



Wind Energy CDP Variation
Central Planning Unit
Donegal County Council
County House
Lifford
Co. Donegal
F93 Y622

02 June 2022

**RE: Proposed Variation to the County Donegal Development Plan 2018 – 2024
(As Varied) in respect of a Wind Energy Policy Framework**

Dear Sir/Madam,

Further to the notice given to this Department of the publication of the Proposed Variation to the County Donegal Development Plan 2018 – 2024 (As Varied) in respect of a Wind Energy Policy Framework the following submission outlines its observations in respect of a number of policy areas for which the Department is responsible.

The Department of the Environment, Climate and Communications' vision of a climate neutral, sustainable, and digitally connected Ireland will be achieved by collaboratively delivering policies and programmes to empower people, communities, and businesses to continue the transition to a better quality of life for current and future generations. The step change in our ambition from a low carbon to climate neutral Ireland requires strong leadership across Government and the wider public sector. This Department will drive the climate agenda by engaging with local authorities to build resilience in citizens, communities, and business to overcome climate adaptation challenges, and maximising climate mitigation and adaptation opportunities and facilitating the transition to a truly Circular Economy.



At the outset, we note that this Department is referred to as the Department of the Environment, Climate Action, and Communications (DCCAE) at various points in the proposed variation and we would greatly appreciate it if the Council could review this and amend the references to appropriately reflect the official name of the *Department of the Environment, Climate and Communications (DECC)* where they refer to the current Departmental structures.

The Contribution to the National Wind Energy Targets

The Department welcomes that the proposed variation acknowledges the importance of wind energy as a renewable energy source that can play a vital role in achieving national targets in relation to reductions in fossil fuel dependency including that 80% of the Country's electricity shall be generated from renewable sources, as expressed in the Climate Action Plan 2021. However, we note that the proposed variation does not outline, in a definable and time-bound way, how the implementation of the plan will contribute to realising the overall national targets on renewable energy and climate change mitigation and, in particular wind energy production and the potential wind energy resource of the County, i.e., it does not include any targets expressed in megawatts, related to the overall national target of 8GW (Climate Action Plan 2021, table 11.5). The setting of such targets is considered to be a requirement of Section 4(2) of the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change and Wind Energy Development (2017)*.

The Proposed Use of a Mandatory Set-back

We note that the proposed variation requires set-back distances of a minimum of ten times the tip height between each wind turbine and the nearest point of curtilage of any residential property in the vicinity of the proposed development (proposed Policy E-P-23 refers). This policy is considered to be inconsistent with the *Wind Energy Development Guidelines (2006)* and the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)* and could frustrate and impede the delivery of wind energy development, which is a government commitment in the Climate



Action Plan 2021¹. In this regard, there is no analysis in the proposed variation as to how the proposed mandatory set-back interacts with the areas where wind energy is either “acceptable in principle” or “open to consideration”² on Wind Energy Map 8.21 and how, in practical terms, this set-back may further impede the delivery of wind energy in Donegal (i.e. if the spatial extent of this set-back per dwelling is layered onto the areas where wind energy projects can be developed, can Donegal contribute in a meaningful way to the achievement of the national objectives as expressed in the Climate Action Plan 2021 with the residual land areas?).

We note the comment in the proposed text with respect to the insertion of new text relating to Section 28 compliance and the fact that the proposed variation was prepared having regard to the “Draft Revised Wind Energy Development Guidelines” (December 2019; Ref. no. 3 refers, emphasis added):

“As the contents of the Draft Guidelines are largely unchanged from earlier Guidelines with regard to set-back distances and map preparation methodology, the undernoted addresses alignment with the Draft Guidelines, and particularly the specific planning policy requirements (SPPRs)”

Notwithstanding the fact that the Draft Guidelines have not yet been formally issued under Section 28 of the Planning and Development Act, 2000 (as amended) and, as such, compliance should be demonstrated with the statutory guidance documents, we note the commentary in the follow-on text that the “*proposed variation is at variance with SPPR2.*” It is noted that this is an explicit admission that the variation does not comply with the SPPR of the Draft Guidelines. The use of mandatory set-back distances at the plan level also appears to be at variance with Section 6.18.2 of the Draft Guidelines. It

¹ We note the references to the “DEHLG Wind Energy Guidelines 2021” in Policy E-P23, section (2). We are not aware of any such publication.

² From an analysis of the Wind Energy Map 8.21 there only appears to be minimal areas designated as “acceptable in principle.” The Council is requested to clarify this.



would appear, therefore, that the Proposed Variation may not be in compliance with the provisions of the Draft Guidelines in more than one area.

As already stated, the Specific Planning Policy Requirements (SPPR) set out in the *Interim Guidelines on Statutory Plans, Renewable Energy and Climate Change* states that Development Plans must indicate how the implementation of the plan will contribute to realising the overall national targets on renewable energy and climate change mitigation and, in particular, wind energy production and the potential wind energy resource in megawatts and they also require that the impact of any mandatory set-backs on same is assessed in accordance with Section 4(3) of same. At a minimum, the Council should address the impact of the mandatory set-back policy on the delivery of the national objectives in respect of the roll-out of renewable energy, show how it complies with the objectives and ambition of the Climate Action Plan 2021 and, therefore, demonstrate compliance with Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended in 2021) in any final version of the proposed variation. If this cannot be achieved, the Council should consider the omission of this policy entirely from the proposed variation.

In this regard, we draw the Council's attention to Response no. 25 of the [National Energy Security Framework](#) (NESF), which proposes to align all elements of the planning system to fully support accelerated renewable energy development and ensure that the local planning policy framework "fully supports the national objectives." The NESF provides an overarching and comprehensive response to Ireland's energy security needs in the context of the war in Ukraine. The Framework outlines the structures which are in place within Government to monitor and manage our energy supplies. It sets out the plans which are in place to deal with energy security emergencies should they arise, and outlines out how these plans will be tested in light of the war in Ukraine.



Presentation of Geological Survey Ireland Data

With regard to the use of the Geological Survey of Ireland's (GSI) Landslide Susceptibility map in Ref 10, 'Table 1: Individual Spatial Data Layers Used in The Construction of 'Not Normally Permissible' Areas' in the *Introduction and Explanation* document of the proposed variation, it appears from the way the text is presented in this table that the GSI was consulted in respect of the inclusion of all of these areas in the "not normally permissible" areas. As stated in their letter dated 6th January 2022 (attached), GSI did not advise on what should or should not be included in the designation of "not normally permissible" as they did not perform this analysis and it appears from the text in the proposed variation proper that these areas were included on foot of a resolution by the members.

The Department wishes to clarify the following:

- The National Landslide Susceptibility map refers to areas where landslides **may** occur and is classified from Low Susceptibility to High Susceptibility based on a set of topographic factors (slope, soil type and topographic flow index).
- The map is produced using a methodology known as "unique condition unit" - this means that if a landslide has occurred in an area with a particular set of topographic conditions, then if a similar set of topographic conditions occur elsewhere, this area may also be susceptible to a landslide.
- The National Landslide Database is used to measure landslide susceptibility - the number of landslides within each unique condition unit produces the density of landslides per km squared (a measure of landslide susceptibility).
- The National Landslide Susceptibility Map was published in 2016 and is presented at a scale of 1:50,000. This map is a regional scale map.
- This map should not be treated as "Hazard" map which show the potential to cause damage by frequency/probability or intensity or "Risk" map which shows loss potential.
- The National Landslide Database should be used in conjunction with this map.



GSI provided a baseline dataset for inclusion in that analysis only. For clarity, the Department is not suggesting that high susceptibility areas should not be used as a limiting factor, rather that the data was provided by GSI for a different purpose. Assessments, particularly at the medium and low risk levels, should be made at a project level on a case-by-case basis and that the consultation with GSI should not be presented in a manner that may be misunderstood by the general public. The decision to include these spatial layers in the “not normally permissible” areas was made by the Council.

In its submission dated 31 May 2022 (attached herewith) GSI proposed the following text in order to clarify the level of input provided by GSI:

“The National Landslide Susceptibility Map identifies areas of ‘High’, ‘Moderately High’, ‘Moderately Low’, and ‘Low’ Landslide Susceptibility on a national basis having regard to a specified set of conditions (e.g., slope, terrain) that cumulatively inform areas where landslides could occur. GSI officials were consulted on a scientific and technical basis regarding the National Landslide Susceptibility Map and Database only during the preparation of the Proposed Variation”.

We would also request that the Council clarifies that it determined that all such areas were included in the “not normally permissible” areas in the proposed variation and not the GSI. It should be abundantly clear to members of the public that GSI did not advise that all areas included in the map in Ref. 10 of the Introduction document should be included in the “not normally permissible” areas.

Conclusion

We would be grateful if Donegal County Council would take these matters under consideration in the finalisation of the proposed variation to the County Donegal Development Plan 2018–2024 (As Varied) in respect of a Wind Energy Policy Framework.



Department officials can make themselves available for a discussion on any matters raised in this submission or any other matters within the remit of the Department of the Environment, Climate and Communications relevant to the preparation of this plan.

Officials can provide support to Donegal County Council in the following areas:

- Climate Action, Engagement and Adaptation
- Energy Generation and Networks
- Energy Use / Demand in the Built Environment
- Communications
- Environmental Policy and Governance
- Circular Economy, including Waste and Natural Resources

Please direct any requests for further consultation to planningadvisory@decc.gov.ie

Regards,

Planning Advisory Division

Department of Environment, Climate and Communications

Encl. Letter from GSI dated, 06 January 2022

Letter from GSI dated, 31 May 2022



Central Planning Unit
Donegal County Council
County House
Lifford
Co Donegal, F93 Y622

06 January 2022

Re: SEA and AA Scoping exercise in respect of the Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework

Your Ref: CPU 243/ (VAR.2) Wind Energy Policy Framework

Our Ref: 21/475

Dear Sir/Madam,

Geological Survey Ireland is the national earth science agency and is a division of the Department of the Environment, Climate and Communications. We provide independent geological information and advice and gather various data for that purpose. Please see our [website](#) for data availability. We recommend using these various data sets, when conducting the EIAR, SEA, planning and scoping processes. Use of our data or maps should be attributed correctly to 'Geological Survey Ireland'.

With reference to your email received on the 17 December 2021, concerning the SEA and AA Scoping exercise in respect of the Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework, Geological Survey Ireland would encourage use of and reference to our datasets. Please find attached a list of our publicly available datasets that may be useful to the environmental assessment and planning process. We recommend that you review this list and refer to any datasets you consider relevant to your assessment. The remainder of this letter and following sections provide more detail on some of these datasets.

Geoheritage

In the Introduction and Explanation document, we note the proposed inclusion of County Geological Sites (CGSs) shapefiles within the spatial data map, in Ref 26, 'Table 2: Individual Spatial Data Layers Used In the Construction of 'Open to Consideration' Areas', within the proposed variation of the Wind Energy Policy Framework.

We welcome and support this proposed inclusion of County Geological Sites in the Wind Energy Policy Framework. The Geological Heritage Programme views the Local Authorities as critical partners in protecting, through the planning system, those CGS which fall within their county limits. The following points are suggested as appropriate context within which to address the need to protect geological heritage in any one of Ireland's local authority areas.

- Listing CGSs in the CDP provides protection of the sites against potentially damaging developments that normally require planning permission, such as building, windfarms, quarrying, landfilling or forestry.
- In many cases CGSs are also sites of high amenity or educational value, already zoned or listed in the CDP.
- It is also important that the democratic process of public consultation and approval by councillors of the CDP means that stakeholders in the CGSs and all of the local community can buy into the process.
- CGSs have been adopted in the National Heritage Plan, and will form a major strand of geological nature conservation to complement the various ecological and cultural conservation measures.
 - It is important to note however, that management issues for the majority of geological heritage sites may differ from ecological sites, and in some cases development may facilitate enhanced geological understanding of a site by exposing more rock sections - for example, in a quarry extension.
 - Consultation at the earliest stages can identify any issues relevant to an individual site or proposed development.
- County Geological Sites are the optimal way of addressing the responsibility of each authority under the Planning and Development Act 2000 and its amendments, to protect sites of geological interest.



- It would also be necessary to include a policy objective to protect geological NHAs as they become designated and notified to the Local Authority, during the lifetime of the Plan.

As always, we are available if you require any further information, please feel free to contact Clare Glanville (Clare.Glanville@gsi.ie).

Geohazards

In the Introduction and Explanation document, we are pleased to see use of our Landslide Susceptibility map in Ref 10, 'Table 1: Individual Spatial Data Layers Used In The Construction of 'Not Normally Permissible' Areas'.

However we would like to offer clarification in relation to the following statement in the document: statement "GSI officials provided an opinion that only areas identified as being of 'High Landslide Susceptibility' should be included in the 'Not Normally Permissible' designation."

When Geological Survey Ireland staff met with Donegal Co Co officials we advised that the National Landslide Susceptibility map and Landslide Database should be considered with respect to planning and future developments. The advice provided was based on what the map represents i.e. the factors of terrain used in the methodology and the density of landslides which provides the classification of landslide susceptibility. We also recommend that the regional scale of the map should also be considered.

We also note the decision by the Plenary Council Meeting members to include the 'Moderately High' and 'Moderately Low' Susceptibility layers within the 'Not Normally Permissible' designation. It is important to note, and we would emphasize that, while areas of moderately high to high susceptibility are more likely to experience landslides the areas of low to moderately low susceptibility should also be examined as these areas can experience landslides in certain conditions e.g. the Meenbog area. Geological Survey Ireland did not advise on what should or shouldn't be included in the designation of "not normally permissible" as we did not perform this analysis. Geological Survey Ireland provided a baseline dataset for inclusion in that analysis only.

I hope that these comments are of assistance, and if we can be of any further help, please do not hesitate to contact me Clare Glanville, or my colleague Trish Smullen at GSIPlanning@gsi.ie.

Yours sincerely,

Clare Glanville
Senior Geologist
Geological Survey Ireland

Enc: Table - Geological Survey Ireland's Publicly Available Datasets Relevant to Planning, EIA and SEA processes.



Central Planning Unit
Donegal County Council
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Co Donegal, F93 Y622

31 May 2022

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

Your Ref: CPU 243/ (VAR.2) Wind Energy Variation

Our Ref: 22/174 [c.f. 21/475]

Dear Sir/Madam,

Geological Survey Ireland is the national earth science agency and is a division of the Department of the Environment, Climate and Communications. We provide independent geological information and advice and gather various data for that purpose. Please see our [website](#) for data availability. Use of our data or maps should be attributed correctly to 'Geological Survey Ireland'.

With reference to your email received on the 03 May 2022, concerning the Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework, Geological Survey Ireland would like to draw your attention to our previous response (ref 21/475) with respect to the SEA and AA Scoping exercise in respect of the Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework.

We would like to make the following clarifications with respect to the proposed variation to the CDP, with specific regard to our previous correspondence and technical meeting relating to our landslide susceptibility map and landslides database.

We were pleased to see use of our Landslide Susceptibility map in Ref 10, 'Table 1: Individual Spatial Data Layers Used in The Construction of 'Not Normally Permissible' Areas' in the Introduction and Explanation document of the SEA. We also note its inclusion in Ref 10 of the proposed variation.

As feedback, we previously offered the following clarification in relation to the statement in the document that reads: "GSI officials provided an opinion that only areas identified as being of 'High Landslide Susceptibility' should be included in the 'Not Normally Permissible' designation." We note that this statement has been amended in the current document to read: "The Geological Survey Ireland (GSI) identifies areas of 'High', 'Moderately High', 'Moderately Low', and 'Low' Landslide Susceptibility on a national basis having regard to a specified set of conditions (e.g. slope, terrain) that cumulatively inform areas where landslides could occur. GSI officials were consulted during the preparation of the Proposed Variation".

As previously clarified, when Geological Survey Ireland staff met with Donegal Co Co officials we advised that the National Landslide Susceptibility map **and Landslide Database** should be considered with respect to planning and future developments. The advice provided was based on what the map represents i.e. the factors of terrain used in the methodology and the density of landslides which provides the classification of landslide susceptibility. We also recommend that the regional scale of the map should also be considered.

We also note the decision by the Plenary Council Meeting members to include the 'Moderately High' and 'Moderately Low' Susceptibility layers within the 'Not Normally Permissible' designation. It is important to note, and we would emphasise that, while areas of moderately high to high susceptibility are more likely to experience landslides the areas of low to moderately low susceptibility should also be examined (on a site specific basis), as these areas can experience landslides in certain conditions e.g. the Meenbog area. **Geological Survey Ireland did not advise on what should or shouldn't be included in the designation of "not normally permissible" as we did not perform this analysis. Geological Survey Ireland provided a baseline dataset for inclusion in that analysis only.**



In order to clarify the level of input provided by Geological Survey Ireland we recommend that the wording in the current statement could be amended to read: “The Geological Survey Ireland (GSI) identifies areas of ‘High’, ‘Moderately High’, ‘Moderately Low’, and ‘Low’ Landslide Susceptibility on a national basis having regard to a specified set of conditions (e.g. slope, terrain) that cumulatively inform areas where landslides could occur. GSI officials were consulted on a scientific and technical basis regarding the National Landslide Susceptibility Map and Database only during the preparation of the Proposed Variation”. We also reiterate that the landslide database also be used in conjunction with the landslide susceptibility map.

Finally, we strongly encourage the use and reference of associated **guidance documentation** relating to the National Landslide Susceptibility Map, which is also available on our website.

I hope that these comments are of assistance, and if we can be of any further help, please do not hesitate to contact me Clare Glanville, or my colleague Trish Smullen at GSIPlanning@gsi.ie.

Yours sincerely,

Clare Glanville
Senior Geologist
Geological Survey Ireland