

Reference Number: DAERA/26-671

**Environment, Marine and Fisheries
Group**
Business Support Team



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

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06 October 2026

Dear [REDACTED]

Environmental Information Regulation 2004

With regard to your request for information received by the Department on 30 August 2026 which sought the following information:

'Copies of all correspondence, records and communications between NIEA/DAERA and Fermanagh and Omagh District Council Planning relating to actual, suspected or potential non-compliance with planning conditions associated with the Pigeon Top and Cornavarrow wind farm developments.

This request should include, but not be limited to, correspondence or records held under, referring to, or associated with the following planning references:

K/2006/1368/F

K/2009/0081/F

K/2011/0592/F

LA10/2015/0392/NMC

LA10/2015/0792/NMC

LA10/2015/0793/NMC

LA10/2017/1199/F

LA10/2021/0916/F

The request also extends to any other earlier or subsequent applications, non-material changes, variations of condition, discharge-of-condition applications,

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enforcement/compliance records or other planning references relating to the Pigeon Top, Cornavarrow/Cornavarragh wind farm developments, whether or not specifically listed above.

In particular, please provide:

- 1. All correspondence from NIEA/DAERA to FODC Planning concerning failure, delay or alleged failure to undertake ornithological surveys, monitoring or reporting required by planning conditions.*
- 2. All correspondence concerning post-construction ornithological monitoring, including monitoring required in specified years following construction or operation.*
- 3. All correspondence concerning missing, incomplete, delayed or outstanding monitoring for Years 1, 2, 3 and/or 5, including any discussion as to whether a later monitoring year could be accepted in place of monitoring that had not previously been undertaken.*
- 4. All correspondence concerning compliance or non-compliance with conditions intended to monitor or mitigate impacts upon Hen Harrier, Peregrine, Curlew, breeding birds, wintering birds, raptors or other sensitive bird species.*
- 5. Any correspondence in which NIEA/DAERA advised FODC Planning that a planning condition had been breached, had not been discharged, had not been complied with, or where NIEA considered further information or remedial action necessary.*
- 6. Any responses received from FODC Planning concerning the above matters and any subsequent correspondence from NIEA/DAERA.*
- 7. Any correspondence between NIEA/DAERA and the developer, operator, planning agent, ecological consultant or ornithological consultant concerning these compliance or monitoring issues, where that correspondence was copied to, subsequently supplied to, or discussed with FODC Planning.*
- 8. Any internal NIEA/DAERA correspondence, meeting notes or records recording a decision to raise, pursue, close or otherwise deal with these matters with FODC Planning.*

For avoidance of doubt, I am particularly seeking to identify correspondence concerning outstanding post-construction ornithological monitoring and any proposal or request that Year 5 monitoring might be undertaken or accepted where monitoring required in earlier years had not been completed.'

I can advise that the Department has completed its search and can confirm that it holds information relevant to your request, which is attached at **Annex's A - R**. Information falling outside the scope of your request has been redacted.

Some of the information held constitutes personal data of which you are not the data Subject. This information is being withheld under Regulations 12(3) and (13(1) of the Environmental Information Regulations 2004 (EIR).

The Department is required to consider if disclosure would breach the first Data Protection Principle, which states that processing must be lawful, fair and transparent.

The Department has considered this element within the test attached at **Annex S** and has determined that no lawful basis for disclosure under EIR exists. The Department has taken into account that disclosure under the EIR is considered disclosure to the “world at large”, rather than solely to the individual making the request. Consequently, third-party personal data falling within the scope of the request has been withheld.

The Department is also withholding a Bird Monitoring Report Year 3 (2024) under Regulation 12(5)(g) of the EIR, as the report contains information relating to protected species and disclosure could adversely affect the protection of the environment to which the information relates.

A Public Interest Test undertaken by the Department in relation to Regulation 12(5)(g) supports this decision and is attached under **Annex T**.

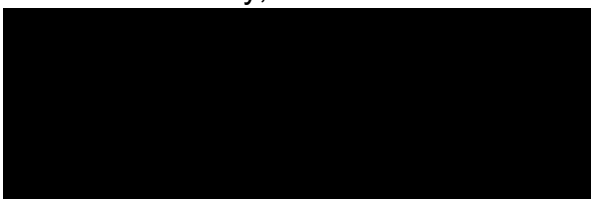
In addition, information which is publicly available and easily accessible has been withheld under Regulation 6 (1)(b) of the EIR. Information and documents associated with planning applications that are available to the public can be viewed on the Planning Portal using the following link:
<https://planningregister.planningsystemni.gov.uk>.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Jubilee House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department’s decision.

Yours sincerely,



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