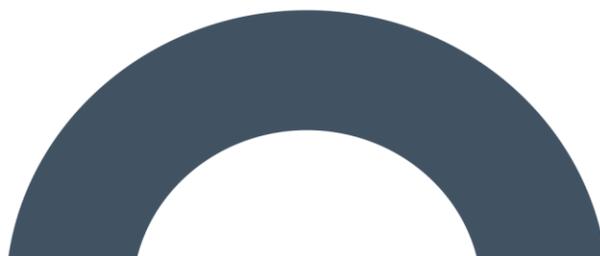


**Proposed Variation to the
County Donegal
Development Plan 2018-
2024 (As Varied) in
Respect of a Wind Energy
Policy Framework**

Submission on behalf of
Planree Limited





DOCUMENT DETAILS

Client: **Planree Energy Limited**

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Contents

3. INTRODUCTION 1

4. STRATEGIC PLANNING CONTEXT: LINKAGES BETWEEN PRESENT AND EMERGING POLICY 3

5. SPECIFIC CRITERIA OF THE PROPOSED VARIATION POLICY 6

6. CONCLUSION 21

LIST OF FIGURES

Figure 1 Proposed Variation to the County Donegal Development Plan, 2018-2024 (As Varied) In Respect of A Wind Energy Policy Framework 29th April, 2022..... 13

Figure 2 Geological Survey of Ireland Landslide Susceptibility Map for areas identified by amendment no. 115

Figure 3 Geological Survey of Ireland Landslide Susceptibility Map..... 17

Figure 4 Study area for Carr and Surrounding townlands with potential developable area in green19

3. INTRODUCTION

On behalf of our client, Planree Ltd MKO wish to make the following submission on Donegal County Council's proposed variation to the Donegal County Development Plan (as varied) 2018-2024 (hereafter Donegal CDP) with regard to how the proposed variation to the Wind Energy Policy Framework (hereafter WEPF) will facilitate future renewable energy infrastructure within Co. Donegal, and furthermore, contribute to overall national targets on renewable energy. As climate change is now a clearly acknowledged emergency in Ireland, the establishment of a low carbon economies through increased provision and efficiency of renewable energy generation is a time-critical consideration underpinning county development plan review processes across the country.

Planree Limited is an associate company of Enerco Energy Ltd. Enerco is an Irish-owned, Cork-based company with extensive experience in the design, construction and operation of wind energy developments throughout Ireland, responsible for projects currently operating or in construction in Counties Cork, Kerry, Limerick, Clare, Galway, Mayo and Donegal. By the end of 2021, Planree associated companies had over 625 Megawatts (MW) of wind generating capacity in commercial operation, 200MW in construction, with a further 400MW of projects at various stages in its portfolio to assist in meeting Ireland's renewable energy targets.

As the country begins to realign its focus to the 2030 Climate and Energy Framework and associated climate and renewable energy targets under EU Directive 2009/28/EC, low carbon, renewable energy resources will make significant contributions to decarbonising the Irish power sector by 2030 and achieving net zero emissions by 2050 in line with the national Climate Action Plan 2019, and the recently adopted Climate Action and Low Carbon Development (Amendment) Bill 2021.

The preparation of a proposed variation to the Wind Energy Policy Framework by the Local Authority provides an important opportunity to re-evaluate how Co. Donegal will contribute to the achievement of overarching national renewable energy targets and objectives at a local level. Planree supports the actions taken by the Local Authority to prepare the proposed amendment acknowledging the need for clear and unambiguous guidance on renewable energy development within the county. The current Donegal CDP acknowledges that the county benefits from above average wind energy potential (both onshore and offshore), and accordingly,

“County Donegal is ideally situated on the North-West Atlantic coast to take advantage of its sources of renewable energies, and the associated significant employment and economic opportunities arising as a result.” (Donegal CDP 2018-2024, Part B, Chapter 8, Section 8.2)

The role of wind energy is similarly highlighted within the Sustainable Energy Authority of Ireland (SEAI)'s Energy in Ireland Report 2021 (December 2021) which states that electricity generated from renewable sources in 20 amounted to 39.1% of gross electricity consumption with wind energy accounting for the largest renewable energy generator and the second largest source of electricity generated after natural gas. EirGrid's 'All Island Generation Capacity Statement 2020 - 2029' (August 2020) further corroborates the importance of wind energy in meeting national renewable energy targets:

‘It can be assumed that Ireland's renewable targets will be achieved largely through the deployment of additional wind powered generation’

In this respect, wind energy will remain a key driver in Ireland's and Donegal's response to climate change going forward with regard to reducing carbon emissions, and ultimately, transitioning to the low carbon economy. In balancing Donegal's significant onshore wind resources with the overarching need to ensure the proper planning and sustainable development of the county, Planree strongly encourages Donegal County Council to maximise its wind energy opportunities by ensuring that an adequate degree of flexibility is incorporated within the proposed amendment policy to allow potential applicants the most effective means of bringing forward new renewable generators at viable sites.

The proposed variation to the Donegal County Development Plan represents a key linkage between national and regional climate change and renewable energy objectives and implementation at a localised planning policy level, the incorporation of the above requests within this statutory plan will assist in ensuring that the most appropriate renewable energy sites and development can be brought forward within Co. Donegal, while also ensuring the protection of sensitive environmental features and assets. Without a balanced and flexible system of bringing forward the most suitable / appropriate renewable energy projects in Donegal, the county will lose important opportunities to implement broader climate change actions at local and community levels. The remainder of this submission will therefore consider the above provisions as set out in the following sections:

- Strategic planning context: linkages between present and emerging policy; and
- Specific criteria of the proposed variation to the Donegal Development Plan (as amended) 2018-2024

Planree welcomes the opportunity to comment on the proposed variation to the Donegal County Development Plan 2018-2024 and taking part in the public consultation process which will inform the policy to realise Local and National renewable energy aspirations.

4. STRATEGIC PLANNING CONTEXT: LINKAGES BETWEEN PRESENT AND EMERGING POLICY

The need to address climate change and provide additional renewable energy is among the most critical of requirements facing policy makers. The Climate Action and Low Carbon Development (Amendment) Bill 2021, which was signed into law on the 23rd July 2021, establishes a legislative precedent to reduce Ireland’s carbon emissions and to facilitate the country in becoming ‘*a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than 2050*’. The Bill is ambitious in its aims, as exemplified by the objective to meet climate neutrality by 2050 and a target of 51% reduction in greenhouse gas emissions by 2030 (relative to baseline of 2018), however, these goals are also clear indicators that swift and sustained action is required at all levels of governance to achieve long-term sustainability.

The establishment of low carbon economies through increased renewable energy generation has become a critical consideration in light of the task of accelerating European green transition as a result of the geopolitical landscape in Eastern Europe. The European Commission, in response to energy market disruption presented the REPower EU Plan. The plan, taking short-, medium- and long-term measures which will be completed before 2027. Significantly, the plan states:

- An increased ambition of the European renewable targets for 2030 from 40% to 45%.
- Targeted amendment to the Renewable Energy Directive to recognise renewable energy as an **overriding public interest** (New Article 16d of the Renewable Energy Directive) which requires Member States to identify the land and sea areas necessary for the installation of renewables to meet their 2030 target.
- Member states will adopt a plan that includes designation of land were deployment of Renewable Energy Projects is not expected to have significant environmental impacts i.e ‘go-to areas’ following sensitivity mapping and Strategic Environmental Impact Assessment of the plan.

Recognising the need for increased efficiency in project permitting Article 16d 2009/28/EC states:

*‘3 months after Directive enters into force, **until climate neutrality is achieved**, Member States shall ensure that, in the permit-granting process, the planning, construction and operation of plants for the production of energy from renewable sources, their connection to the grid and the related grid itself and storage assets are presumed as being in the **overriding public interest and serving public health and safety** when balancing legal interests in the individual cases for the purposes of Articles 6(4) and 16(1)(c) of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1)(a) of Directive 2009/147/EC’.*

In light of this plan and the overarching imperative to secure Irelands Energy need in response to the war in Ukraine, the National Energy Security Framework was published by the Department of the Environment, Climate and Communications (April 2022). The framework sets out a number of responses including:

‘Response 9: Work with the European Commission and other member States to consider policy proposals outlines under REPower EU designed to aid consumers and businesses deal with the increasing cost of energy’.

The proposed variation to the Donegal WEPF is an important and timely opportunity for County Donegal to adopt an efficient and reliable permitting system that reflects the most up-to-date renewable energy

targets while leading the way towards carbon neutrality in Ireland and Europe which as established is the ultimate aim of European and National Renewable Energy targets.

As the country begins to realign its focus to the 2030 Climate and Energy Framework and associated climate and renewable energy targets under EU Directive 2009/28/EC, it is considered pertinent to consider Ireland’s Climate Action Plan 2021 (CAP), which will, as per the 2021 Bill, will be updated on an annual basis in line with on-going progress (carbon budgets). The recently published report ‘Ireland’s Greenhouse Gas Emissions Projections 2021-2040 by the EPA (June 2022) states that:

‘Urgent implementation of all climate plans and policies, plus further new measures, are needed for Ireland to meet the 51 per cent emissions reduction target and put Ireland on track for climate neutrality by 2050’

The CAP states, informed by recently published reports by the International Panel on Climate Change and the joint EPA, Marine Institute and Met Éireann Climate Status report for Ireland 2020 that *‘we have a limited window for real action to reduce emissions and ensure current and future generations can live sustainable in a low-carbon and climate resilient world’*.

The CAP focus on a just transition to a low carbon future highlights the need to effectively manage our transition through structures and responses already in place, and, that our responses to the needs of a low-carbon economy remain flexible so as to meet future transition challenges. The CAP states that decarbonising the electricity sector by taking advantage of renewable energy resources will decrease our dependence on imported fossil fuels and contribute toward achieving the 51% reduction in GHG emissions by 2030. The CAP states that *‘Additional electricity generation and transmission infrastructure will be a critical enabler to achieve our renewable energy and emissions targets’*. This will require increasing renewable electricity generation, reinforcing the existing grid network and putting systems in place to manage intermittent sources of power. Specifically, the CAP identifies a need to deliver up to 8.2GW total of onshore wind capacity to meet the proposed target of up to 80% renewable electricity target.

The Northern and Western Regional Spatial and Economic Strategy (RSES) establishes a strong policy basis in line with the CAP for the continued support of, and investment in, renewable energy technologies within the region. The North and Western region is characterised by the RSES as having ‘a unique natural endowment of ample carbon-neutral, energy supplies’ such as wind. Specifically, the Western Region is described as being ‘particularly rich’ in renewable energy resources dispersed across the region, particularly Galway as noted above. The RSES acknowledges that the region has a pivotal role in delivering a successful transition to Ireland’s proposed low carbon economy with significant potential for growth in renewables. The RSES includes as one of the four key pillars towards a low carbon future:

‘Delivery - supporting infrastructural investment and regulatory frameworks are essential for unleashing the region’s potential’.

In order to facilitate the growth of renewables within the region, the RSES notes that the Northern and Western Regional Assembly aims to encourage stakeholders, i.e. Planree, to be the first to facilitate new opportunities and concentrate on possibilities to further advance renewable energy. There is a clear policy focus within the region to capitalise on both identified and emerging opportunities associated with the transition to a decarbonised economy such as renewable energy generation. The RSES is ultimately supportive of the future growth of renewable energy technology in the region and sets a clear precedent to identify and capitalise on those opportunities associated with the transition to renewable energy generation.

The extant Donegal County Development Plan 2018 – 2024 (as varied), is already forward-facing with regard to acknowledging the importance of renewable energy as part of climate mitigation action. The following policy objectives have been set out below in order highlight the overarching support already integrated within the Development Plan and the Proposed amendment to the WEPF for progressing Donegal’s renewable energy generation:

- **Donegal CDP 2018-2024 Strategic Objective E-O-1 (as per proposed amendment):** To develop sustainably a diverse and secure renewable energy supply to meet demands and capitalize on the County’s competitive locational advantage.
- **Donegal CDP 2018-2024 Strategic Objective E-O-7 (as per proposed amendment):** 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.
- **Donegal CDP 2018-2024 Strategic Objective S-O-8** To facilitate appropriate, sustainable development, innovation, research and technological advances in business, communications and energy development throughout the County and in a Regional, Cross Border and National context.
- **Donegal CDP 2018-2024 Strategic Objective E-P-10:** It is a policy of the Council that development proposals for wind energy shall be in accordance with the requirements of the Wind Energy Development Guidelines: Guidelines for Planning Authorities, 2006 (or as may be amended).

It is recognised within the proposed variation that:

‘Donegal County Council acknowledges 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. (Proposed variation section 8.2.1)

Donegal County Council’s aim going forward should therefore be focused on improving the efficiency, policy support and planning outcomes associated with the implementation of the current and proposed renewable energy policies, objectives and strategies in order to contribute to Ireland’s renewable targets which must be achieved as a national and international necessity.

5. SPECIFIC CRITERIA OF THE PROPOSED VARIATION POLICY

5.4 Policy Context

In order to ensure 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, the Department of Housing, Planning and Local Government issued the ‘Wind Energy Development Guidelines (WEDG)’ in 2006, the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), Information Note, Review of the Wind Energy Development Guidelines 2006 ‘Preferred Draft Approach’ (2017) and the ‘Draft Wind Energy Development Guidelines’ (Draft WEDG) in 2019. The guidelines are issued by the Minister under Section 28 of the Planning and Development Act 2000 (As amended) and as such requires both planning authorities and An Bord Pleanála to have regard to them in the performance of their functions. It should be noted that the 2019 Guidelines have not yet been adopted.

5.5 Wind Energy Development Guidelines 2006

The Wind Energy Development Guidelines were published in 2006 and contain the following guidelines to the planning authorities in relation to the incorporation of policies and objectives in relation to wind energy in all development plans:

Section 3.1 of the Wind Energy Development Guidelines 2006 states:

- The development plan must achieve a reasonable balance between responding to overall 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.
- The assessment of individual wind energy development proposals needs to be conducted within the context of a “plan-led” approach. This involves identifying areas considered suitable or unsuitable for wind energy development. These areas should then be set out in the development plan in order to provide clarity for developers, the planning authority, and the public

Section 3.4 of the Wind Energy Development Guidelines 2006 states that Development Plans should set out the following:

- i. *A positive and supportive statement of 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, together with an objective to ensure the security of energy supply;*
- ii. *Objectives 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;*
- iii. *The identification on development plan maps of the key areas within the planning authority’s functional area where there is significant wind energy potential and where, subject to criteria such as design and landscape planning, natural heritage, environmental and amenity considerations, wind energy development will be acceptable in principle; those areas which may be open to consideration for wind*

- energy development (where relevant) and those areas where wind energy development will generally be discouraged;*
- iv. *The specific criteria for wind energy development that the planning authority will take into account when considering any wind energy or related proposals in the key areas identified based on the recommended siting and design criteria referred to in these guidelines. Wind energy project developers, the public and other interested parties require a clear framework to indicate where wind energy development should locate, and what factors will be taken into consideration in dealing with such proposals. In reviewing, varying or amending development plans with policies or objectives that relate to wind energy developments the relevant planning authority shall:*

Chapter 3 Section 3.5 and Appendix 1 of the Wind Energy Development Guidelines 2006 outlines a step-by-step guide to the analysis of suitable areas for Wind Energy by the Planning Authority. National and regional policy documents to be considered by planning authorities in the context of preparing and adopting strategic policies and objectives in relation to wind energy are outlined in Section 1.2 (Policy Context) of the Wind Energy Development Guidelines 2006.

The sieve map analysis identifies broadly, areas where wind energy developments would be acceptable in principle. The following considerations, informed by:

- SEAI's Wind Atlas for Ireland
- Statutory obligations under National, EU and national legislation
- The National Landscape Strategy for Ireland 2015-2025
- Designations in the Development Plan regarding built and natural heritage, archaeological amenity and existing settlements

Section 3.7 of the Wind Energy Development Guidelines 2006 in relation to the analysis of suitable areas for wind energy by the planning authority notes that:

‘The designation of an area for protection of natural or built heritage or as an amenity area does not automatically preclude wind energy development. However, consideration of any wind energy development in or near these areas must be subject to Ireland’s obligations under the Habitats Directive (92/43/EEC), the EU (Birds) Directive (79/409/EEC) and the Environmental Impact Assessment Directive.

The Specific criteria for wind energy development that the Planning Authority will take into account in considering wind energy projects are set out in Chapter 4 of the Wind Energy Development Guidelines 2006. The Planning Authority Development Plans and Local Area Plans should be consulted as well as the following considerations set out in Section 4.5:

‘The planning authority may consider some, if not all of the following matters:

- *Environmental assessments (EIA, AA etc.)*
- *Grid Connection details*
- *Ground Conditions including peat stability*
- *Site drainage and hydrological effects, such as water supply and quality and watercourse crossings;*
- *Size, scale and layout and the degree to which the wind energy project is visible over certain areas*
- *Potential impact of the project on natural heritage, to include direct and indirect effects on protected sites, on habitats of ecological sensitivity and biodiversity value and, where necessary, management plans to deal with the satisfactory co-existence of the wind energy development and the particular species/habitat identified*
- *Potential impact of the project on the built heritage including archaeological heritage,*
- *Landscape issues*
- *Visual impact of ancillary development, such as access roads*

- *Potential impact of the project on the built heritage including archaeological and architectural heritage*
- *Local environmental impacts including noise, shadow flicker, electromagnetic interference etc.*
- *Adequacy of local access road network to facilitate construction of the project and transportation of large machinery and turbine parts to site;*
- *Information on any cumulative effects due to other projects, including effects on natural heritage and visual effects;*
- *Information on the location of quarries to be used or borrow pits proposed during the construction phase and associated remedial works thereafter;*
- *Disposal or elimination of waste/surplus material from construction/site clearance, particularly significant for peatland sites; and*
- *Decommissioning considerations*

5.6

Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017

Under Section 28 of the Planning and Development Act 2000 (as amended) guidelines were issued which require planning Authorities and An Bord Pleanála to have regard to and apply any specific planning policy requirements of the interim guidelines in the performance of their functions.

Specific Planning Policy Requirements:

1. Ensure that overall national policy on renewable energy as contained in documents such as the Government’s ‘White Paper on Energy Policy - Ireland’s Transition to a Low Carbon Future’, as well as the ‘National Renewable Energy Action Plan’, the ‘Strategy for Renewable Energy’ and the ‘National Mitigation Plan’, is acknowledged and documented in the relevant development plan or local area plan
2. Indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts)
3. Demonstrate detailed compliance with item number (2) above in any proposal by them to introduce or vary a mandatory setback distance or distances for wind turbines from specified land uses or classes of land use into their development plan or local area plan. Such a proposal shall be subject to environmental assessment requirements, for example under the SEA and Habitats Directives. It shall also be a material consideration in SEA, when taking into account likely significant effects on climatic factors, in addition to other factors such as landscape and air, if a mandatory setback or variation to a mandatory setback proposed by a planning authority in a development plan or local area plan would create a significant limitation or constraint on renewable energy projects, including wind turbines, within the administrative area of the plan

Draft Wind Energy Development Guidelines 2019¹

The Draft Wind Energy Development Guidelines 2019 were published following a review of the Wind Energy Development Guidelines 2006 in respect of noise, visual amenity setback and shadow flicker. The Draft Wind Energy Guidelines 2019 are largely similar to the Wind Energy Development Guidelines 2006 in respect of map preparation methodology they include a specific planning policy requirement in relation to setback distances relevant to this submission.

Specific Planning Policy Requirement 1 of the Draft Wind Energy Development Guidelines States:

It is a specific planning policy requirement under Section 28(1C) of the Planning and Development Act 2000 (as amended) that in reviewing, varying or amending development plans, or a local area plan, with policies or objectives that relate to wind energy developments, the relevant planning authority shall:

1. *Ensure that overall national policy on renewable energy as contained in documents such as the Government's 'National Energy and Climate Plan 2021-2030', and the 'Climate Action Plan 2019', is acknowledged and documented in the relevant development plan or local area plan;*
2. *Indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts) taking into account the 'sieve mapping approach' identified in Table 1 below, in particular the potential contribution of the areas identified as 'acceptable in principle' and 'open for consideration'; and*
3. *Demonstrate detailed compliance with section 3.4 of these guidelines.*

Section 3.4 of the Draft Wind Energy Development Guidelines state:

The development plan should set out the following policies and objectives:

- *a positive and supportive statement of 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, together with an objective to ensure the security of energy supply;*
- *objectives 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;*
- *the identification on development plan maps of the key areas within the planning authority's functional area where there is significant wind energy potential and where, subject to criteria such as design and landscape planning, natural heritage, environmental and amenity considerations, wind energy development will be acceptable in principle; those areas which may be open to consideration for wind energy development (where relevant) and those areas where wind energy development will generally be discouraged;*

¹ The draft variation refers to the Draft Wind Energy Development Guidelines 2019 in regard to the Section 28 Statement of Compliance as well as the step-by-step sieve mapping analysis for constructing the Wind Energy Map (8.2.1). The Statement of Compliance outlines the Draft Variation compliance with SPPR1 and SPPR 2 of the Draft Wind Energy Development Guidelines 2019.

- *the specific criteria for wind energy development that the planning authority will take into account when considering any wind energy or related proposals in the key areas identified based on the recommended siting and design criteria referred to in these guidelines. and*
- *the investigation of the potential for relatively small-scale wind energy developments within urban and industrial areas, and for small community-based proposals outside the key areas that are identified as being appropriate for wind energy development. Community ownership of wind energy projects enables local communities to benefit directly from local wind energy resources being developed in their local areas, ensuring long-term income for rural communities.*

Specific Planning Policy Requirement 2 of the Draft Wind Energy Development Guidelines states:

‘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.

The Draft Wind Energy Development Guidelines proposes that relevant authorities shall not apply a setback distance that exceeds these requirements, i.e. shall not exceed 4 times the tip height of the relevant turbine.

5.8

Potential Conflicts in the Proposed Wind Energy Variation

The proposed variation to the Donegal CDP and the Wind Energy Strategy therein comprises of textual and mapping changes. The rationale for these changes is outlined in an accompanying document ‘Introduction and Explanation of the Scope of the Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied)’ here after called ‘the scoping document’. Textual changes largely reflect updated policy guidance since the publication of the Wind Energy Development Guidelines 2006 and the deletion and insertion of policies relating to wind energy in line with Wind Energy Development Guidelines 2006 and Draft Wind Energy Development Guidelines 2019. Planree is largely supportive of the proposed textual amendments which provide for a clear and coherent Wind Energy Development Framework and welcomes the inclusion of the proposed statement in Section 8.2.1:

‘Donegal County Council acknowledges 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 furthermore the inclusion of the proposed Objective E-O-7:

‘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’

However, the proposed policy is not in compliance with Section 28 Guidelines in respect of Specific Planning Policy Requirements contained in the 2017 Interim Guidelines nor does it have regard to the guidance on the identification of suitable areas for wind energy and therefore the proposed policy is not

supportive of wind energy will not ensure that Donegal can contribute in a meaningful way to Ireland's decarbonisation process. Planree urges the Planning Authority to consider the effectiveness of the proposed strategy in facilitating wind energy developments where appropriate with relevant policy provisions that are sufficiently flexible to allow for all individual wind energy development proposals to be assessed on their individual merits. Particular attention is drawn to the following potential conflicts within the proposed variation to the Donegal CDP:

a) The proposed policy is not in compliance with Specific Planning Policy Requirement 2²

The Specific Planning Policy Requirement requires that the Planning Authority demonstrates in the Development Plan how the provisions of the policy will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts). The proposed policy does not outline in megawatts the wind energy production and potential wind energy contribution of the areas identified as 'Acceptable in Principle' and 'Open to Consideration'. The Draft variation includes a statement of compliance with Section 28 Guidelines. The statement of compliance notes:

In the absence of detailed technical guidance, it is not possible to make such calculations with any degree of accuracy for a number of reasons as set out below. The information contained in the reasons also serves to provide a broad overview of the wind energy potential of the County. For a significant part of the County, the development of windfarms is not precluded (refer to the 'Acceptable in Principle' and 'Open to Consideration' designated areas on Map 8.2.1. 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. It should also be noted, however, that policy allows for derogation from these minimum setback requirements where written consent of owners is provided. As of 2020 there were 301 operational turbines in Donegal and it is not possible to project how many of these will be replaced and what the generating capacity of any such replacement turbines might be'.

The preparation of a clear strategy and targets is necessary to understand on a County and National level how Donegal aligns with the Climate Action Plan, the National Planning Framework and the Regional Spatial and Economic Strategy and to give essential and clear direction to the industry and other parties of the potential of Donegal to contribute to the target of carbon neutrality by 2050. It is respectfully requested that the proposed variation includes a statement in compliance with Specific Planning Policy Requirement 2.

b) Minimum setback distances

The proposed variation includes Policy E-P-23 which, among other provisions, states:

It is a policy of the Council that wind farm developments:

2) *Must:*

- (a) *Meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2021, or any subsequent related Guidelines; and*
- (b) *Ensure a setback distance for visual amenity purposes of ten times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation, An exception may be considered for a lower setback requirement from existing or permitted dwellings or other sensitive properties to new turbines where the owner(s) and occupier(s) of the relevant*

² *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change*

property or properties are agreeable to same and where the noise requirements of the relevant Wind Energy Guidelines are capable of being complied with in all cases. In such exceptional reduced setback situations, the relevant parties must provide written confirmation to the satisfaction of the Planning Authority that they have agreed to a reduced setback and have no objection to the proposed wind energy development.

3) Shall, subject to compliance with sub-paragraphs (1) and (2) above and other relevant policies of this Plan, be acceptable where a setback distance for visual amenity purposes of ten times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation, has been achieved.

In all cases, whether in ‘Acceptable in Principle’, ‘Open to Consideration’ or ‘Not Normally Permissible’ areas, compliance with the setback distances required under Policy E-P-23 will be required. For re-powering or augmentation projects, the required setback distance shall be the required multiple of the new turbine height and no allowance shall be made in this regard for the established development is in variance with the WEDG’s.

It is understood that the Draft Variation as submitted by the Executive to the Planning Authority at the Plenary Meeting in November 2021 included a set-back distance of 4 times the tip height, in accordance with SPPR2 of the Draft Wind Energy Development Guidelines 2019 and the ‘Information Note Review of the Wind Energy Development Guidelines 2006 “Preferred Draft Approach”’. An amendment to the Draft Variation made by resolution of the Members of the Council at the plenary meeting stipulated the set back distances of ten times the tip height distance. It is the opinion of this submission that this amendment is overly restrictive and not fit for purpose, having regard to point a) above and with regard to the National and European renewable energy targets and will serve to severely restrict the amount of land available to facilitate potential wind energy developments. As noted in the Draft Wind Energy Development Guidelines 2019, considerations for wind farm developments are complex and dependant on a wide variety of constraints and technical guidance. In order to ensure that there is coherence across the State in relation to the criteria used for developing wind energy policies and in order to assist those proposing to invest in and build renewable energy projects, it is vital that wind energy policies are robust policies and therefore must, in the interest of coherency adhere to statutory guidelines. This submission respectfully requests that the minimum set back distance for wind turbines adheres to the Draft Wind Energy Guidelines Specific Planning Policy Requirement 2 of four times the tip height

5.9

The proposed Wind Energy Map 8.2.1 is overly restrictive and will not support the development of wind energy projects in suitable areas.

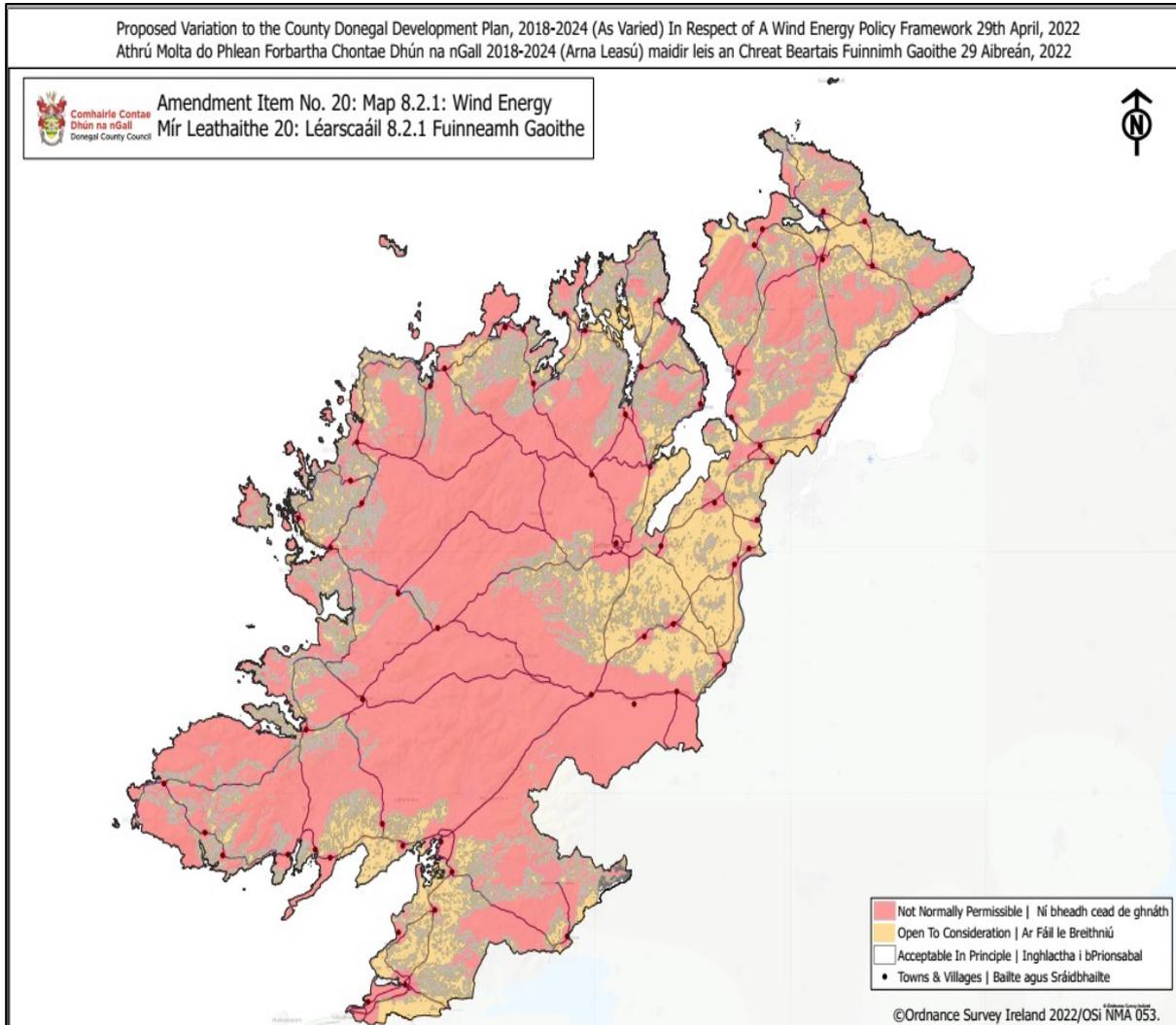


Figure 1 Proposed Variation to the County Donegal Development Plan, 2018-2024 (As Varied) In Respect of A Wind Energy Policy Framework 29th April, 2022

The proposed Wind Energy Map 8.2.1 is shown in Figure 1.

The council’s approach to the preparation of proposed Map 8.2.1 is set out thus:

‘These areas have been identified using a step-by step sieve mapping analysis as a basis for constructing the map, by carrying out a comprehensive analysis of the environmental sensitivities and the wind energy potential of the County (in accordance with the Draft Wind Energy Development Guidelines 2019

The Draft Wind Energy map was prepared as part of the proposed variation by the Executive and presented to the Elected Members prior to the Plenary Meeting of Donegal County Council on the 29th November 2021. A number of amendments were made by resolution to the proposed map as submitted by the Executive. The 5 no. amendments altered areas from ‘Open to Consideration’ to ‘Not Normally Permissible’. Amendments 1, 2 and 5 are discussed in detail below.

Proposed variation Map 8.2.1 Wind Energy set out in Section 8.2.3 applies the following designations to lands in Donegal:

1. Areas in Map 8.2.1 Wind Energy:

(a) Acceptable In Principle

Wind energy development shall be generally acceptable in these areas.

(b) Open to Consideration

Wind energy development shall be generally open to consideration in these areas.

(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 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

Attention is drawn to existing and permitted wind energy developments in areas now deemed ‘not normally permissible’ under the provisions of the proposed variation. Amendment applications in respect of permitted windfarm developments are a common part of the permitting process. There is significant concern that the proposed amendments will render future amendments to existing and permitted wind farm developments in this County unacceptable in principle. This will introduce a degree of uncertainty for wind energy developers and in the facilitation of technological or infrastructural upgrades which are necessary and common aspects of wind energy developments. It is therefore requested that the provisions of Section 8.2.3 Part 1 (c)(ii) are removed from the proposed variation in the interests of the proper planning and sustainable development of wind energy projects in Donegal.

▪ **Amendment No. 1:**

‘The Lifford-Stranorlar Municipal District Areas at Risk of Landslides and Associated Environmental and Ecological Concerns is designated ‘not normally permissible’

Amendment 1 to the Draft Wind Energy Map 8.2.1 as submitted by the Executive made at the Plenary Council Meeting of the 29th of November 2021 included the geographical ‘area of Lifford-Stranorlar Municipal District at risk of Landslides and Associated Environmental and Ecological concerns’ as ‘not normally permissible’. The technical criterion for this amendment is not clear in the methodology of the sieve analysis and accordingly, this submission respectfully requests that the amendment made at the Plenary Council meeting of November 2021 is removed. Figure 2 below illustrates the Landslide Susceptibility Map produced by the Geological Survey of Ireland for the area referred to in Amendment No. 1.

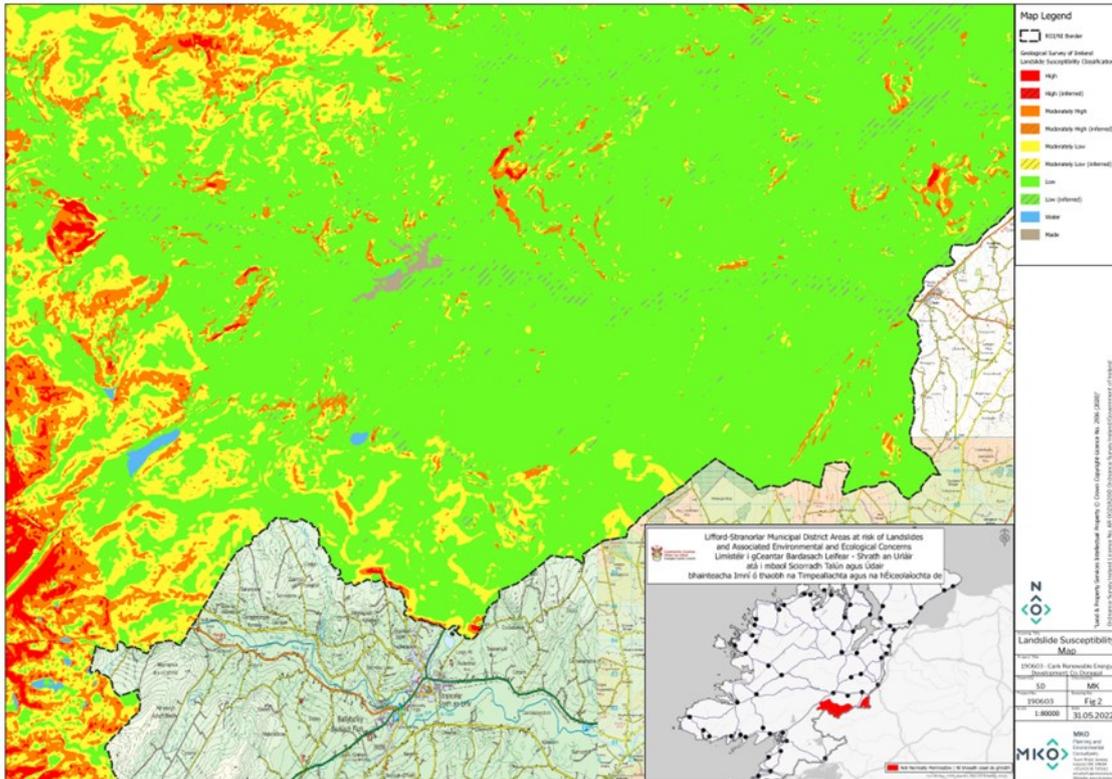


Figure 2 Geological Survey of Ireland Landslide Susceptibility Map for areas identified by amendment no. 1

The amendment is not based on reasonable scientific evidence nor is it clear how the exclusion of areas of land solely on the basis of their geographical location is in accordance with the guidelines as outlined in the Wind Energy Development Guidelines 2006. In relation to the identification of suitable areas for wind energy, the Wind Energy Development Guidelines 2006 state that landscape evaluation and sensitivity analysis, wind energy mapping, information regarding built and natural heritage, and archaeological and amenity designations in the Development Plan will identify areas of land affected by statutory obligations. As such, the exercise is deemed to reconcile landscape sensitivity and statutory designations to ‘produce a basis for identifying broadly, the areas where wind energy developments would be ‘acceptable in principle’, where they would be ‘open for consideration’, and where they would be ‘not normally permissible’³ rather than as a mapping exercise which assesses the fine grain merits of individual parcels of land for the county. The merits of a proposed development are assessed on a case-by case basis at the local level during the planning process under the provisions of the Planning and Development Act 2000, as amended.

In conclusion, there is no sound basis for Amendment 1 the areas identified in Amendment 1 and therefore it should not be followed.

³ Section 3.5 Wind Energy Development Guidelines 2006

Amendment No. 2:

‘All ‘moderately high’ and ‘moderately low’ landslide susceptibility areas are designated ‘Not Normally permissible’.

This submission argues that the inclusion of landslide susceptibility data is not appropriate in the sieve map methodology and does not *‘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’*⁴. The overarching purpose of this submission is to assist Donegal in harnessing its full renewable energy potential through improved application of planning policy and development management in order to best utilise the county’s wind energy resources, which align with the provisions of proposed policy objective E-O-7

‘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’.

The steps outlined in the Wind Energy Development Guidelines 2006 and the Draft Wind Energy Development Guidelines 2019 in identifying areas suitable for Wind Energy projects does not specify that areas identified as of high, moderately-high, moderately low or low susceptibility should be precluded from consideration for wind energy projects. The Wind Energy Development Guidelines 2006 outline detailed technical and aesthetic assessment guidelines which the Planning Authority will consider in regulating wind energy developments. Ground conditions and geological considerations include geological and geotechnical assessment as well as a landslide and slope stability risk assessment for the site. The provisions of section 5.3 of the Wind Energy Development Guidelines 2006 in relation to the assessing of ground conditions and geology of potential wind energy sites is reflected in the proposed amendment policy E-P-26 included in the proposed variation policy:

Policy E-P-26:

‘It is the policy of the Council that all applications for wind farm development located on peatland and bog, including the re-powering and augmentation projects, shall be accompanied by a ‘Peat Stability Risk Assessment Report’.

It is our interpretation that the inclusion of soils identified by the Geological Survey Of Ireland’s Landslide Susceptibility Mapping dataset as having a ‘Moderately high’ and ‘Low’ landslide susceptibility from ‘Open to consideration’ to ‘Not Normally Permissible’ as amended at the Plenary Council Meeting in November 2021 is without a technical basis and excludes areas in Donegal which could reasonably, subject to Environmental Impact Assessment and Appropriate Assessment facilitate wind energy developments. Proposals for wind energy developments must also be assessed in the context of National policy and in particular national targets for renewable energy.

⁴ Wind Energy Development Guidelines 2006

Applying the standard constraints as set out in the Wind Energy Development Guidelines 2006 would render a large proportion of these lands ‘open to consideration’ and thus serve to contribute to potential wind energy generation. Attention is drawn to the Geological Survey of Ireland Landslide susceptibility map of Donegal which illustrates the detail of landslide susceptibility for the county.

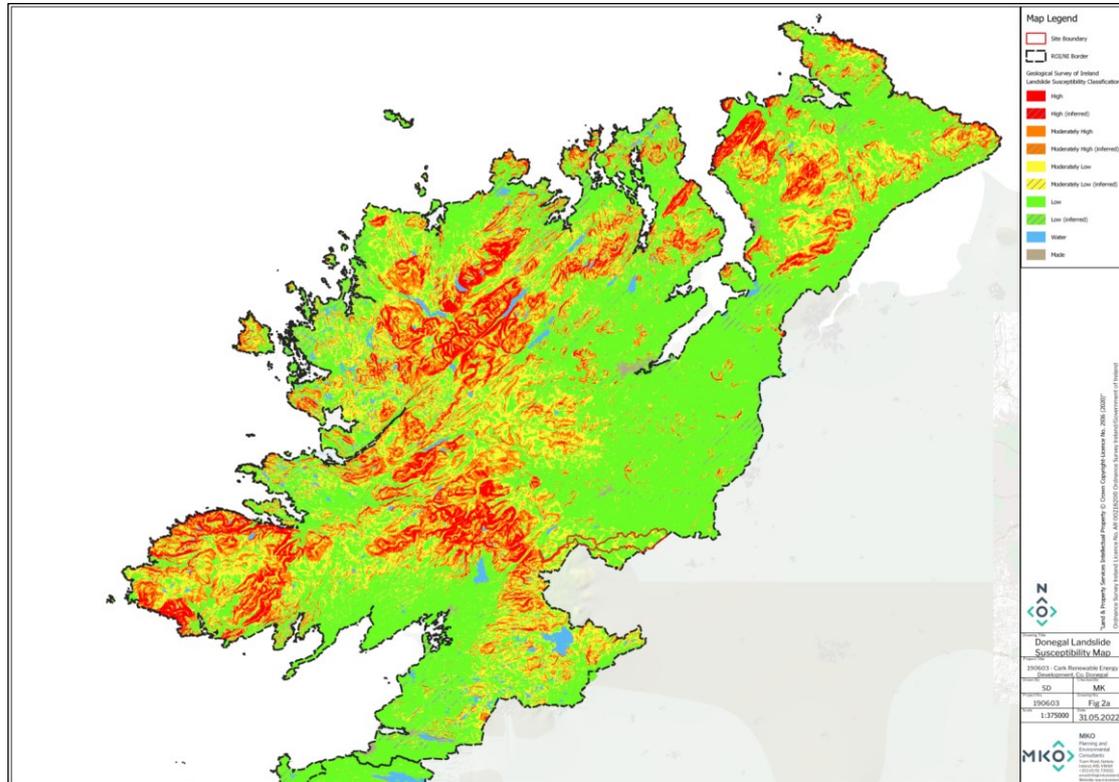


Figure 3 Geological Survey of Ireland Landslide Susceptibility Map

Planning authorities are key to implementing national policy regarding the development of renewable energy projects. The merits of any individual proposal for wind energy development are considered using a multitude of technical documents, as well as National, European and Regional Policy and in effect, the purpose of the Wind Energy Map is to support and guide potential projects to identify areas which could potentially contribute to wind energy production, subject to proper planning and environmental assessment.

Attention is drawn to the opinion of Donegal County Council received by An Bord Pleanála in relation to a proposed windfarm development in Glenard, Co. Donegal (ABP-312659-22). The proposed development of 15 no. wind turbines, 1 no. 110kV electrical substation and associated works is now located within the proposed ‘Not normally Permissible’ designation. It was the opinion of the Planning Authority that, following a comprehensive Geotechnical and Peat Stability Assessment contained within the EIAR that it had been demonstrated that the low risk of peat failure/landslide had been demonstrated. Having regard to the Peat Stability Assessment the Planning Authority requested that the Board positively consider the proposed development.

The Glenard example verifies the position set out in this submission, that landslide susceptibility should be assessed on a case-by-case basis and that high level mapping should not be utilised to omit lands from being ‘open for consideration’ for wind energy development at County Policy level, particularly given that it is not recommended in the development guidelines.

▪ **Amendment No. 5:**

Amendment 5 to the Draft Wind Energy Map 8.2.1 as submitted by the Executive made at the Plenary Council Meeting of January 2022 designated five river valleys of the Freshwater Pearl Mussel catchments from ‘open to consideration’ as submitted by the Executive to ‘not normally permissible’. The sieve analysis methodology set out in Table 1 of the Draft Wind Energy Development Guidelines 2019⁵ states:

‘Prepare an overlay of the wind energy mapping and the landscape evaluation and sensitivity analysis, together with information regarding built and natural heritage, archaeological and amenity designations in the Development Plan and existing settlements within the functional area of the local authority.

The designation of an area for protection of natural or built heritage or as an amenity area does not automatically preclude wind energy development. However, consideration of any wind energy development in or near these areas must be subject to Ireland’s obligations under international, EU and national legislation’.

The Freshwater Pearl Mussel is listed on Annex II of the Habitats Directive. Mr Eunan Quinn, Senior Planner of Donegal County Council stated that freshwater Pearl Mussel catchment areas were regarded and formed a significant part of the draft mapping exercise (Minutes of the November Council Meeting 29th November 2022). Under the Habitats Directive and policies contained within the County Development Plan actual populations of the species are protected.

The provisions of the Draft Wind Energy Development Guidelines 2019, reflecting National and EU regulations require mandatory Environmental Impact Assessment for wind projects over 5 turbines or over 5-megawatt output. The planning authority must carry out a screening determination for any proposed sub-threshold projects and if it is concluded that there is a real likelihood or there is significant doubt about the likelihood of significant environmental effects the developer must be required to carry out Environmental Impact Assessment Report. Annex II species are afforded protection under National and European regulations:

- The Habitats Directive (92/43/EEC)
- EIA Directive (2011/92/EU) and (2014/52/EU)
- Water Framework Directive (2008/32/EC)
- SEA Directive (2001/42/EC)
- European Communities (Birds and Natural Habitats) Regulations 2011
- Planning and Development Act, 2000 (as amended)
- Planning and Development Regulations, 2001 (as amended)
- Donegal Development Plan 2018-2024 as well as the provisions of international treaties:
- Convention of Wetlands of International Importance (‘Ramsar Convention’),
- Convention on Biological Diversity (the ‘Biodiversity Convention’),

Having regard to the significant protections of Annex II species and in respect of the Wind Energy Development guidelines 2006 it is considered that high level exclusion of river basins from ‘open to consideration’ designations will prevent projects which, subject to Appropriate Assessment and Environmental Impact Assessment would be suitable for wind energy project development.

For the reasons set out above this submission respectfully requests that the amendments 1, 2 and 5 made at the Plenary Council Meeting of November 2021 and January 2022 to the Draft Wind Energy Map 8.2.1 as submitted by the Executive be excluded from the proposed variation.

⁵ As used by Donegal County Council in the preparation of Map 8.2.1

5.10 Site Specific Request

Planree are investigating the viability of progressing a future wind farm at Cark and surrounding townlands of Meenagolan, Meenreagh, Lismullyduff, Cronalaghy, Corlea, Corradooey, Ballyarren, and Owennagadragh Mountain/Cornashesk in Co. Donegal. Preliminary site analysis carried out in accordance with the provisions of the Wind Energy Development Guidelines 2006 and the Draft Wind Energy Development Guidelines 2019 indicate that these lands are suitable for potential wind energy development. The proposed variation Map 2.8.1 has resulted in the study area being designated as ‘Not Normally Acceptable’. This designation will unnecessarily restrict the potential development of a wind energy project subject to Environmental Impact Assessment and Appropriate Assessment.

Preliminary analysis carried out includes mapping the study site which takes into consideration:

- Residential dwellings plus a minimum 750 metre buffer (exceeding the requirement of 4 x tip height separation distance as required by the Draft WEGs 2019);
- Natura 2000 sites plus 200 metre buffer;
- Rivers and streams plus 50 metre buffer;
- Recorded Archaeological Sites and Monuments plus 50 metre buffer.

Facilitators at the site build on the existing advantages and include the following:

- Available lands for development;
- Good wind resource;
- Existing access points and general accessibility of all areas of the site due to existing road infrastructure; and
- Limited extent of constraints.

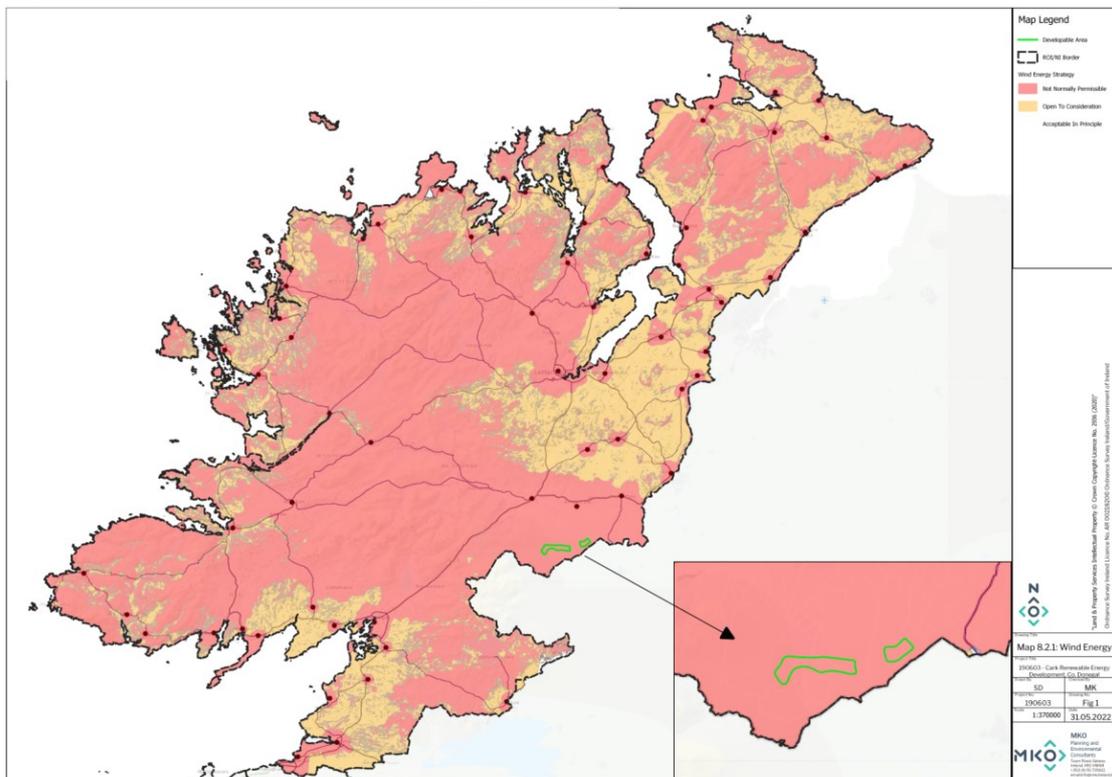


Figure 4 Study area for Cark and Surrounding townlands with potential developable area in green

Figure 4 above indicates the area with the potential to facilitate wind energy development having regard to the constraints and opportunities as listed above (green line).

It is considered that the inclusion of this area in the ‘open to consideration’ designation would allow the potential development of a wind energy project that would accord with National renewable energy targets to be assessed on its merits and in line with National and Regional Policy as well as with the written objectives contained in the Donegal Development Plan as varied and the assessment criteria set out in the Wind Energy Development Guidelines 2006 and the Draft Wind Energy Development Guidelines 2019.

6. CONCLUSION

It is respectfully requested that Donegal County Council consider the contents of this submission with regard to how the Donegal Development Plan 2018-2024 will manage future renewable energy infrastructure, and ultimately, contribute to overall national targets on renewable energy.

Accordingly, it is requested that the following provisions are considered by Donegal County Council as part of the review process:

- **Effective Implementation of the Wind Energy Development Guidelines and the Draft Wind Energy Development Guidelines, 2019** – In developing the proposed amendment to the Donegal Development Plan (As amended) 2018-2024 the Wind Energy Policy Framework is at variance with Specific Planning Policy Requirements of the Draft Wind Energy Development Guidelines 2019 and the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017). The result of this variance is that areas which could adequately and appropriately accommodate wind energy infrastructure without significant adverse effect on relevant environmental considerations (subject to Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) processes) while complying with the requirements of proper planning and sustainable development are designated ‘not normally permissible’. Additionally, the variance as such is in compatible with proposed variation policy objective E-O-7.
- **Removing reference to the augmentation, grade and improvements of existing windfarm developments from section 8.2.3 1(c)(ii)** in the interests of the proper planning and development of renewable energy projects in Donegal.
- **Removing criteria relating to landslide susceptibility from map 8.2.1 for the reasons outlined above.** The inclusion of landslide susceptibility criteria in the identification of areas open to consideration to wind energy is overly restrictive and results in a policy map which is not fit for purpose and will severely restrict the amount of land available for wind energy projects needed to achieve national renewable energy targets.
- **The designation of any areas of land with existing permissions remain ‘open to consideration’ for the purposed of facilitating any future amendments.** Designation of lands with existing permissions as ‘not open to considerations will result in an incoherent system of permission for future repowering or amendment applications.
- Amendments made by the plenary Council meeting of 29th of November and 21st February which are at variance with Specific Planning Policies Specific Planning Policy Requirements of the Draft Wind Energy Development Guidelines 2019 and the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017) and the Guidance set out in the Wind Energy Development Guidelines 2006 are removed for the purposes of the proper planning and sustainable development of the County in a manner which is consistent with National Renewable Energy Targets set out in the Climate Action Plan 2021, the Climate Action and Low Carbon Development (Amendment) Act 2021, the National Energy and Climate Plan, and Project Ireland 2040: The National Planning Framework and National Development Plan 2018-2027.
- **The designation of areas outlined in section 5.1 above as ‘open to consideration’.**

