

**Food Farming and Rural Affairs Group
Rural Affairs Division**

Our Reference: DAERA/26-690



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

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department of

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

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29 September 2026

Environmental Information Regulation 2004

I refer to your request for information received by the Department on 4 September 2026. In the acknowledgement letter forwarded to you on 8 September you were advised that your request would be dealt with under the Freedom of Information Act 2000. However, as your request concerns a measure affecting the environment it falls within the definition of environmental information in Regulation 2(1)(c) of the Environmental Information Regulations (EIR) 2004. Your request will therefore be dealt with under the EIR legislation. I apologise for any confusion caused.

In your request you sought information about a wind turbine project, including a request for copies of installation certificates, completion certificates, commissioning documentation, planning permission, inspection reports, and records of consideration of clawback of grant.

If you are deaf or have a hearing difficulty you can
contact the Department via the Next Generation Text
Relay Service by dialling 18001 + telephone number.

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I can advise that the Department has completed its search and can confirm that it holds some of the information you requested. You should note that some of the information held constitutes personal data of which you are not the data subject. In these instances, the Department is required to consider if disclosure would breach the first Data Protection Principle. The Department has considered this element by completing a Lawfulness and Fairness Test, which has determined that no lawful basis for disclosure under EIR exists. Please bear in mind that any disclosure must be considered in terms of disclosure to the world at large and not just to you, the requester. Consequently, third party personal information falling within the scope of this request has been redacted under Regulation 13 of the regulations. A copy of the Lawfulness and Fairness Test is attached at Annex 1.

Please also note that some documentation is no longer held by the Department as it was disposed of in line with our Retention and Disposal Schedule which states that, after a period of 10 years from the final payment of grant aid, the Department is no longer obliged to hold documentation.

The schedule can be found online at:

<https://www.daera-ni.gov.uk/publications/daeras-retention-and-disposal-schedule>

Turning to your request, I will address these in the order that you listed them.

1. **Any MCS Installation Certificate, MCS Commissioning Certificate or equivalent certification supplied by the applicant, grant recipient, installer or other party in relation to the turbine.**

This information is not held.

2. **Any project completion certificate or declaration supplied before final grant payment.**

Certificate of Warranty from Gaia Wind dated 4 September 2012 attached at Annex 2.

3. **Any commissioning documentation relating to the 11 kW Gaia turbine.**

This information is not held.

4. **Any documentation recording the date upon which the turbine was installed, commissioned or first brought into operation**

Installation Certificate from Silverford Renewables dated September 2012 attached at Annex 3.

5. **Any planning permission, planning documentation or declaration concerning planning permission supplied to the Department as evidence of compliance with the Letter of Offer or grant conditions.**

A copy of the retrospective planning application to install 11kw Gaia win turbine dated 5 November 2012 is attached at Annex 4.

- 6. Any checklist, inspection report, assessment, internal memorandum or other record demonstrating the Department's consideration of whether the completed project complied with the conditions of grant**

A copy of the final Pre-Payment Site Visit Form and a Post Project Evaluation for the completion of the project are attached at Annexes 5 & 6, various e-mails from 2016-18 are attached at Annex 7 and correspondence between the Department and Departmental Solicitor's Office – see Annex 8.

- 7. Any documentation supplied by the installer concerning its MCS certification, MCS registration or compliance with the applicable MCS installation standards.**

This information is not held.

- 8. The claim for final grant payment and the documentary evidence submitted in support of that claim**

Claim was vouched on 27 September 2012 for an amount of £37,160. A copy of the Payment Authorisation Form and the invoices from Silverford Renewables dated 16 August and 25 September 2012 are attached at Annexes 9, 10 & 11.

- 9. The date and amount of the final grant payment authorised in respect of the wind turbine project**

The payment of £37,160 was approved for payment on 1 October 2012.

- 10. Any correspondence or internal record concerning the fact that retrospective planning permission was subsequently sought for the turbine under 1/12/0398/F, including any consideration of whether that circumstance affected eligibility for the grant or compliance with the Letter of Offer**

See e-mail dated 5 February 2019 attached at Annex 12.

- 11. Any record of subsequent consideration of recovery, clawback, irregularity, non-compliance or continued eligibility relating to this project**

See previous e-mails referred to in response to your request at bullet point 6 above. I understand that the application is still being considered by the Council and no decision has been made so far. You should note that under Article 4 of

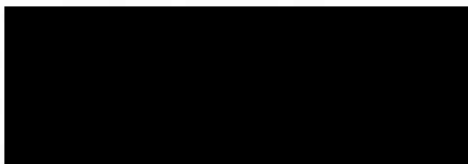
the Limitation (Northern Ireland) Order 1989, any debt recovery proceedings must commence within a period of six years starting from the date of any breach of the terms and conditions. Any action commenced outside of this period will be known as "statute-barred" so even if there was ever to be a case for clawback that will not happen.

If you require any clarification, or 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,



RAD Communications and Evaluations Branch

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