*

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SES further advised the Council that: *This 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.*

SES also highlighted that the applicant's proposed Habitat Management Plan for hen harrier could not be considered under Regulation 43 in a Stage 2 appropriate assessment and that compensatory measures can only be considered under Regulation 44 (considerations of overriding public interest).

The conclusions of this HRA were included in the MEABC Professional Planning Report, published on the planning portal on 28 October 2021, which was made available to all members of the Planning Committee.

NED has serious concerns that the implications of the findings of the HRA, carried out by the Council, were not properly understood or debated by the Planning Committee. NED would highlight that representatives of SES were not present at the meeting on 4<sup>th</sup> November 2021, in order that they might provide advice, and only one member of the Committee made any reference to the HRA during proceedings. At no stage during the members' debate were there any discussions or deliberations as to the findings of the HRA and the legal implications of making a decision which was contrary to its conclusions.

After the first vote, in which the members voted to reject the planning officers' recommendation for refusal, the Chair of the Committee, Mr Duffy, did highlight to members that their decision to vote against the planning officers' recommendation would lead to the application being referred to the Department and could result in a legal challenge. However, following a second, recorded vote the Committee again rejected the planning officers' recommendation to refuse the application.

NED would highlight that there is established case law concerning the Habitats Regulations and appropriate assessments under Regulation 43 (equivalent to Article 6 of the Habitats Directive). This shows that approval for a project may only be given if the competent authority is convinced that it will not adversely affect the integrity of the site concerned. Where doubt remains, authorisation will have to be refused (see Waddenzee, ECJ C-127/02).

Therefore, under the Habitats Regulations, no planning permission may be granted for this proposal until MEABC, as the competent authority, is convinced that it will not adversely

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affect the integrity of the Antrim Hills SPA. Where doubt remains as to the absence of adverse effects on the integrity of the site then planning permission must be refused.

It is clear that the Planning Committee did not apply the relevant legal tests and decided to approve the application despite the findings of the HRA carried out by SES on behalf of the Council. NED considers that this reason alone is sufficient grounds for the Department to refer decision making on this proposal to itself.

### The Precautionary Principle

The precautionary principle is a key foundation of environmental legislation, such as the Habitats Regulations. In addition, Northern Ireland planning policy requires it to be applied to any developments affecting national or international significant landscape or natural heritage resources. Section 6.174 of the Strategic Planning Policy Statement for Northern Ireland (2015) states: “*Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.*”

NED would highlight that, due to the legal protection of hen harrier and curlew, their status as Northern Ireland priority species, and the serious declines in their populations to the risk of extinction in Northern Ireland, they should be considered nationally significant natural heritage resources and the precautionary principle should be applied to any planning decision affecting them.

However, at no point during the Planning Committee Meeting did any of the members refer to the precautionary principle when considering the potential impacts of the development on hen harrier and curlew. Proper application of the precautionary principle should have meant that the Committee gave overriding weight to potentially irreversible, significant impacts on nationally important natural heritage interests as opposed to any benefits of the proposal.

Furthermore, it is clear, from the statement from MEABC summarising the reasons for granting planning permission, that members felt that there was insufficient evidence presented on the potential harms of the proposal on nationally important species, despite the substantial written evidence submitted by NED in its consultation responses. In these circumstances it was incumbent upon the members to seek clarification on that evidence or to make the protection of the species paramount in their decision making, as is required by the precautionary principle.

### Other Issues of Concern

NED has some additional concerns with the decision making process during the Planning Committee Meeting, the consideration, by the Committee, of a number of important planning and ecological matters, relevant to the proposal, which were raised by members and the applicant’s representatives, and the conclusions reached on these matters.

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Firstly, NED has some concerns with how the socio-economic benefits of the proposal were weighed up by the Committee. For example, despite being reminded by the planning officer, Mr McGuinness, that the applicant's community fund could not be considered as a material consideration when determining the application, some members, as well as one of the applicant's representatives, highlighted the applicant's community fund and clearly, as the minutes show, regarded it as an economic benefit of the wind farm. Ultimately, this consideration of the community fund as a material benefit is likely to have had a significant bearing on the decision of the Committee to approve the proposal.

Secondly, many of the members referred to the benefits of the proposal in terms of climate change and the potential reduction in greenhouse gas emissions. This was a particularly relevant issue as the meeting was taking place at the same time as the COP26 Climate Conference in Glasgow and several members made reference to this. However, none of these benefits were quantified in terms of actual greenhouse gas emission savings from the project and it was not made clear how these benefits would outweigh any significant harm to natural heritage interests. It is also worth highlighting that the environmental information submitted by the applicant did not provide any calculations of carbon or greenhouse gas emissions savings from the project, which took into account the embedded emissions in the construction and operation of the project.

Thirdly, several comments and claims were made, by members and the applicant's representatives, regarding some ecological and natural heritage issues for the purpose of contradicting and undermining NED's evidence regarding the significance of the likely impacts of the proposal on hen harrier and curlew. NED has concerns that some of these comments were inaccurate and that some issues were misinterpreted and misrepresented by members and the applicant, potentially misleading the Committee. During the meeting no opportunity was given to NED representatives to respond to these matters to try and correct the record or refute any conclusions reached. Therefore, NED considers that inaccurate conclusions were reached on these issues by some members of the Committee and that this is likely to have had a significant bearing on its final decision.

NED has provided further details of these ecological and natural heritage issues in Appendix 2 along with a response refuting the claims, with the intention of highlighting how inaccurate conclusions are likely to have been drawn by the Planning Committee.

### Final Thoughts


NED hopes that you can fully consider all of the matters raised in this submission and that the Department is able to take the view that these matters are so significant that it merits a referral of this application to it for a full determination.

Relevant environmental information, including all of NED's consultation responses, associated with this application are available on the NI planning portal. However, some sensitive ornithological information has not been made publicly available and if you require

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any additional information, or have any other queries, to assist in your decision making please do not hesitate to get in touch.

Yours sincerely,

  
**Senior Scientific Officer**  
**NIEA, Natural Environment Division**  
**DAERA**

**CC: Mark Hammond, Oonagh McCann, Kyle Hunter (Natural Environment Division)**

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# Antrim Hills SPA: Monitoring Report 2020

Prepared by: [REDACTED]

Date: 7<sup>th</sup> October 2021

## Site Description:

Antrim hills was designated as an SPA in 2006 and comprises two distinct land units. The northern, larger, section extends between Carnanmore and Soarne’s Hill, including Ballypatrick Forest, Slieveanorra Forest/Breen Wood and Glenariff/Cleggan Forest, mainly including land above the 220m contour. The southern section comprises the area bounded by Capanagh, Ballyboley and Douglas Top. The site encompasses all lands within these boundaries, excluding wholly-improved pasture, arable land, buildings and associated lands. It includes coniferous plantations, blanket bog, wet and dry heath, grass moor, scrub, inland cliff and limited semi-improved agricultural grassland. The principal interests are the breeding populations of hen harrier and merlin.

## Qualifying features:

The site qualifies under **Article 4.1 of the Directive (79/409/EEC)** as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species in any season:

Species	Season
Hen Harrier <i>Circus cyaneus</i>	Breeding
Merlin <i>Falco columbarius</i>	Breeding

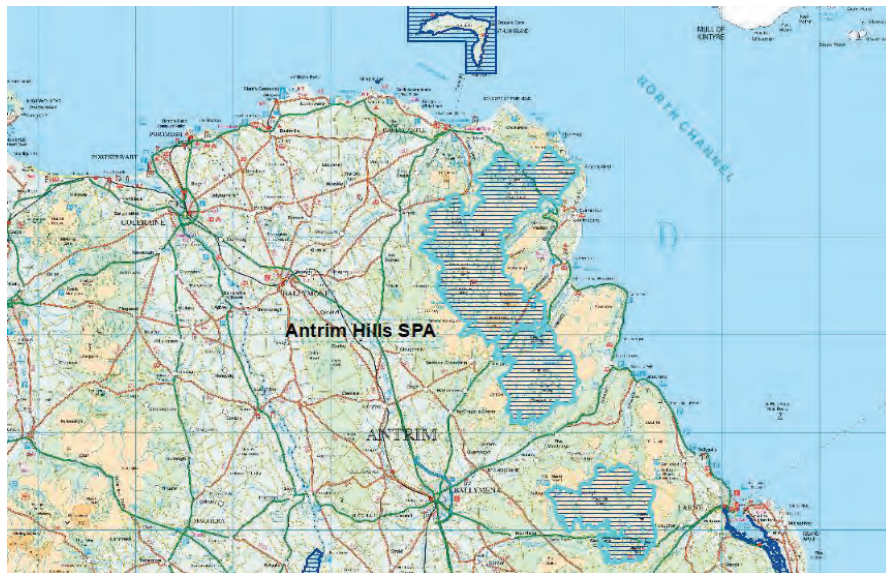


Figure 1: Antrim Hills Special Protection Area (blue) and surrounding area.

## Monitoring:

Baseline data for Hen harrier were derived from Sim *et al.* (2001), and assessed against Northern Ireland Raptor Study Group data, including fieldwork for the UK National Hen Harrier Survey 2016 (Wotton *et al* 2018), from 2015 to 2019 (Rooney & Ruddock 2020). . Baseline data for Merlin were derived from historical records including fieldwork from the New Atlas of Breeding Birds in Britain and Ireland, 1988-1991 (Balmer *et al* 2013) and assessed against Northern Ireland Raptor Study Group data for records from 2015 until present. Data for both Hen Harrier and Merlin during the assessment period were provided by the Northern Ireland Raptor Study Group and relate to the number of territorial pairs (sum of proven and probable breeding pairs). Common Standards Monitoring baseline indices “CSM” are derived from historical data and are usually defined as the minimum annual total from the 7 years leading up to SPA designation. In the case of hen harrier the lower site total for the two most recent UK national surveys prior to designation, during which coverage of territories in the Antrim Hills was considered to be complete, was adopted as the baseline. Records from 1988-1991 and 2000-2005 were available for Merlin, so the minimum count for these periods was used as the CSM baseline figure for this species. Five-year means are calculated from the most recent set of survey data available and the SPA feature (species) is defined as being “favourable” if figure is greater than or equal to the CSM (indicating that the population has not declined overall since this period), or “unfavourable” if the value is less than the CSM (indicating a reduction in numbers).

**Table 1. Annual records of SPA features for Antrim Hills:** CSM (Common Standards Monitoring baseline value) = minimum record from complete surveys 1997 – 2004 for Hen Harrier and 1988-1991 for Merlin. 5 yr mean = Mean annual counts for 5 years of most recently available data (2015-2019). %CSM = 5 year mean as a percentage of the CSM.

Feature	2015	2016	2017	2018	2019	CSM	5 year mean	% CSM	Status
Hen Harrier	10	9	8	5	5	17	7	<b>43.5</b>	Unfavourable
Merlin	6	5	4	5	8	6	6	<b>100.00</b>	Favourable

**NB:** Hen Harrier figures from 2015 to 2019 include pairs nesting outside the SPA boundary in the Kane’s Hill/Carnalbanagh area which were excluded from previous assessments. Observations of foraging behaviour has shown that these harriers are functionally linked to the SPA and are therefore now considered part of the SPA population (Northern Ireland Raptor Study Group 2018). Inclusion of these birds (one pair in each year) does not affect the outcome of the current assessment.

## Discussion

The Hen Harrier population at Antrim Hills SPA has declined since the last monitoring period. A declining trend is seen throughout Northern Ireland and in the Republic of Ireland over the same period it therefore appears unlikely that unfavourable status is entirely due to site specific factors. Despite this, wildfires and inappropriate management of habitats within the SPA have undoubtedly contributed to the decline of Hen Harriers in recent years. The site continues to hold a nationally important population. To maintain or enhance the population of Hen Harrier, a fledgling rate of 1.1-1.2 per breeding area is required. However the recent 5 year average number of fledglings per breeding area is 0.95 (2015-2019, NIRSG data), which will impact the population of Hen Harriers within the SPA over the long term. The impact of factors such as predation, prey availability and weather conditions on productivity is currently unclear.

Numbers of Merlin at the Antrim Hills SPA have remained stable since the previous assessment. The population in Northern Ireland was stable at the time of the last UK national census (Ewing *et al* 2011) but is declining in the island of Ireland as a whole.

## Recommendations

There are many threats and pressures facing both species in the Antrim Hills SPA.

Maintain grazing regimes suitable for hen harrier and merlin and ensure mowing and burning of habitats is reduced to increase the availability of deep heather for nesting. Implement measures to reduce the risk of wildfires. Investigate the causes of low productivity in Hen Harriers.



Ensure that development within and outside the SPA does not impact adversely upon habitats essential for the maintenance of the Hen Harrier and Merlin populations.

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## **Appendix 2**

### **LA02/2017/0594/F - Carnalbanagh Wind Farm Planning Committee Meeting 4<sup>th</sup> November 2021 - NED Response to Comments on Ecological Issues Raised**

This document seeks to respond to some of the comments and claims, made during the Planning Committee Meeting for this application, on relevant ecological issues, which NED considers to have been inaccurate or misinterpreted and potentially misleading, and which may have had a significant bearing on the final decision of the Committee.

For reference, page numbers in brackets refer to the location of these comments in the minutes of the Planning Committee Meeting.

#### **The Gobbins**

Cllr Gordon (page 15) quoted the example of the Gobbins Coastal Path to suggest that displacement of nesting birds was not a significant issue in the consideration of this application, as in this case birds had returned to nesting sites in larger numbers following works which had been carried out by the Council, despite initial objections from NIEA.

However, the situation regarding the erection of protective rock netting at the Gobbins Coastal Path was distinctly different from that at Carnalbanagh in terms of both planning context, the nature of the respective developments and the ecology of the affected species.

At the Gobbins the issue concerned the implementation of planning conditions for a consented project, while for the current proposal at Carnalbanagh it is still to be decided as to whether the proposed development is acceptable in planning terms.

The seabird species nesting at the Gobbins are colonial, rather than territorial, and are only present at the site during a relatively short breeding season. They do not obtain any resources from the site other than a physical nest site (i.e. cliff ledges and burrows), with all foraging being done at sea. The only potential impacts associated with the erection of rock netting are physical exclusion from nest sites and disturbance during the installation of the netting. It is unlikely that birds nesting outside the extent of any netting would be significantly affected.

While several of the seabird species comprising the Gobbins colony are in decline at a UK or European scale, none (with the possible exception of puffin) are at imminent risk of local extinction. In contrast, both curlew and hen harrier, the key species at Carnalbanagh, have recently undergone very large declines and could potentially be lost as breeding species from Northern Ireland.

Furthermore, unlike cliff-nesting seabirds, both hen harrier and curlew are territorial species with considerably more complex needs in terms of breeding habitat, as defined by vegetation type and structure. They typically also establish a core area of several hectares around the nest site, which is defended against others of the same species. Both species additionally use a wider home foraging range shared with others. The size of both these range elements may vary considerably between pairs. Hen harriers may use this range throughout the year for foraging. The Carnalbanagh area is also typically used in winter for roosting by a variable

number of harriers. Curlew are normally only present during the breeding season but may use an extensive area of habitat for foraging during this period.

The scale of the respective developments is also a significant factor. The proposed wind farm at Carnalbanagh will result in the direct loss and fragmentation of suitable breeding and foraging habitat. This was considerably less of a problem at the Gobbins, where only a very small extent of the cliff face, outside the main seabird colony, was affected and there was negligible impact on the availability or quality of nest sites and none on foraging conditions.

A further notable contrast with the Gobbins situation is that both the above species, but particularly curlew, can be adversely affected by wind farm developments significantly beyond the limits of the actual development footprint, resulting in displacement of a proportion of breeding birds from the surrounding area as well as from the development site itself. Research shows that this effect appears to persist into the operational period. Unlike the works at the Gobbins, wind farms also carry a risk of post-construction mortality through collision by birds with turbine blades and towers.

The current route of the Gobbins Coastal Path does not extend within the area of cliffs supporting the majority of seabirds nesting within the Gobbins ASSI. The use of protective rock netting is therefore not required within this section. Since the inception of this project, NED has recognised that the use of netting to prevent rock falls reaching the path might become necessary. As there is a risk that the use of such netting may restrict access to traditional nesting ledges by seabirds outside the main colony, a precautionary approach was recommended and it is a condition of the planning consent for the path that *“No cliff netting or wire mesh shall be used within the designated Gobbins ASSI, unless agreed with the Council and NED in writing prior to the commencement of works in these areas”*.

During 2016/17 and 2019 applications were made for the use of netting for rock stabilisation purposes. In both cases, NED initially expressed reservations about these proposals as insufficient information had been provided about the location and extent of the netting. After taking into account the fact that the netting did not impinge upon the main seabird colony nor relatively high-density nesting areas elsewhere on the cliffs, and that operations would be appropriately timed, all objections were withdrawn. The consultation response from NED stated that the Ornithology Team was *“satisfied that the information provided by the developer is fully compliant with Planning Condition 1. We are also content that the scale of the proposed works is unlikely to have a significant adverse impact upon the selection features of the Gobbins ASSI or upon other breeding seabird species and therefore have no objections to the works proceeding as proposed”*.

It should be noted that no adverse impact on seabirds was anticipated. It is true that larger numbers of three of the four main species breeding at the Gobbins, comprising over 90% of the total, have been recorded in the years following the 2017/18 stabilisation works than in the four previous years but it should be noted that trends were not identical in all species within individual years (see table below). Fulmars increased in 2018 but declined to below 2017 levels in 2019. Kittiwakes declined by 35% between 2017 and 2018 but increased to above 2017 levels in 2019. Common Guillemot numbers were approximately stable between 2017 and 2018 and increased in 2019. Razorbills increased by 54% between 2017 and 2018 but declined again by 21% over the following twelve months. Many environmental factors influence colony attendance by seabirds and fluctuations in numbers can consequently be entirely unrelated to physical changes to the site.

NED's position in response to the Councillor's statement is, therefore, that it did not oppose the use of rock netting at the Gobbins *per se* but our concern was with the insufficiency of the information initially provided. Once additional information was provided, we were able to conclude that the risk of a negative effect on breeding birds was minimal and were content for the works to continue. It is therefore not surprising that no adverse impact on the numbers of seabirds using the site has been evident.

**Table1: Breeding seabird numbers at The Gobbins, 2013 – 2019.** Figures for Fulmar and Kittiwake are apparently occupied nests. Figures for Guillemot and Razorbill are individuals

	2013	2014	2015	2016	2017	2018	2019
<b>Fulmar</b>	167	148	201	290	310	326	215
<b>Kittiwake</b>	694	695	835	1072	1053	683	1145
<b>Guillemot</b>	2084	1510	2137	2675	2326	2284	2617
<b>Razorbill</b>	854	240	520	858	560	862	679

### Compensation Lands

Some members highlighted the mitigation and compensation measures proposed by the applicant for hen harrier and curlew and considered that these would address any concerns raised by NED regarding impacts to these species.

Cllr. McCaughey (p.17, 18) stated that the applicant would manage an additional 66 hectares of ground for hen harrier and curlew to ensure any negative effect on the natural habitat was addressed and that this was well above and beyond what was required. Cllr Gaston (p. 20) stated that he "believed the proposed 25-year habitat management plan across 66 hectares greatly improved the environment and addressed the issue of alleged displacement of the hen harrier and curlew highlighted by NIEA".

However, these statements appear to ignore the detailed considerations of the applicant's mitigation and compensation measures which NED had provided in its consultation response, dated 15 October 2021, and its conclusion that there were significant uncertainties as to their outcome and effectiveness and that these measures were likely to be inadequate to offset or reduce significant harms to these species.

It should be highlighted that, in terms of compensation for potential displacement of curlew, the 43ha allocated to this species cannot be considered "additional" as it already has a history of usage as core territory by curlew. Compensation requires the creation of new habitat or "improving the remaining habitat proportional to that which is lost due to the project". It is, however, difficult to assess the degree by which the existing habitat within the proposed compensation areas would need to be improved in order to increase the carrying capacity to a level that would allow any displaced curlews to establish there, given the possibility of competitive exclusion by resident pairs.

NED also has significant reservations regarding the 23ha area proposed as compensation for hen harrier, which were detailed in our last consultation response. The preferred nesting

habitat for hen harrier in the Antrim Hills is extensive mature heather. Heather blocks containing nest sites average 47ha in extent. There are no records of the proposed compensation area having been previously used for nesting by hen harriers and the heather cover within this area is currently fragmented and it has been stated by the applicant that, at present, only 25% of the habitat is in good condition. NED therefore has serious concerns regarding both the size of the compensation area and the time required to bring it into suitable condition for nesting, as suitable habitat (*i.e.* extensive tall heather) would have to be made available at the time of construction. The applicant has stated that it may take up to ten years to achieve a suitable vegetation structure.

Additionally, the applicant has stated that the area of the hen harrier compensation lands is 23.8ha. However, this area includes an existing minor road which splits the area into two separate parcels of land (of approximately 17ha and 7ha). Furthermore, an area within the red line boundary of the proposal, where wind farm access roads are proposed, overlaps the compensation area. The presence of roads within the compensation area, with increased traffic from construction works and site maintenance, could lead to a significant disturbance effect on any hen harriers and further reduce the size of potentially available land. Therefore, NED considers that the amount of suitable potential hen harrier nesting or foraging habitat within this area is substantially less than 23ha.

It should also be noted that some of the compensation area is likely to contain waterlogged ground, dominated by poor fen or swamp habitats, as indicated by the applicant's original habitat survey, and this land will be incapable of being restored to mature heather suitable for hen harrier nesting.

While it is reasonable to say that habitats within the conservation areas would be protected for 25 years, in the event of the project being consented, this has to be offset by the uncertainty as to whether these areas would become suitable for hen harrier nesting and, therefore, adequately counteract any adverse impact of construction.

### **Survey effort and hen harrier co-existence**

Cllr. Gaston (p.21) stated that he believed that the information provided by the applicant, including 5 years of bird survey effort, had gone beyond what is normally required and showed that NED concerns had been overcome. He also stated that the information showed that hen harriers could co-exist with wind farms.

While NED does not dispute that the bird survey effort associated with this application has exceeded that of many similar projects, our concerns are with the conclusions arrived at from the data collected, which were detailed in our last consultation response. In the case of hen harrier these are contradicted by the findings of other highly skilled and experienced observers from the Northern Ireland Raptor Study Group (NIRSG). While the applicant found no evidence of nesting by hen harriers in proximity to the wind farm site, the NIRSG (which routinely provides NED with the majority of its information on raptor distribution used in the assessment of planning applications) concluded that breeding attempts had occurred there in at least four years since 2016, one of which was successful.

NED also previously expressed significant concerns with the applicant's survey effort and methodology and it is possible that the applicant's results may have been affected by restricted coverage of parts of the survey area from fixed vantage points, while the NIRSG

observers had more flexibility. It is also possible that results were affected by an uneven timetabling of vantage point observations across the breeding season.

NED fully accepts that hen harriers have remained in the vicinity of newly constructed wind farms at several locations. Declines have occasionally been recorded in the longer term at some sites but there is a lack of conclusive evidence linking these to effects of wind farms. No attempt has yet been made to assess the influence of the extent of nesting habitat in proximity to turbines and the occurrence of topographical screening between nest sites and construction works or operating turbines on the distribution of breeding hen harriers around wind farms. However, analysis of flight activity by hen harriers around a suite of 12 wind farms predicted a decline of 52% within 500m of turbines post-construction, suggesting the occurrence of a deterrent effect (Pearce-Higgins *et al* 2009<sup>i</sup>).

NED's principal concern in regard to potential displacement of hen harriers at Carnalbanagh is that the area is effectively a habitat island, separated from the more extensive heather-dominated areas within the boundaries of the Antrim Hills SPA, which offers limited nesting opportunities because of the fragmented nature of mature heather. Further loss of habitat and fragmentation caused by construction of the wind farm is likely to result in abandonment of the site.

It is notable that hen harriers have ceased to breed at Carnalbanagh in the past when the habitat has been damaged by fire but have reoccupied the site once the vegetation has recovered. Reoccupation may not be possible if permanent loss of vegetation to construction renders the remaining heather blocks below a critical size. The persistent return of hen harriers to breed at this location over many years indicates that it is an attractive nest site. It is also one of the very few nest sites in the Antrim Hills where chicks have been successfully fledged in recent years. As there has been an 80% decline in hen harrier numbers within the SPA since designation, this highlights the current importance of the site to the Antrim Hills population.

Additionally, it is important to point out that should hen harriers attempt to breed in proximity to the wind farm site post construction this would significantly increase the collision risk, as previously highlighted by NED. Indeed, the applicant's own environmental information has described the case study at Griffin wind farm in Scotland where a lack of displacement effects led to hen harriers moving close to turbines and *resulting in increased and unpredicted collision mortality*.

### **Linkage to SPA and habitat condition for hen harriers**

Ms Fraser (p. 27), representing the applicant (p. 27), disputed the linkage of hen harriers at Carnalbanagh to the Antrim Hills SPA. She stated that NED has no direct evidence of foraging at Carnalbanagh by hen harriers nesting within the SPA boundaries.

However, while this is correct, the use of the wind farm site by hen harriers nesting within the boundaries of the designated site has never been the basis of the NED's case regarding functional linkage of the Carnalbanagh site to the Antrim Hills SPA. Conversely, this linkage is based on observations by the NIRSG, over many years, demonstrating that hen harriers nesting at Carnalbanagh use the SPA for foraging.

Additionally, Ms Fraser (p. 27), misrepresented NED's written consultation response regarding the hen harrier compensation area and the condition of land for hen harrier

nesting. She suggested that NED had contradicted themselves regarding the quality of hen harrier habitat which would be affected by the development and that only 25% of it was in good condition.

However, NED's consultation response referred to only 25% of the proposed compensation area being in good condition for hen harrier nesting, a figure produced by the applicant, which highlighted its unsuitability. This is misinterpreted by Ms Fraser's statement in which she suggests that NED was referring to the land on the proposed wind farm site and, therefore, that there was a contradiction in NED's position. NED representatives did not get a chance to refute this statement at the hearing.

For clarity, the land around the proposed wind turbines, which is currently being used by nesting hen harriers, is clearly suitable habitat for nesting and therefore the loss of this land will not be adequately compensated for by land which is currently not in good condition for nesting in the proposed compensation area.

NED's main concerns regarding management of the proposed compensation area are: its relatively small size, as discussed above, the intention to develop a habitat mosaic rather than maximising the extent of nesting habitat, the uncertainty with creating suitable habitat, and the timescale required to provide suitable nesting habitat, given that it would be essential to have alternative habitat available at the time of construction to mitigate any displacement of harriers.

## **Curlew**

The applicant also maintained that the impact of the wind farm on curlew will be low and quoted NED as stating that there could be no displacement of curlew at all.

NED does not dispute that there is a possibility of no displacement. There have been some cases where curlew numbers have not been reduced in proximity to wind farms after construction, though it is not clear what influence site-specific topographical factors may have in this. It is, however, also possible that all breeding pairs within 800m of turbines could be displaced.

Two studies of the impact of wind farms on upland bird communities, including 12 and 18 sites respectively, found evidence of displacement of curlews (Pearce-Higgins et al 2009, 2012<sup>ii</sup>). The first of these analyses predicted displacement of 42.4% from within 500m, with an effect detectable to 800m, and found no evidence of recovery post-construction. The second predicted 40% displacement over the construction period. There will have been considerable variation in the response of birds between sites, however, and the above figures should be considered as an average value. Consequently, both no loss and total loss from within the zone of susceptibility are theoretical possibilities. The conclusion remains, however, that there is a tendency for a substantial proportion of curlew nesting in proximity to wind farm sites to be displaced and, in view of the current status of the Northern Ireland curlew population, a precautionary approach is appropriate, as we have previously highlighted.

While the number of curlew territories potentially at risk of displacement by the wind farm is small in absolute terms, typically one to two territories in recent years, this should be seen in the context of a rapidly declining population. Curlew numbers have fallen dramatically in Northern Ireland in recent years, with an 87% decline recorded between 1987 and 2013

(Colhoun *et al* 2015<sup>iii</sup>), and the population may now number less than 200 breeding pairs. Loss of two territories under the latter scenario would be equivalent to impacting 1% of the Northern Ireland population. While the fate of displaced birds is unknown, it is reasonable to assume that exclusion from the area they had selected on the basis of prevailing environmental conditions is likely to reduce their chances of breeding successfully and the population trajectory would suggest that suitable alternative conditions for breeding are currently very limited.

It should be noted that the south Antrim Hills is one of only two areas in Northern Ireland with relatively stable breeding populations of curlew, with the area centred on Glenwherry (including the Carnalbanagh/Aughfatten area) being particularly important. Any losses in this area are therefore likely to have a disproportionate impact on the Northern Ireland curlew population as a whole.

#### **Lack of evidence for impact on Hen Harriers:**

Ald. Cherry (p.33) stated that no evidence had been presented to indicate that nesting hen harriers would be displaced, would not return to the site post-construction or were at risk of collision with turbines.

As has been noted above, NED accepts that there is little published evidence of immediate displacement of nesting hen harriers over large distances by wind farms. However, although hen harriers have been observed foraging within wind farms at a number of sites in the UK and Ireland there is published evidence that suggests that turbine avoidance can result in significantly reduced usage of areas in the vicinity (Pearce-Higgins *et al*, 2009).

NED's concern is less with birds being deterred by the presence of turbines than by the risk of them being displaced by the further fragmentation and degradation of limited nesting habitat at this traditional breeding site by the infrastructure footprint.

Relocation of nests, while remaining in relative proximity to turbines has been recorded at several sites but it would be difficult to determine whether this was influenced by construction or was simply small-scale variation in nest site selection between years, as occurs naturally. Data on hen harrier nesting distribution around wind farms has tended to come from sites in areas of extensive habitat where relocation in relation to vegetation removal or degradation caused by construction can readily be accommodated locally. At Carnalbanagh, suitable nesting habitat is limited in extent and may be rendered unusable by further loss and fragmentation. This is supported by the fact that, despite successful breeding in the previous two years, there were no territory-holding pairs of hen harriers in the Carnalbanagh area in the four years following partial damage to nesting habitat there by fire in 2008.

There is no conclusive evidence to indicate that hen harriers which moved after nesting attempts at Carnalbanagh failed early in the season have been able to successfully fledge young elsewhere in the local area. The nesting area used prior to the 2008 fire was occupied again by territorial harriers in 2013 and in the subsequent two years following some recovery of habitat. The birds have, however, shown no interest in this area since 2015 and it appears likely that it is no longer suitable for nesting, further restricting options for local relocation.

NED has previously stated that it considers collision risk to be a lesser concern in this case, as most flight activity by hen harriers is undertaken below rotor height. However, display



flights, during the breeding season tend to be carried out in proximity to the nest site and are undertaken at heights where there would be an increased risk of collision. There may also be some risk associated with early flights by newly fledged juveniles, though limited research indicates that this risk is likely to be relatively low. Fatal collisions by hen harriers with turbines appear to be rare but do occur (e.g. Whitfield & Madders 2006<sup>iv</sup>), including multiple fatalities at the same site: [Raptor wind farm deaths - Scottish Nature Notes - Our work - The RSPB Community](#). In addition, as highlighted above, the applicant's own environmental information has described the case study at Griffin wind farm in Scotland where increased and unpredicted collision mortality of hen harriers was found.

## References:

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<sup>i</sup> Pearce-Higgins, J.W., Stephen, L., Langston, R.H.W., Bainbridge, I.P. & Bullman, R. (2009) The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 46: 1323-1331.

<sup>ii</sup> Pearce-Higgins, J.W., Stephen, L., Douse, A. & Langston, R.H.W. (2012) Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 49: 386-394.

<sup>iii</sup> Colhoun, K., Mahwhinney, K. & Peach, W. (2015) Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013. *Bird Study* 62: 394-403.

<sup>iv</sup> Whitfield, D.P. & Madders, M. 2006. A review of the impacts of wind farms on hen harriers *Circus cyaneus* and an estimation of collision avoidance rates. Natural Research Information Note 1 (revised). Natural Research Ltd, Banchory, UK.