

**Notice of Intention by
the Minister for Local Government and Planning
to Issue a Direction to the Council
on the Wind Energy Policy Framework Variation of
the County Donegal Development Plan 2018-2024
(As Varied)**

**Chief Executive's Section 31(8) Report
on the Public Consultation**



**Comhairle Contae
Dhún na nGall**
Donegal County Council

October 2022

1.0 Introduction

1.1 Background

The Director of Community Development and Planning's report to the Plenary Council meeting of September, 2022 set out in detail the background to the Minister's decision to issue a ***'Notice of Intention to Issue a Direction to Donegal County Council on Variation no.2 of the Donegal County Development Plan 2018-2024'*** (The Notice') under Section 31 of the Planning and Development Act, 2000 (As Amended) ['the Act'].

The Director's report noted statutory requirements for a period of public consultation on the Notice, and the preparation of a Chief Executive's Report to address the said public consultation outcomes.

1.2 Legislative Requirements of Report/How the Report is Organised

In accordance with Section 31(8) of the Planning and Development Act, the Chief Executive's report is required to:

- Summarise the views of any person who made submissions or observations to the planning authority;
- Summarise the views of and any recommendations (if any) made by the elected members of the planning authority;
- Summarise the views of and any recommendations (if any) made by the regional assembly;
- Make recommendations in relation to the best manner in which to give effect to the draft direction.

1.2.1 How the Report is Organised

- Section 2.0 Consideration of Submissions
- Section 3.0: Opinion of the Chief Executive
- Appendix A: List of persons that made submissions

1.3 Public Consultation

In accordance with Section 31(7) of Act, a maximum two-week period of public consultation commenced on 9th September 2022 and ran until 22nd September, 2022. Public notices advising of the statutory consultation process were placed in local newspapers, and relevant documents were made available for inspection in local offices and libraries and on the Council's website.

2.0 Consideration of Submissions

2.1 Overview

In total 96 no. submissions or observations were received during the consultation period, of these:

- 85 submissions received from the public comprised of:
 - 79 from individuals;

- 4 (of the above 75 submissions) from umbrella organisations identified respectively as Finn Valley Wind Action, Graffy Environmental Group, St John’s Point Residents Association and the Gweebarra Conservation Group; and
- 5 from the wind energy industry, or representatives thereof.
- 10 no. were received from elected members; and
- One submission was received from the Northern and Western Regional Assembly.

A full list of persons and bodies that made submissions or observations is provided in Table A.1 (Appendix A).

2.2 Public Submissions

All but one of the 79 submissions from the public expressed strong opposition to the Notice. The key issues referenced in these submissions included:

- the perceived detrimental impact on the scenic landscape and tourism industry of the County, with the Wild Atlantic Way being particularly cited in many submissions;
- concerns around the perceived dangers of opening up the principle of development within ‘Moderately High Landslide Susceptibility’ areas and ‘Moderately Low Landslide Susceptibility’ areas;
- opposition to the removal of the ten times tip height setback from residential receptors policies;
- opposition to the removal of the policy protection for the Glenveagh National Park;
- opposition to the removal of the policy protection for the Freshwater Pearl Mussel Catchment areas;
- opposition to the removal of the policy protection for the Gweebarra River Valley;
- opposition to the removal of the policy protection for St. John’s Point.

Other issues raised included criticism of the perceived removal of Elected Members’ powers and the disregard for public opinion as expressed in response to the Draft Variation public consultation exercise, and concerns around the impacts on wildlife, public health and water quality.

One submission from a member of the public supported the Notice citing: the need to meet on-shore renewable energy needs; that they objected to the proposed ten times tip height setback distance as it would leave no area of Donegal open to windfarm development, would not contribute to meeting greenhouse gas emissions targets, and nor would it follow ‘national guidance of 4 times tip height’.

2.3 Industry Submissions

All 5 submissions made on behalf on the wind energy industry strongly supported the draft Direction. This support was set in the context of a broad overview of the strategic importance of the onshore renewable energy industry. This included references to the following:

- Ireland’s 300+ operational wind farms represent an investment of over €7 billion, supports 5,000 jobs and annually pays more than €48 million in commercial rates to local authorities;
- Wind farms in 2021 provided 30 per cent of Ireland’s electricity;
- The production of renewable energy from wind farms is consistent with national policy including “The Climate Action and Low Carbon Development (Amendment) Act 2021”

(establishes the fundamental national policy position and the national objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally economy by 2050), and the “The Climate Action Plan 2021- Securing Our Future” (outlines a stricture to achieve this target including that 80% of the Country’s electricity shall be generated from wind energy);

- Production of off-shore wind energy has been highlighted in a number of submissions in relation to meeting the national energy targets (it is a government target that 5GW of electricity shall be generated from offshore wind). However, should planning permission not be given for such developments by the end of 2025, it is unlikely that these could be operable in advance of 2030; and
- The announcement of the REPowerEU plan in March 2022, a proposal for joint European action for more affordable, secure and sustainable energy, and to eliminate dependence on Russian gas before 2030, in response to the global energy market disruption caused by Russia’s invasion of Ukraine and associated concerns over Russia’s gas supply to the EU.

As well as the aforementioned support for the contents of the Draft Direction itself, a related issue raised, and suggestion made in some of the submissions was that, if the Draft Direction is finalised as per the Draft, then it would be necessary to amend Map 8.2.1 so that that map would be consistent with the manner in which the amenity designations referenced in Policy E-P-23 (ie. the zone of visual influence of Glenveagh National Park; the Gweebarra River Basin; areas contained within ‘Especially High Scenic Amenity’ Freshwater Pearl Mussel Catchments; and St. John’s Point) were being addressed in terms of the removal of protections contained in the Council-approved Policy E-P-23.

Several additional issues were raised in the industry submissions including:

- Request that policy E-P-16 be omitted, and revert to previous policy E-P-12;
- Request that Variation reflect renewable energy targets;
- Requests for the re-designation of particular sites from ‘Not Normally Permissible’ to ‘Open to Consideration’.
- Request that policy E-P-12 (c)(i) and (ii) be amended; and
- Request that areas of ‘High Landslide Susceptibility’ are also removed from Map 8.2.1.

On the basis that these issues were not addressed in the Draft Direction, it is not proposed to address them in this Report.

2.4 Summary submissions of Elected Members

All 9 of the individual submissions made by Elected Members, and the collective submission made on behalf of all six of the Glenties Municipal District expressed strong opposition to the Draft Direction. The key reasons given for this opposition include:

- Restricted timeframe for the consultation process, and therefore the lack of time to respond comprehensively;
- The Draft Direction is not reflective of the number of submissions made during public consultations on the Draft Variation and the strength of support for the Variation contained therein;

- That Councillors ‘worked tirelessly over the past number of years to come up with an agreeable policy position in consultation with our communities across the west of the County...’
- The fact that previously adopted policy by Donegal County Council for a setback distance of ten times tip height from residential receptors was not opposed by previous Ministers (and that ‘it was only by virtue of a subsequent audacious Judicial Review ... that aspects of wind policy such as ten times tip height were struck out...’);
- The ‘massive contribution’ that Donegal has already made to the wind energy output from the country.’
- Donegal County Council’s views on the ‘huge growth area for turbine development in the county, that is in the policy of augmentation and upgrading of existing but largely obsolete wind farms.’
- That should the Direction open up the principle of development in the five amenity designation areas referenced in Policy E-P-23 then this would be in contravention of NPO 55 in the NPF that seeks to ‘promote renewable energy ... at appropriate locations’.
- That should the Direction open up the principle of development in the five amenity designation areas referenced in Policy E-P-23 then this would be significantly detrimental to the County’s tourism industry.
- That the Council’s policy on landslide susceptibility was adopted taking into consideration the major ‘ecological disaster’ that occurred in Meenbog, and wind farm developments on areas of carbon rich peat bog that act as carbon sinks would be ‘a contradiction in terms’.

Finally, it should be noted that the collective submission of the Members of the Glenties Municipal District includes a formal proposal to amend E-P-23 as follows:

“...add after the clause that there will be no turbines within the Zone of Visual Amenity (of Glenveagh);

- a. No turbines in Freshwater Pearl Mussel river catchments
- b. No turbines in Gweebarra River Basin
- c. No turbines in EHSA.”

2.5 Summary of Submission from the Northern Western Regional Assembly

The Assembly agrees with the following elements of the draft direction:

- a. To omit policy on 10 times turbines tip height setback from the curtilage of a dwelling) contained within Policy E-P-24 and E-P-23(2)(b)&(c); and
- b. To amend Map 8.2.1 to:
 - (i) Change areas of ‘Moderately High’ and ‘Moderately Low’ landslide susceptibility from ‘Not Normally Permissible’ to ‘Open to Consideration’.
 - (ii) Change the ‘Lifford-Stranorlar Municipal District Areas at Risk of Landslides and associated Environmental and Ecological Concerns’ area from ‘Not Normally Permissible’ to ‘Open to Consideration’.

The Assembly agrees with the stated reasons of the Minister and, in relation to (ii) above, note that the ecological and environmental sensitivities of the areas was referenced by Members in making

their decision but no evidence was provided to support the veracity of these sensitivities and whether these would justify the exclusion of this entire area.

As regards the draft direction to omit the environmental sensitivities referenced in the adopted policy E-P-23, the Assembly is of the opinion that the draft Direction does not provide a narrative nor justification for the removal of these elements. The Assembly also notes that these sensitivities are identified as 'Not Normally Permissible' in Map 8.2.1 and that the draft Direction does not require adjustments to the map that would provide for consistency with the deletion of Policy E-P-23. The Assembly also observes that Policy E-P-13 is the key policy that gives effect to Map 8.2.1 and that removal of this policy has not been required in the draft Direction and it is therefore reasonable to interpret it was not the intention to omit E-P-23 in its entirety, and had it been, it would be referenced in other associated documents. The Assembly further states that any such change would have to be informed by SEA and that this also would have been alluded to in associated documents. Finally, the Assembly also notes that its submission to the Proposed Variation supported the 5 specific areas for safeguarding in E-P-23(1) and that this was consistent with the RSES.

To summarize, the Assembly supports the draft Direction in respect of proposed measures to:

- a) Remove Policy E-P-24 and E-P-23 (2) and (3)
- b) Amend Map 8.2.1 to change 'Moderately High' and 'Moderately Low' landslide susceptibility areas from 'Not Normally Permissible' to 'Open to Consideration'; and change Lifford-Stranorlar Municipal District Areas at risk of landslide and associated environmental and ecological concerns from 'Not Normally Permissible' to 'Open to Consideration'.

The Assembly does not support the draft Direction in respect of the omission of Policy E-P-23(1) for the reasons stated above.

3.0 Opinion of the Chief Executive

The structure of this section of the report reflects the respective elements of the Draft Direction.

3.1 Policy E-P-23 (as it refers to Glenveagh National Park)

3.1.1 Analysis of Submissions

28 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. Those opposed to the Draft Direction highlighted the relationship and importance of Glenveagh to tourism in the County, and concern that development of windfarms within Glenveagh and its zone of influence would negatively impact Glenveagh National Park, and by virtue the tourism industry and the landscape amenity of this areas. Several submissions also referred to negative impacts on the natural environment.

6 submissions from Elected Members made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction.

1 industry submissions specifically referenced Glenveagh and supported the Draft Direction in this regard but did not elaborate on this.

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to Glenveagh.

3.1.2 Observations

Glenveagh National Park is the second largest national park in Ireland, set within a natural landscape of bog, mountains, lakes, and home to a number of internationally important flora and fauna. This is reflected in the area being designated as both an SAC and SPA. The area is rich in cultural and historical heritage associated with the 'land evictions'. Glenveagh Castle is of significant built heritage value and is currently the subject of a project to develop a national 'Museum Standard' visitor attraction. Glenveagh is a major tourist and leisure attraction for Donegal. Visitor numbers up to July 2022 were 100,000, with a further 28,500 recorded during August.

The critical value of Glenveagh National Park for the County and Region is reflected in a number of other policy provisions in the CDP including:

T-P-27: It is a policy of the Council to facilitate appropriate tourism based transport developments and programmes associated with strategic tourism assets (e.g. Glenveagh National Park and Slieve League).

NH-P-14: It is a policy of the Council to protect the character of the following approach roads to Glenveagh National Park:

- Glendowan to Doochary Road.
- Dunlewey to Termon Road.
- Churchill to Termon/Dunlewey Road.
- Muckish Gap to Cabiber Bridge.

For these reasons, the Glenveagh National Park and Zone of Visual Influence was included in both the policy E-P-23 and Map 8.2.1 originally recommended by the Executive.

3.1.3 Recommendation

On the basis of the foregoing, it is recommended that wind farm development should not be permitted within Glenveagh National Park, or its zone of visual influence, and that policy E-P-23(1)(i)(a) should not be omitted from the Variation.

3.1.4 Additional Observation

By way of further assistance, the following is noted. The 'Not Normally Permissible' designation of this part of the County in Map 8.2.1 was informed by three layers of evidence – the National Park status; the SAC; and the SPA. Even if the mapping is changed to reflect the policy approach in the Draft Direction as per suggestions made in industry submissions, the Map would still show the area as being 'Not Normally Permissible' owing to the presence of the SAC and SPA.

3.2 Policy E-P-23 (As it refers to the Gweebarra River Valley)

3.2.1 Analysis of Submissions

15 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. The main reasons given for opposing this aspect of the Draft Direction were in relation to the richness of the natural habitats and wildlife in the River Valley with the centre of the valley being included within the West of Ardara/Maas Road SAC. Red deers and eagles were also specifically referenced. The visual and scenic amenity of the valley was also referenced as was, to a lesser extent, the potential impacts on tourism within the County.

1 submission from an Elected Member made specific reference to this issue expressing opposition to this aspect of the Draft Direction noting that ‘it was the basin of the largest natural salmon fishery in Ireland.’

2 industry submissions specifically referenced Gweebarra and supported the Draft Direction in this regard. Both industry submissions relied on their respective submissions to the Proposed Variation public consultation. In those submissions they states that it was ambiguous why sensitive and visually vulnerable parts of the County, including the Gweebarra Estuary and coastline are within areas ‘Open to Consideration’, whilst the site of the Gweebarra River is proposed to be within areas designated as ‘Not Normally Permissible’. They also suggested there was no scientific basis for this proposed policy, and that excluding this area from consideration for wind energy development should only take place where there is a supporting statement and scientific basis from an appropriate expert.

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to the Gweebarra River Valley.

3.2.2 Observations

There is clearly genuine concern on the part of the public and Elected Members around the impact that wind farm development could have on this area. These concerns should be noted in the context of the fact that there is no other specific policy protection for the Gweebarra River Valley contained in the CDP. Meanwhile, the industry regards at least part of the area as having development potential.

The key elements of evidence available at this time are that the subject area is designated as ‘Moderate Scenic Amenity’ in Map 7.1.1: ‘Scenic Amenity’. On the other hand, the ‘West of Ardara/Mass Road SAC follows the river running through the centre of the valley and has Qualifying Interests including *Margaritifera margaritifera* (Freshwater Pearl Mussel) and *Salmo salar* (Salmon); and, similarly, the immediate corridor of the River and an area immediately to the east of the subject area are designated as ‘EHSA’.

3.2.3 Recommendation

This is clearly a finely-balanced matter and I would fully acknowledge the concerns of the public and Elected Members. That said, on two previous occasions (ie. recommendations at pre-draft stage; and recommendations at Post-Draft stage) the Executive has concluded on the side of not precluding the principle of wind farm development in this area on the basis of the key evidential information available at this time. On the basis of the foregoing, and having regard to the role of the development management process in undertaking detailed assessments of any planning applications in this area, it is recommended that the principle of wind farm development should not be precluded in this area and thus I have no objection to Policy E-P-23 (1) (ii) (b) being omitted from the Variation.

3.3 Policy E-P-23, (and areas of Especially High Scenic Amenity)

3.3.1 Analysis of Submissions

21 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. Almost half of the public submissions opposed to the removal of this specific part of the policy expressed concern about the effects on tourism and specifically the Wild Atlantic Way, and the importance of landscape quality as a tourism asset. A further 31 submissions refer to the potential effects of windfarms on 'scenic landscapes' but didn't specifically refer to EHSAs, the subject of the draft Direction.

6 submission received from Elected Members made specific reference to this issue with all expressing opposition to this aspect of the Draft Direction.

1 industry submissions specifically referenced EHSA designations and supported the Draft Direction in this regard.

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to EHSAs.

3.3.2 Observations

EHSAs are identified in the CDP as the most valuable landscape designation in the County. They are considered to be "sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal" and as having "extremely limited capacity to assimilate additional development"¹.

The critical value afforded to EHSAs is reflected in a number of other policy provisions in the CDP including:

¹ County Donegal Development Plan 2018-2024

- NH-O-7:** To protect the areas of Especially High Scenic Amenity from intrusive and/or unsympathetic developments.
- NH-P-6:** It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered. (nb. this is the version of the policy agreed when the CDP was first adopted in 2018; see also 'Additional Observations' below).
- EX-P-2:** It is a policy of the Council not to permit new extractive industry proposals in areas of Especially High Scenic Amenity or in areas of High Scenic Amenity. Furthermore, such proposals....
- MRCM-P-10:** It is a policy of the Council to ensure that development proposals do not adversely compromise the recreational amenity and environmental quality of coastal areas including Flag Beaches, Natura 2000 sites and areas of Especially High Scenic Amenity.
- TC-P-6:** It is a policy of the Council that proposals for new telecommunications support structures, antennae and dishes will not be permitted within Areas of Especially High Scenic Amenity.
- RH-P-11:** It is a policy of the Council that, with the exception of proposals within Areas of Especially High Scenic Amenity - where the following developments will not be acceptable - proposals for holiday home developments in rural areas will be considered in the following circumstances, subject to environmental and heritage designations, amenity considerations, traffic safety and public health considerations and compliance with all other relevant policies of this Plan:
- (a) Where policy referring to 'resource related tourism projects' can be demonstrated by the applicant.
 - (b) Where the proposal is for rental purposes only, (maximum 5 units) as part of a farm diversification plan.

3.3.3 Recommendation

Having regard to the value attached to the EHSA's in the CDP, it is recommended that wind farm development should not be permitted within the areas of Especially High Scenic Amenity and that policy E-P-23 (1) (ii) (c) should not be omitted from the Variation.

3.3.4 Additional Observation

By way of further assistance:

- It is noted that if this provision is omitted in the final Direction, there will be an inconsistency with Map 8.2.1 as the Map identifies all EHSAs within the 'Not Normally Permissible' designation; and

- The observation contained in the submission of FuturEnergy Ireland seeking to ensure that Policy NH-P-6 is rendered consistent with the Draft Direction is also relevant. The said adopted Policy as contained in the Variation is as follows:

Policy NH-P-6: *It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered. Without prejudice to the generality of the aforementioned, windfarm developments will not be acceptable in Especially High Scenic Amenity Areas save for: (i.) the limited circumstances set out under the section headed: 'Wind Energy-Context' (para. commencing: 'Map 8.2.1 entitled Wind Energy designates....'), contained within Amendment No.4 above; and (ii.) the possible exceptions set out in Policy E-P-12(1)(c)(ii.).*

3.4 Policy E-P-23 (and Freshwater Pearl Mussel Catchments – FWPMC's)

3.4.1 Analysis of Submissions

22 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. The public opposition generally noted how inconceivable the idea of putting turbines in these areas was and the long (100 years +) life expectancy of FWPMs, and that 'Ireland holds a tiny number of this ancient species.'

6 submissions from Elected Members made specific reference to this issue, with all expressing opposition to this aspect of the Draft Direction. The reasons given by Councillors for opposing this proposal included that in 2018 the then Minister did not oppose a similar policy decision of the Council at this time; and that protection of the FWPM is 'of course underpinned by the Habitats Directive and a cursory review of case law in Ireland will throw up numerous cases where wind farm developments have been halted for the protection of FWPM.'

2 industry submissions specifically referenced Gweebarra and supported the Draft Direction in this regard. Tobin Consulting Engineers on behalf of Cloghercor Windfarm Ltd. noted that: 'there are similar risks to FPM populations/catchments from any large-scale developments, and these risks are not limited to wind farms. Appropriate site design and construction methodologies will provide the necessary protections to FPM catchments.'

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to the FWPMC's.

3.4.2 Observations

In the Chief Executives Report on the Public Consultation regarding the Proposed Variation dated June 2022 (S5.2: Map 8.2.1, Table of Chief Executives Response, Row 8); a rationale for 'Freshwater Pearl Mussel Catchments' remaining within areas 'Open to Consideration' is detailed, wherein it is stated that, "...on the basis that the size and extent of these areas was such that it would be unreasonable to determine that the principle of windfarm development should be precluded but that

the potential for impacts on the resource should be flagged for potential developers, authorities and all other interested parties by inclusion in the Open to Consideration designation. Thus detailed project level assessments could inform decisions on a case by case basis. This conclusion was informed by consultation with environmental agencies during preparatory work on the project.”

The CDP contains other policy protections for the FWPM including:

NH-O-6: To protect and improve the integrity and quality of Designated Shellfish Waters, and Freshwater Pearl Mussel Basins and to take account of any relevant Shellfish Reduction Program or Fresh Water Pearl Mussel Sub-basin Plan.

NH-P-4: It is a policy of the Council to require the consideration of Freshwater Pearl Mussel and any relevant Freshwater Pearl Mussel Sub-basin Plans in all development proposals that fall within their basin of catchment.

3.4.3 Recommendation

On the basis of the foregoing, it is agreed that the principle of wind farm developments within FWPMC’s should not be precluded, and therefore I have no objection to the omission of Policy E-P-23 (1) (ii) (c).

3.4.4 Additional Observation

By way of further assistance it is noted that if this provision is omitted in the final Direction, there will be an inconsistency with Map 8.2.1 as the Map identifies all FWPMC’s within the ‘Not Normally Permissible’ designation;

3.5 Themed Response 5: St Johns Point

3.5.1 Analysis of Submissions

8 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. All of these expressed concern that windfarm development would negatively affect the high quality, sensitive scenic landscape of St Johns Point and also would have potential negative effects on the natural ecological environment particularly within St Johns Point SAC (000191), at the southern end of St Johns Point and along the coastline.

1 submission from an Elected Member made specific reference to this issue, expressing opposition to this aspect of the Draft Direction.

2 industry submissions specifically referenced St John’s Point and supported the Draft Direction in this regard.

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to St. John’s Point.

3.5.2 Observations

In the existing County Donegal Development Plan 2018-2024, St Johns Point is part-designated Especially High Scenic Amenity (EHSA) and part High Scenic Amenity (HSA) in Map 7.1.1 'Scenic Amenity'. This was the key influence on the Executive's recommended mapping of St Johns Point in Map 8.2.1 in the recommended draft Proposed Variation with part falling within an 'Open to Consideration' area in Map 8.2.1, and part falling within an area designated as 'Not Normally Permissible'. This recommendation was not accepted by Members. Instead, they decided that the entire area should be designated as 'Not Normally Permitted' in the Proposed Variation.

In the Chief Executives Report on the public consultation regarding the Proposed Variation dated June 2022 (S5.2: Map 8.2.1, Table of Chief Executives Response, Row 11) I subsequently concluded that there was a rationale for the inclusion of all of St John's Point in the 'Not Normally Permissible' area for the following reasons: *"Having regard to: the relative narrowness of the headland; the scattered rural settlement pattern; the existence of an SAC around the coastline of the headland and at its southern end and the designation of same as Especially High Scenic Amenity; and the outcome of the public consultation exercise, it is considered reasonable to retain the designation of this area as 'Not Normally Permissible'."*

3.5.3 Recommendation

On the basis of the foregoing, it is recommended that wind farm development should not be permitted within the St. John's Point headland and that policy E-P-23 (1) (ii) (e) should not be omitted from the Variation.

3.5.4 Additional Observation

By way of further assistance it is noted that if this provision is omitted in the final Direction, there will be an inconsistency with Map 8.2.1 as the Map identifies all of St. John's Point within the 'Not Normally Permissible' designation.

3.6 Policies E-P-23 (2) and E-P-24 In Relation to Ten Times Tip Height Setback.

3.6.1 Analysis of Submissions

44 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction for reasons concerning human health and negative impact on their private properties.

7 submissions from Elected Members made specific reference to this issue, with all expressing opposition to this aspect of the Draft Direction.

3 industry submissions specifically referenced this issue and supported the Draft Direction in this regard.

The submission from the NWRA supports the Draft Direction and the reasons given by the Minister as they refer to this issue.

3.6.2 Observations

The draft Proposed Variation recommended by the Executive included a policy requiring a minimum setback distance of four times tip height from residential receptors. This recommendation was made having regard to the four relevant Guidelines or Draft Guidelines in place at the time:

- ~ The 2006 Guidelines, whilst advising that ‘noise was unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500m’, did not specify minimum or maximum separation distances.
- ~ A key aspect of the Preferred Draft Approach, 2017 was to identify a preferred visual amenity setback of 4 times the turbine height between a wind turbine and the nearest residential property, subject to a mandatory minimum distance of 500 metres.
- ~ The Interim Guidelines, 2017 do not contain any specific requirements in relation to setback.
- ~ The Draft Guidelines, 2019 include an SPPR (SPPR2) stipulating that: ‘With the exception of applications where reduced setback requirements have been agreed with relevant owner(s) ... planning authorities and An Bord Pleanala shall ... ensure that a setback distance for visual amenity purposes of 4 times the tip height of the relevant wind turbine shall apply between each wind turbine and the nearest point of curtilage of any residential property in the vicinity of the proposed development, subject to a mandatory setback of 500 metres from that residential property.’ The SPPR goes on to further stipulate that: ‘The planning authority or An Bord Pleanala (where relevant), shall not apply a setback distance that exceeds these requirements for visual amenity purposes.’

I consider that the recommendation was reasonable, particularly given the time that has elapsed since the 2006 Guidelines were published and that more recent national documents (albeit in Draft form) indicate a move at the national policy level towards a four times tip height approach, notwithstanding that the public submissions and those of the Elected Members clearly support the ten times tip height policies.

3.6.3 Recommendation

Having regard to the polar opposite positions of the public and Elected Members of Donegal on the one hand, and the Minister/OPR on the other, and having regard also to the effective rejection by the Minister/OPR of my previous recommendation to the Members for a four times tip height setback policy (as referenced above), it is respectfully submitted that this is a matter for the Minister/OPR.

Should the Minister proceed with this element of the Draft Direction, it is recommended that a broad assessment criteria-based policy would be required in line with the following:

It is a policy of the Council to ensure that the assessment of wind energy development proposals will have regard to the following:

- *Sensitivities of the county’s landscapes;*
- *Visual impact on protected views, prospects, designated landscape, as well as local visual impacts;*
- *Impacts on nature conservation designations, archaeological areas, county geological sites, historic structures, public rights of way and walking routes;*
- *Local environmental impacts, including those on residential properties, such as noise and shadow flicker;*
- *Visual and environmental impacts of associated development, such as access roads, plant and grid connections from the proposed windfarm to the electricity transmission network;*
- *Scale, size and layout of the project and any cumulative effects due to other projects;*
- *The impact of the proposed development on protected bird and mammal species;*
- *The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009); and*
- *The protection of drinking water sources.”*

3.7 Amendment to Map 8.2.1 In Relation To Moving Landslide Susceptibility Areas and Part Of The ‘Lifford- Stranorlar MD From ‘Not Normally Permissible’ to ‘Open to Consideration’ In Map 8.2.1.

3.7.1 Analysis of Submissions

66 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. Reasons given included increased risk of landslides, loss of ecological habitat and loss of carbon sink associated with development of windfarms and associated infrastructure on peat bogs. 16 submissions made specific reference to the bog slide in Meenbog in 2020, and related concerns over the potential that this could occur in another similar peat bog landscape.

9 submissions from Elected Members made specific reference to this issue, with all expressing opposition to either or both specific aspects of the Draft Direction.

4 of the 5 industry submissions specifically referenced this issue and supported the Draft Direction in this regard. One in particular suggested there should be a new policy to ensure that applications for windfarm developments be accompanied by a Peat Stability Risk Assessment Report (of note is that such a policy was included in the adopted Variation – new Policy E-P-26 refers).

The submission from the NWRA supports the Draft Direction and the reasons given by the Minister as they refer to this issue. The submission notes that, with regard to peat stability issues, there are other mechanisms in the Plan, and project assessment process which should be followed, as outlined in the Wind Energy Guidelines (2006) (Section 4.5).

3.7.2 Observations

In the draft Proposed Variation recommended by the Executive the subject ‘Moderately High Landslide Susceptibility’ and ‘Moderately Low Landslide Susceptibility’ and ‘Lifford-Stranorlar Municipal District Areas at Risk of Landslides and Associated Environmental and Ecological Concerns’

were included within the 'Open to Consideration' designation in Map 8.2.1 on the basis of consultations with environmental agencies and desktop research during preparatory work on the project.

I note the strong concerns of the public and Elected Members in relation to the landslide risk issue. I note in particular the concerns of the Stranorlar MD Members arising from the landslide at Meenbog in their area, and their observation that this landslide occurred in an area identified as being at Moderate risk in the Geological Society of Ireland's 'National Landslide Susceptibility Mapping' and that it was as a result of this event that 'Elected Members formally proposed that areas in the Lifford-Stranorlar Municipal District that are currently deemed as at risk to landslide would be deemed 'not normally permissible'. In contrast, I note also the concerns of the industry in this regard. The submission of 'Statkraft' summarises the position quite succinctly: *'The (GSI) mapping is a high-level approach that does not reflect the actual susceptibility of a landslide occurrence with respect to any proposed or ongoing activity in any particular area, Additionally, this approach does not take into account if, historically, there has been no recorded landslide events in a given area. As a result, there are large areas with some level of landslide susceptibility within which there are no recordings of landslide events.'* Notwithstanding, having regard to pre-draft consultations with environmental agencies, and having regard also to the submissions of statutory bodies on foot of the public consultation, I consider the original approach of the Executive ie. the placing of these areas in the 'Open to Consideration' designation to be reasonable and balanced from the perspective of potential landslide risk.

I also note environmental concerns raised in a particular submission from the Cathaoirleach of the Lifford-Stranorlar MD. In his submission the Cathaoirleach refers to the fact that 'Meenbog Hill where the recent serious peat slide occurred is presently undergoing remedial works and investigations on the effects of the damage ... will take years to reverse.' The Cathaoirleach also states that: 'The environmental damage to the local surface water and underground water courses is still unknown...'; and that 'East Donegal water supply is sourced in Lough Mourne which is adjacent to Meenbog which is adjacent to Lissmulladuff.'

In terms of the carbon sink qualities of such areas, I note that this issue was addressed, albeit briefly, in the Draft Revised Wind Energy Development Guidelines, (December 2019). Thus in Appendix 4: *'Best Practice For Wind Energy Development in Peatlands'* it is *'recommended that consideration of carbon emissions balance is demonstrated when the development of wind energy developments requires peat extraction'*. In other words, the carbon sink qualities of peat bogs should not be an automatic reason to preclude consideration of wind farm development; rather, it is a matter to be considered in the overall balanced assessment of such proposals.

3.7.3 Recommendation

Clearly, this is another highly sensitive matter and I would again fully acknowledge the concerns of the public and Elected Members. That said, on two previous occasions (ie. recommendations at pre-draft stage; and recommendations at Post-Draft stage) the Executive has concluded on the side of not precluding the principle of wind farm development in the subject areas on the basis of the key evidential information available at this time and on consultations with relevant statutory bodies. On the basis of the foregoing, and having regard to the role of the development

management process in undertaking detailed assessments of any planning applications in this area, it is recommended that the principle of wind farm development should not be precluded in these areas and thus I have no objection to the amendment of Map 8.2.1 so that the said areas would be included within the 'Open to Consideration' as opposed to 'Not Normally Permitted' designation.



**John G McLaughlin,
Chief Executive,
Donegal County Council.**

Dated: 19th October 2022

Appendix A

Names of those who made submissions

Ref	Name
1	Ann Marie Maguire
2	Tom Jackson
3	Rosemary Tindal
4	Geraldine Mc Hugh
5	Pearse Mc Hugh
6	Mary Shovlin
7	Carl Scanlon
8	E Scanlon
9	Edward Byrne
10	Martin Byrne
11	M&F Scanlon
12	Kathleen Byrne
13	Damien Scanlon
14	Marie Scanlon
15	Siobhan and Pat Browne
16	Michael Quinn
17	Ben Austin
18	George Sproule
19	Patricia Sharkey, Gweebarra Conservation Group
20	Andrea Redmond
21	Karen Kelly
22	Eibhiín Ní Bhreaslain
23	Carolyn Robinson
24	Mary Kelly
25	Barry Saunders
26	Aine Maguire
27	Sharon Moss
28	Eamon Moss
29	Patricia Moss
30	Cathal Moss
31	Sarah Conaghan
32	John Conaghan
33	Dan Keeley
34	Anthony Molloy (Cllr)
35	Kurt Lohse
36	Deva Evans
37	Brendan Gallagher
38	Shauna Conoaghan
39	Siobhan Sharkey
40	Jim O'Donnell
41	Eithne Gallagher
42	Rónán Galvin
43	Anita McCrea
44	Charlene Mc Clintock on behalf of Finn Valley Wind Action
45	Deborah Micklin

Ref	Name
46	Cllr Anthony Molloy
47	David Toye
48	Maire Rooney
49	Cllr Noreen Mc Garvey
50	Anne Marie O'Donnell
51	Seamus Mc Menamin
52	Allaye O'Connor
53	Louis and Joan Hanlon
54	Martin Coyle
55	Martin Ferry
56	Richard Torin
57	Hughie Mc Carron
58	Moira Miller
59	Anne Brennan
60	Patricia Sharkey
61	Michelle Murphy
62	Daniel mc Geehan
63	Grace mc Geehan
64	Cllr Noel Jordan
65	Cllr Niamh Kennedy
66	Charlene Mc Clintock
67	Patricia O'Brien
68	Patrick O'Brien
69	Brid O'Brien
70	PJ O'Brien
71	Bernadette O'Brien
72	Graffy Environmental Group
73	Dr Eithne Carlin
74	Cllr Gary Doherty
75	Joseph Brennan
76	Beth-Ann Roch
77	Cllr Gerry Mc Monagle
78	Alun Evans
79	Cheryl Quinn
80	Sinead O'Malley
81	Ruth O'Brien
82	Martin O'Brien
83	Karen O'Brien
84	Brendan O'Brien
85	A Gallagher
86	Michelle Boyle Gallen
87	Harley Newman Planning Consultants
88	Susan Amji
89	Cllr Crawford
90	Fiona Timony on behalf of NWRA
91	John Staunton on behalf of Tobin Engineering
92	Cllr Maire Therese Gallagher
93	Adrian Garvey on behalf of Statkraft Pure Energy
94	Cllr Michael Cholm Mac Giollaesbuig

Ref	Name
95	Clr Patrick Mc Gowan
96	Denis Devane on behalf of Wind Energy Ireland