

From: [REDACTED] Personal Information redacted
To: [PLANNING CPU](#)
Subject: Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework
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Co Donegal.
June 2nd 2022.

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

ii) Pre-Draft Consultation for 2024 – 2030 Plan

Dear Sir / Madam,

By way of preamble, I ruefully reflect on the fact that it is just over eight years since I participated in the Variation of the 2012 – 2018 Plan with respect to wind turbines. I would remind Council that that Variation arose from the outcomes of the 2012 An Bord Pleanála Oral Hearing into the Straboy wind farm. Its key findings were the risk to local homes from bog slides and peat repository failure due to the upland nature of the site and slope aspect. The corollary following that finding was of course the irresponsible threat to the fresh water pearl mussels of the Owenea River. Hence, the necessity of the 2014 Variation which (eventually) did enshrine ten times tip height separation of homes from turbines and the zoning of the six fresh water mussel river catchments as being not open to consideration for wind farms.

I will remind Council that those protections were carried forward into the 2018 – 2024 Plan. They were not opposed by the Minister of the day. The Plan had departmental acceptance until the audacious attack by Judicial Review of Mr Murnane and Planree. I need not comment on how I viewed the then Manager's handling of that fiasco other than with a one-word sentence. Shameful. Let that end the preamble; we are where we were eight years ago, participating in a Variation of our current County Development Plan, and that, I unreservedly welcome. I also ask that the following be taken as my wind energy comments for the pre-Draft 2024 – 2030 Plan.

On the onslaught of wind farms in our glorious landscapes, and what I see as Donegal having taken a disproportionate load in respect of same when compared to many other counties, it saddens me that I am often at odds with our planners. Hence it is with some relief I find myself writing in support of the policy changes in this Variation of the 2018 – 2024 Plan. In essence we, the county and turbine afflicted communities, need this more balanced approach to wind farm developments. Has Council ever received a wind farm application that has been roundly welcomed by the receiving community? Hence the proposal to reinstate ten times tip height separation in the Plan must be welcomed. I noted the inaccurate comments of one councillor to the Executive at the March meeting (I was logged in as a member of the public gallery) that Council should be aware that the Minister struck out 10 * tip in 2018. He did not; whom struck it out was Mr Murnane in his Judicial Review!

The aspect of including Geological Survey Ireland's landslide susceptibility as a trigger to mark an area as not normally permissible for turbines is simply common sense given the outcomes of the disastrous Meenbog bog burst. It took An Bord Pleanála and Galway County Council some twenty years to learn the lessons of a similar event in Derrybrien. It cost the State tens of millions in the Supreme Court and at the Courts of Justice of European Union (CJEU) with a damning verdict against Ireland and massive daily fines. Of course, the ESB tried to subvert the CJEU orders with substitute a consent application to An Bord Pleanála. It finally ruled (March 2022) that it was precluded from granting substitute consent to Gort Windfarms after concluding that the significant effects on the environment from the project "*were clear, profound and unacceptable*". Now court orders are in place to dismantle Derrybrien ^[i].

The Derrybrien comment is extremely relevant to this Variation in that the proposal to prohibit wind farms in areas of risk to landslide is prudent. Moreover, there are lessons to be learned if Council were minded to let Planree bulldoze ahead with Meenbog. Thus, I look forward to seeing this aspect of our CDP (landslide susceptibility) rigorously enforced. However, I worry somewhat whether the new Policy E-P-26, as currently proposed, is an adequate protection. Practically all wind farm applications nowadays have singing and dancing (to the developer's tune) peat stability reports. We saw that in Meenbog: An Bord Pleanála expressly rejected the independently sourced expert opinions of Professor Paul Johnston and Dr Padraic O'Catháin on matters of peat stability and hydrology. They simply,

without due regard for the Habitats Directives requirement of expert evidence ‘beyond reasonable scientific doubt’ (sic), accepted the developer’s analysis contrived to suit their own purposes. Perhaps E-P-26 should contain an additional line that the said Peat Stability Risk Assessment Report should be submitted by an independent expert. I shall provide reasoning for that comment in the following paragraphs.

The idea that such a report (E-P-26) makes turbines in peatlands acceptable is divergent with all expert opinion. Nationally, and internationally, all experts are clamouring to save our peatlands both from a CO2 storage point of view and for their biodiversity value. Below is just some of the rationale to support such policy. I believe the following rationale should be embedded in our CDP with respect to turbines when qualifying that they will no longer be permissible in peatlands – not merely that they are ‘not normally permissible’. At the Joint Oireachtas Committee on Climate Action of May 2021, Professor Jane Stout, TCD, an expert on peatlands, stated that

*“However, with restoration of biodiversity and ecosystems, solutions to global challenges are all around us. In terms of climate change, biodiversity is key to both mitigation and adaptation strategies. First, in respect of climate change mitigation, slowing climate change, biodiversity can help slow carbon release. **In Ireland, we hold a trump card – healthy peatlands are fantastic carbon sinks.** Peatlands cover only around 3% of the earth's land surface, but store about double the amount of carbon in all forests which cover ten times that area. Peatlands retain carbon and prevent it from being lost to the atmosphere, as well as acting like giant sponges, holding rainwater and releasing it slowly, preventing flooding. They also provide habitats for plants and animals, like birds, that need these wild open spaces”.*^[i]

Dr Catherine Farrell, also an expert on peatlands, stated:

*“Healthy peatlands deliver an array of services to people, including control of water flows, water purification, climate regulation and biodiversity. It is the complex web of relationships between water, biodiversity and peat that creates the peatland, maintains it and allows the peatland to store vast volumes of carbon while also acting as a sink for carbon dioxide. Peatlands have been regulating our climate for millennia ...healthy peatlands are therefore, without a doubt, incredibly important for our well-being. **Changing the water regime by draining, utilising peatlands for timber crops or wind farms or digging out the valuable carbon stock will change the peatland.** Our activities have already changed peatlands. The*

truth is that few pockets of healthy peatlands remain in Ireland, functioning as they should. Peatlands have been changed into sources of carbon dioxide rather than valuable carbon stores and sinks”.^[ii]

The Wild Atlantic Nature LIFE Integrated Project (IP) is a nine-year environmental project (2021-2029) led by the Department of Housing, Local Government and Heritage. It aims to improve Ireland's performance in conserving habitats, and in particular to improve the conservation status in the Special Areas of Conservation (SAC) network of blanket bogs, a priority habitat under the Habitats Directive. The primary focus is on 24 Natura 2000 sites in the northwest of Ireland, the majority in County Donegal. The project works with farmers and local communities to conserve and improve the quality of blanket bogs and associated habitats, and the ecosystem services they provide including clean water, carbon storage and biodiversity.

On World Wetlands Day 2021, the EU Life programme of the European Commission announced that it will fund €10million towards a “**Peatlands and People**” project in Ireland which will highlight the power of peatlands to effect significant climate action. Announcing the project, the Minister for the Environment, Climate and Communications Eamon Ryan TD said:

“Our peatlands are a precious resource in terms of storing carbon, restoring biodiversity and supporting local communities in new jobs taking care of our environment. I am delighted to welcome another major project just months after we announced Government support for the rehabilitation of a huge tract of Bord na Móna peatlands. The Peatlands Centre of Excellence, Just Transition Accelerator, and the new Discovery Attraction supported by this EU LIFE project put the spotlight and investment where it should be, on Peatlands AND People.”^[iii]

The Wild Atlantic Nature project sites comprise 35 protected areas totalling 262,632ha which support 134,319ha of active blanket bog, a priority Annex I habitat. This accounts for 87% of the national total of 154,195ha of active blanket bog habitat – which is effectively also 87% of the EU total (post-Brexit). In Ireland’s 2013 Article 17 conservation status report, **Blanket bog (active only) was assessed as having an Overall Status of: “Bad with an ongoing decline of extent and quality”**. In 2019 Ireland declared a climate and biodiversity emergency. The government has acknowledged that our country needs to act with urgency on the causes and impacts of climate change. Donegal has over a dozen peatland SACs included in the LIFE

project including Coolvoy and Cloghernagore in the Gweebarra river valley.

Hence, it is a relief to see Donegal County Council finally placing reasonable restraints on the folly of placing any more turbines in unspoiled peatlands and/or uplands. I repeat, it would be prudent if those required peat stability reports were independently sourced. We need to have regard for the points outlined above and planners should cite Professor Stout, Dr Farrell, Minister Ryan and the EU Life programme when they are refusing permission for turbines in peatlands. The strength of the local authority refusal and the grounds thereon should be unequivocal – a wind farm on peatlands should merit such refusal as will dissuade the developer from appealing to An Bord Pleanála. Peat and bog lands are highly significant in the global efforts to combat climate change. The restoration of peat lands is vital in the transition towards a climate resilient and climate neutral economy.

I fully support the turbine no-go areas created in Policy E-P-23. Prior to 2018 the wind energy map always had specific areas marked “Not Open to Consideration” and I am strongly of the view that the new blanket category of “Not Normally Permissible” was giving too great of latitude towards a developer’s capacity to seek permission first and (perhaps) forgiveness afterwards. Thus E-P-23 is unequivocally sensible: there shall be no turbines in these areas bar augmentation projects. Though, it needs to be said, only if those meet all the planning criteria of today and not allow developers rely on and cite what was applicable when the dated project was built many years ago. That is exactly what Harley Consultants tried to do when resurrecting or morphing the Mully-Graffy project of 2009 into the Graffy project, 2151990, of 2021.

E-P-23 will protect our most glorious landscapes from a tourism perspective, ie Glenveagh, Gweebarra, EHSAs and St John’s Point whilst at the scientific end of the scale it will protect one of the county’s most sensitive and definitely most threatened species, the fresh water pearl mussel. They mussels have, and will, if conserved, live in these silt free rivers for up to 125 years. Moreover, they are protected by the European Habitats Directives. Why diminish the life expectancy of a species (rem, 125 years) that signifies pristine waters by placing an industrial threat alongside it with a life expectancy of a mere 25 years?

I wholly support the note the idea of “augmentation” of existing wind farms

as outlined in the Variation proposed. I believe it creates a balance in the Council's proposed approach to wind energy and the Office of the Planning Regulator should have particular regard for this policy. Why plunder new greenfield sites, usually upland or peatland, with turbines when we have a policy to replace dated turbines? The county is littered with 600kW turbines which could be replaced by current models of 4.5MW and upwards. That is an output power more than seven and a half times of the model being replaced!

However, I am worried about where the principle of augmentation is addressed in the proposed Variation text. It is perhaps only a question of words, but, once more there may be those who wish to harry Council about the logical or lexical semantics of what they put forward. My memory is ill-served by what a former planner turned consultant tried to put forward in several iterations of 2151202. Or how Mr Murnane managed to convince his barristers make an audacious attack on our 2018 plan.

My contention is that the augmentation projects defined in Policy E-P-12 / 1. Areas in Map 8.2.1 Wind Energy / (c) (ii) is misplaced. Part (c) of E-P-12 defines areas 'Not Normally Permissible' yet clearly (c) (ii) in defining augmentation projects states they shall "*be open to consideration*".

Hence, I believe that all of (c) (ii) might be more appropriately placed in E-P-12 (b) 'Open to Consideration'

In conclusion I fully support Council's Variation of the 2018 Plan with respect to wind energy. I see it as a brake to a blight on our landscape that has been tolerated for far too long under the false pretences of renewable energy and low-cost electricity. Those arguments were simply never true. The more turbines that went on grid, the more expensive electricity has become. Of course, today there are new false shores being created for more turbine blights. Sadly, I can forecast developer led submissions to this process managing to link our Donegal landscapes and 'great wind' to somehow saving us from Ukrainian and Russian energy side effects. I would respectfully ask Council to ignore such euro mongering waffle.

Finally, can I ask that this entire submission may also be taken as my comment on wind energy for the pre-draft 2024 – 2030 Plan in that these proposed policies, if enacted, be carried forward into that plan.

Yours faithfully,

Joseph Brennan



Personal information
redacted

Co Donegal



2nd June 2022

[i] Report of the Joint Committee On Climate Action, Tuesday, 4 May 2021, page 4

[ii] Report of the Joint Committee On Climate Action, Tuesday, 18 May 2021, pages 2-3.

[iii] Irish Peatlands central to a new EU-funded Climate Action Initiative; Peatlands and People project; www.peatlandsandpeople.ie

[i] <https://www.irishtimes.com/business/energy-and-resources/esb-to-decommission-derrybrien-wind-farm-s-70-turbines-1.4828766>