

MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL
HELD IN THE COUNTY HOUSE, LIFFORD ON 19TH FEBRUARY, 2018

C/61/18 MEMBERS PRESENT

Cllrs G Mc Monagle (Cathaoirleach), E Bonner, J Campbell, P Canning, T Conaghan, G Crawford, N. Crossan, A Doherty, L Doherty, R Donaghey, M. T. Gallagher, A Glackin, M Harley, J Kavanagh, N Kennedy, M C Mac Giolla Easbuig, M Mc Bride, I Mc Garvey, P McGowan, J Murray, M Naughton, S O' Domhnaill, J S O'Fearraigh,

C/62/18 OFFICIALS IN ATTENDANCE

Seamus Neely, Chief Executive, Joe Peoples, Director of Housing, Corporate and Cultural Services / Meetings Administrator, Liam Ward, Director of Community, Enterprise & Planning Services, Michael Mc Garvey, Director of Water & Environment, Eunan Quinn, Senior Planner, Paul Kelly, Senior Executive Planner, John Mc Feely, Executive Planner, Anne Marie Crawford, Staff Officer.

C/63/18 APOLOGIES

Apologies were received from Cllr G Doherty and Cllr Mc Brearty who were unable to attend the meeting.

C/64/18 CONSIDERATION OF REPORT FROM THE PLANNING AUTHORITY TO AN BORD PLEANÁLA IN RELATION TO STRATEGIC INFRASTRUCTURAL DEVELOPMENT FOR THE CONSTRUCTION OF UP TO 19 NUMBER WIND TURBINES IN THE TOWNLANDS OF MEENBOG, (ED GOLAND), CROAGHONAGH AND CASHELNAVEAN, IN THE STRANORLAR MUNICIPAL DISTRICT.

Members considered the report circulated with the agenda in relation to the above.

Mr Liam Ward, Director Community, Enterprise, & Planning Services said that the report circulated with the agenda reflected the view of the planning authority in relation to the Strategic Infrastructure Development application referred from An Bord Pleanála and concerning a wind farm in the townlands of Meenbog (ED Goland), Croaghonagh and Cashelnavean, Co Donegal. The members, he advised, could by resolution attach recommendations

to the report, which would then be submitted along with the Meetings Administrator's record of the meeting to An Bord Pleanála.

Mr Paul Kelly, Senior Executive Planner, informed the meeting that a previous Strategic Infrastructure Development application had been referred by An Bord Pleanála in 2015 with proposals for a 49 wind turbine development. This application, he confirmed, was a repeat application but differed in that the number of turbines had been reduced to 19 and focused on a much smaller area closer to Barnesmore Gap on the western fringe of the initial proposed development. It was acknowledged that there had been a number of issues in relation to the eastern cluster in respect of the previous application but that the eastern cluster did not form a part of this revised application. He was, he said, happy with the studies submitted in support of the application and was of the opinion that issues such as shadow flicker, noise impact and flora and fauna considerations could be managed within the recommended limits.

The development, he added, was in an area designated "open to consideration" and that having considered local, national and regional policy that the development in principle was in accordance with proper planning and sustainable development of the area. The authority was of the view, he said, that An Bord Pleanála should grant the development subject to the 16 conditions outlined in the report.

He alluded to the fact that the authority recommended the omission of turbines No 13-19 inclusive as they were located within a setback distance of 10 times the tip height of the proposed turbines from residential properties.

Bonds relating to the maintenance, reconstruction and repair of the road infrastructure and the restoration of the site were also to be included, together with specific environmental considerations. The matter of community gain, he advised, was of utmost importance. In this regard the monetary commitments proposed in the application were considered acceptable, but rather than set up a

committee to manage same it was the considered that this money could be managed by the Councils existing governance arrangements. It was recommended that a development contribution was payable per 0.1MW generated in accordance with the Donegal County Council Development Contribution Scheme.

Previous issues in relation to the proximity to residential development in the eastern section had, he advised, not carried through to this application.

Thus Mr Kelly contended that subject to the planning conditions specified in the report, the authority was satisfied that the development was in accordance with the proper planning and development of the area.

Members proceeded to raise the following issues:-

Cllr Gallagher said that she had been asked to make a submission on behalf of Cllr Gary Doherty who was unable to attend the meeting. She thus proposed, seconded by Cllr L Doherty that the following submission be attached to the planning authority's report :-

“A Report on the Views of the Planning Authority to an Bord Pleanála on the effects of the Proposed Meenbog Wind Farm (a Strategic Infrastructure Development) on the environment and the proper planning and sustainable development of the area of the authority having regard in particular to the matters specified in section 34(2). An Bord Pleanála Ref; PL05E.300460.

The proposal for this Wind Farm consists of 19 wind turbines, each with a tip height of up to 156.5m in the townlands of Meenbog, Croaghonagh and Cashelnavean.

In the first instance, it must be noted that the County Development Plan 2012-2018 (as varied) states that “10.6.5 Wind turbines must meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2006, or and subsequent related Guidelines and in addition must not be located within:...

(d) A set back distance of ten times the tip height of proposed turbines from residential properties and other centres of human habitation.” Seven of the proposed turbines, no. 13-19 inclusive

are located within this setback distance and are thusly in direct contravention of the County Development Plan. These turbines should be refused outright.

Considering the application has set a maximum blade height of 156.5m per turbine, the proposed height is much larger than any surrounding structure. Neighbouring wind developments, such as that at Meentycat, have turbines which stand at 102m, making the proposed development the largest in the greater Finn Valley region. I have reservations as to the effect these turbines will have on the topographic profile of the area. Given the proximity of the proposed development to an Especially High Scenic Amenity Area, I feel that the photomontages included by the developer do not give a truly accurate depiction of the visual impact this development will have on the landscape.

The area in which this development is planned has a number of protected types of flora and fauna species, and the impact which such a development would have on those is an issue which I feel cannot be overlooked.

*The Hen Harrier (**Circus cyaneus**) is one of Ireland's rarest birds of prey and, as such, is a protected species under European law, namely the EU Birds Directive (2009/147/EC). Habitat loss and persecution of the bird have led to a steady decline in the numbers of breeding pairs in Ireland.*

The animal nests in coniferous forested areas and the proposed site of this development is a known habitat for the bird. Hen Harriers had confirmed breeding reported for the location during the 2007-2011 atlas survey, and breeding was confirmed in the vicinity of the development and immediate Buffer Zone following a number of national surveys (Ruddock et al., 2012).

Croaghonagh Bog is classified as a 'Special Area of Conservation' (SAC) as per the EU Habitats Directive (92/43/ECC), and is located approximately 550m from the site. A substantial blanket bog in the area is home to a number of rare species of plants and wildlife and stands to be greatly perturbed by a development such as this. Bird species recorded as inhabiting the SAC include the Greenland White-fronted Goose and Merlin, both of which are listed under Annex 1 of the EU Birds Directive due to their high level of endangerment.

I feel that this development may contradict the current Wind Energy Development Guidelines 2006, Article 5.2 which states that proposals will only be authorised if "they will not adversely affect the integrity" of a Special Area of Conservation. I would urge that this be taken into consideration.

Under Departmental Planning Guidelines, night time noise level should not exceed 43dB. However, it should be noted that this exceeds the current recommendations of the World Health Organisation (WHO) and those which are set out in the Environmental Noise Directive (2002/49/EC), which have suggested that levels of night time noise not surpass 40dB. WHO's recommendation has stated that such a night noise level is required in order to protect the public from the harmful effects of excessive noise on sleep, health and wellbeing, with considerable consideration given to vulnerable groups such as children, the chronically ill and the elderly.

If it is the case that the noise levels created by this development meet Departmental Guidelines, yet exceed those recommended by the international sources listed above, this may have a number of serious repercussions for those living within the affected area, namely the many health implications associated with sleep deprivation and sleep loss. I would also reference the research being conducted by Dr Mariana Alves-Pereira on the impact of Infrasound and Low Frequency Noise (ILFN) from wind turbines.

Additionally, as the area remains largely undeveloped, and coupled with the unique topography of the surrounding terrain which can be considered quiet in nature, the absence of any man-made or naturally occurring 'Noise Barriers' in the study area is of particular concern. As such, I would urge due consideration as to whether the area is a low noise environment, where the recommended noise level be limited to "an absolute level within the range of 35-40dB(A), as per Article 5.6 of the Wind Energy Guidelines.

In conclusion, I concur with the view of the Council that "the matter of community gain in respect of a development of the scale and extents proposed is of the utmost importance." However, In that vein, I feel that there is scope to increase both the initial contribution of 6,250 per MW and the annual 1,250 per MW

*proposed by the developer. Considering that the total output of this development, if granted, would be circa 180,000 MW per annum (66.5*8760*0.31), I would suggest the Bord look to a more generous contribution to the neighbouring community.”*

Cllr Mc Gowan proposed, seconded by Cllr Crawford that an independent survey of the peat and hydraulic analysis of the area be carried out given its proximity to Lough Mourne.

He was, he said, in agreement with Cllr Garry Doherty’s submission. A lot of emphasis, he noted, had been placed on wildlife habitats but there was also the issue of the impact on the human habitat and the long term effects for the population in general. Further research, he advised, was needed.

The Senior Executive Planner responding to a query from Cllr Canning, said that the permission gave the developer 10 years to carry out the development and that the operational life of the wind farm would be 30 years from the date of commissioning. After that, he said, decommissioning and restoration of the site would have to be carried out.

He informed Cllr Mc Gowan that other service requirements would be subject to separate permissions if required.

Cllr Crawford was informed that the report circulated represented a view to An Bord Pleanála as to what the decision should be. It was based on the policy and guidelines as they stood at present and as applicable to the relevant timeline for the Bord to consider the application. Once the decision was made it would take a new application to introduce amendments or additional turbines. It was further acknowledged that An Bord Pleanála had the authority to consider the application under any new planning/wind energy guidelines that are introduced.

Cllr Mc Garvey said that the impact on landowners needed to be considered and that the human element was of vital importance. He asked also what the general view was in relation to hydropower and as to what the alternatives to wind energy were. He said, that he had a particular view in relation to the commercial gain aspect and that more often than not local communities lost out.

Cllr Harley alluded to the impact on tourism and said that there was a danger that the landscape would become blighted with turbines. With the success of initiatives such as the Wild Atlantic Way, it was important, he advised, that the long term benefits accruing from the Tourism market were protected.

He expressed concern also in relation to the effects of surface water and the ecological effects arising from the fact that the water reached the rivers much quicker damaging fishing stocks in the process.

Cllr Campbell asked on what basis had the 93,279 tonne carbon saving been calculated and whether the effects of road drainage on the sites had been underestimated. He was, he said, of the opinion that there were figures missing in relation to the various scenarios. The statistics, he said, did not add up and surveys had indicated that building wind turbines on blanket bog did not give a significant carbon payback.

He queried whether Donegal County Council had been involved in a project to rejuvenate blanket bog in the area now being considered for wind turbines.

He enquired also as to whether the authority had any data on how well developments of this type had fared given that there has been development of this nature ongoing in the county for the past twenty years.

Cllr Mc Bride asked for further information in relation to the development contribution charges.

Cllr O' Domhnaill said that there were fears in the locality concerned that the application would give rise to further applications and the possibility of a line being taken to a point 35kms away.

He suggested that the application be treated the same as one off housing and the associated policies for the prevention of ribbon development.

He queried whether there was a need to have the various environmental studies carried out independently evaluated, i.e

carried out by Donegal County Council and paid for by the applicant.

There was an anomaly, he said, in that objections had alluded to a decline in the Hen Harrier population, yet a national inventory of the hen harrier population in Donegal had indicated a 120% increase in the overall population totals.

He asked also as to whether Donegal County Council had carried out the E.I.S and screening themselves.

The Government, had, he contended, signed up to various European protocols in respect of wind energy with Donegal to date putting up its fair share of wind turbines. The problem was, he added, that the county had got very little out of the process because of its archaic development contribution laws. All national studies by the prescribed statutory bodies it was acknowledged needed to be taken into consideration and the same parameters put in place as that applicable to one off housing where there was a potential for ribbon development.

The problem was, he said, that large multi-national companies had been allowed to profit from such development and that if it had been allowed to develop in the hands of local co-operatives there would not have been as much resistance.

Mr Paul Kelly, Senior Executive Engineer informed members that the basis for calculating the carbon saving was contained in Section 10 (17) of the Environmental Impact Assessment report. The authority, he said, had no further comment on it and that it was a matter for the Bord to consider the veracity of same if they had any concerns in this regard.

He said that there was no independent data in relation to the post development performance of various water mitigation controls and that this had not been a known issue in relation to wind farms. Water quality testing is carried out by the County Laboratory he said and this had resulted in concerns being reported in relation primarily to the operation of quarries, so the Council was not exactly blind in this area, but no concerns have been reported in relation to operational wind farms.

Members were also informed that grid connection was not part of the application but that the Environmental Impact Statement had considered the cumulative implications in relation to the development.

It was noted that the current submission had sought to address issues/concerns associated with the previous application. With regard to data submitted in relation to the “Hen Harrier” population it was noted that all evidence pointed to the fact that the information was satisfactory and that no significant impact was expected.

Concluding Mr Kelly reminded members that the role of the Planning Authority in this case was to provide a report setting out the views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area. Donegal County Council, he added, had no responsibility to screen the development or to carry out an assessment of the Environmental Impact Assessment Report and that this was the responsibility of An Bord Pleanála as the consent authority.

It was difficult, he advised, to draw a parallel between wind farm development and one off rural housing on the basis that they were not comparable developments. There were specific policy implications relating to ribbon development in relation to rural housing and that these were policy issues and not precedent issues as such.

Mr Liam Ward, Director Community, Enterprise & Planning Services said that the anticipated level of community gain was detailed on page 65 of the report. Donegal County Council, he advised, would administer the funding aspect as soon as the community mechanism was in place. The Council was recommending that the monies would be paid directly to the Council and administered along similar governance and funding criteria already in place with funds such as the Development Fund Initiative Scheme.

Cllr Mc Garvey said that the Council were in effect discussing an issue in which they had no real role or than to make specific observations.

The Chief Executive said that it was necessary to look at the positive aspects of the process and the fact that any observations or suggestions made by the members could go directly to the Bord.

Cllr Kennedy said that cognisance needed to be taken of the noise impact and the implications for those living in the vicinity.

On the proposal of Cllr Mc Garvey , seconded by Cllr O' Domhnaill it was resolved that the Council object to the proposal and ask An Bord Pleanála to refuse permission for the development.

This concluded the business of the meeting.