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Wind Energy CDP Variation,
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Date: 2nd June 2022 Our Ref.: ROIWF22VarDCC

RE: Response to Public consultation on a Proposed Variation to the Co. Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework, April 2022

Dear Sir or Madam,

Consultation Response

1. We wish to respond to the consultation request regarding the proposed Variation to the County Donegal Development Plan (CDP) 2018 – 2024 (as Varied) in respect of a Wind Energy Policy Framework (April 2022).

2. We have reviewed the information made available on the Donegal County Council Website[1] and our observations and comments are outlined in our 'Main Submission' attached document containing a detailed commentary and analyses. Separately we are making individual submissions for various individual wind energy sites in the County that we have been working on for several years and that are now jeopardised by the new proposed Variation energy policy with its restrictive zoning and set-back distance proposal.

3. County Development Plan policy on renewable energy is required to take account of national policies on wind, renewable energy climatic change and related policies and statutory plans.

Prematurity of the proposed Variation

4. We are alarmed at the speed of which this significant Variation is being progressed, especially noting that it will likely be published prematurely, in advance of the adoption of the national Wind Energy Guidelines presently in Draft form since 2019. If adopted, the changes will have a serious negative impact on the wind energy generation capability of the County Donegal area, which has a competitive advantage as a natural resource for wind energy resources. The documentation

[1] https://www.donegalcoco.ie/services/planning/planningpolicy/wind%20energy%20policy%20framework/ (accessed May 2022)

does not outline sufficient justification for the proposed Variation and is being pushed forward at a time when there is an urgent need for renewable generation to address processes of climate change, reduce reliance on imported fossil fuels, cut greenhouse gas emissions, expand indigenous energy production, reduce the cost of energy production and to reduce the real cost of energy to consumers.

5. The proposed Variation would contravene the Minister's advice in Planning Circular letters PL 20-13 and PL 5/2017 where it has been advised that the preparation *or variation* of planning authority Development Plans must take account of all relevant and up to date national policy. Also, as provided for in section 10(2) (n) of the Planning and Development Act (2000), as amended, Development Plans are required to include practical objectives to mitigate against climate change and reduce reliance on fossil fuels.

   Local authorities have statutory obligations under the planning code in this regard in that making or varying Development Plans, they must address renewable energy related policies or objectives when considering the proper planning and sustainable development of the area. This implies facilitating, renewable energy such as wind energy, and prohibiting this critically important energy sector.

6. The Draft County Development Plan consultation process has just begun and the Variation should have been part of that overall consultative process on the Draft Plan. It is extraordinary to enact a plan Variation just when the Draft CDP process has just been initiated.

7. The proposed Variation should abide with legal precedence including the November 2018 High Court Judgment [*Record Number 2018/533JR]*, that struck out the then Variation on wind energy including the X 10 times blade tip height separation distance to wind turbines from dwelling houses and wind energy prohibition blanket zoning. These same restrictions have again have re-appeared in the current Variation despite the legal ruling. The proposed Variation thus directly contravenes this pertinent legal judgment.

Ten times set back will eliminate new wind energy projects

8. The Variation Map 8.2.1 has most of the County zoned as 'Not Normally permissible' for wind. The other major proposed zoning of 'Open to Consideration' zoning areas are in the lower elevation and most populated areas of the County where it will be extremely difficult to obtain a 500-600m set back from turbines to dwellinghouses and other cited sensitive receptors. To then implement a X10 times turbine blade tip height set back, noting that newer wind turbines could be up to 180m blade tip height, would make any actual wind turbine development in such permissible areas almost impossible to achieve. Confirming spatial analyses research from Maynooth University is referred in our main submission supporting this assertion.

9. Effectively then we have no true locations that will be able to facilitate new wind energy projects in this Variation proposal which would then effectively prohibit wind energy in the County.

10. This is validated by the admission in Page 16 of the proposed Variation written statement where it is acknowledged that, ***"most windfarm developments will not normally be permissible."***

Factual queries in the proposed Variation

11. The Draft national Wind Planning Guidelines are mis-referenced as being adopted in 2020 in Ref. 14, Policy E-P-23 (2) a. in Page 23 as the 'DEHLG Wind Energy Development Guidelines 2021'. These Guidelines have not been adopted and are still in Draft form.

12. There is also no supporting evidence or document outlining the methodology, scope and source of the claim that 'Extensive public consultation has shown that the ten times tip height setback policy is favoured by the people of Donegal' in Ref. 3, Page 12. National surveys show that most of the public support wind energy development, as referenced in our main submission.

13. Wind energy planning applications that we prepare are sensitively designed to respond to the findings of detailed Environmental Impact Assessment. Each application is preceded by an extensive investigation, analysis and design process, to ensure that the development is appropriate for the location. Canavan Associates have been working with a number of wind developers in accordance with the Draft CDP timetable which will be ongoing for another two year. These are presently compliant with previous Variation zoning that was struck out. We have a number of viable wind energy development sites including grid routes that have become mandatory for EIAR studies in recent years with ongoing environmental surveys and assessments, for example bat and bird surveys. It is not possible or advisable for us to submit these planning applications for consideration until the survey periods for wind energy sites and grid routes are complete. Bird surveys are required to cover a period of 2 years for example. Studies need re-survey after c. 3 years. Environmental Studies are undertaken at significant cost to developers and must be considered as substantial works.

14. Allowance should be made to account for projects which are already subject to environmental surveys and those that are in preparation, especially those lands which now appear to be classed as areas "Not Normally Permissible" for wind but were not previously. In this regard the previous 'Wind Areas acceptable for Augmentation' permissible zoning should be retained and sites with presently lapsed planning permissions should still be designated as 'Open to Consideration' or 'Acceptable for Augmentation'.

15. Geotechnical and peat slip/slide studies have been generally conducted for proposed wind energy sites that we would work on. The outcomes of these site specific studies must be an overriding

material factor in assessing wind energy applications rather than blanket zoning based on the broad-brush GSI resource mapping for landslide susceptibility.

Set back wind turbine exclusion zone of 500m from settlements

16. This policy should be deleted. The 500m exclusion zone will prevent community, commercial and industrial developments seeking permission for wind energy auto-production developments on their premises. Not all lands within settlement areas are residential. We are aware that many industrial/commercial premises in the County have faced enormous electrical cost rises this past year and urgently need on site alternative renewable energy generation if they are to remain viable.

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Specific Amendments to the proposed Variation

17. We would strongly ask that to limit the damage of this highly restrictive wind energy policy that the following amendments are included:

    a) The X 10 times turbine blade tip set back from houses and sensitive receptors should be deleted in accordance with the national draft wind planning guidance, Ministerial circulars, the said High Court judgement and An Board Pleanála planning decision precedents.

    b) The proposed 500m blanket prohibition on wind turbines from settlements should be deleted.

    c) The previous 'Wind Areas acceptable for Augmentation' zoning designation should be reinstated for those wind energy sites previous planning units, even where planning permissions may have recently lapsed.

    d) Environmental studies should be considered as 'substantial works' in the proposed Variation statement for the purposes of allowing augmentation for wind energy sites that have lapsed planning permissions.

    e) The proposed Variation is postponed and dealt with as part of the overall Draft County Development Plan consultation process and also postponed until the national wind planning guidelines are published and where it would then accord with that guidance.

Sincerely,

Seamus Canavan

canavan associates

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Seamus Canavan MIPI MRTPI (Director)
CANAVAN ASSOCIATES LTD.

Main Submission

Consultation Response

– Public consultation on the Donegal County Council - Draft Wind Energy Variation to the County Development Plan (June 2022)

Prepared by

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1. Forward

Canavan Associates Ltd. have noted the proposed Variation to the 2018-2024 Donegal County Development Plan (As Varied) where this relates to Wind Energy[1]. We have reviewed the documents made available on the planning authority Website, including:

- Introduction and Explanation of the Scope of the Proposed Variation to the County Donegal Development Plan 2018 – 2024 (As Varied) in respect of a Wind Energy Policy Framework (April 2022);
- Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework;
- Amendment No. 20: Map 8.2.1: Wind Energy.

Canavan Associates are alarmed by the content and implications of the Donegal County Council's proposed Wind Energy Variation in its current form. This Variation proposal: -

- Counteracts a high court judgement, i.e. judicial review (Record Number 2018/533JR) into the previous iteration of the County Donegal wind energy policy (included in the *County Donegal Development Plan 2018-2024)by* Planree Limited;
- It is premature in advance of the Publication of the new National Wind Energy Guidelines;
- It is being rushed forward for adoption in advance of the recently initiated consultation process on the Draft County Donegal Development Plan:
- It could effectively eliminate Wind Energy Development in County Donegal at a time when national and forthcoming EU policy will seek the removal of barriers to onshore wind development, and Fast Tracking of current planning applications for wind energy to enhance energy security and protect against energy price volatility.

We cite in this submission:

- The Policy Imperative for Wind Energy;
- A review of Essential Wind Energy Policy;
- Policy that would seek expansion of onshore wind in County Donegal.
- Specific points on the proposed Variation text;
- Summary points

2. Policy Imperative for Wind

It is the goal of the government to enable Ireland, within EU and global frameworks, to achieve a transition to a low-carbon, climate-resilient and environmentally sustainable economy. By 2030, the government aims to meet the following targets:

- Up to 80% renewable electricity;
- 30% reduction in CO_2 emissions;
- 32.5% Improvement in energy efficiency.

[1] https://www.donegalcoco.ie/services/planning/planningpolicy/wind%20energy%20policy%20framework/ (accessed 26/05/22)

Government Circulars

The proposed Variation would contravene the Minister's advice in Planning Circular letters PL 20-13 and PL 5/2017 where it has been advised that the preparation or variation of planning authority Development Plans must take account of all relevant and up to date national policy. Also, as provided for in section 10(2) (n) of the Planning and Development Act (2000), as amended, Development Plans are required to include practical objectives to mitigate against climate change and reduce reliance on fossil fuels.

Local authorities have statutory obligations under the planning code in this regard in that making or varying Development Plans, they must address renewable energy related policies or objectives when considering the proper planning and sustainable development of the area. This implies facilitating, renewable energy such as wind energy, and prohibiting this critically important energy sector.

Where local authorities breach statutory requirements in the development plan process or fail to adopt policies that reflect the overall national policy position, the Minister has powers under section 31 of the Act, that allow the Minister to direct a planning authority to amend a statutory development plan.

The **Office of The Planning regulator (OPR)** as a statutory consultee, will also overview development plans to support and implement Government planning policy.

The OPR has also recently published a recent pertinent guide for local planning authorities on: '**Climate Action and the Local Authority Development Plan: OPR Case Study Paper CSP05'.**

Project Ireland 2040 - The National Planning Framework (published in February 2018) is the overarching policy and planning framework for the social, economic and cultural development of Ireland. The document seeks to refocus the future planning and development at local level to tackle Ireland's higher than average carbon-intensity per capita and harness Ireland's renewable energy potential. The document acknowledges, in the energy sector, transition to a low carbon economy from renewable sources of energy is an integral part of Ireland's climate change strategy and renewable energies are a means of reducing our reliance on fossil fuels. One of the Key future planning and development and place-making policy priorities for the Northern and Western Region is to *"harness the potential of the region in renewable energy terms across the technological spectrum from wind and solar to biomass and wave energy."* The document underlines the importance of Transition to a Low Carbon Economy through in a number of ways including establishing,

- Low Carbon Economy - Our need to accelerate action on climate change.
- Renewable Energy - Our transition to a low carbon energy future.

While significant investment in Ireland over the next decade will be in offshore wind, onshore wind is an advanced technology, and government policy acknowledges that in the short and medium term a large percentage of the renewable energy generation required to meet the 80% target will come from the operation of wind turbines on land. The document outlines that the government's pathway to meet this target includes a more rapid build-out of renewable generation capacity (wind and solar power generation technologies), increased storage, and the deployment of zero emissions gas.

Together with the National Planning Framework (NPF), **Ireland 2040 - National Development Plan, 2021 – 2030** (the NDP published in October 2021) drives Ireland's long term economic, environmental and social progress over the next decade. The NDP is the most recent in the series of Government Capital plans adopted since 1988 and identifies the strategic priorities for public capital investment for all sectors to meet the strategic outcomes of the National Planning Framework.

The document states that, "*Action in the energy sector will be critical to the achievement of Ireland's climate targets and the transformation to a high-renewable, net-zero emissions future*," and highlights the delivery of renewable energy infrastructure as a strategic priority in the reduction of greenhouse gas emissions from the electricity sector. The document outlines that the NDP Review "*commits to increasing the share of renewable electricity up to 80% by 2030. This is an unprecedented commitment to the decarbonisation of electricity supplies*." The target of delivering up to 80 per cent of Ireland's electricity from a combination of onshore and offshore renewable sources by 2030 will play a central role, not only in reducing emissions in the electricity sector itself, but in enabling emissions reductions in the transport sector through electrification of vehicles and in our homes, industry, and public and commercial buildings through electrification of heat. This will require a coordinated programme of investment in, among other things:

- grid-scale renewable electricity generation and storage;
- an expanded and strengthened electricity transmission and distribution network;
- conventional electricity generation capacity to support the operation of the electricity system and provide security of supply for when variable generation (wind/solar) is not sufficient to meet demand;

The document outlines that this investment in renewable energy sources will be complemented by measures to reduce and manage energy demand.

The **COP26** international climate conference bought together 120 world leaders, and took place in Glasgow in October and November 2021. The main goal was to secure global net zero by mid-century and keep a maximum of 1.5C degrees of warming within reach. Net zero means total emissions are equal to or less than the emissions removed from the environment. Other goals included accelerating the phase-out of coal.

The two headline outcomes from COP26 were the signing of the Glasgow Climate Pact and agreeing the Paris Rulebook.

The **Glasgow Climate Pact** Recognised the climate emergency, and the requirement to limit the increase in the global average temperature by addressing the processes that contribute to climate change, including the release of carbon. The pact accelerated action to reduce carbon dioxide emissions and move away from the use of fossil fuels, acknowledging that the combustion of coal, oil and gas are the main drivers of global warming. Ways to achieve the aims of the pact included delivering climate finance to developing countries and stepping up support for developing countries in adapting to the impacts of climate change and building resilience.

The **Paris Rulebook** includes agreements on:

- An enhanced transparency framework for reporting emissions
- Common timeframes for emissions reductions targets
- Mechanisms and standards for international carbon markets.

This reflects a cohesive international approach to addressing the causes of climate change. There is no sense that countries have already done enough or have already played their part in addressing these issues, but the agreements renew the drive to achieve more. In Ireland, a reduction in carbon emissions can be achieved by increasing renewable energy generation across the island. This is an approach to be adopted across all counties.

In March 2021, The Government published the **Climate Action and Low Carbon Development (Amendment) Bill 2021**, which places on a statutory basis the responsibility of the State to achieve the transition to a climate-resilient, biodiversity-rich, environmentally sustainable and climate-neutral economy by 2050.

Ireland has set itself an ambitious target of delivering up to 80 per cent renewable electricity on the power system by 2030. The policy framework to incentivise Irelands power future will focus on electricity provided from renewable sources. Levels of investment in the deployment of renewable energy technologies are now being put in place. Commercial wind energy generation has been in existence on the island of Ireland for over 20 years and wind turbine technology is fast evolving to produce turbine machines that are more productive, efficient and with longer operational lifetimes. As an advanced generation technology, onshore wind energy is still expected to play a large role in the achievement of this Irish target over the next 8 years, as well as the future development of offshore wind, solar power and other forms of renewables in Ireland.

Electricity will be needed for the rollout of electric vehicles, and the prohibition of the use of fossil fuels for transportation over the next few years. Electricity is also an increasingly important economy for household and domestic heating. Not coal, oil or gas. Electricity will be the main fuel for heating new houses under the nZEB building code.

The Renewable Electricity Support Scheme provides support to renewable electricity projects in Ireland, ensuring that Ireland is on the right pathway to meet its climate targets, and lays the foundations for a cost-effective renewable electricity market. To expedite the transition away from volatile fossil fuels, a change of pace is needed for future RESS and offshore (O-RESS) auctions.

Derry City and Strabane District Council together with Donegal County Council published the **North-West Regional Energy Strategy**[2] in May 2020. This document notes that for both Ireland and N.I., the majority of generation comes from fossil fuel, with natural gas providing the largest proportion. It recognises the need to transition towards a smart, low carbon economy which can deliver sustainable prosperity for individuals, communities, businesses and the local environment within the North-West Region. The report aims to provide a strategic rationale and direction for the North-West region to achieve its vision for a Net-Zero emissions Energy sector by 2045.

[2] http://www.cforc.org/assets/north-west-regional-energy-strategy---main-report---may-2020.pdf (accessed 01/06/22)

The document notes that onshore wind forms an important part of the future energy mix within the Northwest region as the lowest cost renewable generation, and that it has an important role to play in meeting binding EU Emissions targets. Missing these targets could result in significant penalties at the expense of consumers within Derry City and Strabane District Council area.

The report also highlights that onshore wind has been an important contributor towards an increase in renewable generation. It recommends, where possible local authorities should continue to encourage the installation of new onshore wind developments.

The Strategy highlights that a key objective for renewable generation would be to remove restrictions surrounding future wind farm developments, where possible.

The Strategy includes a variety of actions and local measures that can be taken locally to maximise the potential of onshore wind, encourage the future deployment of new onshore wind and reduce carbon emissions within the North-West Region including:

- Encouraging the replacement of ageing wind turbines for newer and more efficient models.
- Investigating the potential to incentivise the replacement of old wind turbines with higher performing newer models where possible.

Page 63 of the document, outlines milestone objectives for the short term period - 2020 to 2030, which highlights that restrictions surrounding future wind farm developments should be removed where possible.

Section 6.2.2 (Page 67), under the heading of "*Increase Installed Capacity of Onshore Wind*", the document outlines that onshore wind already accounts for an important percentage of the low carbon generation within the region. It states that local measures will be taken to, in order to

- further encourage the future deployment of new onshore wind, and
- reduce the region's carbon emissions.

The document states that Donegal County Council are now in the process of drafting a Variation to the County Donegal Development Plan 2018 - 2024 on this basis, in order that the significant wind energy resource of the county can be harnessed through the sustainable development of wind farms. We note that this intention is not evident in the draft Variation now put forward by the planning authority. The propose Variation would contravene this North West Regional Energy Strategy.

The Northern and Western Regional Assembly **Regional Spatial and Economic Strategy** 2020 – 2032 (RSES) came into effect on the 24th January 2020 and provides a high-level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework (NPF) and the relevant economic policies and objectives of Government. It provides a 12-year strategy to deliver the transformational change that is necessary to achieve the objectives and vision of the Northern and Western Regional Assembly (NWRA). One national Strategic Outcome is to Transition to a Low Carbon and Climate Resilient Society, requiring a renewables focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy

sources such as wind. The document recognises the importance of setting out the region's ambitions concerning renewable energy and shows its ability to help contribute to achieving national targets.

The **North West Strategic Growth Partnership** is a cooperative cross border initiative, jointly led by Donegal County Council and Derry City and Strabane District Council to realise the full potential of the North West City Region, and is an approach that is consistent with the objectives for the region which were set out in the National Spatial Strategy 2002 - 2020 (NSS - predecessor of the current National Planning Framework - NPF) and Northern Ireland's Regional Development Strategy 2035. In addition, the regional approach to the future development of the North West is informing and addressing emerging issues from the preliminary discourse in relation to the development of the NPF. The Partnership aims to work collaboratively to drive forward economic, environmental and social regeneration and prosperity in the region and focuses across three pillars of economic development; physical development and; social and community planning. The County Development Plan, its objectives and policies aim to support the vision of the North West Strategic Growth Partnership.

The **North West Metropolitan Area Spatial Planning Framework** complement the regional priorities of NWSGP and play a key role in guiding future growth and trans-boundary investment across the inter-jurisdictional City Region, offering local, regional and national governments the opportunity to take a high-level, and long-term strategic approach to the sustainable growth of the North West City Region.

The Regional Planning Guidelines – Border Region (2010 – 2022) acknowledges that the development of more sustainable, competitive, diverse and secure supplies of renewable energy generation to support economic and social development is a key priority for the Region. Considerable potential exists for the exploitation of renewable energy generation, particularly wind. It points out that the transmission network in the North West requires significant reinforcement, and is essential if the significant un-tapped wind energy potential in this part of the Region is to be realised. Section 4,4,3 states that "*Increasing attention needs to be paid to the areas of harnessing energy, and its subsequent storage, in order to reduce costs to the country in generating power".*

The **Wind Energy Development Guidelines** published in 2006 by the Department of Environment Heritage and Local Government (DoEHLG) offer advice to planning authorities on planning wind energy developments with the intention of ensuring a consistency of approach throughout the country in the identification of suitable locations for wind energy development and the treatment of planning applications for wind energy developments. <u>Although this document is old, it is the guidance currently in force.</u>

The **Draft Revised Wind Energy Development Guidelines** were published by the Department of Housing, Local Government and Heritage in December 2019. At the time of writing this draft document is still under discussion, with formal publication pending. These draft Guidelines contain guidance on pre-planning consultations, grid connections and the requirements in relation to Environmental Impact Assessment. This document requires "*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 the curtilage of any residential property in the vicinity of the proposed development, subject to a*

mandatory minimum setback of 500 metres from that residential property. [3]" This is in stark contrast to the proposed variation of the County Development Plan which outlines a requirement for 10 times tip height setback from residential property. Section 6.18 of this document addresses "*Sitting In Relation To Individual Properties ('Setaback')"* and acknowledges that mandatory setback distances determine (and thereby reduce) the scope to develop terrestrial wind energy projects necessary to meet existing and binding EU and global commitments as regards renewable energy generation, and that on the other hand, Ireland needs to maximise every resource at its disposal at present to transition to a low and ultimately carbon-free society towards the middle of this century. It recognises a setback distance to property may address the potential for visual disturbance resulting from a development, as dependent on the scale of the proposed turbine and the associated distance from an impact receiver. This setback requirement is also subject to the need to comply with noise limits. It is a specific planning policy requirement of these Guidelines under Section 28(1C) of the Planning and Development Act 2000, as amended, that….the document identifies that planning authorities shall not apply a setback distance that exceeds these requirements. On Page 11, the document acknowledges that the proposed variation is at variance with policy SPPR2 of the Draft Wind energy Guidance. Insufficient justification for this is given – as outlined later in this document.

In response to the ongoing European conflict and the implications this has had for energy costs and fuel security, we aware of a raft of **new EU level policy documents**, which are currently at an advanced stage. These will be issued to all member states in the coming weeks and months, to remove barriers to onshore wind development, and all renewable energy projects and to Fast Track current planning applications for wind energy in the system towards determination. It would again be provident to postpone the Variation to ascertain the impacts of these new policies in Ireland.

Urgent implementation of "*all climate plans and policies, plus further new measures*" will be needed for Ireland to meet a legally-binding 51 per cent emissions reduction target by 2030, according to the Environmental Protection Agency (EPA) or else Ireland risks missing its legally binding emissions reduction targets. In its latest projections on greenhouse gas emissions up to 2040, the EPA data indicate that Ireland will find it difficult to meet its carbon budgets over the next decade due to "a significant gap" between them and projected emissions. The report continues that despite this predicted shortfall, increased renewable energy generation, if delivered as planned, can reduce energy industry emissions by 10 per cent annually from 2021-30, it predicts – thereby achieving up to 78 per cent renewable electricity generation by 2030.

A proactive Donegal County Council Wind Energy planning policy is urgently required to assist in the capture of energy from the natural indigenous wind energy resource. We all must play our part to meet the targets and ensure sustainable development.

[3] SPPR2 https://www.gov.ie/en/publication/9d0f66-draft-revised-wind-energy-development-guidelines-december-2019/ (accessed 01/06/22)

3. Review of Essential Wind Energy Policy Considerations

The following section of the submission briefly raises factors which are essential considerations in the revised Renewable Energy Policy in County Donegal, particularly relating to Wind Energy.

Climate change is one of the biggest challenges facing society. The Earth's climate has already become warmer, with scientists predicting further increases in global temperatures. The consequences of our greenhouse gas emissions will continue to leave a legacy of flooding, famine, drought, migration, coastal flooding and erosion, and will lead to the mass extinction of species. The impacts of climate change are affecting people in County Donegal today. Across the North West, we have seen the impact of severe weather with a number of significant flood events in the last decade, as well as disruption from heatwaves and storms. At a time when global action is required, we call on Donegal County Council to accept their responsibility to act locally while thinking globally.

The planning authority must recognise the urgent requirement to tackle climate change by reducing greenhouse gas emissions to minimise future global warming and by facilitating indigenous energy generation to improve energy security and lessen the economic impact of fossil fuel price volatility. One important way to do this in the short to medium term, is to accommodate the sustainable development of more onshore wind energy.

In general however, the proposed Variation is **very restrictive to new wind development**. We note there is provision for wind energy development/ augmentation in areas that have valid permissions or where substantial works have already been carried out – but only within the previously approved / established wind energy planning area. There is also an opportunity in the draft documentation for the applicant to make the case that the site does not meet the characteristics of the designation within which it is located as part of the application, but ultimately it shall be a matter for the Planning Authority to adjudicate on such matters.

The approach adopted in the planning authority Variation proposal seems to miss the primary requirement of the County wind energy policy at this stage, which should be to facilitate the responsible and sustainable expansion of wind across County Donegal in order to capitalise on Donegal's competitive advantage for wind power. Rather than seeking to limit the expansion of wind energy generation across the County, the planning authority's new policy should seek to facilitate wind energy generation in accordance with the urgent policy imperatives outlined in International, European and National policy directives.

Irish Prime Minister Micheál Martin advised on 25th May 2022, speaking among world leaders at the World Economic Forum in Davos, that "*Wind is Ireland's Oil*." Wind Energy is, of course, a much cleaner, less polluting source of energy than the combustion of oil or other fossil fuels. He also noted, "*What the war in Ukraine is teaching us, and indeed the rest of Europe, there's only one journey here, it's a journey towards renewables, and we're going to have to double down on that*"[4].

[4] https://www.independent.ie/irish-news/wind-is-irelands-oil-says-martin-as-eu-moves-away-from-russian-energy-41689773.html (accessed 26/05/22)

The draft policy outlined by Donegal County Council does not reflect the Prime Minister's requirement to "*double down*" on the expansion of renewable energy generation. Neither is it in keeping with the focus of National climate change and renewable energy policy. Donegal has an important role to play and a direct responsibility to encourage and facilitate wind energy development. The proposed variation appears to be a backward step in this regard.

This wind restrictive **proposed CDP Variation is premature in pre-empting** the publication of the new national Wind Energy Guidance and the recently initiated Draft review process of the current CDP (as varied) the preliminary consultation process of which has just commenced. There is no justification for this accelerated Variation being published at this time, when the other Draft processes have commenced.

The documentation is being rushed forward for adoption in advance of the National Wind Energy Guidance. There is a significant risk that its contents will be at odds with the direction of this Guidance document, which will aim to promote national cohesion in the approach to Wind Energy in order to meet government targets. We therefore consider the draft variation to be premature in advance of the National Guidance.

Donegal County Council is also separately preparing a new County Donegal Development Plan for the period 2024-2030. A Pre-Draft public consultation process has commenced and runs concurrently from Friday 8th of April to Friday 3rd of June 2022 (Inclusive). The proposed Variation is also being rushed forward in advance of this new county development plan Draft review. The Wind Energy policy issue will be reopened and renegotiated during the consultation on this new plan. It is more appropriate that the varied policy for wind energy in Donegal should be fully considered in line with the provisions of the new draft development plan.

The document includes a requirement for 10 times turbine tip height separation from dwellings and sensitive receptors. This detail is contrary to Ministerial Circulars, the national Draft Wind Energy Guidelines and has already been struck out by the High Court when it was included as a Variation to the previous Development Plan (Variation No. 2 (Wind Energy) to the County Donegal Development Plan 2012-2018 (As Varied). Why is this now being included again?

Ireland's **high energy import dependency** has meant it is at the mercy of international price changes – and this is now effecting domestic budgets. Ireland has very limited indigenous fossil fuel resources and is thus dependent on energy imports. The proposed Variation to the development plan should seek to facilitate indigenous energy generation, in order to urgently move away from fossil fuels to minimise the potential national impact of the recent European conflict.

The **cost of living** has increased dramatically in recent times and there is an urgent need for policies to reduce reliance on fuel imports, to address these rising energy prices. The recent Wind Energy Ireland publication "*Security of Supply Working Group WEI Position Paper on High Energy Prices*[5]" outlines compelling evidence to show that renewable energy, specifically wind power, drives down energy prices.

[5] https://windenergyireland.com/policy/reports-position-papers (accessed 26/05/22)

- "*One study, from Baringa Partners, analysed the financial impact for end consumers of the deployment of wind generation in Ireland in the period 2000-2020. It showed that because wind farms require no fuel to run, they can generate electricity at very low cost. As a result, "wind generation displaces more expensive sources such as gas or coal-fired power stations or imports, reducing prices in the market"*[6].
- *Another analysis, from the Sustainable Energy Authority of Ireland, demonstrated the impact of wind generation on wholesale electricity costs, noting that "the impact of wind generation in 2011 is to reduce overall wholesale electricity prices"*[7].
- *More recently, the SEM Committee SEM-21-081 paper analysing market monitoring report for Q3 2021 notes that "in periods of high wind, the day ahead price dropped significantly" and that "the highest prices are associated with a low wind forecast"*[8].

Wind Energy costs have fallen significantly, making the energy source one of, if not the, cheapest energy options today. The maturity of Wind technology means that it is a credible alternative to non-renewable energy sources. Furthermore, it has been shown that renewable energy enhances the security of supply, by being produced indigenously. In Ireland, the development of renewables has increased energy security and sustainability. Clean energy transition is the best insurance against price shocks like the one County Donegal and Ireland are facing currently.

[6] https://windenergyireland.com/images/files/baringa-wind-for-a-euro-report-january-2019.pdf
[7] https://www.seai.ie/publications/Impact-of-Wind-Generation-on-Wholesale-Electricity-Costs-in-2011.pdf
[8]https://www.semcommittee.com/sites/semc/files/mediafiles/Market%20Monitoring%20Unit%20Quarterly%20Report%20Q3%202021.pdf

4. Wind Energy Policy to facilitate expansion of onshore Wind in Donegal

We make the following general points on Amendment Item No.20: Map 8.2.1: Wind Energy:

- We note that the "*Acceptable for Augmentation*" zoning no longer features on the mapped plan and has been eliminated. This was a helpful inclusion that recognised development precedence established by previous planning permissions. This classification indicated an acceptance within the planning authority that planning variations and new applications are sometimes required to take account of turbine dimensions or technology changes over time. Wind energy technology is fast evolving. The plan needs to include an acceptance that often new wind energy development may be located close to previously approved wind development – to benefit from existing infrastructure and grid connections. This classification should be reintroduced to acknowledge lands with pre-existing and established wind energy planning history (even if this has lapsed).

- Areas "*Acceptable in Principle"* are not visible on printed maps. There appear to be very few areas that are deemed "Acceptable in Principle" across the County. The on line map provided is not interactive.

- *"Not Normally permissible*" classification has been applied to much of the county, including upland areas. These areas of higher elevation have an enhanced wind energy resource and higher wind speeds that make wind energy development financially viable. Many permitted and proposed County Donegal wind farms are located here.

- Within these "Not Normally Permissible" areas, classification (c)(ii) states that augmentation, upgrade and improvement of existing windfarms….."*will be open to consideration where such proposals shall be generally confined to the Planning Unit of the existing development*". This consideration should not be tied to the planning unit, but the outline of the augmented areas, as defined in the previous publication of the DCC Wind Energy Map. According to the proposed Variation as it is, other development lands outside the planning unit of existing development – not subject to previous approval or substantial works - may not be similarly considered acceptable or open to consideration for wind turbine development. This is unnecessarily restrictive. The development potential of existing planning approved sites and adjacent areas should be maximised.

- Lowland and coastal areas are classified as "*Acceptable in Principle*." However, lowland areas have low wind speeds which are often uneconomic for exploitation. These areas are in addition generally highly populated. The application of the specified setback distances will mean it would be very difficult in practice to acquire planning permission for wind energy development. It is logical however that wind energy generation should be permitted in proximity to industry and commerce – there may be site locations of auto production on the premises. These should not be prohibited areas. The setback requirements of 500m exclusion

from settlements should be removed to allow auto-production turbines for community, commercial and industrial developments.

- The proposed Variation reintroduces the reasons that initially prompted a wind farm developer (Planree Limited*)* to launch, and win a judicial review (Record Number 2018/533JR) into the previous version of the county wind energy policy[9]. The proposal requiring 10 times setback distance from occupied properties was struck out as was the wind zoning map. This High court judgement in November 2018, is a material consideration for the now proposed Variation. However, the planning authority has chosen to ignore the legal decision and to revert back to their original flawed development plan proposal. This mandatory setback distance will reduce the scope to develop terrestrial wind energy projects necessary to meet existing and binding EU and global commitments as regards renewable energy generation. The 10 times distance factor should be removed and a more acceptable wind zoning map introduced.

  Legal judgements form an integral and very important aspect of the planning system in Ireland. They are generally abided to by planning authorities and subsequently the planning legislature. For the planning authority to so blatantly disregard this high court judgement is inexplicable and contrary to proper planning and process. High court judgements clarify, direct and determine the future operation of the planning system this cannot be disregarded by the planning authority.

- We would ask that this proposed Variation should include consideration of lapsed permissions, and sites that have been determined to be acceptable for wind energy development in the past, with ongoing Environmental Studies. Areas with lapsed planning permission should be considered "Open to Consideration" and "Acceptable in Principle"– this provision should be included in the new development plan.

- Wind energy planning applications are sensitively designed to respond to the findings of detailed Environmental Impact Assessment. Each application is preceded by an extensive investigation, analysis and design process, to ensure that the development is appropriate for the location. Canavan Associates have been working with a number of wind developers in accordance with the established draft plan timetable which will be ongoing for another two year. We have a number of viable wind energy development sites with ongoing environmental surveys and assessments, for example bat and bird surveys. Grid routes also now require EIAR assessments, unlike previously and environmental studies are required along these routes.

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[9]https://www.donegalcoco.ie/services/planning/developmentplansbuiltheritageincludinggrants/county%20donegal%20development%20plan%202018-2024/ (accessed 01/06/22)

By *Order made on the 5th day of November, 2018, in proceedings bearing Record Number 2018/533JR between Planree Limited, Applicant and Donegal County Council, Respondent, certain provisions of the County Donegal Development Plan 2018-2024, being Section 6.5(c) and (f) of the Wind Energy standards at Part B: Appendix 3, Development Guidelines and Technical Standards and Map 8.2.1 as contained in the County Donegal Development Plan 2018-2024 as published were ordered to be deleted and/or removed from the County Donegal Development Plan 2018-2024. The Development Plan should be read in light of the Order in question pending any possible future variation of same.*

- It is not possible or advisable for us to submit these planning applications for consideration until the survey period is complete. Bird surveys are required to cover a period of 2 years. Environmental studies can be out of date after 3 years with new surveys required. Environmental Studies are undertaken at significant cost to developers and must be considered as substantial works. A transition period should be arranged to account for projects which are already subject to environmental surveys and are in preparation, especially those lands which now appear to be classed as areas "Not Normally Permissible" for wind. Alternatively, we recommend that the proposed Variation is postponed and dealt with as part of the overall Draft County Development Plan process.

5. Comment on the specifics of the Draft Proposed Variation Text

We have outlined the following points which relate specifically to the text of the Proposed variation to the County Donegal Development Plan 2018 – 2024 (as Varied) in respect of a Wind energy Policy Framework (April 2022) document:

Ref 3 (page5): The Plan's wind energy policy was prepared having regard to: …the *'Draft Revised Wind Energy Development Guidelines (December, 2019)'*. There are references to these guidelines throughout the document. These are draft guidelines and are not in force. We also note that the planning authority have adopted a selective interpretation of the draft guidance. This document does not have a 10 times turbine tip height setback distance requirement. We argue that a Development Plan variation on something as important as Wind Energy Policy should not be made on the basis of draft documentation. We urge the planning authority to wait for the publication of the final version of the national guidance to ensure that the policies and zoning are not at variance with national guidance. The aim of the National Guidance would be to ensure cohesion of approach to wind energy development across the island of Ireland
Ref 3 (page6): The proposed Variation seeks to impose a ten times blade tip height setback requirement between turbines and nearest houses. Except where agreement with residents / house owners has been acquired and can be evidenced in writing. I.e. 1,600m setback required from 160m blade tip height turbines. The proposed X 10 times set back would mean that there should not be a single house within a distance of ten times the height of the turbine's blade at its highest point, unless consent has been obtained from the owner. At a crucial time for energy security , this onerous restriction would allow

wind energy projects to be held to ransom by individuals, and could effectively prohibit all new and replacement onshore wind development in Ireland.

This X 10 times blade tip set back is at variance with:

1. The Draft National Guidance of wind energy planning that currently requires a minimum setback of 4 time x tip height – i.e. 640m based on 160m blade tip height turbine.
2. Decision making by An Bord Pleanála which disregards this as a draconian set back distance.
3. Ministerial decisions in CDP adoption procedures.
4. The Donegal High Court judgement of 2018 which struck out this X10 times distance from the Donegal then CDP. Planning authorities should abide by legal judgments that have shown such written policy dictats to be manifestly illegal. To again seek to re-impose this X 10 times standard contrary to the previous High Court judgement is unethical, will cost taxpayers money in promulgating it and brings the local authority decision making system into disrepute.
5. A Bill to the Dail on this called the Wind Turbine Regulation Bill 2020, sought to impose a ten times blade tip setback for turbines. This has been withdrawn by the sponsoring political party in 2021 and at the time of the United Nations COP26 Climate Change Conference
6. Maynooth University findings on national implication of the X 10 times turbine tip height separation requirement form residences for wind energy[10].

   The amendment now proposed required 10 times turbine blade tip height separation distance from dwellings which in practical terms, based on prevailing turbine technology would give a distance of anywhere between 1,250m and 1,800m. The All-Island Research Observatory (AIRO) who are an independent spatial research body has mapped that for a 500m setback, just under a quarter (23.75%) of the total land area of the country would remain available for new wind farm development. However, this significantly drops to: 9.4% for a 1,000m setback,

   (i) Impact of a 500M Housing Buffer Zone in ROI In the case of the 500m setback, 23.75% of the total land area of the country would remain available for new wind farm development.

   (ii) Impact of a 1KM Housing Buffer Zone in ROI In the case of the 1000m setback, only 9.4% of the total land area of the country would remain available for new wind farm development.

   The analysis from AIRO at NUI Maynooth is robust, however it did not take into account, other critical wind constraints such as the availability of a viable Wind resource, site access for delivery of turbine components, grid connection opportunity, and sufficient land area available for development. Therefore the total land area remaining available under the above scenario remains optimistic, as the % land area would in fact be significantly smaller, if not towards zero, when all other constraints are taken into account.

   This analysis clearly indicates that a setback distance that could be approximately 1 to 1.8km across Co. Donegal, would mean that there would be virtually no land available within the county for wind development. Application of such a restriction is uninformed. No quantitative study has been prepared. Such a policy would no doubt rule out the viable

[10] Analysis carried out by AIRO at NUI Maynooth

development of Wind Energy Development within the County, even in the areas considered otherwise suitable.

We are therefore very concerned that the inclusion of a 10 times the tip height of the proposed turbines standard set back of wind farm developments from dwellings will:

- Greatly reduce the suitable site alternatives available for wind farm development within County;
- Reduce the ability of landowners to bring forward renewable energy projects on their own lands;
- Apply an inappropriate strategic level constraint that would not be necessary to ensure the protection of residential amenity at individual project level;
- The proposed variation will restrict the opportunities for Donegal to benefit from development of its own Green Economy with positives liked to job creation, investment, carbon emissions savings and for the reputation of the country. Renewable Energy is identified as an opportunity for economic development within the current County Development Plan;
- Reduce the ability of Donegal as a County and the Country as a whole to support the delivery and achievement of renewable energy targets that have been set and are subject to national and international agreement;
- Restrict the ability of the planning Authority to favourably consider wind farm projects that fully satisfy all the other listed requirements following detailed individual project assessment and study; and
- Render the Donegal County Development Plan inconsistent with Ministerial Guidelines that have been issued under Section 28 of the Planning and Development Act, 2000 as amended.

The result of the proposed amendments would be the further overall reduction in wind farm capacity areas within County Donegal. The imposition of a rigid extreme separation distance requirement within the strategic planning policy for the County will further restrict, to the point of extinction, any potential for future wind energy development in Co. Donegal. We would ask the planning authority if this is the intended consequence of such proposals?

This proposal leaves wind energy developers open to being held to ransom by individuals, who may not be willing to give consent to a wind turbine in proximity to their home. This gives local communities significant and somewhat unfair power over renewable energy development, which is required by government policy in order to meet carbon and renewable energy targets.

There is no credible scientific evidence that living in proximity to wind turbines results in adverse impacts to human health or safety. Wind energy development is on the other hand associated with real environmental, air quality and financial benefits in the form of Council rates and community benefit contributions.

Research by Everoze in the Saving Money report[11] indicated that in recent years the Valuation Office has increased the commercial rates liability for wind farms by between 250-300 per cent while leaving fossil fuel generators largely untouched. A 50 MW wind farm now pays two and a half times the rates of a 50 MW fossil fuel generator.

The research by Everoze[12] also outlined, that while permitted turbine tip heights in Ireland are increasing, they have only recently begun to exceed a level of around 125m. In this respect Ireland is lagging behind other markets across Europe – for example, tip heights in Scandinavian countries often exceed 200m. Since increasing tip heights gives improved wind conditions, this would allow Ireland to produce electricity more cheaply. Everoze found that allowing turbine heights of up to 180 metres in Ireland could cut the cost of wind energy by up to 27%. The setback from homes requirement limits the potential to install more efficient turbines, which would have greater tip height, and thus could require a substantially greater number of written consents from local residents.

The proposal therefore limits the potential of the County Donegal, which has a competitive advantage for wind, to harness its own valuable and important local wind resource. It therefore stifles the County's potential to move towards more sustainable development, enhance energy security, reduce the volatility of energy prices and reduce the county's carbon emissions.

Ref 3 (page 6): "*For a significant part of the County, the development of windfarms is not precluded …. 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*". Is it the planning authority's aim to restrict, to the point of extinction, any potential for future wind energy development in Co. Donegal?

Ref 3 (page 12): Later in this same report section it is outlined 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".*

There is no justification or requirement for 10 times tip height distance between turbines and residential property in order to ensure avoidance of adverse impacts to residential visual amenity, or noise and shadow flicker impacts. The environmental, noise, visual and landscape and residential amenity effects of taller turbines are not necessarily greater, nor are they always linked to increased or reduced proximity within 2km.

- Impacts to residential visual amenity are assessed on the basis of professional judgement, related to the position, orientation and degree of enclosure associated with the position of a residence. Distance from turbines is not the only factor.

[11] https://windenergyireland.com/latest-news/5896-government-must-act-now-to-cut-future-electricity-bills Accessed 27/05/22

[12] https://windenergyireland.com/latest-news/5896-government-must-act-now-to-cut-future-electricity-bills Accessed 27/05/22

- Noise impact assessment must be carried out in accordance with the accepted methodology to demonstrate cumulative compliance with specified noise limits. Again is influenced by dwelling setting, wind speed and direction and the presence of other wind energy developments in the local area. Again noise impact is influenced by factors additional to turbine proximity.
- Shadow flicker effects can be eliminated using a shadow flicker shut-down module which is been installed on all modern turbine models.

Although the trend is for taller more efficient turbines to be installed, Wind farms are of varied tip heights – related to the individual setting of wind farms.

There is no precedence for this 10 times tip height turbine separation requirement in any accepted wind policy. The proposed Variation documentation puts this requirement forward <u>without establishing in policy terms what this requirement is based on</u>. This would suggest that the requirement is without policy footing or legal precedence.

We query the basis for the statement that 10 times tip height separation requirement between turbines and dwellings is a "fair" setback distance?

The documentation does not define "fairness," the basis for this judgement or the requirement for such separation. Fairness is here an ambiguous and undefined scale. This term is inappropriate, and the separation between turbines and houses of this scale is arbitrary, without foundation in research or necessity.

The proposed Variation will require more information and local community signed consent letters to accompany wind farm turbines with taller tip heights, than those with lesser tip heights. Wind energy developers of such larger developments, which generate more energy from the local wind energy resource, should not be penalized in this way without need or justification.

This requirement sets the planning balance against wind energy development in the County. Given the urgency of climate change, international carbon commitments and the importance of establishing local energy security in a volatile international political arena, the presumption should be in favour of wind energy development.

Ref 3 (page 12), outlines that, "*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*".

The proposed amendment will apply a significant restriction to the development of wind energy across the county, and the setback distance description believed to be "*fair*" by the planning authority, offers insufficient basis and justification to this new constraint.

This <u>ten times turbine height set back requirement is not sufficiently qualified</u>, and should be removed from the document to allow wind farm developers to critically assess the impact of wind

turbines in their specific context in relation to specified policy limits, best practice and accepted industry guidance.

This proposal caveats that individuals within the ten times distance can consent to wind turbines. However, this can lead to situations that hold wind energy developers to ransom over renewable energy development, required by the government in order to meet national carbon and renewable energy targets. The ten times distance must be deleted accordingly.

Ref 3 (page 12): this outlines that "*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*".

No details of this consultation are provided. The document does not outline who was consulted, what questions were posed, and under what circumstances.

The basis for decision-making on this matter must be transparent and we request this evidence be made available for industry consideration before it can be acknowledged as justification for the ten times tip height setback policy outlined in the document.

Public attitudes towards onshore wind farm development in Ireland has been extensively investigated. Studies and surveys have shown that most people are pro-wind. We are aware of many studies and national surveys which confirm the overwhelming majority back wind energy. An Interactions research company opinion poll, published in January 2020, found that 79% of Irish people back wind energy. Opposition to wind energy remains extremely low at only 4%, and just over half – 55% – of respondents would support a wind farm being developed in their area. Concerns over climate change have increased support for wind and renewable energy.

Statkraft have also conducted a survey of 16,000 people (2000 per region) from eight European countries including Ireland, UK, France and Italy. The survey found that almost 72% of Irish respondents support the development of offshore and onshore wind. The survey also found that more than four in five (87%) people in Ireland are concerned about the threat of climate change.

In our own professional experience of wind energy development, small groups of individuals may object to wind energy development in a particular location, and for various reasons, however these cannot be mistaken to represent the sentiment towards such development in the wider community. Wind energy objectors should not be considered to speak on behalf of all of the general public. Daily media reports highlighting the importance of renewable energy, including Wind Energy, in addressing climate change and stabilising the cost of energy for consumers are also changing and influencing public opinions.

Ref 3 (page15) – it is unbalanced that the planning authority should on one hand acknowledge "*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", and on the other hand, entirely undermine its wind development potential within a predominant percentage of the county with this proposed wind energy policy variation.

The planning authority's wind constraints mapping needs to be urgently reconsidered. The current proposals will not facilitate continued private investment in Donegal's wind energy resource or a transition towards sustainability and / or a low carbon society as required by County Development Plan, Government policy and international agreements.

Wind energy in the county contributes significant financial sums to the County in rates and to local communities in financial benefits and farm income diversification. In limiting wind energy development across the county, the proposals may also limit further such income streams.

County Donegal has a competitive advantage for wind energy developments that needs to be capitalised by facilitating the responsible and sustainable expansion of wind energy projects across the County. The restrictions proposed, contravene the spirit of national targets to reduce reliance on imported fossil fuels, cut greenhouse gas emissions, expand indigenous energy production and reduce the cost of energy production.

The presumption should be in favour of wind energy development in the interests of proper planning and sustainable development, given the urgency of climate change, international carbon commitments and the immediate importance of establishing local energy supply and security.

Ref 3: (page15) –the Draft Wind Energy Development Guidelines (2019) state that "*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.*"

However we do not believe that the approach as set out in the proposed variation meets the necessary "*reasonable balance,*" and it will instead severely limit the sustainable development of wind energy within the county.

With this proposed Variation, the county is limiting its own capacity to meet amended Donegal County Development Plan Policy *E-O-1:*

"To develop sustainably a diverse and secure renewable energy supply to meet demands and capitalize on the County's competitive locational advantage"

The proposed Variation in fact severely limits opportunity to capitalize on the County's competitive locational advantage. **On Page16** of the variation document it is even acknowledged that, **"*most windfarm developments will not normally be permissible*."**

This mapping a short sighted inclusion, which ignores the urgent need and current drive for renewable energy expansion. Acceptance of this draft proposal would be to go against the national and international policy imperatives, as outlined at the outset of this submission.

Ref 4 (page13): The proposed restrictive Donegal wind energy classification areas will limit Ireland's capability to meet the target CO_2 reductions set by the EU and meet international obligations. The Climate Action Plan 2021 (DCCAE) outlines a pathway to reduce Ireland's greenhouse gas emissions by 51% by 2030 through a suite of measures including that 80% of the Country's electricity shall be generated from renewable sources.

Donegal has a very significant part to play in meeting these commitments. A case may be made that the proposed variation will allow Donegal County Council to renege on this commitment.

Ref 9 S. 8.2.3 Policies 1.(c) Non Normally permissible: Within these "Not Normally Permissible" areas, classification (c)(ii) states that augmentation, upgrade and improvement of existing windfarms….."will be open to consideration where such proposals shall be generally confined to the Planning Unit of the existing development". This consideration should not be tied to the planning unit, but the outline of the augmented areas, as defined in the previous publication of the DCC Wind Energy Map.

According to the proposed Variation as it is, other development lands outside the planning unit of existing development – not subject to previous approval or substantial works - may not be similarly considered acceptable or open to consideration for wind turbine development. This is unnecessarily restrictive.

Permissions that have lapsed due to the need for additional environmental surveys and those that are in preparation, especially those lands which now appear to be classed as areas "Not Normally Permissible" for wind.

Environmental studies should also be considered as 'substantial works' in the Plan for the purposes of allowing augmentation for wind energy sites that have lapsed planning permissions.

The previous Augmented Areas Zoning should be reinstated for those wind energy sites previous planning units, even where planning permissions may have lapsed.

Ref 14 (p23): Policy E-P-23 includes an incorrect reference that wind farm developments meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2021, or any subsequent related Guidelines. There is no DEHLG publication entitled, "Wind Energy Development Guidelines 2021." This is incorrect and misleading, giving the impression that the proposed Variation is based on published national guidance, which it is not.

We suggest that this error undermines the whole of the present consultation exercise. Those reading the document have not been incorrectly informed. It must be clarified for the benefit of the public that this new national guidance is not yet in place. We suggest it would only be right that the consultation should be undertaken again with a revised draft document, in order that members of the public are not misled on this central matter.

Ref 3 (page8): Landslide susceptibility Area in the "*not normally permissible*" classification, have included. All '*Moderately High*' and '*Moderately Low'* Landslide Susceptibility areas.

Ref 10 (page16) The Spatial data used for Sieve analysis Layers refers to the inclusion also of an additional classification "Landslide Susceptibility areas".

We are familiar with the GSI source information for the national Landslip Susceptibility mapping. This resource is an informative broad brush, first step analysis tool. The smallest detail of the classification covers areas of 20m x 20m square. In the field, actual landslip susceptibility can vary over much smaller distances. The mapping does not give this level of fine detail.

The data does not reflect the individual conditions at potential development sites. The explanatory reports note that isolated landslides may occur due to anthropogenic factors which cannot be taken into account in the model, which the planning authority have adopted.

The GSI source information for this data[13] outlines that the aim of the mapping is to identify areas predisposed to landslides.

The GSI website states concerning the Unique Condition Unit methodology used in their mapping that *"the concept is that if a landslide has occurred in a particular set of conditions, then if those conditions occur elsewhere those locations would also be susceptible to landslides. The term 'susceptibility' should not be confused with 'hazard' and 'risk'. Landslide hazard is the potential for a landslide to cause damage and landslide risk shows how vulnerable or the potential for loss an area has due to a landslide."*

We have reviewed the "*Geological Survey Ireland National Landslide Susceptibility Mapping Project Summary"*[14] in relation to the methodology undertaken to produce this dataset resource, which outlines this information has been based on desktop study including a review of aerial photography and topographic information. The mapping data has been informed by national map validation checks on (*only*) 15% of all landslides in the National Landslide Database. Fieldwork was carried out to a number of locations across Ireland to validate the mapped predictions. Very limited site investigations have been carried out by GSI to inform the mapping or to confirm the ground-truth of data and assumptions.

Therefore the data is considered high level and general in nature. It cannot accurately reflect the individual conditions at each potential wind development site.
The planning authority must acknowledge that while the GSI data is a useful tool, detailed site-specific assessments by experts in the field must override the findings of a general, high level national study, based largely on desktop analysis.

It should also be acknowledged that expertly applied development specific mitigation will play an important role in reducing landslip susceptibility. The inclusion of All 'Moderately High' and 'Moderately Low' Landslide Susceptibility areas within areas "Not Normally Permissible" to Wind energy development takes no account of these mitigating factors.

[13] https://www.gsi.ie/en-ie/programmes-and-projects/geohazards/projects/Pages/Landslide-Susceptibility-Mapping.aspx Accessed 27/05/22
[14] https://www.gsi.ie/documents/National_Sus_Map_Summary_FINAL_NEW.pdf (accessed 26/05/22)

This mapping should not be included as a factor to limit wind energy development areas.

While this landslide information is a useful starting point to inform planners on wind energy site suitability in a general sense, it should not be used to rule out potential wind development land. Instead, each potential wind energy development site should be assessed in the pre-planning stage by qualified geotechnical experts, in accordance with best practice. This would facilitate site-specific assessment at a scale relevant to the proposed development areas, to allow potential impacts to be identified and appropriately mitigated by the developer, and inform the planning authority of the potential for significant impacts to result from the proposal.
We advise it is more appropriate to include this landslide susceptibility mapping as an informative resource within the Development Plan, to identify those potential development areas that will require to be accompanied by a Peat Slip Risk Assessment[15] by a geotechnical expert and varying degrees of site-specific controls and investigations

[15] GSI Landslide Susceptibility – Map Viewer https://dcenr.maps.arcgis.com/apps/webappviewer/index.html?id=b68cf1e4a9044a5981f950e9b9c5625c (accessed May 2022)

6. Submission Summary Points

Wind Energy planning policy should continue to assist in the capture of energy from the natural indigenous Co. Donegal wind energy resource. Each County must play its part to meet the renewable energy targets of which wind energy is the mainstay and move towards more sustainable development as stipulated in multiple national and regional policies and plans.

In summary, we request consideration of the following:

1. **The proposal counteracts a High Court judgement against Donegal County Council on a similar previous CDP wind energy Variation**

The proposed Variation seeks to re-introduce to the County Development Plan similar content that initially prompted a wind farm developer (Planree Limited) to launch, and win, a judicial review (Record Number 2018/533JR) into the previous wind energy Variation of the County Donegal CDP. This November 2018 High court judgement, is a material consideration for the process and procedure as well as the content of the new proposed Variation.

2. **The Council's Policy must support responsible wind energy development in accordance with the National approach**

The policy must await the publication of the National Wind Energy Guidelines. The planning authority wind energy policy approach must facilitate the responsible and sustainable expansion of wind across County Donegal, in order to capitalise on Donegal's competitive advantage for wind power, reduce reliance on imported fossil fuels and combat climate change, expand indigenous energy production and to reduce the cost of energy production. We urge the planning authority to wait for the publication of the final version of the National Wind Energy Guidelines to ensure cohesion of approach to wind energy development across the island of Ireland.

The Variation written statement document incorrectly references 2021 National Wind Energy Guidelines, which have not been published. The *'Draft Revised Wind Energy Development Guidelines (December, 2019)*' as referenced in the written statement of the proposed Variation are draft guidelines and are not in force.

3. **Wind energy policy to be re-considered in new County Development plan**

We further question the priority given to the proposed Wind Energy Variation at this specific time, given that the new Draft County Development Plan is also being progressed in parallel, and the county Wind Energy Policy will be revisited in the context of this new plan. The proposed Variation should be postposed, in order that this is properly considered, in line with the new emerging Draft Development Plan, the National Wind Guidelines documents, and with full wind industry engagement.

4. **It could eliminate future Wind Energy Development in County Donegal**

The proposed Variation severely limits the opportunity to capitalize on the County's competitive locational advantage. On Page16 of the Variation written statement it is acknowledged that, **"*most windfarm developments will not normally be permissible*."**

A "Not Normally permissible" for wind energy classification has been applied to much of the county, including most upland areas. These areas of higher elevation have an enhanced wind energy resource and higher wind speeds that make wind energy development financially viable. Many permitted and proposed County Donegal wind farms are located here. Lowland and coastal areas are classified as "Acceptable in Principle." However, lowland areas have low wind speeds which are often uneconomic for exploitation. These areas are in addition often highly populated.

5. Ten times set back distance

There is no policy, guidance footing or legal precedence for the proposed 10 times tip height separation requirement between turbines and dwellings being a "fair" setback distance. The lack of sufficient reason or justification for this turbine setback distance will leave the Variation and future adopted Development Plan open to legal challenges. The X 10 times turbine blade tip set back from houses and sensitive receptors should be deleted in accordance with national draft wind planning guidance, Ministerial circulars, the said High Court judgement and An Board Pleanála planning decision precedents.

The details of the "extensive public consultation" and that 'it *is favoured by the vast majority of the people of Donegal who would be affected by these turbines*'. No details of this consultation are provided. As cited, national surveys show that most of the public are in favour of wind energy.

In addition, there is no credible evidence that living in proximity to wind turbines results in adverse impacts on human health or safety. In fact, wind energy developments are associated with real environmental, air quality and real financial benefits in the form of Council rates and community benefit contributions.

This mapping a short sighted inclusion, which ignores the urgent need and current drive for renewable energy expansion. Acceptance of this draft proposal would be to go against the national and international policy imperatives, as outlined at the outset of this submission

6. The Wind Constraints Mapping limits County wind development

The planning authority's wind constraints mapping entirely undermines the development of wind energy within a predominant percentage of the county. The effect of these constraints will be to stifle private and community investment in wind energy development across the county. Given the urgency of climate change and national targets to reduce reliance on imported fossil fuels, cut greenhouse gas emissions, expand indigenous energy production and reduce the cost of energy production, the presumption should be in favour of wind energy development.

7. Inappropriate to use landslide susceptibility mapping to defines areas "*not normally permissible*" for wind classification.

GSI Landslide Susceptibility Mapping cannot be included as a factor to limit wind energy development areas.

GSI provides general, high-level national data identifying areas predisposed to landslides, based largely on desk analysis. The data is not specific to local conditions at Wind Farm sites and findings of detailed site-specific assessments by experts in the field must override the information in this dataset.

8. Set back wind turbine exclusion zone of 500m from settlements

This should be deleted. The 500m exclusion zone will prevent community, commercial and industrial developments seeking permission for wind energy auto-production developments on their premises. Not all settlement areas are residential and there are many industrial areas within the settlement boundaries. This is another anti-wind blanket zoning that is unnecessary. It will prohibit on-site auto-production wind turbines for commercial premises.

We are aware that many industrial/commercial premises in the County have faced enormous electrical cost rises this past year and urgently need on site alternative renewable energy generation if they are to remain viable.

9. Retain Augmentation Zoning

The development potential of existing and previous planning approved sites and adjacent areas should be maximised. The proposed Variation should allow for projects as augmented even where planning permission has lapsed and the previous 'Wind Areas acceptable for Augmentation' permissible zoning should be retained, as defined in the previous publication of the DCC Wind Energy Map.

CANAVAN ASSOCIATES LTD.
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