



Wind Energy CDP Variation
Central Planning Unit
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via email: windenergycdpvariation@donegalcoco.ie

PROPOSED VARIATION (IN RESPECT OF WIND ENERGY POLICY FRAMEWORK) TO THE DONEGAL COUNTY DONEGAL DEVELOPMENT PLAN 2018 – 2024

A Chara,

I refer to your notification dated 29 April 2022 of the proposed variation to the Donegal County Development Plan 2018 – 2024 in accordance with Section 13 of the Planning & Development Act, as amended.

The Planning Authority has advised that the purpose of the variation is to address the policy vacuum within the current County Development Plan, which has arisen as a result of a High Court order decision in November 2018 and has had the effect of removing certain provisions in relation to Wind Energy (provisions adopted by the Council in May 2018).

The NWRA notes that the County Development Plan was varied in Quarter 2 of 2021, so that the preferred corridors for Ten-T Priority Road Improvement Scheme were incorporated into the Plan. A Variation has not been made, as required under Section 11(1)(b) of the Planning and Development Act 2000 (as amended), to incorporate the National Planning Framework and the Regional Spatial and Economic Strategy. However, the review of the CDP 2018-2024 has separately been initiated and that presents an opportunity to incorporate same into the plan.

This submission is made in accordance with Section 27C of the Planning and Development Acts. It is a requirement of Section 27C that the Regional Assembly make a submission on this Variation and that it contain a report that shall state whether, in the opinion of the Assembly, the draft variation of the development plan is consistent with the RSES. Where it is not consistent, then the Assembly must make recommendations as to what amendments are required, in order to ensure that the proposed variation is consistent with the RSES. I set out below the report of the Assembly and its observations.

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Background & Context

The Northern & Western Regional Assembly welcome the publication of the Proposed Variation to the Development Plan, as it represents an overdue measure to fill the void on policy in respect of wind energy in the County, arising from the Order of the High Court in 2018.

The Assembly also welcome the publication of Pre-Draft Issues Papers for the Review of the County Development Plan and the preparation of the new Donegal County Development Plan 2024 – 2030, which have been published separately and pose a series of questions on the main focus areas for the forthcoming Draft County Donegal Development Plan 2024 – 2030. A separate submission in relation to the Issues Papers (Pre Draft Consultation) has been provided for consideration.

The Proposed Variation consists of both textual and mapping changes. There are 19 textual changes. 17 of them relate to textual changes to Part A – The Strategic Plan (Objectives and Policies) and 2 relate to Part B, which includes the Development Guidelines and Technical Standards. There is one mapping change, which provides a new Wind Energy Map. Specifically, the Proposed Variation:

- Inserts a new Wind Energy Map 8.2.1 identifying areas designated as (a) ‘Acceptable in Principle’ (b) ‘Open to Consideration’ and (c) ‘Not Normally Permissible’ for wind energy development.
- Inserts a new policy framework aligned to the three designated areas in Map 8.2.1, and also stipulates setback distance requirements from residential properties.
- Inserts new background and contextual text, updating the legislative framework and guidelines within which windfarm development must be considered.
- Deletes outdated policies and background and contextual text.
- Deletes existing Section 28 statement in respect of Wind Energy Development Guidelines and inserts replacement text.

The Wind Energy Policy Framework variation has been Drafted by DCC, which confirms it is in adherence to the following key policy framework documents:

- (i) Wind-Energy Development Guidelines (2006)
- (ii) An Information Note: Review of the Wind Energy Development Guidelines 2006 – Preferred Draft Approach’ (June, 2017)
- (iii) Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy Climate Change (July, 2017)
- (iv) Draft Revised Wind Energy Development Guidelines (December 2019)

The proposed variation references the National Planning Framework – Project Ireland 2040 and National Strategic Outcome 8, which relates to “Transition to a Low Carbon and Climate Resilient Society” and National Policy Objective 55, which is 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”. It also references the RSES and indicates continued emphasis on the provision of sustainable energy within Growth Ambition 5.

Consideration of Variation (Wind Energy Framework) of the Donegal County Development Plan 2018 – 2024.

Donegal is currently the third ranked County in wind energy output in the Country, hosting 2 of the largest 5 windfarms by capacity (Meentycat & Meenadreen). The County is presently a net exporter of energy to the National Grid.

The Assembly is aware that Draft Wind Energy Guidelines (2019) were published for consultation and have not been issued as Ministerial Guidelines to date. Accordingly, the 'Wind Energy Development Guidelines – Guidelines for Planning Authorities' published in 2006 remain the Guidelines that are in place for planning authorities. Furthermore, 'Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change,' published in July 2017, are a material consideration in the review of wind energy and renewable policies in development plans.

In preparing the proposed Variation, consideration was given to the 2006 and 2017 Guidelines and to the Draft Guidelines of 2019. The proposed Variation confirms that the 2006 and Draft 2019 Guidelines set out similar step-by-step sieve mapping analysis methodologies to inform the identification of the suitability of areas for wind energy development, and this methodology has been used, applying key environmental, landscape and technical criteria. This methodology was used as the basis for constructing the proposed new Map 8.2.1: 'Wind Energy'.

It is noted that the proposed variation has reduced the overall area within which the Plan policy will generally permit in-principle wind energy projects, however there are a number of critical factors which limit scope to retain the parameters which were set down in previous development plans. The proposed variation designates the County into 3 categories for the purposes of Wind Energy designation, these are (i) Acceptable in Principle (ii) Open to Consideration and (iii) Not Normally permissible. This categorisation follows the guidance set out in 3.6 of the Draft Revised Wind Energy Development Guidelines (December 2019).

The proposed revision to the Wind Energy Policy Framework, (which includes certain additional considerations restraining areas from favourable consideration, which were not previously contained in the Plan) has the ultimate effect of omitting significant areas of the County for future wind energy projects.

The Wind Energy Framework Map accompanying the variation is at a scale, which does not readily enable the extent of the proposed designation to be comprehensibly identified. If access to this mapping was available via an interactive online mapping tool (e.g. Web-map), such a limitation could be avoided.

The Map on Wind Energy available via the County Council's Web portal (dated November 2021) appears not to correspond to the Map provided with the Variation documents. This is something which, if addressed could potentially enhance access and understanding of the Variation at local level. It is reasonable to expect that community / interest groups and individual citizens wish to inform themselves as to what the change in Wind Energy Policy will mean for their area/community.

A number of specifically identified locations in the County are referenced in No.14 of the Variation as being inappropriate for wind energy developments, including Visual Zone of Glenveagh National Park, St. Johns Point, the Gweebarra River Basin & Fresh Water Pearl Mussel catchments. The areas in question are either of High Scenic or Strategic Landscape value, as well as habitats of National importance, and the Assembly does not have issue with their exclusion.

The new Setback distance of Turbine Tip heights to homes is 10 times the height of the turbine from a residential property (the curtilage not the dwelling/buildings), unless express permission is forthcoming from the property owner in default of this setback. The rationale given for the proposed setback in the variation would benefit from further clarification and review.

The Assembly note that the Draft Revised Wind Energy Development Guidelines (December 2019) give quite significant focus to setback, and reference 500m (from the curtilage of a residential property) as a minimum, and the Guidelines further state that to introduce very excessive setback standards will rule out huge swathes of Rural Areas from Wind Energy projects. The draft Guidelines include, as a Specific Planning Policy Requirement, under Section 28(1C) of the Planning and Development Act 2000, as amended, that planning authorities shall not apply a setback distance that exceeds a distance of 4 times the tip height between a wind turbine and the nearest point of the curtilage of any residential property in the vicinity of the proposed development, subject to a mandatory minimum setback of 500 metres (caveats provided where consent has been secured). However, those Guidelines remain in draft form.

The narrative within the Proposed Variation accepts that it is at variance with the 2019 Draft Guidelines and in particular SPPR2. However, it is the Wind Energy Development Guidelines (2006) that give relevant guidance in respect of these matters and also the 'Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017'.

The 2006 Guidelines provide advice on wind energy development in terms of the Development Plan and development management processes. Guidance is given on matters such as noise, shadow flicker, natural heritage, archaeology, architectural heritage, ground conditions, aircraft safety and wind take. Although a setback distance is not established, it is stated that noise is unlikely to be a significant problem where the distance to the residential property is more than 500m. The 'Interim Guidelines' issued in 2017 include a Specific Planning Policy Requirement (SPPR), under Section 28(1C) of the Act, which requires the plan to:

- (1) Ensure that overall national policy on renewable energy as contained in documents such as the Government's 'White Paper on Energy Policy - Ireland's Transition to a Low Carbon Future', as well as the 'National Renewable Energy Action Plan', the 'Strategy for Renewable Energy' and the 'National Mitigation Plan' is acknowledged and documented in the relevant development plan or local area plan;
- (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); and
- (3) Demonstrate detailed compliance with item number (2) above in any proposal by them 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. Such a proposal shall be subject to environmental assessment requirements, for example under the SEA and Habitats Directives. It shall also be a material consideration in SEA, when taking into account likely significant effects on climatic factors, in addition to other factors such as landscape and air, if a mandatory setback or variation to a mandatory setback proposed by a planning authority in a development plan or local area plan would create a significant limitation or constraint on renewable energy projects, including wind turbines, within the administrative area of the plan.

It is considered that the proposed variation does not demonstrate clearly how it will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular

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wind energy production and the potential wind energy resource (in megawatts). Therefore, in the absence of detailed compliance with item 2 of the Interim Guideline SPPR, it not clear whether or not the variation is fully consistent with the said Guidelines.

RSES Regional Policy Objectives (RPOs 4.16 – 4.22) aim to position the Region as a Low Carbon location over the next decade, and part of the mix of measures is additional onshore and offshore wind energy projects. The RSES additionally seeks to manage and conserve the Region’s distinctive landscapes and seascapes, and its habitats (Natura 2000 sites) - see RPO 5.2 & RPO 5.4. This variation can certainly be considered to achieve the goals of the latter objectives (management and conservation of landscapes).

Notwithstanding the potentially excessive setback of 10 times the Turbine Tip Height, it is considered that the revised Wind Energy Policy Variation is not inconsistent with the RSES per se, but it will limit the opportunity for Donegal to realise its potential to deliver renewable energy through wind energy sources. The implication of the proposed policy has not been clearly set out in the Variation and suitable justification needs to be provided if it is to be supported – different setback scenarios could have been provided.

The Assembly recognise the extent of EHSA (Especially High Scenic Amenity) designation within the current CDP, which accounts for approximately 23% of Donegal’s total landmass. Allied to Environmental designations relating to Freshwater Pearl Mussel, and other Natura 2000 Habitats, including blanket bog, the Zone of Glenveagh National Park and sensitivities around the coastline (including WAW), the ultimate scope for designating areas ‘Open to Consideration’ is significantly constrained.

Observations

The Assembly makes the following observations:

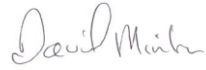
1. That the Windfarm Map for the County is made available as an interactive digital Web-Map or app to improve visualisation of designations at a local level. The Assembly note the current Map via the Donegal County Council Map Viewer Portal appears not to correspond with that contained in the Variation Documentation.
2. The Windfarm Map for the County is revised to improve symbology / colour schemes to ensure the base layer can be interpreted easily, and the borders between Not Normally Permissible / Open to Consideration / Acceptable In Principle are clearly distinguishable.
3. Indicate how the development plan will contribute to meeting national renewable energy targets, including specific targets in megawatts for wind energy potential in the county, in order to fully implement the Specific Planning Policy Requirement contained in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change and in accordance with the provisions of section 28(1C) of the Act.
4. Review the policy setback of ten times the tip height as the inclusion of such mandatory separation distances between wind turbines and the curtilage of residential dwellings would restrict in principle the potential for wind farm development in the County, the bone-fides of which could otherwise be considered at application stage.

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The Assembly wish to thank the Council for the opportunity given to engage in the process. If you have any queries in respect of the above, then do not hesitate to revert.

Mise le meas,



David Minton
Director