



APPENDIX to Letter to Department for Infrastructure

1: GROUNDS FOR THE DEPARTMENT OF INFRASTRUCTURE CALLING IN CLOGHAN POINT PROPOSAL

This is a major development proposal that has **very significant environmental impacts, has regional infrastructure implications and will commit East Antrim to a grey-fossil fuel economy for decades to come.** Many of these issues have not been effectively accounted for in the Environmental Impact Statement prepared by the applicants and the planning application is misleading in terms of the intensification of traffic that will result on the Belfast Road running through Whitehead, Eden, Carrickfergus and Whiteabbey.

The Planning Act 2011 places a duty on local planning authorities to make any planning decision '*with the objective of furthering sustainable development*'. It is clear that a development that is solely aimed at consolidating Northern Ireland's reliance on fossil fuels is contrary to this objective and **undermines the objectives of the Northern Ireland Climate Change Act (2022)**. In 2019 MEABC passed a motion that committed the Council to address climate change and in July 2023 published a [Climate and Sustainability Action Plan](#) which committed the Council to taking climate action to reduce greenhouse gas emissions.

The Strategic Planning Policy Statement (SPPS) states that all planning decisions must be made in **the public interest** weighing up the costs and benefits of proposed developed. In the case of this proposal, while there are significant environmental impacts, there are few benefits. There is no shortage of oil terminal capacity in Northern Ireland, with existing facilities having superior access to end users and adequate road access. Furthermore, the applicant has made **no indication of the likely economic benefits**, which are likely to be marginal in relation to the scale of the development, due to relocation of existing jobs and a largely automated operation. The applicant has stated that the prime reason for the development is 'commercial resilience', which is entirely a private matter and beyond the scope of the planning system. Para 3.9 of the SPPS notes:

'...in determining planning applications planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest.'

A decision on a planning application must also be made having '**regard to the local development plan**'. As noted in the Appendix of this document, **this proposal undermines 7 of the 14 key objectives of the current area plan, while contravening seven specific planning policies, relating to landscape, heritage, traffic and other matters.**

The proposal also **undermines aspects of the SPPS**, including:

- Para 1.107 – which states that built development must not be permitted on the **flood plain of the sea** (which is where much of the site is located) unless the development is of overriding economic importance (which this is not). Even where there is an exception, paragraph 6.108 notes there is still a presumption against development for the storage of hazardous substances likely to cause pollution in a flood event (which includes the materials to be stored at the site).
- Para 6.297 – states that sustainable patterns of development should be promoted that **reduce the need for motorised travel** – which the viability of this proposal entirely depends on. This para. also seeks to **limit access to protected routes, such as the A2 Belfast Road** and the applicants have made misleading statements on the extent of the intensification of the traffic on this road and the junction that links the site to it.

Impacts of the proposal

The proposal will result in many major impacts and risks to the environment, resulting in a major deterioration of the local area. This includes:

- **Compromising climate action** by facilitating the importation of over 1.5 million tonnes of fossil fuels every year and further consolidates the carbon economy of Northern Ireland, making it even more difficult to achieve the stringent climate targets set by the NI Assembly. The **Climate Change Act Northern Ireland 2022** sets a statutory target of reducing greenhouse gas emissions by 100% by 2050, will set a NI Carbon budget and requires sectoral plans, including for transport and infrastructure. It is highly likely that this major proposal will compromise these objectives, and a decision on the planning application should not be made until the sectoral plans for transport and infrastructure have been published, or a precautionary approach applied, and it be refused permission.
- **Negatively impacting on health.** In the Guardian in October 2023, “Dr Camilla Kingdon, the president of the Royal College of Paediatrics and Child Health (RCPCH), said every adolescent was at grave risk from the physical and mental effects of the climate crisis.”¹
- **A major increase in traffic in the area** of 300 new vehicle movements per day (i.e. one every 1.5 minutes if operated during normal working hours) on roads never designed for such a volume of industrial traffic. The operational capacity of the site would indicate potential traffic movements many times higher than the figure provided in the application. It is assumed the majority of these trucks will be destined for Belfast, the largest market of fossil fuels, resulting in a major deterioration of traffic conditions, noise and air quality in the settlements of Eden and Carrickfergus. There are several schools directly along this route (Eden PS Central PS, Belfast High School).
- While the planning documents submitted by the applicant makes much of the site being an existing oil storage facility in industrial use. However, the site has **operated in a virtually inert state for decades** and there is minimal distributional capacity on site, which has never been used. Therefore the reality is that this planning application proposes **a new and regionally significant industrial operation**, in a largely rural area that is unsuitable for industrial activity and lacks landward distributional infrastructure to cope with this new activity.
- **Creating major noise pollution** from the 24-hour operation of this site resulting in unacceptable noise pollution, with operational noise (including idling engines of moored super-tankers, constant traffic and other operational activities) being carried over several miles in what is a virtually silent area at night. This has very major consequences for the residents of Quay Lane, which the applicants noise assessment conveniently excludes.
- The proposal introduces **very major risks to the marine environment of Belfast Lough** (e.g. a fuel spill) due to its proximity to Belfast Lough Special Protection Area (SAC)/Ramsar, Northern Channel SAC and the two Areas of Special Scientific Interest (ASSIs) on Belfast Lough. The site also lies within the proposed East Coast (Northern Ireland) Marine Special Protection Area. The development of an oil terminal at this site therefore introduces significant risks to some of the highest protected environmental sites in Northern Ireland, and decision related to these must be guided by the precautionary principle.
- **Compromises the historic asset of the adjacent White Harbour** in terms of its setting, its potential for contributing to the tourist economy and threatens the viability of its current use as a marina.
- **The Larne-Belfast train line** runs through this site and in close proximity to the storage of highly flammable liquids. While Translink have been consulted on this proposal, it is inevitable that such a dangerous industrial operation will lead to constraints in the use of the Larne line, particularly in relation to the steam trains operating from the and the future strategic plans to dual line and electrify this stretch of railways, which will inevitable be hampered by the oil terminal operations.

Environmental Impact Assessment

¹ <https://www.theguardian.com/society/2023/oct/21/children-at-existential-risk-from-climate-crisis-uks-top-paediatrician-says>

The Environmental Statement for the proposal has a range of errors and has interpreted the consequences of the development in favour of the applicant. Some of these include:

- In consideration of ‘**reasonable alternatives**’ required by the EIA Regulations, it ignores the fact that there is existing over capacity in oil terminal facilities in Northern Ireland and that the market for fossil fuels will decline rapidly to 2050, so a very reasonable alternative is that this proposal is simply not needed, resulting in no environmental impacts.
- In terms of traffic, it is assumed that the existing site already **has permission for 300 vehicle movements** a day – this is simply wrong as it has never had permission as an intensive oil distribution centre and currently has negligible traffic movements.
- In terms of the consideration of **cumulative impacts**, the proposal does not take into account the planning permission for the Gas Caverns in Islandmagee, which will have major consequences on the marine environment and which will be exacerbated by this development. It also does not consider the impact of recent planning permissions at Kilroot power station, which have consequences for local air quality.
- In consideration of climate impacts, the proposal is highly negligent in considering the **climate impacts** of this proposal. While it considers the impacts of construction, it ignores the consequences of significantly increasing the road transport of oil to the main market of Belfast, emissions from the related shipping nor, the substantial downstream climate impacts arising from the importation of c.1.5m tonnes of fossil fuels per year. The conclusion that the proposal would have no significant climate impact during operation, is simply farcical.

Further observations:

- There is currently an ongoing review of strategic planning policy on oil and gas development.
- This case will be fundamentally affected by the decision of a case in the Supreme Court: R (on the application of Finch on Behalf of the Weald Action group) ((Appellant) v Surrey County Council and others (Respondent). This case was heard in June 2023 and the judgement is imminent. This case has a direct bearing on the how the Cloghan Point application is determined as it will decide whether an environmental impact assessment should include an assessment of the downstream greenhouse gas emissions resulting from the eventual use of the products involved in the development. This case may force an assessment of such impacts and this could fundamentally change the basis of the Council’s decision.
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2: SPECIFIC CONTRAVENTIONS OF THE CARRICKFERGUS AREA PLAN (2001)

The Planning Act (2011) places a duty on local planning authorities to have regard to the local development plan when determining planning applications. This proposal **undermines the six of the key objectives** of the Carrickfergus Area Plan (2001), and directly **contravenes seven planning policies in the Plan** relates to traffic, amenity, heritage and landscape.

Key Objectives

The Cloghan Point proposals undermines 6 of the 14 ‘Key Objectives’ of the Area Plan, namely:

- To promote the sustainable development of the Borough’s resources in an environmentally sensitive manner;
- To protect and where possible enhance the historic landscape and features of man-made heritage within the borough including archaeological sites and monuments and their settings listed buildings and their settings and historic parks gardens demesnes;
- To protect from where possible enhanced natural environment of the Borough as displayed in its landscape and earth sides features, wildlife and sites of nature conservation importance;

- To protect the countryside and undeveloped coast of the Borough from excessive and inappropriate development;
- To reduce, where possible, the need for travel and to encourage the use of alternatives to the private car and provisions for walking and cycling.

Planning Policies

The Cloghan Point proposal also directly contravenes undermines 7 of the policies Area Plan (2001), namely:

- The proposed development is contrary to **Policy TR4** (*'it is policy to ... control development which would lead to an intensification of the use of an existing access on to Protected Routes...: in this case the A2 Belfast Road.*) This is also a Regional Strategic objective in the SPPS (para 6.297)
- The White Harbour, dating back to 1850 is noted in the Carrickfergus Area Plan is 'an important coastal heritage feature', yet its character and setting will be fundamentally compromised by the industrial activities in this proposal, on both the inshore and offshore sides of the Harbour. Offshore the site will be dominated by Super Tankers, and on shore it will be dominated by the proposed lorry park. This undermines the Harbour as a tourist asset, a local business and as a part of the area's heritage. In so doing this contravenes **Policy MM ENV 5** (*'The Department will not permit any development which would prejudice the retention or restoration of the White Harbour*) and **Policy T2** (*'The Department will protect the tourism assets ... from unnecessary, inappropriate and excessive development'*).
- **Policy TR1** notes *'The Department will seek to facilitate increased access to public transport and reduce reliance on the private car'* – yet the very purpose of this development is to support the use of private cars and reliance on fossil fuels.
- **Policy MM ENV3** designates sites of local nature conservation importance, and both the lower site and jetty have such designations (Nos 18&21, geological and ornithological interest respectively). The policy notes that *'In assessing development proposals within these sites the Department will have particular regard to the nature conservation interest of the site and any damage or change which is likely to occur as a consequences of the proposal'*
- Through noise, increased traffic, light pollution and potentially air quality from increase traffic and industrialisation, the development will also directly impact on the housing accessed from lower Quay Lane, and those along the main Belfast road to Belfast, including Knocknagulliagh and Eden. This contravenes **Policy MM ENV 7**, which expects all development to have regard to *'The impact on he residential amenity of surrounding properties'*
- The Area Plan designates the whole of the Cloghan Point as greenbelt, including the jetty. The only policy that encourages industrial development (**Policy IND 1**) only covers Carrickfergus town, with the strong implication that it is not permitted in other parts of the plan area.