

**Proposed Variation
to the
County Donegal Development Plan 2018-2024
(As Varied)
in respect of a
Wind Energy Policy Framework**



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

**Community Development
& Planning Services
April 2022**

Explanation of the Content of the Proposed Variation

- The Proposed Variation consists of both textual and mapping changes.
- There are 19 no. **textual changes** and these are set out in Section 1.0: 'Textual Changes'.
- There is 1 no. **mapping change** and this is set out in Section 2.0: New Wind Energy Map.

1.0 Textual Changes

Note regarding the Text of the Proposed Variation.

The '**Proposed Variation**' column (shaded in grey) in the table below contains the text of the Proposed Variation. In this regard:

- New additional text to be inserted is shown in **red**.
- Existing text to be deleted is shown in **blue strikethrough**.
- Text already omitted as a result of High Court Order made on the 5th day of November, 2018 is shown in **orange strikethrough**.
- Existing text to remain in the Development Plan is shown in black.

The other columns are for ease of reference only and do not form part of the Proposed Variation.

Table 1: Textual Changes and Associated References

Ref	Location in Plan	Type of Change	Proposed Variation
1	Part A Section 2A.1 Page 10 (end of 3 rd Paragraph)	Amend text	<p>...This approach is consistent with the national climate change and de-carbonisation agenda underpinning Section 10(2)(n) of the Planning and Development Act 2000 (as amended) and articulated in both: (i) the Government's White Paper on Energy Policy, (ii) the National Mitigation Plan. The Government's White Paper on Energy Policy—Ireland's Transition to a Low Carbon Energy Future 2015-2030 (DCNER) sets out a framework to guide policies and actions that take into account: Project Ireland 2040, National Development Plan; Climate Action and Low Carbon Development Act; Climate Action Plan 2021; the National Energy and Climate Action Plan (NECP) 2021-2030; and the National Adaptation Framework 2018 to ensure a transition to a low carbon and climate resilient society and taking into account European and International climate change objectives and agreements as well as Irish social, economic and employment priorities.</p>
2	Part A Section 2, Appendix 2	Delete existing statement in relation to the County Donegal Development Plan 2018-2024 in respect of Section 28 Wind Energy Development Guidelines.	<p>Section 8.2 (Energy) and Map 8.2.1 (Wind Energy) were prepared having regard to the Wind Energy Development Guidelines (2006), and the Interim Guidelines for Planning Authorities on Statutory Plans Renewable Energy and Climate Change (2017). The Plan provides for the identification of (i) areas 'Open to Consideration', (ii) areas identified as 'Not Acceptable' and (iii) areas identified as 'Acceptable in Principle' for Augmentation to existing Windfarms. The identification of the said areas followed and evidential led methodology guided by the approach set out in the Wind Energy Guidelines. Chapter 8 together with objectives and policies of Chapter 7 (Natural and Built Heritage) provides an appropriate framework to guide the detailed consideration of wind energy proposals and this has been prepared having regard to the Guidelines.</p> <p>However, the Planning Authority is of the opinion that Section 5.0 of the Wind Energy Development Guidelines has not been implemented in relation to 'distance from the nearest turbines to any noise sensitive property' for the following reason. Whereas the Guidelines provide that: 'In general, noise is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500 metres', the Plan stipulates a minimum setback distance of ten times tip height (for noise reasons) which requirement will, having regard to standard heights of modern turbines, inevitably result in setback distances being significantly in excess of the 500m guide.</p> <p>The Council agreed this policy on foot of its consideration of a non-Executive report submitted to the Council in which a rationale was provided for the adoption of such a policy,</p>

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			<p>which rationale included references to scientific noise studies and case law in relation to noise disturbance from wind turbines. The report concluded that:</p> <p>In order to protect residential amenity in the face of emerging evidence shown above it is prudent to apply the precautionary principle until adverse effects can be scientifically discounted according to the recent CJEU judgement case ref# C-142/16. Also since the adoption of the current CDP we have had incidents of blade throw (Corkermore), turbine collapse (Loughderryduff) and Screggagh), fire (Cappagh Beg), which the set back would provide an adequate safety buffer.</p> <p>This Plan has carried over the proportional setback and other provisions of Variation no.2 from the previous Plan and while the policy provisions contained at Chapter 1.2 of the 2006 Guidelines are met as evidenced in the report endorsed by Council on May 2nd 2017 entitled 'Submission in relation to amendment document 'Option 3 Revised' to the Working Draft County Development Plan 2018-2024', this report recognises the particular environmental and spatial realities pertaining in the functional area of the Plan and while not slavishly copying the guidance in Section 5.0 the plan is consistent with and is aligned to the objectives of this guideline, by mitigating for the environmental implications under the headings it identified, as appropriate to Donegal. The research in the document analyses the development management tools incorporated in policy and objectives to show that the Plan can contribute significantly to national energy policy and decarbonisation even when compared to the most ambitious renewable energy policy targets.</p> <p>With regard to the above-noted Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017), these Guidelines include a provision paragraph 4(3) that any proposal to introduce or vary a setback distance or distances for wind turbines from specified land uses or classes of land use within the Development Plan may be permissible subject to it being SEA'd and that a material consideration of such proposals in the SEA would be whether the proposal would create a significant limitation or constraint on renewable energy projects including windfarms. The Guidelines further provide that any proposal to introduce or vary such a setback distance would require to demonstrate compliance with paragraph 4(2) that requires an indication of how the implementation of the Plan over the effective period will contribute to realising overall national targets on renewable energy and climate change targets, in particular wind energy production and potential resource (MW).</p>

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			<p>Arising from these requirements, the Council undertook a Strategic Environmental Assessment, and an Appropriate Assessment of the effects on the relevant provisions in the Plan, namely Section 6.5(f) of Section 6: Wind Energy Technical Standards, Appendix 3, Part B of the Plan. This included the preparation of an Environmental Report and a Natura Impact Report on this specific issue. The Council concluded as follows:</p> <p>“That inclusion of Section 6.5(f) will have a potential conflict with the status of SEOs AC1, AC2 and AC3 as it produces a minor limitation on the contribution to climate mitigation and renewable energy projects as outlined in this report. It has been shown that this effect in combination with the cumulative effects is likely to be mitigated to an acceptable extent by reason of the overall potential of the plan to contribute to any reasonable national policy target projections demonstrated within this Environmental Report.</p> <p>The Plan inclusive of Section 6.5(f) therefore:</p> <ul style="list-style-type: none"> (i.) Would not thereby significantly reduce the Councils potential support for the implementation of the National Climate Strategy 2007-2012 such as to result in a possible conflict unlikely to be mitigated to an acceptable level (SEO: AC1); and (ii.) Would not significantly reduce the Councils potential contribution to the reduction of all forms of air pollution such as to result in a probable conflict unlikely to be mitigated to an acceptable level (SEO: AC2); and (iii.) Would not significantly reduce the Councils potential to support and promote a shift from fossil fuel dependent energy to more sustainable energy such as to result in a probable conflict unlikely to be mitigated to an acceptable level (SEO: AC3); and (iv.) Permits the Plan to indicate how the Plan over its lifetime would contribute to reaching the targets as set forth in paragraph 4(2) of the interim guidelines; and (v.) Has (notwithstanding the fact that the proportionate setback distance referred to in Section 6.5(f) is already contained in the existing development plan and is not being varied by the draft plan) demonstrated detailed compliance with paragraph 4(2) of the interim guidelines in Donegal County Councils proposal to introduce or vary a mandatory setback distance or distances for wind turbines from specified land uses or classes of land use into their development plan or local area plan; (vi.) Has been subject to environmental assessment requirements, under the SEA and Habitats Directives; (vii.) Has materially considered the likely significant effects on climatic factors, in addition to other factors such as landscape and air, in SEA, where the mandatory proportionate setback contained in Section 6.5(f) would potentially create a

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			<p>significant limitation or constraint on renewable energy projects, including wind turbines, within the administrative area of the plan.</p>				
3	Part A Section 2, Appendix 2	Insert new Section 28 statement in relation to the County Donegal Development Plan 2018-2024 in respect of Wind Energy	<p>The Plan's wind energy policy was prepared having regard to: the 'Wind Energy Development Guidelines, (2006)'; 'An Information Note: Review of the Wind Energy Development Guidelines 2006 – Preferred Draft Approach' (June, 2017)'; the 'Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July, 2017)'; and the 'Draft Revised Wind Energy Development Guidelines (December, 2019)'. As the contents of the Draft Guidelines are largely unchanged from earlier Guidelines with regard to set-back distances and map preparation methodology, the undernoted addresses alignment with the Draft Guidelines, and particularly the <i>specific planning policy requirements (SPPRs)</i>, of which there are two, contained therein.</p> <table border="1" data-bbox="800 711 1892 1414"> <thead> <tr> <th data-bbox="800 711 1318 776">Section of Wind Energy Development Guidelines</th> <th data-bbox="1318 711 1892 776">Statement in relation to the Wind Energy Variation</th> </tr> </thead> <tbody> <tr> <td data-bbox="800 776 1318 1414"> <p><u>SPPR 1</u></p> <p>1) Ensure that overall national policy on renewable energy as contained in documents such as the Government's 'National Energy and Climate Change Plan 2021-2030', and the 'Climate Action Plan 2019', is acknowledged and documented in the relevant development plan or local area plan;</p> </td> <td data-bbox="1318 776 1892 1414"> <p>1) European and national policy on renewable energy is acknowledged and documented in Amendment Item 4. Amendment Item 4 specifically refers to the following</p> <ul style="list-style-type: none"> • The Climate Action Plan 2021- Securing Our Future • Climate Action and Low Carbon Development (Amendment) Act 2021 • National Energy and Climate Plan • National Adaptation Framework • Climate Ready Donegal 2019 • Draft Wind Energy Development Guidelines 2019 • Project Ireland 2040 Our Plan: The National Planning Framework and National Development Plan 2018-2027 </td> </tr> </tbody> </table>	Section of Wind Energy Development Guidelines	Statement in relation to the Wind Energy Variation	<p><u>SPPR 1</u></p> <p>1) Ensure that overall national policy on renewable energy as contained in documents such as the Government's 'National Energy and Climate Change Plan 2021-2030', and the 'Climate Action Plan 2019', is acknowledged and documented in the relevant development plan or local area plan;</p>	<p>1) European and national policy on renewable energy is acknowledged and documented in Amendment Item 4. Amendment Item 4 specifically refers to the following</p> <ul style="list-style-type: none"> • The Climate Action Plan 2021- Securing Our Future • Climate Action and Low Carbon Development (Amendment) Act 2021 • National Energy and Climate Plan • National Adaptation Framework • Climate Ready Donegal 2019 • Draft Wind Energy Development Guidelines 2019 • Project Ireland 2040 Our Plan: The National Planning Framework and National Development Plan 2018-2027
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			<p>2) Indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts) taking into account the 'sieve mapping approach' identified in the table (table 1 in Guidelines) below, in particular the potential contribution of the areas identified as 'Acceptable in Principle' and 'Open to Consideration'; and</p>	<p>2) In the absence of detailed technical guidance, it is not possible to make such calculations with any degree of accuracy for a number of reasons as set out below. The information contained in the reasons also serves to provide a broad overview of the wind energy potential of the County. For a significant part of the County, the development of windfarms is not precluded (refer to the 'Acceptable in Principle' and 'Open to Consideration' designated areas on Map 8.2.1. That said, applying a tip height of 150m, a significant proportion of this area would, in theory, be constrained by the presence of residential receptors in these areas and the need to achieve 10 times tip height distance from them for visual amenity, and noise and shadow flicker purposes in accordance with setback policy. It should also be noted, however, that policy allows for derogation from these minimum setback requirements where written consent of owners is provided. As of 2020 there were 301 operational turbines in Donegal and it is not possible to project how many of these will be replaced and what the generating capacity of any such replacement turbines might be. Of note finally is that Planning staff met the Sustainable Energy Authority Ireland (SEAI) regarding this matter and were advised that the developing technology of wind energy production also makes calculating potential output difficult.</p>

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			<p>3) Demonstrate compliance with section 3.4 of these Guidelines (section 3.4 sets out the policies and objectives relating to wind energy that should be included in the development plan).</p>	<p>3) The following points address compliance with Section 3.4 of the Guidelines:</p> <ul style="list-style-type: none"> • A positive and supportive statement of the importance of wind energy as a renewable resource is contained within Amendment No.4. • A new objective, E-O-7, is included as Amendment No.7 and sets out the referenced objective. • Map 8.2.1 entitled 'Wind Energy' designates areas as 'Acceptable in Principle', 'Open to Consideration' and 'Not Normally Permissible'. This Map was prepared using, as a basis, the methodology set out in Section 3.6 of the Draft Guidelines. Members, by resolution, made five amendments to the proposed map submitted by the Executive: <p>All five amendments changed areas from 'Open to Consideration' to 'Not Normally Permissible'. Two of the changes were made at the Plenary Council Meeting of November, 2021:</p> <p>(1) <i>The 'Lifford-Stranorlar Municipal District Areas at Risk of Landslides and Associated Environmental and Ecological Concerns';</i></p> <p>This amendment was made due to the landslide event at the adjacent Meenbog windfarm site (an eventuality noted by the Members as being forewarned by an eminent</p>

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				<p>Civil and Structural Engineer in a submission to the relevant planning application) and having regard to:</p> <ul style="list-style-type: none"> o the presence of identified 'Moderately High' and Moderately Low' landslide susceptibility areas; and o the ecological and environmental sensitivities of the area, including the strategic Lough Mourne public water supply reservoir and associated known tributaries and unknown underground feeder supplies, and to the consequent imperative need to protect the catchment area by adopting a precautionary approach to this specific area. <p>(2) All 'Moderately High' and 'Moderately Low' Landslide Susceptibility areas. This amendment was made due to the same concerns as set out at Point 1 above.</p> <p>At the January 2022 Plenary Council Meeting (deferred to 21st February, 2022), four further amendments were proposed. These changes were confirmed at the Plenary Meeting of 6th April, 2022.</p> <p>(3) The Gweebarra River Valley Whilst much of the river valley was already included in the 'Not</p>

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				<p>Normally Permissible' areas, this proposal consolidated the 'Not Normally Permissible' designation having regard to the fact that the area joins two specific EHSA's The Gweebarra River and Lough Finne, within the mapped area there are spectacular views of both EHSA's Gweebarra River and Lough Finne, considering the vast environmental assets in the area – Meenmore West Bog; Coolvoy Bog; vast mature forestry; Lettermacaward Water Treatment Plant; there is potential for this area of the County to potentially play a leading role offsetting carbon omissions as well as its proximity to one of Irelands leading Salmon Fisheries.</p> <p>(4) St. John's Point</p> <p>(5) Freshwater Pearl Mussel Catchment The EPA in its submission to the SEA Environmental Report– Scoping exercise observed that the 'Water Framework Directive protected areas (Salmon rivers, nutrient sensitive rivers, freshwater pearl mussel rivers etc.) and high status water bodies should be afforded particular protection in implementing the Variation. Considering this submission, the five river valleys of the Freshwater Pearl Mussel Catchments are</p>

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				<p>included in the 'Not Normally Permissible' area so that the highest level of protection can be afforded to the designation which strengthens and responds to the submission made by the EPA.</p> <p>(6) Entire Especially High Scenic Amenity Area (per Map 6.1.1) Of note here is that the entire designated EHSA was already contained within the designated 'Not Normally Permissible' areas.</p> <p>It should also be noted that these mapping changes were reflected in changes to Policy E-P-23 (Amendment Item No. 13).</p> <ul style="list-style-type: none"> • It is an Objective (E-O-5) in Section 8.2.2 of the current County Donegal Development Plan that (...wind energy developments meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines...). Chapter 6 of the Guidelines set out in detail the Development Management considerations based on siting and design criteria that must be met in accordance with objective E-O-5 of the existing Plan. • There are policies within the current County Donegal Development Plan relating to small scale and community windfarms, and this issue will be addressed during the forthcoming review

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			<p data-bbox="810 370 890 396"><u>SPPR2</u></p> <p data-bbox="810 402 1299 1105">With the exception of applications where reduced setback requirements have been agreed with relevant owner(s) as outlined at 6.18.2 below, planning authorities and An Bord Pleanala (where relevant), shall, in undertaking their development planning and development management functions, 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. Some discretion applies to planning authorities when agreeing separation distances for small scale wind energy developments generating energy primarily for on-site usage.</p> <p data-bbox="810 1112 1299 1268">The planning authority or An Bord Pleanala (where relevant), shall not apply a setback distance that exceeds these requirements for visual amenity purposes.</p>	<p data-bbox="1394 277 1822 331">of the County Donegal Development Plan.</p> <p data-bbox="1331 402 1879 688">The Proposed Variation is at variance with SPPR2. In particular, proposed policies E-P-23 and E-P-24 of the Variation require set back distances of a minimum of ten times the tip height between each wind turbine and the nearest point of curtilage of any residential property in the vicinity of the proposed development for reasons of visual amenity, and noise and shadow flicker, respectively.</p> <p data-bbox="1331 727 1879 1369">These policies are consistent with policy [redacted] decisions previously agreed by Donegal [redacted] County Council both in: {a} June, 2014 [redacted] (Variation No. 2 [Wind Energy] to the County Donegal Development Plan, 2012-2018); and {b} May, 2018 (County Donegal Development Plan, 2018-2024) following extensive [redacted] consultation and engagement between [redacted] Members, the public, the Department and the Council Executive. These decisions were made having due regard to national guidelines as [redacted] they were at the time, and taking into account the views of the people of Donegal that [redacted] Councillors represent and to protect the [redacted] environmental and ecological integrity of the County. The present decision also has regard to the then Minister's challenge to the [redacted] aforementioned 2014 Variation and to the [redacted] findings of an independent inspector [redacted]</p>

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			<p>appointed to review that Variation, namely that</p> <ul style="list-style-type: none"> • Donegal County Council did not ignore or take insufficient account of the submissions made by the Minister in May 2014; • Variation No.2 did not significantly impact on the internal coherence of the County Development Plan; and • Did not make the development plan inconsistent with national policy. <p>Donegal County Council believes that ten times tip height is a fair set back distance for modern day turbines which are of a size and scale not envisaged when the original Wind Energy Guidelines were published in 2006. Turbines now are approximately 160 metres with the potential for even greater heights. The Carrickaduff plans in the Finn Valley proposed turbines of 156.5 metres.</p> <p>Extensive public consultation has shown that the ten times tip height setback policy is favoured by the vast majority of the people of Donegal who would be affected by these turbines.</p>
4	Part A Chapter 8: Natural Resource Development Section 8.2.1 Background, Page 148	Amend text	<p>This energy strategy has been prepared in the context of the European and national corporate policy frameworks as set out in the: EU Renewable Energy Directive, 2009; White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future, 2015-2030 (updated June 2020); National Mitigation Plan, 2018 (DCCA); National Planning Framework and National Development Plan February 2018 (DHPLG); National Adaptation Framework, January 2018 (DCCA); National Energy and Climate Plan 2021-2030; and the Government's Climate Action Plan 2021. The EU Renewable Energy Directive, 2009 (EU); and the</p>

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			<p>Department of Communications, Energy and Natural Resources' 'Strategy for Renewable Energy 2012-2020', and White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future, 2015-2030'. The Government's National Renewable Energy Action Plan, 2010 (Irish Government submission to the European Commission) that sets out Ireland's National targets for generation of energy consumption from renewable energy sources by 2020 (as derived from EC Directive 2009/28). Within this context, Ireland is legally obliged to ensure that by 2020 at least 16% of all energy consumed in the state is from renewable resources. In Ireland, the Government has set an electricity target of 40% electricity consumption from renewable sources by 2020, together with a target of 10% in the transport sector and 12% renewable heat by 2020.</p> <p>The Government's 'Strategy for Renewable Energy 2012-2020' which recognises that the development of renewable energy is central to overall energy policy in Ireland, as it has the potential to reduce dependence on fossil fuels; to improve security of supply; and to reduce greenhouse gas emissions creating environmental benefits while delivering green jobs to the economy, thus contributing to national competitiveness.</p> <p>The government is committed to reducing greenhouse gas emissions and meet the target CO2 reductions set by EU and meet international obligations. The Climate Action Plan 2021 (DCCAE), outlines a pathway to reduce Ireland's greenhouse gas emissions by 51% to 2030 through a suite of measures including that 80% of the Country's electricity shall be generated from renewable sources</p> <p>Project Ireland 2040, the governments overarching policy initiative to make Ireland a better country comprises both the National Planning Framework 2018 (NPF) and the National Development Plan 2018-2027 (NDP). The NDP identifies the importance of climate change in National Strategic Outcome 8 (NSO8), to ensure a 'Transition to a Low Carbon and Climate Resilient Society', and in National Policy Objective 55, which seeks to 'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'; the NDP includes 'climate action' as one of its strategic investment priorities. The National Energy and Climate Action Plan (NECP) 2021-2030 takes into account energy and climate policies, the levels of demographic and economic growth identified in the NPF and includes all of the climate and energy measures set out in the National Development Plan 2018-2027.</p>

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			<p>These documents set out a framework to guide energy policy between now and 2030, with the aim of improving Ireland's renewable energy output and reducing carbon emissions in accordance with the EU objective of a low carbon society by 2050.</p> <p>The Council also acknowledges Eirgrid's Strategy 2020-2025, entitled 'Transform the Power System for Future Generations' sets out plans for an estimated 25% growth in electricity demand by 2025, along with a target of net zero carbon emissions by 2050.</p> <p>the strategy of Eirgrid (the independent Electricity Transmission Operator) wherein it envisages that the North West can become a net exporter of power to the rest of the island, reducing its reliance on supply from outside. The strategy promotes an increase in power supply to accommodate and help attract future economic investment in the County. It proposes to make an additional investment in the North West of approximately €750m to upgrade almost 700 km of the existing transmission network and to build new circuits including 110 kV reinforcements between Killybegs (Binbane station) and Letterkenny and further integration of the Donegal and Northern Ireland networks. Energy resilience into the future will be influenced by continued investment in the electricity networks and infrastructure.</p> <p>Wind Energy Context</p> <p>The wind energy policies contained within this Plan are consistent with the broader European and national corporate energy policy agenda. Project Ireland 2040 (National Development Plan 2018-2027) identifies transitioning to a low-carbon and climate-resilient society as a vital strategic outcome. National Strategic Outcome 8, 'Transition to a Low-Carbon and Climate-Resilient Society', highlights the centrality of this to all elements of spatial policy, and is identified as one of its Strategic Investment Priorities. Renewable energy and specifically wind energy are referenced in this regard. The National Planning Framework reiterates the UN Sustainable Goals: 7, Affordable and Clean Energy; and 13, Climate Action. These are transposed into National Policy Objectives 53 and 55 that both support and promote greater sustainable use of renewable energy. the emerging National Planning Framework also emphasizes the critical issues around energy. The 'Executive Summary: Issues and Choices' paper (February, 2017) notes that: 'Energy is critical to support Ireland's future growth.'</p>

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			<p>Similarly, the Regional Spatial and Economic Strategy (RSES) 2020-2032 for the Northern and Western Regional Assembly, indicates continued emphasis on the provision of sustainable energy within Growth Ambition 5.</p> <p>Similarly, preliminary commentary in relation to the forthcoming Regional Spatial and Economic Strategy (RSES) indicates continued emphasis on the provision of sustainable energy in compliance with International, European and National energy targets.</p> <p>In terms of wind speed and consistency, Donegal is ideally located on the North-West Atlantic coast and this wind energy resource has already been harnessed to a significant degree. Thus Donegal already generates significant wind energy outputs relative to other counties in Ireland and has become an energy exporter, despite the limited available electricity grid infrastructure in the County and significant environmental and heritage designations covering over one-third of the County. It is therefore challenging to achieve a balanced approach to the identification of further suitable locations that will not detract from the scenic and environmental resource of the County.</p> <p>Donegal County Council acknowledges the importance of wind energy as a renewable energy source which can play a vital role in achieving national targets in relation to reductions in fossil fuel dependency and therefore greenhouse gas emissions.</p> <p>The Council's approach to wind energy has been prepared having regard to the draft Wind Energy Development Guidelines, 2019 DHPLG that clearly set out Ireland's objectives to support international obligations relating to climate change and renewable energy to achieve net zero carbon emissions by 2050. Whilst the importance of addressing climate change is at the fore of international and national policy, and the government's commitment to achieving targets as discussed above, there is a commitment to achieve this in a balanced way; the Draft Wind Energy Development Guidelines (2019) states that "<i>the development plan must achieve a reasonable balance between responding to Government Policy on renewable energy and enabling the wind energy resources of the planning authority's area to be harnessed in a manner that is consistent with proper planning and sustainable development, taking into account the legitimate views of local communities.</i>"</p> <p>Map 8.2.1 entitled 'Wind Energy' designates areas considered suitable or unsuitable for new wind energy development in the County. These areas have been identified using a step-by-step sieve mapping analysis as a basis for constructing the map, by carrying out a</p>

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			<p>comprehensive analysis of the environmental sensitivities and the wind energy potential of the County (in accordance with the Draft Wind Energy Development Guidelines 2019) subject to amendments made by resolution of the Council (refer to Section 28 Statement). In the event of a discrepancy occurring between Map 8.2.1 and the written objectives and policies contained in the Plan, the written text shall be the key material consideration and take precedence over Map 8.2.1.</p> <p>Planning Guidelines on Wind Energy Development, 2006 prepared by the (then) Department of the Environment, Heritage and Local Government. The review of the policy context guiding wind energy production has been augmented by the evidence base that is made up, in part, by the landscape character assessment process, the SEAI commissioned reports 'Examination of the Significance of Noise in Relation to Onshore Wind Farms' Marshall Day Acoustics. (November 2013), and 'Preliminary Report on Wind Turbine Noise Modelling RPS (March 2015), the Donegal County Council Interreg Iva project, 'Practical Implementation of Freshwater Pearl Mussel Measures' report 'Windfarm Development Guidance – Dr Tony McNally (June 2014), the Eirgrid reports, 'All Island Ten Year Transmission Forecast Statement 2015' and 'Generation Capacity Statement 2017-2026'.</p> <p>Arising from this process and in accordance with Policy E-P-12 and Map 8.2.1 and 'Wind Energy' section of Appendix 3, Development Guidelines and Technical Standards, Part B, Objectives and Policies of the Plan, the Plan identifies the following policy area designations as the means of determining the principle of the acceptability or otherwise of proposed new wind farm developments, and alterations to existing wind farms within the County.</p> <p>(a) Acceptable In Principle Wind farm developments shall be generally acceptable in principle in these areas.</p> <p>(b) Open to Consideration Wind farm developments shall be generally open to consideration in these areas.</p> <p>(c) Not Normally Permissible Like the other two designations, these areas were identified on foot of a comprehensive analysis of the environmental sensitivities and the wind energy potential of the County. On foot of this determination, and in-line with national guidelines, it follows that most windfarm developments will not normally be permissible. This should apply in particular to such proposals on previously undeveloped sites, inclusive of sites with a lapsed unimplemented permission (and where substantive works have not been undertaken).</p>

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			<p>Notwithstanding, and having regard to previous planning assessments and decisions and the subsequent investment incurred, it is the position of Donegal County Council that a more balanced approach is required when dealing with windfarm proposals in these areas where, crucially, there is an already existing strong planning history. This refers to the following categories: Existing Windfarms; Developments Under Construction; Developments Where Permissions Have Lapsed But Where Substantial Works Have Been Completed; and Sites With a Live Permission but not yet started. For such sites, it is considered reasonable to allow for the consideration of proposals for the augmentation, upgrade and improvement of such developments in accordance with the details set out in Policy E-P-12 below.</p> <p>(1) 'Open to Consideration': Within these locations, wind farm developments are open to consideration, subject to compliance with other objectives and policies of the Plan. These areas are open to consideration for appropriate wind energy proposals. They have been identified having regard to a range of factors, including wind energy potential (through the wind speed atlas www.seai.ie), existing grid connections, proposed grid connections, natural heritage designations and landscape sensitivity, road infrastructure and where potential conflict with natural heritage designations may be managed effectively.</p> <p>(2) 'Acceptable for augmentation of/improvements to existing windfarms': Within these locations, wind farm development would be unacceptable save as augmentation of, or improvements to, existing wind farm development subject to compliance with all other objectives and policies of the Plan. The Council recognises the opportunities arising from the use of more efficient turbines on established windfarms, as they generate much higher energy yields per turbine, thereby reducing the need for additional turbines. In most cases the infrastructure, roads, hardstand, turbines, sub-station and fences have already been established, so there should be limited additional impact. Wind energy developments within these areas will be considered subject to compliance with all other objectives and policies of the Plan.</p> <p>(3) 'Not acceptable': Locations where Wind Farm Development would be unacceptable. Areas where wind energy proposals would be unacceptable have been identified having regard to their significant environmental, heritage and landscape constraints. These include; Special Areas of Conservation (SAC's) and Special Protection Areas (Natura 2000) sites, Natural Heritage Areas, areas identified as high and medium landscape sensitivity, areas of Fresh Water Pearl Mussel including the catchments identified in the</p>

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			<p>Sub-Basin Management Plans for Clady, Eske, Glaskeelin, Leannan, Owencarrow and Owenea (as listed in S.I. 296 of 2009), important views and prospects, among others. It is considered that these areas have no capacity for wind energy development.</p> <p>The objectives and policies contained in this Section of the Plan set out a broad framework against which all windfarm proposals shall be considered. However, individual windfarm proposals are likely to give rise to additional issues covered by other provisions in the Plan and thus proposals shall also be subject to compliance with all other pertaining objectives and policies contained in this Plan.</p> <p>Within each of the wind energy area designations on Map 8.2.1, and along the interface between the designations, there may be small areas that do not fully meet the intent of the designation. Such anomalies shall be considered individually and in the context of all other objectives and policies contained within this Plan, should an application for development be submitted in these. The onus shall be on the applicant to make the case that the site does not meet the characteristics of the designation within which it is located, but ultimately it shall be a matter for the Planning Authority to adjudicate on such matters.</p>
5	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies Page 152	Amend text	<p>Wind Energy As well as implementing the undernoted policy framework, it will be the practice of the Council, in accordance with Article 22A of the Planning and Development Regulations 2001 (as amended) to require all windfarm developers to submit a Community Report with their planning application, which report shall be consistent with the relevant provisions of 'The Code of Practice for Wind Energy Development in Ireland, Guidelines for Community Engagement'; Department of Communications, Climate Action and Environment (December 2016). will also encourage all wind energy developers to engage in pre-planning consultation with the Planning Authority in relation to development proposals. Developers will also be encouraged to engage with the local community to investigate the potential for local community benefit that may arise, and/or arrangements for local community investment.</p>
6.	Part A Chapter 8: Natural Resource Development Section 8.2.2 Objectives Page 151	Amend E-O-1	<p>E-O-1: To develop sustainably a diverse and secure renewable energy supply portfolio to meet demands and capitalize on the County's competitive locational advantage.</p>

Ref	Location in Plan	Type of Change	Proposed Variation
7	Part A Chapter 8: Natural Resource Development Section 8.2.2 Objectives Page 151	Insert New Objective E-O-7	<p>Objective E-O-7</p> <p>To secure the maximum potential from the wind energy resources of the planning authority's area commensurate with supporting development that is consistent with proper planning and sustainable development.</p>
8	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies Page 152	Delete Policy E-P-12	<p>It is the policy of the council to:</p> <p>Consider the development of appropriate new wind energy developments within the areas identified as 'Open to Consideration' on the Wind Energy Map 8.2.1, subject to compliance with all other relevant objectives and policies contained within this plan and the following:</p> <p>(a) Repowering Repowering is the process of replacing older turbines with newer ones that either have a greater capacity or more efficiency which results in a net increase of power generated. Repowering may also seek to extend the overall lifespan of the development. Proposals for repowering, shall not result in a net increase in turbines, and it shall be demonstrated that there is no adverse impact on the receiving environment; or</p> <p>(b) Extension In areas located outside of Natura 2000 sites, proposals for an extension to an existing wind farm (of up to 20% in terms of permitted numbers of turbines or in cases where 5 or less turbines are permitted in a wind farm, one additional turbine) will be considered. The proposal will be required to demonstrate that the additional turbines may be served by the infrastructure serving the existing development; or</p> <p>Reapplication (c) In areas located outside of Natura 2000 sites, where an existing wind farm has been permitted and this permission has expired, a revised proposal will be considered within the planning unit of the previously permitted development, and where it is demonstrated that there is no increase in turbines.</p> <p>Not favorably consider wind energy proposals in those areas identified as 'Not Acceptable' on the Wind Energy Map 8.2.1</p>
9	Part A Chapter 8: Natural Resource Development	Insert new Policy E-P-12	<p>E-P-12: It is a policy of the Council that the principle of the acceptability or otherwise of proposed wind farm developments shall be generally determined in accordance with the three areas identified in Map 8.2.1 'Wind Energy' and the specific biodiversity related requirements detailed below:</p>

Ref	Location in Plan	Type of Change	Proposed Variation
	Section 8.2.3 Policies		<p>1. Areas in Map 8.2.1 Wind Energy:</p> <p>(a) Acceptable In Principle Wind energy development shall be generally acceptable in these areas.</p> <p>(b) Open to Consideration Wind energy development shall be generally open to consideration in these areas.</p> <p>(c) Not Normally Permissible</p> <p>(i) Windfarm development proposals on previously undeveloped sites, inclusive of sites with a lapsed un-implemented permission (and where substantive works have not been undertaken) will not normally be permissible.</p> <p>(ii) The augmentation, upgrade and improvements of: existing windfarms; windfarm developments under construction; developments where permission has lapsed but substantial works have been completed, or on sites with an extant planning permission will be open to consideration where such proposals shall be generally confined to the planning unit of the existing development.</p> <p>2. Specific Biodiversity Related Requirements:</p> <p>a) Loss of functionally linked habitat Developers of wind energy proposals on greenfield sites shall undertake a pre-construction appraisal of habitats. Should habitats suitable for supporting Special Conservation Interest bird species be present, developers will be required to undertake pre-construction bird surveys to confirm whether the site supports a significant proportion of bird populations (typically taken to be 1% of the population of a SPA, at time of designation). Depending on whether qualifying birds represent breeding or overwintering species, surveys will need to be undertaken in the breeding season or overwintering period (October to March). If a site represents functionally linked habitat, avoidance / mitigation measures will be required and the proposal will need to be supported by a bespoke Appropriate Assessment.</p>

Ref	Location in Plan	Type of Change	Proposed Variation
			<p>b) Mortality due to collision with operational wind turbines Wind energy development proposals shall demonstrate that they can be delivered without resulting in adverse effects on the integrity of European sites. Vantage point surveys will be required to establish a) the overall use of the development site by Special Conservation Interest birds and b) more detailed usage by Special Conservation Interest birds of the turbine swept area taking account of specifications such as turbine height, blade length, nacelle (blade hub) rotation speed and the number of turbines. Mitigation measures may need to be delivered to ensure that any residual risks are appropriately avoided or reduced.</p> <p>c) Disturbance displacement To avoid potential permanent disturbance displacement impacts on Special Conservation Interest bird species, Donegal County Council will generally not support wind energy proposals within 1km of Special Protection Areas unless clear evidence from the applicant or scheme promoter can demonstrate no adverse effect on site integrity will arise.</p> <p>d) Water quality Any wind energy developments within 1 km of sensitive SPAs / SACs shall ensure that potential adverse impacts on the European sites due to water quality impacts are assessed and, where required, mitigated. Possible assessments and mitigation measures include, but are not limited to, water quality and ecological baseline studies, run-off / leachate modelling, delivery of Construction Environmental Management Plans (CEMPs) and Water Management Plans (WMPs) and compliance with industry good practice.</p>
10	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies Page 153	Amend Policy E-P-13	Within the areas identified as ' Acceptable in Principle ' and ' Open To Consideration ' on Map 8.2.1, it is a policy of the Council to encourage the development of community windfarms/co-operatives to enable communities to generate their own electricity, income and to sell surplus back to the grid, in accordance with other objectives and policies of this Plan and the proper planning and sustainable development of the area

Ref	Location in Plan	Type of Change	Proposed Variation
11	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies Page 153	Delete Policy E-P-16	It is a policy of the Council to support the strengthening and enhancement of the capacity of existing wind farms, within the local environmental capacity including the sustainable upgrade/replacement of older turbines with newer and more efficient models.
12	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert new Policy E-P-16	Policy E-P-16 It is a policy of the Council to: (a.) only grant planning permission for new wind measuring masts in areas designated as 'Acceptable in Principle' or 'Open to Consideration'.
13	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert New Policy E-P-22	Policy E-P-22: It is a policy of the Council to ensure that the proponents of wind energy projects have: a. Meaningfully and properly consulted with the local community and facilitated public participation in developing their proposals; and b. Demonstrated how the proposed development will be of enduring economic benefit to the communities concerned, through a form of community investment/ownership, benefit or dividend, or similar. All Applications of this nature shall be accompanied by a 'Community Report' in accordance with the Wind Energy Guidelines 2021, and shall form an essential component of any application subject to 22A of the Planning and Development Act 2000 (as amended).
14	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert new Policy E-P-23 And Insert new 'definitions'	Policy E-P-23: It is a policy of the Council that wind farm developments: (1) (i.) Must not be located within: (a.) the zone of visual influence of Glenveagh National Park; (ii.) Must not be located within the following areas, subject to the possible exceptions set out in Policy E-P-12(1)(c)(ii): (b) the Gweebarra River Basin;

Ref	Location in Plan	Type of Change	Proposed Variation
			<p>(c) areas contained within 'Especially High Scenic Amenity' on Map 7.1.2 'Scenic Amenity';</p> <p>(d) Freshwater Pearl Mussel Catchments; and</p> <p>(e) St. John's Point.</p> <p>(2) Must:</p> <p>a. Meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2021, or any subsequent related Guidelines; and</p> <p>b. Ensure a setback distance for visual amenity purposes of ten times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation, An exception may be considered for a lower setback requirement from existing or permitted dwellings or other sensitive properties to new turbines where the owner(s) and occupier(s) of the relevant property or properties are agreeable to same and where the noise requirements of the relevant Wind Energy Guidelines are capable of being complied with in all cases. In such exceptional reduced setback situations, the relevant parties must provide written confirmation to the satisfaction of the Planning Authority that they have agreed to a reduced setback and have no objection to the proposed wind energy development.</p> <p>(3) Shall, subject to compliance with sub-paragraphs (1) and (2) above and other relevant policies of this Plan, be acceptable where a setback distance for visual amenity purposes of ten times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation, has been achieved.</p> <p>In all cases, whether in 'Acceptable in Principle', 'Open to Consideration' or 'Not Normally Permissible' areas, compliance with the setback distances required under Policy E-P-23 will be required. For re-powering or augmentation projects, the required setback distance shall be the required multiple of the new turbine height and no allowance shall be made in this regard for the established development.</p>

Ref	Location in Plan	Type of Change	Proposed Variation
			<p><u>Definitions</u></p> <p>Glenveagh National Park: Zone of Visual Influence:- The environmental and visual character of Glenveagh National Park consists of the geographic extent of the park and its immediate environs. The implementation of the relevant policy should not be interpreted as relating to lands with limited physical or visual connection to the park. The onus is on the applicant to demonstrate the extent of the potential impact a proposed wind energy development has on the National Park.</p> <p>Centre of Human Habitation:- 'Centre of human habitation' includes schools, hospitals, churches, residential buildings or buildings used for public assembly.'</p> <p>Curtilage: An area immediately surrounding or adjacent to the property which is used in conjunction with the property, other than any part of that area that is a public place. (From Criminal Law (Defence and the Dwelling) Act, 2011).</p>
15	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert New policy E-P-24	Policy E-P-24: It is a policy of the Council that wind farm developments must ensure a setback distance for noise and shadow flicker purposes of ten times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation.
16	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert New policy E-P-25	Policy E-P-25: It is a policy of the Council to require the preparation and effective implementation of Environmental Management Plans (EMPs) to manage the construction, operation, maintenance and decommissioning of windfarms, and to ensure that the decommissioning, post-operational restoration and restoration of habitats of redundant windfarm developments is achievable and practical once a wind energy development ceases to generate electricity. EMPs shall include monitoring and reporting provisions and mitigation measures and arrangements for supervision/oversight of construction works.
17	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert New policy E-P-26	Policy E-P-26: It is the policy of the Council that all applications for wind farm development located on peatland and bog, including the re-powering and augmentation projects, shall be accompanied by a 'Peat Stability Risk Assessment Report'.

Ref	Location in Plan	Type of Change	Proposed Variation
18	Part B: Appendix 3, Development Guidelines and Technical Standards, 6.5 Wind Energy Page 197	Delete Technical Standard	<p>6.5 — Wind turbines must meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2006, or any subsequent related Guidelines and in addition must not be located within:</p> <ul style="list-style-type: none"> (a) — The zone of visual influence (ZVI) of the Glenveagh National Park. (b) — The zone of influence/flight path at Donegal Airport. (c) — Areas identified as locations where wind farm development would not be acceptable as identified on map 6-2-1, chapter 8 of the County Development Plan 2018-2024. (d) — Special Areas of Conservation (SACs) nor Special Protection Areas (SPAs) (e) — The 6 Fresh Water Pearl Mussel (S.I. 296 of 2009) catchments contained in the Freshwater Pearl Mussel Sub-Basin Management Plans for Glady, Eske, Glaskeelin, Leannan, Owencarrow and Owenea. (f) — A set-back distance of ten times the tip height of proposed turbines from residential properties and other centres of human habitation.
19	Part B Chapter 7: The Natural and Built Environment Section 7.1.3 Policies Page 135	Amend Policy NH-P-6	<p>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:</p> <ul style="list-style-type: none"> (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.)

2.0 New Wind Energy Map

Table 2: New Wind Energy Map

Ref	New Map	Commentary
20	Insert Map 8.2.1 entitled 'Wind Energy'	Map 8.2.1 replaces Map 8.2.1 that was previously omitted as a result of the High Court Order made on the 5 th day of November 2018

