

SUBMISSION

TO THE

PROPOSED VARIATION

TO

THE

DONEGAL COUNTY DEVELOPMENT PLAN

2018-2024

IN RESPECT OF

**WIND ENERGY POLICY FRAMEWORK
&
AN EXISTING WINDFARM ON
LANDS AT CRONALAGHT GWEEDORE**

ON BEHALF OF

GINEADOIR GAOITHE TEORANTA

JUNE 2022

CONALL NEWMAN BA MRUP MIPI

BOHULLION, BURT, CO. DONEGAL
TEL: 00353 74 91 03387
0876468058

EMAIL: conall@harleynewmanconsult.com
Vat No. 3267775JH

Director of Services
Community Development and Planning Services
County House
Lifford
Co. Donegal

02.06.22

RE: Proposed Variation to Donegal County Development Plan 2018-2024 in respect of Wind Energy Policy framework and an existing windfarm on lands at Cronalaght, Gweedore, Donegal.

Dear Sir

On behalf of Gineadoir Gaoithe Teoranta, this office has been requested to make a formal submission in respect of the published proposed variation to the Donegal County Development Plan 2018-2024 in respect of the Wind Energy Policy framework and an existing windfarm at Cronalaght Gweedore, Donegal.

Our client, a successful developer in the wind energy sector located in north west Donegal, has expressed concern in relation to the content in the aforementioned proposed variation to the current Development Plan, which it is considered fails to adequately support this essential industry in the very real challenge of reducing harmful greenhouse gases and meeting our national and international emission targets. The recent conflict in Europe also emphasises the urgent need for greater stability in energy production and supply.

It is considered that the policy and designation changes proposed, as contained in the proposed variation to the Development Plan, would inhibit the development of worthwhile schemes and overall be harmful to the development of the renewable energy sector in this county.

INTRODUCTION

National energy policy is clearly aimed at reducing greenhouse gas emissions and the country's dependency on fossil fuels, with the primary vehicle for attaining the reduction focused on renewable energy sources. Wind energy is identified as the principal form of renewable generation.

Successive government policy on energy since the mid 1990's has focused on the development of renewable energy sources to minimize greenhouse emissions and pollutants.

The expansion in the Irish economy and population has contributed to a significant increase in Ireland's greenhouse gas emissions over the past 25 years. Climate change due to increased greenhouse gas emissions is now recognised as perhaps the most significant policy issue nationally and internationally.

The Climate Action Plan 2021 provides a plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting out a path to reach net-zero emissions by no later than 2050.

As County Donegal is the location in Ireland with the greatest wind energy potential, it is vital that the county's wind energy development policy and associated designations and technical standards, as contained in the forthcoming variation to the Donegal County Development Plan, are able to harness that potential in order to achieve the ambitious emission targets set by government for the good of all citizens.

SUBMISSION REQUEST

The proposed Variation to Donegal County Development Plan 2018-2024 appears to be generally supportive of the renewable energy sector and recognises the important role that wind energy will play in the future development of Donegal as highlighted by objective E-0-7, which states:

To secure the maximum potential from the wind energy resources of the planning authority's area commensurate with supporting development that is consistent with proper planning and sustainable development.

Acceptable in Principle/Not Normally Permissible

However it is submitted that careful consideration must be given to the content of the proposed variation and the potentially profound and harmful effects it may have on existing windfarms in the county as well as potential new areas for wind energy development. It would appear that a significant change is proposed to the different categories of designations and that existing windfarms having previously been designated as 'Acceptable for Augmentation' are proposed to now be designated as 'Not Normally Permissible' with additional text referring to existing windfarms.

The proposed Variation states:

(c) Not Normally Permissible

*Like the other two designations, these areas were identified on foot of a comprehensive analysis of the environmental sensitivities and the wind energy potential of the County. On foot of this determination, and in-line with national guidelines, it follows that **most windfarm developments will not normally be permissible.***

For such sites, it is considered reasonable to allow for the consideration of proposals for the augmentation, upgrade and improvement of such developments in accordance with the details set out in Policy E-P-12 below.

E-P-12

(c) Not Normally Permissible

(i) Windfarm development proposals on previously undeveloped sites, inclusive of sites with a lapsed un-implemented permission (and where substantive works have not been undertaken) will not normally be permissible.

(ii) The augmentation, upgrade and improvements of: existing windfarms; windfarm developments under construction; developments where permission has lapsed but substantial works have been completed, or on sites with an extant planning permission will be open to consideration where such proposals shall be generally confined to the planning unit of the existing development.

In the first instance it would appear to be contrary to the proper planning of the county to designate locations of existing windfarms as '*Not Normally Permissible*'. These are essentially brownfield sites upon which industrial type windfarm development has already taken place. It does not seem appropriate or practical to state that windfarms will not be permissible upon such lands when they already exist at these very locations. For example it would not be correct to rezone a housing scheme as a location where residential development is '*Not Normally Permissible*'. It would simply be contrary to proper planning for many practical reasons and consequently many housing schemes are zoned either 'Residential' or 'Existing Development'.

Similarly it is submitted that existing windfarm sites should adopt a designation that correctly reflects their land use and developed status and should be designated as 'Acceptable in Principle.'

A further difficulty with the '*Not Normally Permissible*' designation and text as it relates to the existing windfarms is the fact that it states that the augmentation, upgrade and improvements of existing windfarms will be open to consideration but generally confined to the 'planning unit' of the existing development. As such for windfarms that may be over 20 years old it can be very likely that a repowering proposal may require some additional lands adjoining the original site or that alternatively the area may easily be able to accommodate a natural extension of the original windfarm in the interest of boosting much needed output for the grid and

thereby reduce emissions. If the land is designated as Not Permissible then the notion of effective repowering may be called into question whilst the prospect of acceptable extension of a windfarm would effectively be ruled out in principle without any investigation. Such a blunt instrument to determine such important renewable projects should be avoided.

Accordingly in addition to designating existing windfarms as ‘Acceptable in Principle,’ it is considered that extensive lands adjoining such windfarms should also be designated as ‘Open for Consideration’ in the interests of properly optimising the renewable potential of such sites and the county. Alternatively any reference to any such repowering or extension/augmentation of existing windfarms should delete any reference to any restriction to the planning unit of the existing development.

It is also submitted that policy E-P-16 should be retained as part of CDP policy and not deleted as proposed by the Variation. Policy E-P-16 states:

It is a policy of the Council to support the strengthening and enhancement of the capacity of existing wind farms, within the local environmental capacity including the sustainable upgrade/replacement of older turbines with newer and more efficient models.

In the context of the age of many of the windfarms within the county this policy is considered to be an important provision of the CDP worthy of retention.

Contrary to Windfarm Guidelines – Setback distances/EHSA/River Catchments

All windfarm projects should comply with the standards set out in the Wind Energy Development Guidelines 2006 and Draft Guidelines 2019 as set out at national level and the Donegal County Development Plan should reflect this fact. Compliance with the Wind Energy Guidelines would provide sufficient safeguard and protection to the residential amenities of properties that may be located within proximity to future wind farm proposals. In addition should the national guidance be updated and become more restrictive, the standards to be followed by Donegal County Council would automatically reflect such a change.

However the proposed variation seeks to replace the specified separation distance as contained in the Draft Guidelines of 4 times tip height and a minimum 500m between a turbine and any dwelling with a new separation distance of 10 times tip height from all dwellings and built up areas.

It is considered that the rationale offered by the council for the introduction of this new distance is flawed and inaccurate. In the first instance the reference to the guidelines being published long ago in 2006 is misleading in the extreme. The latest draft guidelines were published only in 2019, before the pandemic, and they contain a set-back distance of only 4 times the tip height. The draft guidelines include SPPR 2 which refers to the separation distance and states:

SPPR 2

*With the exception of applications where reduced setback requirements have been agreed with relevant owner(s) as outlined at 6.18.2 below, planning authorities and An Bord Pleanála (where relevant), shall, in undertaking their development planning and development management functions, ensure that a setback distance for visual amenity purposes of **4 times the tip height** of the relevant wind turbine shall apply between each wind turbine and the nearest point of 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. Some discretion applies to planning authorities when agreeing separation distances for small scale wind energy developments generating energy primarily for onsite usage.*

The planning authority or An Bord Pleanála (where relevant), shall not apply a setback distance that exceeds these requirements for visual amenity purposes.

These Draft guidelines are to be applied by all Local Authorities in the formulation of wind energy policy and to deviate from these standards is contrary to the legislation outlined by the Minister and the Department and as such the Office of the Planning Regulator should also be advised of such intentions on the part of the council.

Under the previous CDP 2012-2018 the council had previously sought in 2014 to introduce an identical 10 times tip height restriction by way of Variation of that plan. The Minister by means of a Direction under Section 31 of the Planning and

Development Act outlined to the council how the variation proposed at that time would be contrary to national guidance and in summary noted:

- ✓ The inclusion, on an arbitrary basis, of the listed river catchment areas as additional ‘not favoured’ areas on the basis of fresh water pearl mussels is unnecessary with potential negative impacts for all future developments or land uses in the county in such vast areas.
- ✓ The ‘10 times tip height’ set back distance also proposed would also appear to have been arbitrarily selected as a separation distance without any planning or environmental basis for this spatial restriction. This blanket restrictive method of assessment could also rule out large areas of the county that may with appropriate assessment, otherwise be suitable and acceptable.
- ✓ Such changes to the development plan as proposed are premature pending the current ongoing review by the Department of the Environment of the current Wind Energy Development Guidelines.
- ✓ It is requested that the additional FWPM ‘not favoured areas’ and the arbitrary and unduly restrictive separation distance the subject of the proposed variation not be adopted as part of the Donegal County Development Plan 2012-2018.
- ✓ Instead the plan should continue to state that all wind turbines must meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines.

It is submitted that the advices and comments provided by the minister in 2014 remain equally relevant and ever more important in 2022 when it would appear that the same council is once again attempting to re-introduce the same inappropriate and overly restrictive standards that would ultimately damage the renewable energy sector in the county.

As before, the Variation should ensure that the plan simply states that all wind turbines must meet the requirements and standards as set out in the DEHLG Wind Energy Development Guidelines and Draft Guidelines. Accordingly the set back distance would be set at 4 times tip height as recommended and there should be no further arbitrary blanket bans for lands within areas of Especially High Scenic Amenity or for lands within river catchments for fresh water pearl mussel. Such restrictions would be unduly damaging to the potential of the renewable sector as they would simply rule out large areas of the county for any forms of wind energy

development. Donegal could effectively be closed to any significant new investment in wind energy due to the restrictions now proposed.

It is unlikely that many of the windfarms in operation in Donegal today (that contribute several millions of euro per annum to the Local Authority) would have been granted permission if there had been a requirement to comply with such arbitrary and unnecessary restrictions.

The adoption by the council of a Variation with such restrictive provisions, contrary to the Wind Energy Development Guidelines and Draft Guidelines, would likely prevent in the future the development of many worthwhile renewable projects in the county and strongly jeopardise the development and enhancement of the wind energy sector in Donegal with serious implications both for revenue and employment creation and the achievement of national and EU renewable energy/climate change commitments, particularly when the production and supply of energy exhibits such a precarious outlook.

Conclusion

All windfarm projects should comply with the standards set out in the Wind Energy Development Guidelines 2006 (Draft Guidelines 2019) as set out at national level and it is considered that the Donegal County Development Plan 2018-2024 should reflect this fact. Compliance with the Wind Energy Guidelines would provide sufficient safeguard and protection to FWPM populations, the visual amenities of the landscape and also the residential amenities of properties that may be located within proximity to future wind farm proposals. In addition should the national guidance be updated and become more restrictive, the standards to be followed by Donegal County Council would then automatically reflect such a change.

The repowering of existing windfarms, which sustainably reuses existing infrastructure (grid connection, road infrastructure etc) and which will need to occur at Cronalaght, is strongly supported at national and EU level in the interests of reducing emissions and meeting sustainable energy targets.

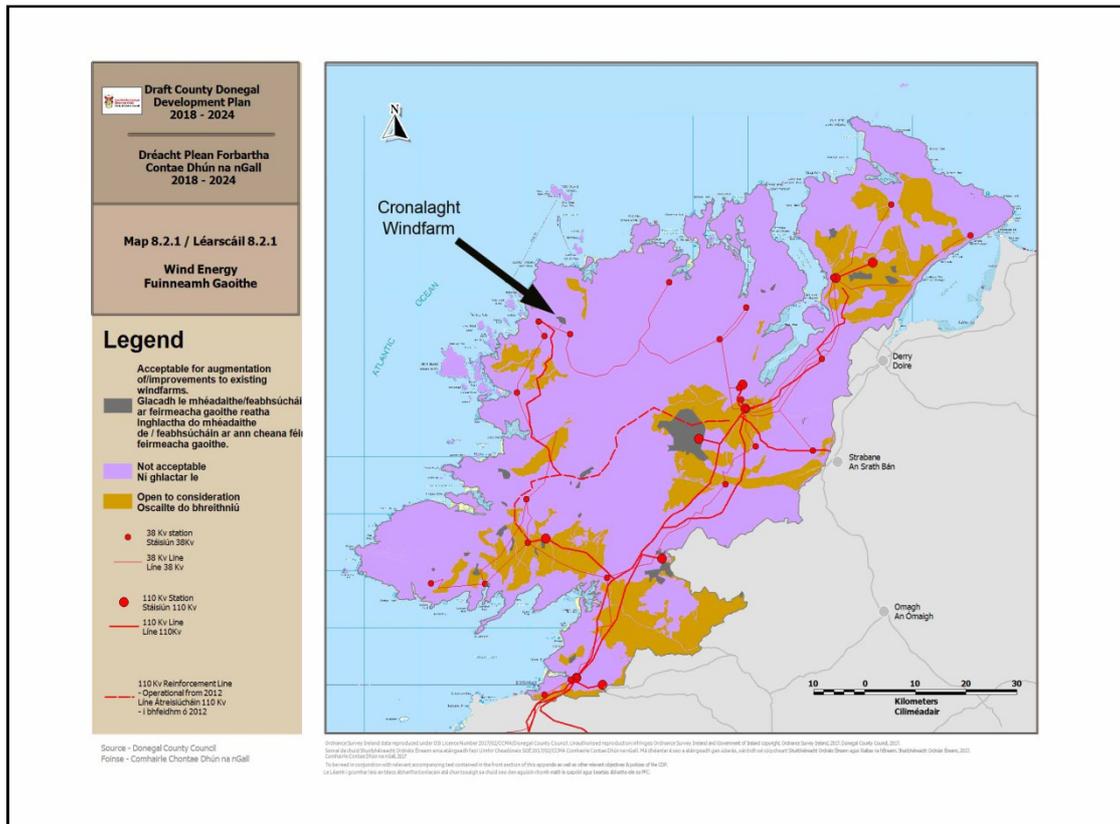
Consequently it is requested that the additional FWPM and EHSA 'not permissible areas' and the arbitrary and unduly restrictive separation distance the subject of the proposed variation not be adopted as part of the Donegal County Development Plan 2012-2018. Instead the plan should continue to state that all wind turbines must meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines (and Draft Guidelines) and the subject lands at Cronalaght should be designated as 'Acceptable in Principle' with extensive surrounding lands designated as 'Open to Consideration' in the interests of the proper planning and sustainable development of the area.

It is requested that this submission form part of considerations on the proposed Variation of the Donegal County Development Plan 2018-2024.

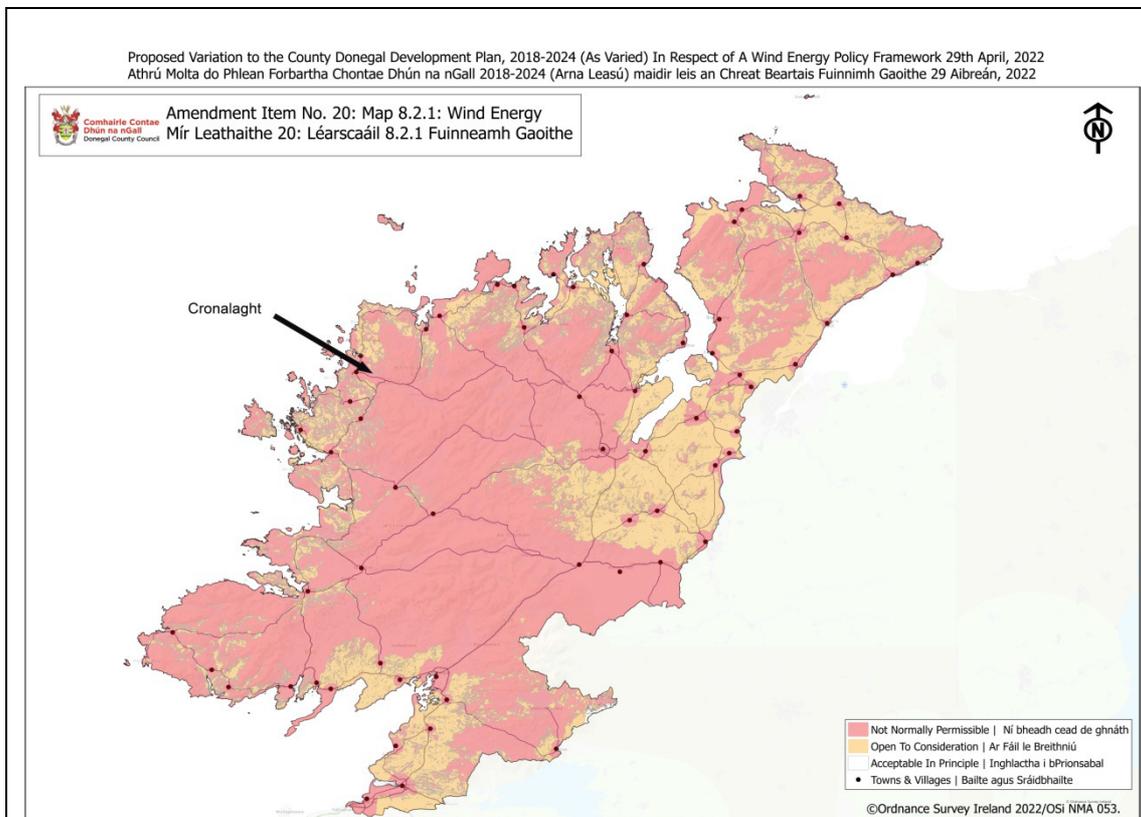
Yours sincerely

A handwritten signature in black ink that reads "Conall Newman". The signature is written in a cursive style with a small mark above the first letter.

Conall Newman



Map 1: Subject lands designated as Acceptable for Augmentation/Improvement to Existing windfarms on Map 8.2.1 since deleted from CDP 2018-2024



Map 2: Subject lands indicated on Extract Map 8.2.1 Variation to CDP 2018-2024