



FRIENDS OF KNOCK IVEAGH

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F.A.O. Members of the Public Accounts Committee

The NIAO Report: Planning in Northern Ireland

Further to our letter of 24/02/2021 (Renewables) and in light of the above report into Planning in NI, our group would like to provide further evidence to the committee regarding our experience of the NI Planning system.

We attach our previous correspondence (appendix 1) for your information, but the main points are as follows:

- In 2017, Planners (then DOE) permitted an unlawful wind turbine development at Knock Iveagh (site of a scheduled historic monument) **without the necessary Environmental Impact Assessment or consultation process**, contrary to multiple Planning Policies. **Crucially, government archaeologists were not consulted¹.**
- **Both ABC Council (who inherited the flawed planning permission) and the Department for Infrastructure failed to intervene to revoke the flawed decision, despite requests from governmental advisors the Historic Monuments Council.**
- The **Environmental Impact of this unauthorised development has been major.** It has damaged the setting of the scheduled monument and the focal point of an important ritual landscape in constant use from at least 3,600 BC.
- **Developers have earned 8,096 ROCS certificates since 2018 (worth at least £404,800) from this unauthorised development;** this is despite a planning process that failed to consider the Environmental Impact of the development in line with EIA Regulations, and the fact that many aspects of the development still do not have planning permission.

¹ It was later revealed that DFC:HED were unable to take action in this regard, having lost their legal standing due to a series of other failures.

<https://www.bbc.co.uk/news/uk-northern-ireland-politics-51014708>

In addition to the above, we would like to bring the following points to the attention of the Committee:

- **In January 2021, ABC Council initiated Judicial Review proceedings against the Department for Infrastructure over its failure to intervene at Knock Iveagh.** These proceedings have still not made it beyond the initial stages. We are concerned that prolonged “discussions” between parties may be a deliberate attempt to ‘stall’ in order to **allow the development to become immune from enforcement action.** This would be contrary to EIA Regulations and the **recommendations of the UN Compliance Committee in July 2021 (ACCC/2013/90)**
- **To date, ABC Council has spent at least £915,290.50 of public money on legal costs.** This is despite compensation estimates of £750,000 for removing the turbine at Knock Iveagh in 2017.
- We have been seeking a meeting with Minister Mallon in regards to Knock Iveagh since January 2020. She has continually refused to meet us and we have seen no accountability for the failings at Knock Iveagh.

The Knock Iveagh case embodies some of the key failures identified in the recent NIAO report into planning, crucially:

4.11 ‘little accountability for the overall performance of the planning system’

There has been no accountability for the situation at Knock Iveagh from ABC Council, The Department for Infrastructure, or the Department for Communities. **The public interest has not been served and the only people benefiting are developers and lawyers.** From the perspective of the public, looking on, the questions this raises are serious. In whose interests are the authorities acting?

4.12 ‘the ‘planning system’ in Northern Ireland is not currently operating as a single, joined-up system. Rather, there is a series of organisations that do not interact well, and therefore often aren’t delivering an effective service’, and 4.13 ‘the focus for all of those involved in the system must be the successful delivery of planning functions in Northern Ireland, not the impact on their own organisations.’

By failing to act as a “joined-up system”, ABC Council, the DFI and DFC are in a stand-off where each party seeks to blame the other for the various failings. Rather than acting coherently and in the public interest, **vast amounts of time and money have been spent seeking to minimise the “impact on their own organisations” and avoiding responsibility.**

4.31 'Despite the Executive's commitment to outcomes-based accountability, performance measurement within the planning system is predominantly concerned with the speed and quantity of decisions, rather than the quality of outcomes;

The case at Knock Iveagh highlights how pointless bureaucracy dominates over "quality outcomes". There have been **numerous opportunities to resolve the issues** but no party has been willing to take responsibility or work cooperatively with others to take the necessary action. There has been no tangible outcome, almost 5 years on.

4.35 'the Department has been too slow to respond to the challenges facing the planning system and to provide leadership and support for the system as a whole'

Our group has been in contact with the Department for Infrastructure since 2017. We warned them about the failures in the planning process **before the turbine development was completed. We informed them about continued breaches of the EIA regulations at Knock Iveagh and the potential for real harm to come to our historic environment.** The Department appears to have simply done nothing. In our experience, the return of the Executive has made little difference to the leadership, functionality, or accountability of the Department. They simply appear to have 'turned a blind eye' while ABC Council compounded a bad situation they inherited from the Department and made it worse. **This is despite being asked to intervene both by the HMC and by ABC Council itself. Had the Department acted decisively, Knock Iveagh could have been saved from damage, the public interest in terms of both heritage and economics would have been served, and the EIA regulations would have been upheld.**

Our group feels that the above is a perfect example of a 'worst of all worlds' scenario.

1/ A place that is recognised as both regionally and nationally important in terms of heritage and archaeology has been damaged, and the public have lost access to a considerable heritage and tourism asset.

2/ **An unauthorised EIA development has been rewarded with huge payouts of public money.**

3/ Nobody, either at Council or Stormont, has ever accepted responsibility for the repeated planning failures which saw the turbine approved and erected despite the public outcry, much less done anything to rectify the damage done to a 6,000 year old heritage site.

4/ **More public money has been spent 'stalling' legal action than it would have cost to revoke the planning permission in the first place!**

5/ The Department for Infrastructure (Environmental Governance Work Programme) now appears to be **in danger of allowing an unauthorised EIA development to become immune from planning enforcement action (November 2022)**. This is despite the recommendations of the UN Compliance Committee in July 2021 (ACCC/2013/90) advising that the United Kingdom of Great Britain and Northern Ireland must ensure this does not happen. The costs and repercussions for all of us here could (potentially) grow exponentially should it be concluded that this practice is still being allowed in Northern Ireland.

We would be more than happy to provide further evidence to the Public Accounts Committee as they review the findings of the recent NIAO report. Our group has only ever acted in the public interest, devoting years to protecting a place that already has professional bodies tasked with doing this job. Sadly, we have met many obstacles. Knock Iveagh is a very public example of how vital the planning process is, why it must be fit for purpose, and why public trust in the system is so low. Perhaps it also offers some insight into how trust could potentially be restored.

With Best Regards,

Arlene Copeland
Emma Grossmith
Anne Harper
Veronica Williams

for the **Friends of Knock Iveagh**

APPENDIX 1

24th February 2021

Dear Committee,

Re. The Public Accounts Committee Investigation into Renewables Incentives

We are a community group which has been campaigning against unlawful development at the important heritage site at Knock Iveagh, County Down since September 2017.

Knock Iveagh is the site of a regionally important Neolithic burial cairn built on top of a distinctive and unusual layer of bone, ash and ritual deposits dating back to 3,600BC. It is thought to have been the inauguration complex for early Irish Kings belonging to the Ulaid tribe, the Ui Echach Coba. It was later re-purposed as part of the inauguration complex for the Magennis Chieftains of Iveagh. After the fall of the Magennis it continued to be a place regularly visited by interested people, walkers and members of the community. In all, Knock Iveagh summit has been valued as a sacred place within the landscape here for at least 6,000 years.

Due to a series of systemic failures involving the (old) Department for the Environment (DOE), the Department for Communities (DFC), the Department for Infrastructure (DFI) and Armagh City, Banbridge and Craigavon Borough Council (ABC Council) **an incorrectly streamlined application for a wind turbine was granted planning permission in 2013 with the turbine subsequently built, in 2017, adjacent to the summit of Knock Iveagh. This took place without the necessary Environmental Impact Assessment being undertaken, the nearest neighbours were not consulted, and (also unlawfully) government archaeologists were not consulted about the development despite its proximity to a protected (Scheduled) ancient monument. Furthermore, the decision was contrary to published Planning Policies including PPS 6 Archaeology and Built Heritage and PPS18 Renewable Energy.**

It is on record, that in 2015, before the turbine was erected, at a Planning Appeal Commission hearing relating to a second turbine proposed for the hill, ABC Council 'distanced themselves' from the decision to grant the first turbine planning permission. This removes any doubt that they were aware of the damage the approved wind turbine would do to Knock Iveagh; however they did not take any steps to prevent that development going ahead.

In 2017, when the flaws in the process came to light and it became apparent that additional, unlawful development associated with the turbine (but not shown on any planning application) would also be taking place, this campaign group wrote to both ABC Council and the Department for Infrastructure to make them aware of the demonstrable and catastrophic errors which had led to the granting of the planning permission, and to ask them to prevent the development from completing before further damage was done to Knock Iveagh.

We were not alone in doing so. **The Historic Monuments Councils - as advisor to the Department of Communities (under the Historic Monuments and Archaeological Objects Order 1995) - also wrote to both ABC Council and the DFI, advising them of the importance of the site and asking them to revoke the planning permission.**

Nonetheless, for reasons for which we can only speculate, the development was allowed to proceed. **In addition to the wind turbine, developers also erected unlawful electrical buildings, an access road, and dug approximately 2km of earthing trenching, none of which had been in the original application. At no point was there any archaeological consultation, investigation, or mitigation for any part of the development. The Historic Monuments Council have indicated that “the turbine has created a serious visual impact upon the integrity of the monument’s setting and the landscape”.** An important heritage site, one of the earliest on record in the British Isles and a precursor to many other famous megalithic ritual centres, was, quite simply, and colloquially, trashed. The cairn which had been deliberately placed at Knock Iveagh’s summit in order to dominate an important ritual landscape, is itself now dominated by an imposing wind turbine ≈41.5m high. The turbine erected is a reconditioned (second-hand) model and it is therefore highly questionable whether even this part of the development is even in line with the original planning permission. Neighbours, who were also not consulted, have been living with excess noise, concerns about health, and the loss of the amenity of their homes & gardens.

As if that wasn’t enough, with the development complete, the company responsible was able to go ahead and apply for ROCS - which of course they did. **The unlawful development at Knock Iveagh has been in receipt of ROCS since 26th February 2018, and at the time of writing it has received approximately 5,985 ROCS certificates, worth (at the most conservative of estimates) at least £299,250.** It is highly likely, in our view, to have received a great deal more than this².

In December 2020, ABC Council agreed that the development was causing ‘an adverse environmental impact on the integrity of the setting of the scheduled monument and the visual amenity and landscape character of the site’. They subsequently wrote to the Department for Infrastructure asking them to take action. DFI declined to take any action and **the Minister has repeatedly refused to meet with this group despite her meeting with representatives of the industry.**

The planning failures listed above, and the damage to our shared heritage is important not only in and of itself, but also because:

- i) we, the public, have witnessed unlawful destruction and damage being done to a much-loved heritage site while the authorities (whom we fund through our taxes) to protect these places have appeared to turn a blind eye.
- ii) the development is in receipt of ROCS (which we fund via surcharges on our electricity bills) despite the original planning permission being flawed and most of the development having no planning permission at all, and
- iii) we are being told that ratepayers from ABC Council could be asked to pay a huge amount of compensation to the developer in the event that planning permission is discontinued. Why, in addition to the above, should we, the public, pay AGAIN for failures which we didn’t make, which have profited an off-shore company and damaged our shared heritage?

² the value of certificates varies and this number may well be considerably higher

The whole thing beggars belief, and it appears that it has all arisen due to a Stormont ROCS scheme which actively incentivised (and streamlined) wind development without ensuring the correct checks and balances were in place. Those checks and balances include (but are not limited to):

- i) a lawful planning and consultation process,
- ii) lawful Environmental Impact Assessments on single industrial turbines over 15m in height, as per Schedule 2, 3.(j) (ii), and
- iii) a requirement for lawful planning permission to be in place for the whole development before ROCS are paid.

Because of systemic failures at Stormont we, the public, are now in a position where we are literally paying a developer to shamelessly and unlawfully damage a priceless historic environment; in the event that they are required to stop damaging it, we will be asked to pay for that too! To date there has been a complete lack of accountability shown by the Stormont Executive for any part of this fiasco. Does the Public Accounts Committee believe this is reasonable?

Should members of the public such as ourselves have to spend countless hours - years in fact - attempting **to act in the public interest, to ensure due process and to protect a place which should already have been protected** by those being paid to do so? A conservative estimate for four people, working approximately 10 hours per week for 3.5 years at £30 per hour (minimum consultancy rate) works out at approximately £218,400, not counting equipment or consumables. This being the case, we would like to ask, to whom should we send our bill?

With Best Regards,
Anne Harper
Veronica Williams
Arlene Copeland
Emma Grossmith