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Subject: Wind Energy Variation - Submission on behalf of Cloghercor Wind Farm Ltd.
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[CDP submission for Cloghercor WF 030622 Final.pdf](#)

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Dear Sir/Madam,

Please find attached submission on the Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework, which we are making on behalf of Cloghercor Wind Farm Ltd.

If you have any questions please let me know.

Kind regards,

John

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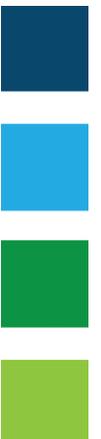
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Cloghercor Wind Farm Ltd.

**Submission on Donegal County Council Wind Energy
Strategy Variation**



Cloghercor Wind Farm Ltd.

Submission on Donegal County Council Wind Energy Strategy Variation

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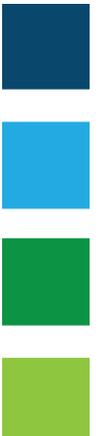


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Executive Summary

It appears to Cloghercor Wind Farm Ltd. that this variation proposed by Donegal County Council is not in compliance with the Ministerial direction on the 2012-2018 Donegal Co. Development Plan, particularly in relation to the sections restricting Freshwater Pearl Mussel Catchments and the inclusion of a proposed ten times tip height set back to residential properties. It has the potential to leave the County Development Plan open to another ministerial direction and/or Judicial Review (JR) t. Similar advice was provided in council minutes from 29th November 2021 where it was stated:

“that if members wished to proceed in this vein then they would need to ensure that there was sufficient planning reasoning and back up information to substantiate the basis for same. He was, he advised, conscious that members wanted to move on, but highlighted the fact that the Council needed to be in a position to defend any future actions that might arise.”

Applying arbitrary setback distances (E-P-23) is contrary to regional, national and international policy and guidance documents, which promote identifying areas where wind energy should be encouraged that should be consulted and used as a basis for developing such county development plans. This variation even acknowledges as much when it states in the new Section 28 statement that a significant proportion of the “Acceptable in Principle” and “Open to Consideration” areas will be constrained by the ten times tip height requirement. There is no clear scientific basis for a 500m set back from settlements. The application of a 1% proportion of bird population (E-P-12) is not an appropriate metric for individual site assessments, similarly a 1km setback from SPA/SAC’s does not rely on the best practice guidance when arriving at this arbitrary value. The proposed variation to restrict wind farms from areas of Fresh Water Pearl Muscle (FPM) catchments is biased against wind farms. A more suitable strategy would be to assess each project on its merits, thereby facilitating wind farms to be developed in suitable locations, whilst also protecting the FPM

The proposed amendment (E-P-23) which prohibits development near the Gweebarra River Basin is not based on robust-scientific evidence. Excluding areas for renewable energy developments should only take place where there is a supporting statement from an appropriate expert and a scientific basis for doing so. The Landscape and visual classifications is highly ambiguous and the area that Cloghercor Wind Farm is proposing a development is located in a Moderate Scenic Amenity area, the lowest visual amenity designation the current plan has. The area has a vast commercial conifer forest plantation and it has been demonstrated throughout the country that these areas are regularly associated with wind farm development. Including a wind farm development here will only enhance the carbon offsetting potential for the area.

The council have removed sections (E-P-16) which previously supported “strengthening and enhancement of the capacity of existing wind farms” this should be reinstated. Furthermore the restrictions placed on repowering and/or extension of existing projects by requiring a ten times tip height set back distance to residential properties will only make it harder for Ireland to maintain the progress that has been made in developing renewable energy.

Wind measuring infrastructure is relatively minor development indeed in many cases they can be considered as exempted development and there should be no specific policy restrictions on applying for planning as created by new policy E-P-16.



Overall, it is clear that the updated wind energy policy mapping and proposed variation to the wind energy policy framework are highly contradictory and aim to preclude wind energy development throughout Donegal. Despite including an updated wind energy policy mapping for the county, which designates a relatively insignificant 'acceptable in principle' classification but some notable areas of 'open to consideration', the proposed variation appears to almost entirely preclude the potential for any wind energy development. Cloghercor Wind Farm urges Donegal County Council to reconsider this variation in light of the difficulties it creates in achieving national targets and objectives of the Climate Action Plan.

1.0 INTRODUCTION

TOBIN Consulting Engineers (TOBIN) have been appointed by Cloghercor Wind Farm Ltd. To submit this observation for the current public consultation of the Proposed Variation to the County Donegal Development Plan (CDP) 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework.

Established in 2021, Cloghercor Wind Farm Ltd., was formed to construct/obtain planning permission for a wind farm in the townlands of Cloghercor and Cloghercullian, Co. Donegal. Cloghercor Wind Farm Ltd. is a joint venture company between Ørsted and FuturEnergy Ireland. Both Ørsted and FuturEnergy Ireland are large companies in the renewable energy market, who provide a significant proportion of the renewable energy required to achieve the government targets thus far, as well as for the future.

Ørsted develops, constructs, and operates offshore and onshore wind farms, solar farms, energy storage facilities, and bioenergy plants, and provides energy products to its customers. In Ireland, Ørsted owns and operates a portfolio of onshore wind farms with a combined capacity of more than 300 MW. Their ambition is to increase this by more than 600 MW in the coming decade. FuturEnergy Ireland is a new joint venture company owned on a 50:50 basis by Coillte and ESB that is actively looking to drive Ireland's transition to a low carbon economy. The company's ambition is to develop more than 1GW of renewable energy capacity by 2030 and make a significant contribution to Ireland's commitment to produce 80% of electricity from renewable sources by the end of the decade.

1.1 BACKGROUND TO THE PROPOSED VARIATION

Appendix 1 to this document provides a background to this currently Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework. This appendix also includes details of previous relevant amendments to the CDP.

1.2 POLICY CONTEXT AND THE NEED FOR FURTHER RENEWABLE ENERGY DEVELOPMENTS

Appendix 2 to this document provides an overview of the current national and international policy that exists relating to wind energy and which highlights the need for an increased rollout of renewable energy projects in Donegal and across Ireland. This provides some context for the currently Proposed Variation.

2.0 COMMENTS ON THE PROPOSED VARIATION TO THE COUNTY DONEGAL DEVELOPMENT PLAN 2018-2024 (AS VARIED) IN RESPECT OF A WIND ENERGY POLICY FRAMEWORK

2.1 OBSERVATIONS ON THE WIND ENERGY DESIGNATIONS

The Proposed Variation to the County Donegal Development Plan 2018-2024 (as varied) in respect of a wind energy policy framework appears to increase the area of the county which has a designation that is unsupportive of wind energy development (i.e. 'Not Normally Permissible'). While it is likely that this decision was made in order to minimise adverse environmental impacts, it would be more appropriate to do so through site-specific assessments. Given the scale and importance of both the climate crisis and the ongoing fossil fuel security threat and supply issues (and associated high energy costs), each local authority has a responsibility to

continually improve their contribution to national and international renewable energy targets for 2030 and 2050, in line with the following:

- Climate Action and Low Carbon Development (Amendment) Act 2021
- Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)
- Climate Action Plan 2021
- Ireland's National Energy and Climate Plan (NECP) 2021-2030
- Roadmap For Moving to a Competitive Low-Carbon Economy In 2050
- The National Development Plan 2021-2030
- The National Planning Framework : Project 2040
- REPowerEU (2022)
- The 2030 Climate and Energy Framework
- Roadmap for Moving to a Competitive Low-Carbon Economy in 2050
- The Paris Agreement 2015
- A Sustainable Europe by 2030
- The Kyoto Protocol (and the Doha Amendment)
- White Paper on Energy – Irelands Transition to a Low Transition to a Low Carbon Future 2015-2030

Donegal Co. Co. should consider including genuinely ambitious targets for additional renewable energy production.

There is a lack of clarity around the methodology and scientific basis used to generate the wind energy designations map. In particular, it would have been useful if there was clear evidence provided that each of the parameters/factors that were used to form the areas marked as 'Not Normally Permissible' and 'Open to Consideration' were justified. The accompanying document (i.e. the Introduction and Explanation of the Scope of the Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework) to the Proposed Variation simply informs the reader what parameters/factors were used, without providing this justification. The absence of this information leads to difficulty in understanding and critiquing the process that has been carried out and which has resulted in the formation of the now proposed Map 8.2.1. By way of an example, there was no scientific evidence or statements from suitable qualified and experienced soil stability experts to support the claim that areas with a moderate-low landslide susceptibility should not be considered for wind farm developments (see Section 2.6 below for further discussion on landslide susceptibility). Even if the document had referenced suitable evidence and/or provided expert statements to support these claims, the resolution and accuracy of large national datasets would not be sufficient to determine with certainty the conditions of any particular site. Taking landslide susceptibility again as an example, the Proposed Variation Map 8.2.1 makes the assumption that all sites within these mapped areas are outright unsuitable for wind energy developments, whereas the resolution of the national landslide susceptibility dataset is not intended to be used to determine the ground conditions on any particular site with certainty¹ (see Section 2.6 below for further discussion).

There is particular concern regarding the designation change of lands into the 'Not Normally Permissible' category. The Climate Action Plan 2021 seeks a doubling of onshore wind development by 2030, and each local authority has obligations under the Climate Action and Low Carbon Development (Amendment) Act 2021 with regard to making provisions for renewable energy production. It is our opinion that reducing the areas that are designated

¹ https://www.gsi.ie/documents/National_Sus_Map_Summary_FINAL_NEW.pdf

positively for wind energy is a regressive step, and is contrary to the obligations of Donegal County Council (as the “relevant body”). under the Climate Action and Low Carbon Development (Amendment) Act 2021, Section 17, which states:

A relevant body shall, in so far as practicable, perform its functions in a manner consistent with

- a) the most recent approved climate action plan,*
- b) the most recent approved national long term climate action strategy,*
- c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- d) the furtherance of the national climate objective, and*
- e) the objective of mitigation greenhouse gas emissions and adapting to the effects of climate change in the State.*

Furthermore, the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (Dept. of Housing, Planning, Community and Local Government) from July 2017 require that each local authority does what they can to contribute to the national targets, which are themselves ambitious. It is also our opinion that given the geographical location of county Donegal on the west coast of Ireland, with one of the best wind resources in Ireland and the relatively low population density in many areas, there is high potential for the county to contribute significantly more to achieving Ireland’s renewable energy targets for 2030 and 2050, and new onshore wind projects will need to form a significant part of that.

It is noted that there is no significant area of lands categorised under the category of ‘Acceptable in Principle’ on the now proposed Map 8.2.1, being restricted to only a very small pocket in the southeast of the county. This area would be unlikely to allow a wind farm of commercial viability to be constructed, and after buffers from residential sensitive receptors are allowed for, this would not be likely to be suitable. This would reinforce the concerns that we have highlighted above, in that there appears to be more that could be done to support and proactively contribute to meeting the national targets for renewable energy production. It is more likely that instead of categorising more lands into the ‘Not Normally Permissible’ designation, it would be more appropriate that potential renewable energy projects within these areas would be assessed on their own merits

2.2 OBSERVATIONS ON SET BACK DISTANCE

The set back distance from sensitive residential receptors has been set at 10 times the turbine tip height in this currently Proposed Variation. Given that modern onshore wind turbines have a tip height of up to 200m, this will lead to an exceptional amount of the county being excluded from the possibility of having wind energy developments. This is contrary to the current national guidance and best practice, which would specifies a set- back distance of 4 times tip height or 500m (whichever is greater).

A ministerial direction² on the 2012-2018 Donegal Co. Development Plan directed Donegal County Council to remove the reference to the 10 times tip height set back, as it “*introduces an arbitrarily based and mandatorily applied exclusion or set back distance for wind turbines of ten times the tip height from noise sensitive properties, which breaches Sections 5.6 and 5.12 of the Wind Energy Guidelines 2006*”.

The ministerial direction also states that the “*planning authority have failed to demonstrate to the Minister, sufficient and evidentially based reasoning, relating to the nature and characteristics of Donegal, for the above significant policy departures from his guidelines on wind energy and has therefore failed to comply with the provisions of Section 28(1), Section 28(1B) and Section 31(c) of the Act*”.

It was noted at a Donegal County Council meeting³ on November 29th 2021 relating to the currently Proposed Variation that set back distances beyond the 4 times tip height or 500m (whichever is greater) should not be approved. The minutes of the meeting state:

Attention was drawn to the fact that the Preferred Draft Approach 2017 and the Draft Guidelines, 2019 had specified a set- back distance of 4 times tip height or 500m (whichever is greater) for visual amenity purposes and that the Planning Authority and An Bord Pleanála should not approve set back distances beyond this recommendation.

Section 9.1 of the Strategic Environmental Assessment Environmental Report that accompanies the Proposed Variation states that a set back of 4 times tip height was also considered as an alternative, but that the council members “consider that ten times tip height is a fair set back distance for modern day turbines”. It should be noted that landscape specialists did not appear to provide any guidance on this decision (See Section 2.4.3 below for further discussion relating to landscape and visual impacts). The council members voted to once again use the 10 times tip height set back distance for the current Proposed Variation. It is therefore argued that this set back distance is not usable for the same reasons mentioned above. Ignoring the points raised in the previous ministerial guidance may increase the risk of a further ministerial guidance issuing and potentially end in another Judicial Review. This does not appear to be an appropriate process to create good planning policy.

2.2.1 Settlement buffers

The Proposed Variation suggests that a 500m buffer be used around each settlement framework boundary identified in Part C of the current CDP. There are no national guidelines that support this buffer, and it does not appear to have any scientific or evidential reasoning, and is an arbitrary buffer. It is considered that the set back from residential receptors would provide the required buffers around settlements.

2

[https://www.donegalcoco.ie/media/donegalcountyc/planning/pdfs/viewdevelopmentplans/countydongaldevelopmentplan2012-2018/variationno2cdp2012-2018/ministerialdirectionsection31oct2016/Ministerial%20Direction%20in%20relation%20to%20Variation%20No.%202%20to%20CDP%202012-2018%20\(As%20Varied\).pdf](https://www.donegalcoco.ie/media/donegalcountyc/planning/pdfs/viewdevelopmentplans/countydongaldevelopmentplan2012-2018/variationno2cdp2012-2018/ministerialdirectionsection31oct2016/Ministerial%20Direction%20in%20relation%20to%20Variation%20No.%202%20to%20CDP%202012-2018%20(As%20Varied).pdf)

3

<https://www.donegalcoco.ie/media/donegalcountyc/yourcouncil/pdfs/minutesofcouncilmeetings/20202021minutes/Minutes%20of%20November%20%20Council%20Meeting%20held%2029th%20November%202021.pdf>

2.3 OBSERVATIONS RELATING TO LANDSCAPE & VISUAL

Macroworks were commissioned by Cloghercor Wind Farm Ltd. to review the Proposed Variation to the CDP. MacroWorks was established in 1999 and operates to a strict code of quality assurance and is affiliated to the Irish Landscape Institute, which is a registered member of both EFLA (European Foundation for Landscape Architecture) and IFLA (International Federation of Landscape Architects).

Macroworks have reviewed the Proposed Variation with respect to the methodology and reasoning used to determine the wind energy designations within County Donegal. A separate document detailing the findings of this assessment is provided as Appendix 3 to this submission.

In summary:

- It is unclear as to why the MSA (Moderate scenic amenity) designation, the most robust and least sensitive of the three scenic amenity designations, has not been included in the sieve mapping analysis to construct potential 'Open to consideration' and 'Acceptable in principle' wind energy classifications.
- It is highly ambiguous why large areas of the proposed wind energy classification area are located in the more sensitive and visually susceptible parts of the study area, such as the coastline and areas surrounding the Gweebarra River Estuary. It is highly contradictory for the council to remove an 'open to consideration' designation from a robust a less constrained part of the study area (areas south of the Gweebarra River that contain the proposed development site) in place of the newly proposed 'open to consideration' areas located along the more sensitive coastal parts of the county.
- The rationale provided in relation to the amendment of the Gweebarra River valley from an 'open to consideration' area to a 'not normally permissible' area is highly ambiguous and has little relevance for the removal or potential wind energy development areas.
- The proposed new policy included in the proposed amendment contradicts the WEGs policy and, if incorporated at a national level, would result in little or no potential wind energy development sites throughout the county.
- It is considered that the proposed Cloghercor Wind Farm site is a discreetly and appropriately located site that is heavily enclosed from the coastal areas of Donegal, which are renowned for the high degree of scenic amenity (yet are now considered more appropriate for wind energy development). Furthermore, the site itself is located within the MSA designation in County Donegal. These areas are described as having "the capacity to absorb additional development that is suitably located, sited and designed".

2.4 OBSERVATIONS RELATING TO ECOLOGY AND DESIGNATED SITES

Dr. Tom Gittings (Independent Ecological Consultant) was commissioned by Cloghercor Wind Farm Ltd. to review the Proposed Variation to the CDP. Proposed Variation 2 a) in Section 8.2.3 (Ref 9 of the CDP variation), includes three items relating to birds, which are separated into three paragraphs, each of which is addressed below. The remaining observations are provided by the TOBIN ecology team.

Proposed Variation 2 a) in Section 8.2.3 (Ref 9 of the CDP variation)

Special Conservation Interests are bird populations for which particular SPAs are designated (also referred to as Qualifying Interests). These include populations of species that are listed on Annex I of the Birds Directive, as well as populations of other regularly occurring migratory species. In Ireland, there are 70 bird species that have populations that are Special Conservation Interests of one, or more, SPAs. However, a species may be a Special Conservation Interest of

one SPA, but may be present at another SPA where its population is not a Special Conservation Interest, and may also occur at non-designated sites where its populations are also not Special Conservation Interests of any SPAs. The key point is that it is populations that constitute Special Conservation Interests not species: e.g., the Special Conservation Interests of the Lough Nillan Bog SPA are the populations of Merlin, Golden Plover, Greenland White-fronted Goose and Dunlin that occur at Lough Nillan Bog, and do not include populations of these species at other sites not linked to Lough Nillan Bog.

Paragraph a is poorly drafted because it starts by talking about Special Conservation Interests without defining them with reference to any SPAs. As explained above, the term Special Conservation Interest bird species misunderstands what a Special Conservation Interest represents. Presumably the intention of this paragraph is to focus on Special Conservation Interests of SPAs where there is a potential linkage between the SPA and the wind farm site.

Paragraph a also uses a 1% threshold to assess the significance of a site for Special Conservation Interest populations.

The 1% threshold was first used for selecting sites for designation under the RAMSAR convention and was subsequently applied to SPA site designation as well. In these contexts, the 1% threshold refers to 1% of a biogeographic or national population: i.e., if a site supports 1% of the biogeographic or national population of certain species, it may qualify for designation⁴. We are not aware of any scientific justification for the use of 1% threshold in these contexts (e.g., why 1%, not 1.5% or 0.5%?). However, it has gained wide acceptance, and is considered to work well in practice as it generates enough sites to constitute a reasonable network of protected sites.

The proposed use of the 1% threshold in the CDP variation is conceptually different as it involves assessing usage of habitats in a single location, rather than evaluating a network of sites across a large geographical area. Most Special Conservation Interests that become significant issues for wind farm development involve populations of less than 100 birds. But these are often wide ranging species, so a more relevant assessment is the frequency of usage of the wind farm site, relative to other parts of the species home range. This analysis is most appropriate if provided as part of an EIAR assessment and the use of an arbitrary 1% is not conducive to good planning policy

Proposed Variation 2 b) in Section 8.2.3 (Ref 9 of the CDP variation)

This paragraph again fails to make explicit the link between Special Conservation Interests and specific SPAs. This would be considered important for creating good planning policy.

The reference to establishing “more detailed usage” in Item b in this paragraph is unclear, but is presumably intended to refer collision risk modelling.

Proposed Variation 2 c) in Section 8.2.3 (Ref 9 of the CDP variation)

The reason for selecting 1 km as a threshold distance is puzzling. For many of the most sensitive species, there is already good guidance available on using distance to assess potential connectivity with SPAs⁵. More generally, the distances over which wind farm developments

⁴ The use of the 1% threshold of national populations for SPA designations is more complex than this simple summary.

⁵ SNH (2016). Assessing Connectivity with Special Protection Areas (SPAs). Scottish Natural Heritage

could affect nearby bird populations varies between species, and will also vary between sites. However, the objectives of this paragraph, as with the presumed intended objectives of the other paragraphs, are already covered by Appropriate Assessment requirements, so in practice the 1 km threshold specified in this paragraph is unlikely to have any practical relevance and it is argued that this (or other arbitrary set back distances) should not be used in this policy document.

Proposed Variation 2 d) in Section 8.2.3 (Ref 9 of the CDP variation)

This paragraph deals with water quality and aquatic sensitivities in particular. Similar to paragraph 3, the use of a 1km buffer here does not appear to have any scientific basis. There are a multitude of factors that combine to determine how far downstream of a particular point that negative impacts may be felt. Any particular development (wind or otherwise) may have an impact on a watercourse that could have impacts many kilometres downstream, and therefore a robust Appropriate Assessment (AA) will allow the consenting authority to determine the level of risk that any particular development may have on a designated site. Supporting information such as Construction and Environmental Management Plans, Water Management Plans and baseline studies would feed into the AA documents and conclusions. It is considered that the use of arbitrary set back distances is not appropriate in this policy document

Freshwater Pearl Mussel (FPM)

Variation item 3 states that the Freshwater Pearl Mussel (FPM) catchments have all been included in the designation of 'Not Normally Permissible' however it should be pointed out that there are similar risks to FPM populations/catchments from any large scale developments, and these risks are not limited to wind farms. Appropriate site design and construction methodologies will offer the necessary protections to FPM catchments. Therefore we would argue that the Proposed Variation to the CDP is biased against wind farms. A more suitable strategy would be to assess each project on its merits, thereby facilitating wind farms to be developed in suitable locations, whilst also protecting the FPM. Water quality is addressed further in Section 2.5 below. The ministerial direction on the 2012-2018 CDP stated that precluding wind farm development from the FPM catchments (as distinct from any other class of developments) on a policy level was a *"direct conflict with the framework for balanced assessment of wind energy proposals as contained in Section 5.2 'Natural Heritage' of the Wind Energy Guidelines 2006"*.

2.5 OBSERVATIONS RELATING TO HYDROLOGY & HYDROGEOLOGY

Amendment no. 3 (part 3) of the Proposed Variation states (in relation to The Gweebarra River Valley):

Whilst much of the river valley was already included in the 'Not Normally Permissible' areas, this proposal consolidated the 'Not Normally Permissible' designation having regard to the fact that the area joins two specific EHSA's The Gweebarra River and Lough Finne, within the mapped area there are spectacular views of both EHSA's Gweebarra River and Lough Finne, considering the vast environmental assets in the area – Meenmore West Bog; Coolvoy Bog; vast mature forestry; Lettermacaward Water Treatment Plant; there is potential for this area of the County to potentially play a leading role offsetting carbon omissions as well as its proximity to one of Irelands leading Salmon Fisheries.

The proposed amendment is not based on any apparent robust-scientific evidence, and it is the opinion of Cloghercor Wind Farm Ltd. that excluding areas from possible use for renewable

energy developments should only take place where there is a supporting statement from an appropriate expert and a scientific basis for doing so.

For example, if a proposed wind farm is not located in the same surface water catchment as the Lettermacaward Water Treatment Plant and its abstraction point, then the potential for impact is very low. However, irrespective of the proposed wind farm location, the presence of wind farms and water treatment plants are not mutually exclusive. Through the use of appropriate site design and construction methodology, runoff from any large infrastructural project, including wind farms, can be managed to ensure that there are no significant qualitative and/or quantitative impacts on the receiving and surrounding environment. There are many examples of water treatment plants being located in the same water catchments as wind farms around Ireland without issue.

Recent wind farm guideline policies are clearly aligned with the objectives of the Water Framework Directive and as such all wind farms that are appropriately designed by competent engineers, and robustly assessed by experienced scientists and consenting authorities will reflect these policies and objectives. The proposed Cloghercor Wind Farm will manage surface water runoff in accordance with best practice Sustainable urban Drainage Systems (SuDS) and any potential impacts will need to be assessed in detail within the application.

Any proposed wind farm development should be assessed on a case by case basis. Sustainable development of any renewable energy project, or any large infrastructural project, should be assessed to ensure that it avoids impacts on designated sites.

2.6 OBSERVATIONS RELATING TO LANDSLIDE SUSCEPTIBILITY

This section was prepared by TOBIN with input from a geotechnical expert (Ciaran Reilly and Associates).

The Proposed Variation precludes the development of wind farms in areas of high, moderately high, and moderately low peat slippage risk. We wish to state that we share the councils concern relating to the potential impact that landslides can cause, and the need to avoid any future incidents. However it is our professional opinion that this approach is not appropriate, and that the use of site specific peat stability assessments would be a more accurate way to avoid development in areas where there is a risk of slippage. This view is also supported by Geological Survey Ireland (GSI) (who compiled the national maps) in their 2016 document⁶ on the dataset.

The National Landslide Susceptibility Mapping was prepared with the purpose of assessing landslide susceptibility to assist in the identification of areas that are likely to experience land sliding and develop a model for susceptibility mapping on a national level. The map was prepared at a scale of 1:50,000, i.e. one centimetre on the map represents 500m on the ground, and is only applicable at this scale.. Further to this, the four band scale used is simple in nature, in that the number of landslides in each band is doubled. Both the spatial and classification resolution of the map is low and hence the map is intended to guide users to the appropriate degrees of site specific investigation or controls for developments, rather than making an assessment of landslide susceptibility for a site directly from the map (GSI, 2016)

⁶ https://www.gsi.ie/documents/National_Sus_Map_Summary_FINAL_NEW.pdf

The Proposed Variation to the CDP does not align with existing national policy or guidance in relation to wind farm development. In accordance with planning guidelines compiled by the DoEHLG (2016), where peat is present on a proposed wind farm development, a site specific peat stability assessment is required as part of the environmental impact assessment. The Irish Wind Energy Association (IWEA) best practice guidelines (2012) recommend that a peat stability assessment process be carried out for wind farms in areas with potential for peat slippage (or slippage of other sensitive soils) and in accordance with the Energy Consents Unit Scottish Government (2017) guidelines.

Excavation works on wind farm construction sites can induce slope failures due to the low basal strength in peat, even in relatively flat sites. These peat failures induced by excavations can extend significantly beyond the excavations, likely due to seepage forces caused by intentional or accidental drainage of the peat. As such, the potential for peat failure at a site is examined with respect to relevant wind farm construction and associated activity.

As part of the initial work of the Irish Landslides Working Group a comprehensive database of landslide events in Ireland was compiled. Landslide events, the earliest records of which date back to 1488, were added from a variety of sources. This data should also be consulted as part of a site specific assessment of landslide risk.

The national dataset on landslide susceptibility is designed to guide the user towards the appropriate rigour of assessment required to reach a conclusion, rather than determining that conclusion in advance. On this basis we would argue that the national maps should not be used to preclude wind farm development (or any large development) in any area in and of itself. Instead, an appropriate site and project specific assessment should be carried out to inform site suitability and the design of any potential wind farm.

2.7 OBSERVATIONS RELATING TO THE PROPOSED CLOGHERCOR WIND FARM AT A LOCAL SCALE

Amendment no. 3 (part 3) of the Proposed Variation states (in relation to The Gweebarra River Valley):

The Gweebarra River Valley Whilst much of the river valley was already included in the 'Not Normally Permissible' areas, this proposal consolidated the 'Not Normally Permissible' designation having regard to the fact that the area joins two specific EHSA's The Gweebarra River and Lough Finne, within the mapped area there are spectacular views of both EHSA's Gweebarra River and Lough Finne, considering the vast environmental assets in the area – Meenmore West Bog; Coolvoy Bog; vast mature forestry; Lettermacaward Water Treatment Plant; there is potential for this area of the County to potentially play a leading role offsetting carbon omissions as well as its proximity to one of Irelands leading Salmon Fisheries.

The merging of these two areas marked as 'Not Normally Permissible' does not appear to have been carried out based on the input or recommendations of experts in the various fields (landscape, ecology, soil stability, etc.), but rather appears to have been suggested by and voted on by council members. It is not clear that this was based on any robust-scientific basis, and it is the opinion of Cloghercor Wind Farm Ltd. that excluding areas from the possible use for

renewable energy developments should only take place where there is an opinion of an appropriate expert and a scientific basis for doing so.

The variation provides a number of reasons why the Gweebarra River Valley has been designated as 'Not Normally Permissible' These are:

- a) The area joins two specific EHSA's - The Gweebarra River and Lough Finne, within the mapped area there are spectacular views of both EHSA's Gweebarra River and Lough Finne,

This point is addressed fully in Appendix 3, which is written by Macroworks Ltd..

- b) the vast environmental assets in the area – Meenmore West Bog; Coolvoy Bog;

While it is true that there are a number of significant environmental assets in the area, a similar statement could be used for many suitable wind farm locations in Ireland. Each project would need to be assessed based on any potential impacts that it may have on the surrounding environment. The sensitivities of the nearby environmental assets would need to be considered, and ultimately the planning authority will make a decision on this basis.

Sites with high ecological value (such as Meenmore West Bog; Coolvoy Bog) are considered in detail in planning applications for renewable energy projects, in particular within the Appropriate Assessment documentation (as per the Habitats Directive).

- c) vast mature forestry;

The mature forestry in the Gweebarra River Valley area is primarily classified as a commercial crop that will be harvested in rotation into the future. It is very common to locate wind energy developments within such landscapes around Ireland, and this would be considered a point that is supportive of developing wind farms here.

- d) Lettermacaward Water Treatment Plant;

Donegal County Council has listed the presence of the Lettermacaward Water Treatment Plant as a reason to preclude the development of a wind farm in the Gweebarra River Valley. While it is correct to suggest that water sources for public water supplies should be given a high level of protection, this is something that can be designed around. See Section 2.5 above for further details. The presence of water treatment plant suggests the landscape is robust and capable of absorbing such developments another reason to support wind farm development in this area.

- e) there is potential for this area of the County to potentially play a leading role offsetting carbon emissions

While it is true that forestry and peatland do act as carbon sinks, they do so at a slow rate. However the combination of wind energy, forestry and peatland would offset far more carbon than the latter two alone. The use of wind energy reduces the amount of carbon that is released through burning fossil fuels in electricity production, thereby resulting in a decreased carbon loss to the atmosphere. For each wind farm Environmental Impact Assessment Report, a detail carbon balance model is run which accounts for any carbon losses due to peat excavation/drainage as well as felling of forestry, and it also looks at the carbon savings for the proposed turbines. This is then used to assess the significance of the projects' carbon and climate benefits. It should be noted that any felling of forestry that is carried out to facilitate a wind farm development would need to be replanted (on a like for like basis) elsewhere in the state. Once again, these decisions should be carried out based on the use of such detailed project specific models and assessments rather than excluding large areas from the possible development of wind turbines.

- f) proximity to one of Irelands leading Salmon Fisheries.

Similar to the points made above in relation to the FPM catchments, it is argued that appropriate site design and construction methodologies will offer the necessary protections to salmon fisheries. There may also be similar environmental threats from other large scale developments aside from wind farms. A more suitable strategy would be to assess each project on it's merits, thereby facilitating wind farms to be developed in suitable locations, whilst also protecting the salmon fisheries. Water quality is addressed further in Section 2.5 above.

Given the impending climate crisis and the current geopolitical situation, it is vital that Ireland should aim to become energy independent by developing renewable energy production (as discussed in Appendix 2). The latest EPA report⁷ states:

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.

Therefore, we would respectfully request that Donegal County Council reconsider the designation of lands in the Gweebarra River Valley as being 'Not Normally Permissible'. Use of the 'Open to Consideration' category here would be more appropriate. A site-specific Environmental Impact Assessment will allow the consenting authority to determine what level of environmental impact any potential wind farm development in the area may have. It is our opinion that each site should be considered on their own merits through the Environmental Impact Assessment process which will take account of all sensitivities (including landscape, ecology, hydrology etc.).

⁷ <https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/irelands-greenhouse-gas-emissions-projections-2021-2040.php>

Cloghercor Wind Farm Ltd. have requested to hold a meeting with Donegal County Council to discuss the specific concerns that the council may have at the proposed development site and are awaiting a date for this meeting.

3.0 CONCLUSION

Based on the above, it is considered that the Proposed Variation to the CDP is not in compliance with the following adopted legislation, policy and guidance:

- Climate Action and Low Carbon Development (Amendment) Act 2021
- Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)
- Climate Action Plan 2021
- Ireland's National Energy and Climate Plan (NECP) 2021-2030
- Roadmap For Moving to a Competitive Low-Carbon Economy In 2050
- The National Development Plan 2021-2030
- The National Planning Framework : Project 2040
- REPowerEU (2022)
- The 2030 Climate and Energy Framework
- Roadmap for Moving to a Competitive Low-Carbon Economy in 2050
- The Paris Agreement 2015
- A Sustainable Europe by 2030
- The Kyoto Protocol (and the Doha Amendment)
- White Paper on Energy – Irelands Transition to a Low Transition to a Low Carbon Future 2015-2030

The current variation contains no scientific proof and no statements from suitably qualified and experienced experts to provide justification for the use of each of the spatial datasets that contributed to the newly proposed Map 8.2.1. Many of the spatial datasets used to create these maps are based on data that is not suitable for drawing certain conclusions for any particular site, and therefore it is not considered correct or sufficient to include them to form that basis to exclude all wind energy developments in any given site. The use of site-specific data and environmental impact assessments would be much more appropriate. This is particularly true of the landslide susceptibility mapping utilised in the case of this Proposed Variation, and this should not be used as a way to preclude wind farm development. The GSI instead recommend that this is used to determine the level of assessment required on a site.

A number of other arbitrary buffers and figures were also used in the drafting of the Proposed Variation. These include:

- a 500m set back from settlements
- application of a 1% proportion of bird population (E-P-12)
- 1km setback from SPA/SAC's

The inclusion of FPM catchments in the areas designated as 'Not Normally Permissible' does not allow for a project that may have appropriate siting, design and mitigation measures, and should instead inform the assessment process rather than precluding wind farms.

The designation of the Gweebarra River Basin into the 'Not Normally Permissible' category is not justified based on the reasons provided in the variation and is counter to the Climate Action Plan and the Climate Action and Low Carbon Development (Amendment) Act 2021. We would request that the Gweebarra River Basin would be designated as 'Open to Consideration'.

It is considered that the Proposed Variation is contrary to Policy E-P-2 of the County Development Plan 2018-2024 as it does not appear to genuinely maximise the use of the potential natural resources available in County Donegal.

For the reasons set out above, we would argue that the approach to designating sites under the currently Proposed Variation is unclear and inadequate for the delivery of nationally binding targets. It also appears to be contrary to previous high court rulings and ministerial directives. The wind energy map should act as a tool for the identification of lands available for potential wind energy projects but should not in itself be used to preclude the provision of wind energy development on any one particular site. We would therefore recommend that each development should be judged individually on its own merits and in line with current good practice guidance.

Appendix 1 – Background

1.0 BACKGROUND TO THE PROPOSED VARIATION

On foot of a High Court Order made on the 5th of November, 2018, the following critical provisions of the 2018-2024 Donegal CDP relating to Wind Energy were removed.

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

As this includes Map 8.2.1, the current CDP (2018-2024) no longer contained a wind energy map.

As a result, currently there are gaps in the Plan’s policy framework in relation to wind energy. The Council is addressing these gaps by way of the preparation of a statutory Variation in accordance with Section 13 of the Planning and Development Act 2000 (As Amended) (‘the Act’).

It should be noted that a ministerial direction on the 2012-2018 CDP was of a similar vein, where the ten times tip height set back and the exclusion of Freshwater Pearl Mussel catchments were contrary to the 2006 Wind Energy Guidelines. It noted that these restrictions removed the capability for a case by case assessment of wind energy applications.

After Council meetings in November 2021 and February 2022, Donegal County Council approved the contents of the Proposed Variation. The approved Proposed Variation includes, inter alia: a new Wind Energy Map that sub-divides the County into three designations for wind energy consideration purposes: ‘Not Normally Permissible; ‘Open to Consideration’ and ‘Acceptable in Principle’; and policy for set- back distances of 10 times tip height of wind farm turbines from residential receptors.

The Proposed Variation has just been published for public consultation, and this document provides a response to that on behalf of Cloghercor Wind Farm Ltd. Public consultation is taking place and the associated Strategic Environmental Assessment and Appropriate Assessment processes have been progressed, and associated documents presented to the Plenary Council.

It is noted that in the absence of an adopted wind energy map, Donegal County Council have issued a number of planning application refusals based on the absence of planning policy.

In May 2022, the the current public consultation of the Proposed Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework was opened until the 3rd June 2022.

Appendix 2 - Policy Context and need for further renewable energy developments

1.0 POLICY CONTEXT AND THE NEED FOR FURTHER RENEWABLE ENERGY DEVELOPMENTS

The need for provision of additional renewable energy developments is driven by the following factors:

1. A legal commitment from Ireland to limit greenhouse gas emissions under the Kyoto protocol to reduce global warming;
2. A requirement to increase Ireland's national energy security as set out in the Energy White Paper. The importance of this has been highlighted by the recent rise in energy costs, and with the conflict in eastern Europe, the threat to supply of fossil fuels, and the commitment to reduce the amount of Russian oil and gas that will be imported;
3. A requirement to diversify Irelands energy sources, with a view to achievement of national renewable energy targets and an avoidance of significant fines from the EU (the EU Renewables Directive);
4. Provision of cost-effective power production for Ireland which would deliver local benefits; and
5. Increasing energy price stability in Ireland through reducing an over reliance on imported gas. This has also been highlighted in the unprecedented situation of recent months where extremely high costs of fuel have been seen as a result of the current geopolitical state.

1.1 INTERNATIONAL & EUROPEAN POLICY

There are a number of international policies which apply in Ireland in relation to the provision of clean renewable energy. A number of examples of these are discussed in the following sub-sections.

1.1.1 The 2030 Climate And Energy Framework

EU leaders agreed in October 2014 on new climate and energy objectives for 2030 following a proposal put forward by the European Commission. The 2030 framework aims to make the EU's economy and energy system more competitive, secure and sustainable. A centrepiece of the 2030 framework is the binding domestic target to reduce greenhouse gas emissions by 40% below 1990 levels by 2030. This will put the EU on the most cost-effective path towards its agreed objective of an 80-95% reduction by 2050. EU leaders also agreed on raising the share of renewable energy to at least 27%.

As of June 2018, the EU has increased its target of 27% of energy from renewable sources by 2030 to 32% which also includes a clause to allow for a further increase in the target by 2023. This amended target is a clear indication that increased renewable energy will remain at the forefront of both EU and national energy policy.

An update to this legislation is now expected in 2021 with a view to implementing the proposed at least reduction target of 55% net greenhouse gas emissions.

As part of the European Green Deal, the Commission proposed in September 2020 to raise the 2030 greenhouse gas emission reduction target, including emissions and removals, to at least 55% compared to 1990. It looked at the actions required across all sectors, including increased

energy efficiency and renewable energy, and started the process of making detailed legislative proposals by June 2021 to implement and achieve the increased ambition.

This will enable the EU to move towards a climate-neutral economy and implement its commitments under the Paris Agreement by updating its Nationally Determined Contribution.

1.1.2 Roadmap For Moving To A Competitive Low-Carbon Economy In 2050

The Energy Roadmap 2050 was published by the European Commission in 2011 and explores the transition of the energy system in ways that would be compatible with the greenhouse gas reductions targets set out in the Renewable Energy Directive while also increasing competitiveness and security of supply. To achieve these goals, the Roadmap states that significant investments need to be made in new low-carbon technologies, renewable energy, energy efficiency, and grid infrastructure. Four main routes are identified to achieving a more sustainable, competitive and secure energy system in 2050:

- Energy efficiency;
- Renewable energy,
- Nuclear energy; and
- Carbon capture and storage.

The Roadmap combined these routes in different ways to create and analyse seven possible scenarios for 2050. The analysis found that decarbonising the energy system is technically and economically feasible. Each of the scenarios assumes in the analysis assumed that increasing the share of renewable energy and using energy more efficiently are crucial, irrespective of the particular energy mix chose.

1.1.3 REPowerEU

Following the Ukrainian conflict in 2022, and the associated threats to energy supply and costs, the EU published a plan to carry out a coordinated action plan to tackle the issue. One of the main elements of the plan is allowing for a speedier consenting process for renewable energy projects, as well as assisting in faster construction times. The ultimate aim of the plan is to reduce the reliance of the EU on imported fossil fuels and improve energy security and independence. Any new CDPs (or variations to these) should account for and support this document, and it should be noted that onshore wind will need to play an important role in achieving the aims of the plan.

1.1.4 EU Commission Recommendation (on speeding up permit-granting procedures for renewable energy projects and facilitating Power Purchase Agreements)

A Commission Recommendation of 18th May 2022⁸ on speeding up permit-granting procedures for renewable energy projects and facilitating Power Purchase Agreements highlights the current urgency and priority that each European member state (and each local/planning authority within) should be placing on renewable energy developments.

⁸ SWD(2022) 149 final - {SWD(2022) 151 final}

1.2 NATIONAL POLICY CONTEXT

1.2.1 *The National Planning Framework : Project 2040*

The Department of Housing Planning and Local Government, on behalf of the Government, has prepared and published the National Planning Framework under Project Ireland 2040 and is the overarching policy and planning framework for the social, economic, and cultural development of the country. The National Planning Framework has full legislative support within the planning system, including the undertaking of regular reviews and updates. The plan makes provision for the division of the country in to three regions: The Northern and Western, Southern, and Eastern and Midland Regional Assembly areas.

For each of the three regions, the Regional Assemblies have prepared their own strategy in accordance with the Framework set by the NPF and are known as Regional Spatial and Economic Strategies. County and City Development Plan review cycles will fall in to line with their respective regional strategies, ensuring that the shared vision is carried through to the local planning level. The Plan covers a wide range of national policy objectives and National Strategic Outcomes (NSO). However, those most relevant to the proposal in question are outlined below.

- National Policy Objective 23 - Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.
- National Policy Objective 54 - Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.
- National Policy Objective 55 - Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.
- National Policy Objective 59 - Enhance the conservation status and improve the management of protected areas and protected species by: Implementing relevant EU Directives to protect Ireland's environment and wildlife; Integrating policies and objectives for the protection and restoration of biodiversity in statutory development plans; Developing and utilising licensing and consent systems to facilitate sustainable activities within Natura 2000 sites; Continued research, survey programs and monitoring of habitats and species.
- National Policy Objective 60 - Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.
- National Policy Objective 65 - Promote the pro-active management of noise where it is likely to have significant adverse impacts on health and quality of life and support the aims of the Environmental Noise Regulations through national planning guidance and Noise Action Plans.
- National Strategic Outcome 8 -The key outcome provided for under NSO 8 is 'the transition our society to a low carbon and more climate resilient society'. The NSO states that 'new energy systems and transmission grids will be necessary for a more distributed, more renewables focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy'.

The NSO goes on to state that ‘diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid’.

In summary the key steps indicated for delivering on a low carbon society are as follows:

- Delivery of 40% of our electricity needs from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond;
- Reinforce the distribution network and transmission network to facilitate planned growth;
- Strengthen energy security and resilience to support an island population of 8 million people;
- Consideration of carbon neutral electricity generation that would be facilitated through harnessing carbon capture and storage;
- Interconnector offer the opportunity to connect to the EU Grid system; and
- Roll out National Smart Grid Plan.

1.2.2 The National Development Plan 2021-2030

The revised National Development Plan (NDP) 2021 – 2030 is clearly aligned with the delivery of the objectives of the National Planning Framework. It sets out the significant level of investment, almost €116 billion, which will underpin the successful implementation of the National Planning Framework and drive it forward over the next 10 years.

The NDP includes National Strategic Outcome 8 – Transition to a Low-Carbon and Climate Resilient Society. The NDP recognises that the national objective of transitioning by 2050 to a competitive low-carbon, climate resilient, and environmentally sustainable economy and society must influence public capital investment choices over the next 10 years. It acknowledges that Ireland’s energy system requires a radical overhaul to achieve its energy and climate objectives by 2050. This means how energy in Ireland is generated and used needs to fundamentally change. Investment in renewable energy sources, ongoing capacity renewal, and future technology affords Ireland the opportunity to comprehensively decarbonise our energy generation. Renewable energy, including wind technology, will play a key role in helping to diversify away from a reliance on fossil fuels.

National Policy Objective 55 of the NPF has a stated aim to: “Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.”

1.2.3 Ireland’s National Energy And Climate Plan (NECP) 2021-2030

The Department of Communications, Climate Action and Environment has published the National Energy and Climate Plan (NECP) 2021-2030. This policy considers energy and climate policies developed to date, the levels of demographic and economic growth identified in the Project 2040 process and includes all of the climate and energy measures set out in the National Development Plan 2018-2027.

The NECP envisages a target of at least 55% renewable energy in electricity by 2030 and builds on the existing national energy and climate policy framework documents, which aim to diversify

and decarbonise Ireland's electricity generation sector, with the long-term objective of decarbonising the energy sector and achieving an economic transformation with a carbon neutral agriculture and land use sector by 2050. The NECP is structured according to the Governance Regulation, covers all Energy Union dimensions and includes a robust analytical basis, presenting several scenarios with existing and additional measures.

1.2.4 Climate Action Plan 2021

The Climate Action Plan 2021 sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. The updated action plan recognises that Ireland has been very successful in deploying renewable electricity, with 30.1% of electricity produced from renewable sources in 2017. The Plan notes that demand for electricity is forecasted to increase by 50% above existing capacity in the next decade.

To achieve Ireland's 2030 target and subsequent net zero carbon energy system by 2050, a detailed sectoral roadmap has been designed to deliver a cumulative reduction in emissions over the period 2021 to 2030 of 58.4 MtCO_{2eq}. The analysis presented in the Plan shows that it is technically feasible to meet this target and also economically achievable.

One of the most important measures in the plan is to increase the proportion of renewable electricity to up to 80% by 2030. This target includes for up to 8000 MW of installed onshore wind energy, at least 5000 MW of installed offshore wind energy and 1500 – 2500 MW of installed solar energy. In order to achieve the target of 70% in the context of rising energy demand, significant progress in renewable electricity deployment will need to continue, with an increased deployment rate of all renewable electricity technologies.

- At least 3.5 GW of offshore renewable energy;
- Up to 1.5 GW of grid-scale solar energy; and
- Up to 8.2 GW total of increased onshore wind capacity.

1.2.5 Renewable Electricity Support Scheme (RESS)

RESS is a Renewable Electricity Support Scheme, which provides financial support to renewable electricity projects in Ireland. It is a pivotal component of the National Energy and Climate Plan and is essential for achieving Ireland's renewable electricity targets by 2030. Auctions will decide which generators will receive contracts.

The RESS auctions are delivered by a number of organisations and agencies, namely the Department of the Environment, Climate and Communications (DCCAE), Commission for Regulation of Utilities (CRU) and EirGrid, working together. With a primary focus on cost effectiveness, the RESS will deliver a broader range of policy objectives, including:

- An enabling framework for community participation through the provision of pathways and supports for communities to participate in renewable energy projects;
- Increasing technology diversity by broadening the renewable electricity technology mix (the diversity of technologies);
- Delivering an ambitious renewable electricity policy to 2030;
- Increasing energy security, energy sustainability and ensuring the cost effectiveness of energy policy.

The provisional results for the RESS 2 auction (i.e. the second such auction) were announced on 20th May 2022, where 2,747.89 GWh of the 3,772 GWh bids submitted have been identified as provisional winners. This equates to approximately 414 MW of onshore wind and 1,534 MW of

solar and represents a potential increase of nearly 20% in Ireland’s renewable energy generation. A distribution of the results are shown on Figure 2 below, with only a very small contribution of new renewable energy coming from Co. Donegal. This demonstrates that Donegal has capacity to accommodate more wind energy and the CDP should be used as a mechanism to support the maximum potential of the rich renewable resources in Co. Donegal.

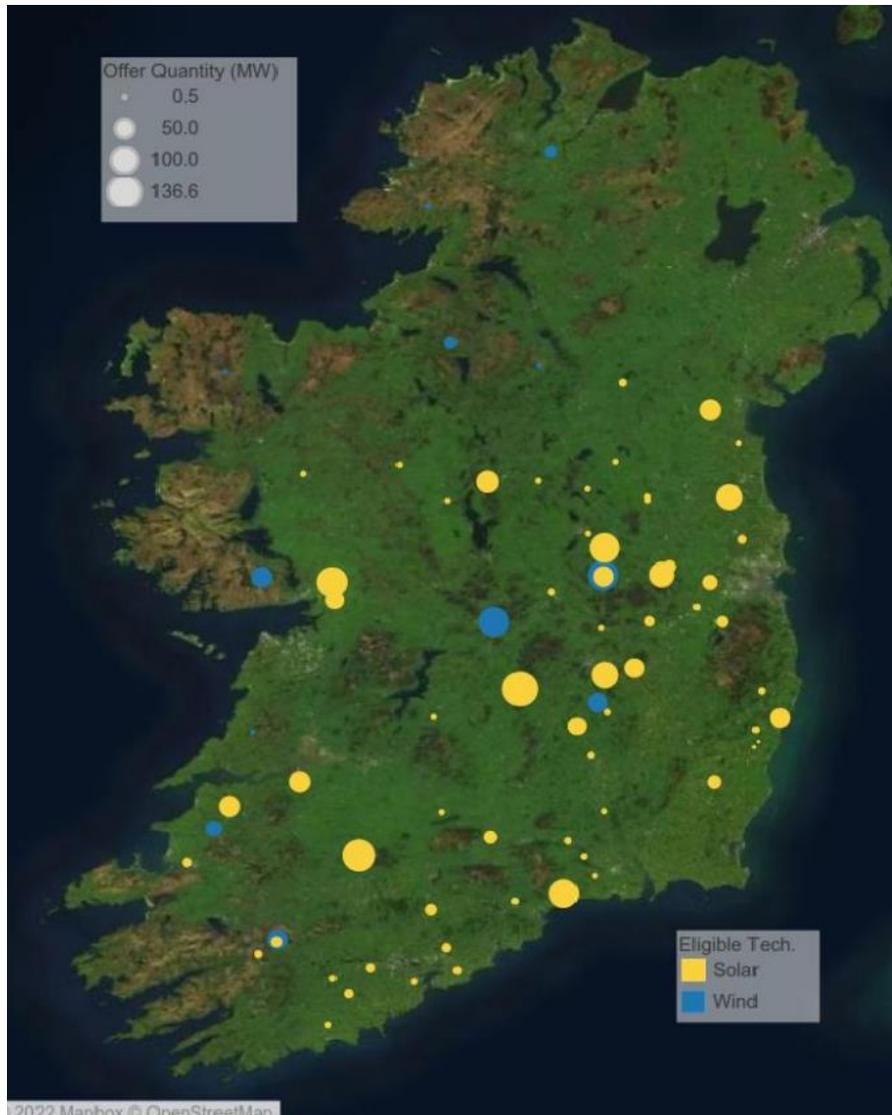


Figure 2 Provisional results of the May 2022 RESS auction

1.3 LOCAL POLICY

The arguments put forward in this document in relation to the Proposed Variation are fully compatible with the existing CDP objectives and policy relating to renewable energy.

Section 8.2.3 of the original 2018-2024 plan sets out policies in relation to wind energy and states;

- **E-P-2:** It is a policy of the Council to facilitate the appropriate development of renewable energy from a variety of sources, including, hydro power, ocean energy, bioenergy, solar, wind and geo-thermal and the storage of water as a renewable kinetic energy resource, in accordance with all relevant material considerations and the proper planning and sustainable development of the area.

It is considered that the Proposed Variation is contrary to the above Policy E-P-2 of the County Development Plan as it does not appear to genuinely maximise the use of the potential natural resources available in County Donegal.

As referenced in Appendix 1 of this submission, the Wind Energy Map 8.2.1 has been removed from the current CDP with the replacement map forming part of the current consultation.

**Appendix 3 – Landscape and Visual Submission Statement: Donegal CDP
2024-2030 pre-draft Proposed Variation to the County Donegal
Development Plan 2018-2024 (as varied) in relation to Cloghercor Wind
Farm**

Submission Statement

Proposed Variation to the County Donegal Development Plan 2018-2024 (as varied)

In relation to Cloghercor Wind Farm

By Macro Works, May 2022



Introduction

This submission statement has been prepared on behalf of Orsted and Future Energy Ireland (FEI) to supplement a comprehensive response to the proposed variation to the Donegal County Development 2018-2024 in relation to the proposed Cloghercor Wind Farm located southeast of the Gweebarra River and south of the small village of Doocharry. Of particular interest to Orsted and FEI are the repercussions of the new 'Map 8.21 Wind Energy' for the proposed development. The following submission gives an analysis of the proposed variation to the County Donegal Development Plan 2018-2024 in respect of a Wind Energy Policy Framework with regard to landscape and visual, and identifies its potential implications for the proposed Cloghercor Wind Farm.

Existing Site Context

The proposed development is located along a section of the Gweebarra River valley to the east of the Gweebarra Bridge and the Gweebarra River estuary. The site is situated along rolling valley-side terrain ranging between 10-300m AOD and is contained to the south and east by a broad rolling ridgeline. In terms of land use, almost the entire site area is cloaked in extensive mature conifer forestry, whilst areas of moorland and corridors of riparian vegetation occur along the site's periphery. The nearest settlement to the site is that of the small riverside village of Doocharry, located to the north of the site, whilst the small village of Lettermacward is situated to the west of the site. The nearest agglomeration of residential dwellings is located to the north/northwest of the site on the south/southeast facing slopes of the Gweebarra river valley.

With regard to existing landscape and visual designations that contain the site, the proposed development is principally located within an area of 'Moderate Scenic Amenity (MSA)', whilst an 'Especially High Scenic Amenity (EHSA)' designation is located along the immediate corridor of the Gweebarra River and along the most elevated areas within the site, along its southern and south-eastern boundary. The nearest scenic view designation is located at the Gweebarra Bridge and is oriented

northeast and southwest from the bridge structure along the corridor of the Gweebarra River. Two other scenic view designations occur at the settlement of Doochary north of the site and Lough Finn to the east of the site (Figure 2 refers). Both of these scenic designations are oriented in the opposite direction to the proposed development. With regard to wind energy policy, the proposed site is principally located in an area 'open to consideration' for wind energy development within County Donegal. Nonetheless, it is important to note that this wind energy mapping was removed from the current CDP in 2018 on foot of a High Court Order.

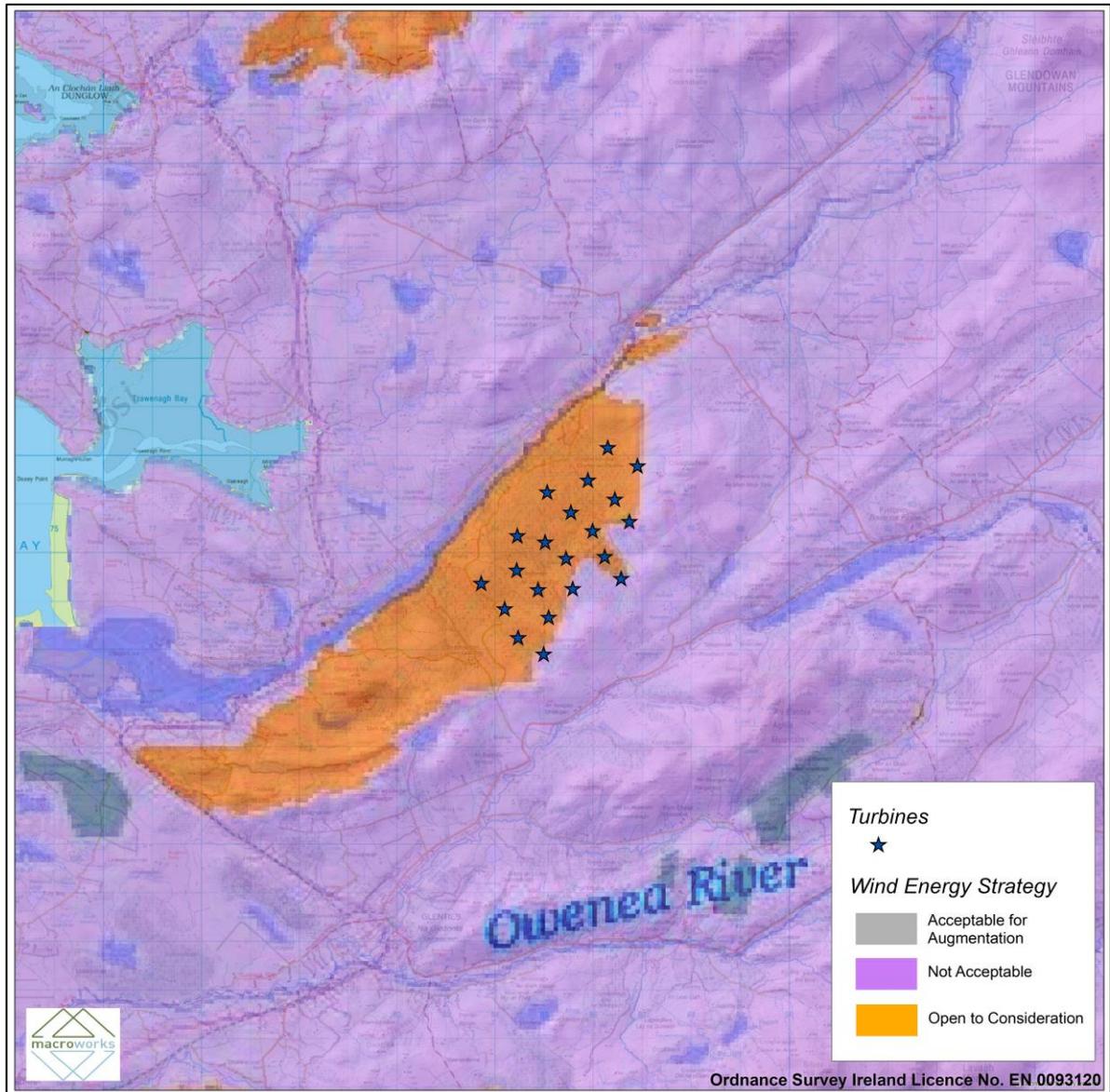


Figure 1: Excerpt from map 8.2.1 of the current Donegal County Development Plan (removed on foot of High Court Order) showing an early stage layout of the proposed Wind Farm in relation to wind energy policy areas.

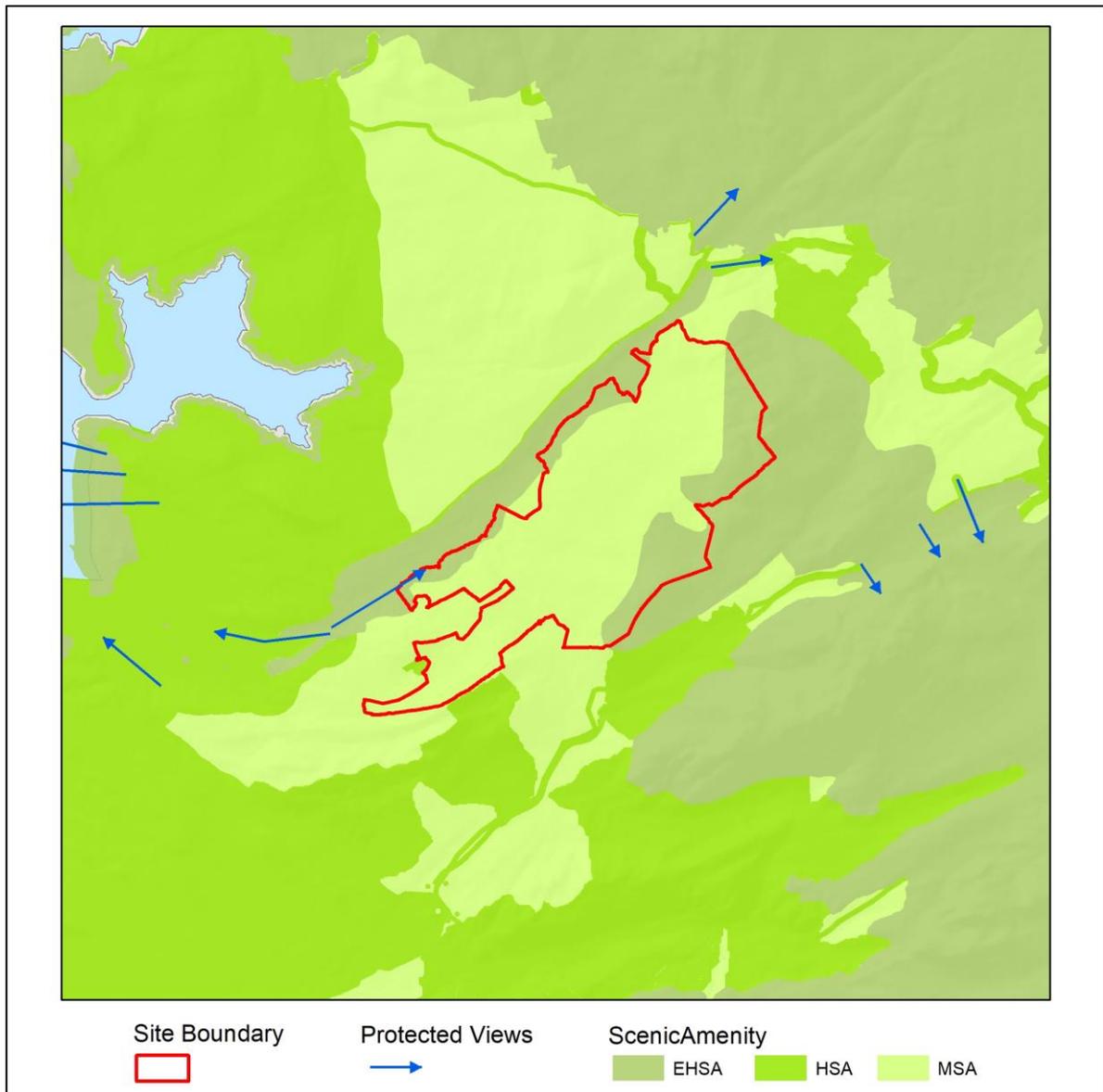


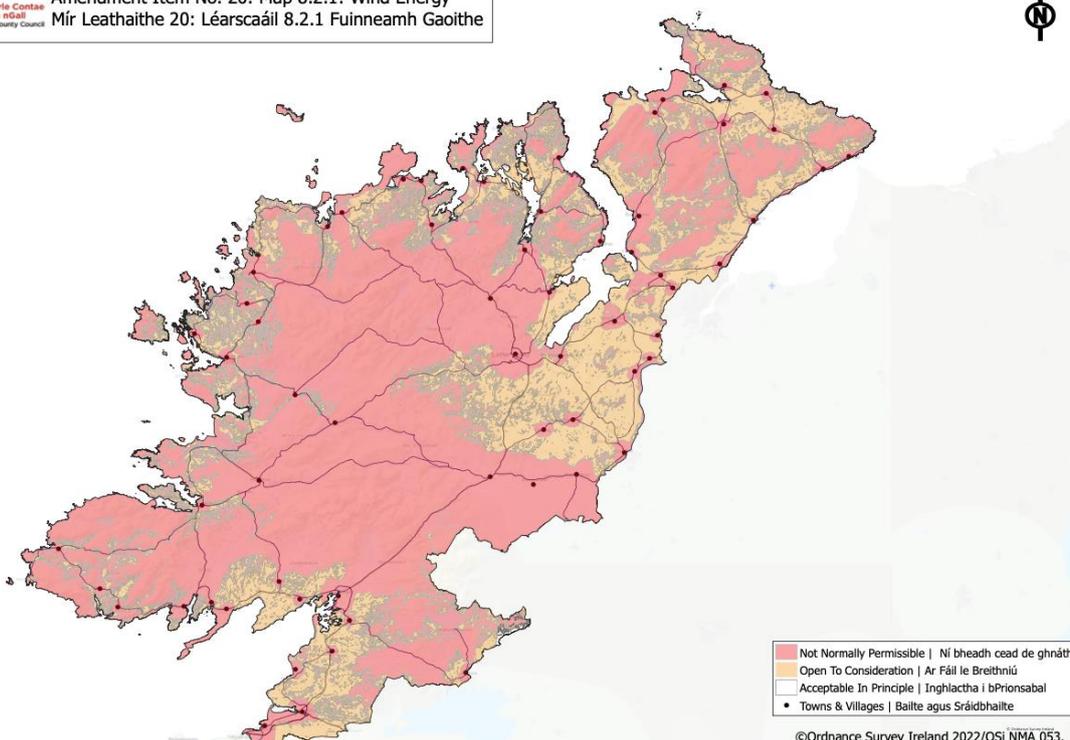
Figure 2: Scenic amenity and protected view designations in relation to the proposed development

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

An updated map (map 8.2.1 wind energy - Figure 3 below refers) showing wind energy policy areas is included within the proposed variation to the County Donegal Development Plan. This includes an updated but similar set of wind energy policy classifications as the previous wind energy policy map that was subsequently removed on foot of a high court order. The updated classification includes areas 'open to consideration', 'not normally permissible' and 'acceptable in principle'. The 'acceptable in principle' designation, the newest wind energy policy classification, encompasses an exceptionally small area of land cover within Donegal and comprises several small polygons located on the Donegal Tyrone border north of the Tenor River.



Amendment Item No. 20: Map 8.2.1: Wind Energy
Mír Leathaithe 20: Léarscáil 8.2.1 Fuinneamh Gaoithe



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Figure 3: Map 8.2.1 showing wind energy policy areas within County Donegal in relation to the site (Proposed variation to the County Donegal Development Plan 2018-2024)

With regard to the proposed Cloghercor Wind Farm development, the Wind Farm site now appears to be located in a ‘not normally permissible’ wind energy policy area, which contrasts with the previous ‘open to consideration’ classification (CDP 2018-2024) that contained much of the site. The wind energy policy surrounding the site has also been revised, with areas north of the Gweebarra River corridor now classified as ‘open to consideration’. It is important to note that these areas comprise a notable population of rural residential dwellings. Furthermore, much larger areas of ‘open to consideration’ occur further to the west of the site, which again contrast with the previous wind energy policy, and encompass the settlement of Lettermacward, Toome Lough, highly scenic coastal areas in the surrounds of Corr Point and the mouth of the Gweebarra River – areas that will automatically be precluded from wind energy development due to required residential setback distances.

Table 1 of the proposed variation to the County Donegal Development Plan 2018-2024 (WEPF) sets out its response to policy outlined in the current draft of the Wind Energy Development Guidelines (WEGs) 2019. With regard to the WEGs policy SPPR1 (3), the proposed variation states “map 8.2.1 entitled ‘Wind Energy’ designates areas as ‘Acceptable in Principle’, ‘Open to Consideration’ and ‘Not Normally Permissible’. This Map was prepared using, as a basis, the methodology set out in Section 3.6 of the draft Guidelines”. This map was subsequently amended by the local authority, changing areas from ‘Open to Consideration’ to ‘Not Normally Permissible’. The most relevant of these to the proposed development include amendment 3 and amendment 6 as set out below;

(3) The Gweebarra River Valley – Whilst much of the river valley was already included in the ‘Not Normally Permissible’ areas, this proposal consolidated the ‘Not Normally Permissible’ designation having regard to the fact that the area joins two specific EHSA’s The Gweebarra River and Lough Finne, with the mapped area there are spectacular views of both EHSA’s Gweebarra River and Lough Finne, considering the vast environmental assets in the area – Meenmore West Bog; Coolvoy Bog; vast mature forestry; Lettermacaward Water Treatment Plant; there is potential for this area of the County to potentially play a leading role offsetting carbon omissions as well as its proximity to one of Irelands leading Salmon Fisheries”.

(6)Entire Especially High Scenic Amenity Area (per Map 6.1.1). Of note here is that the entire designated EHSA was already contained within the designated ‘Not Normally Permissible’ areas.

Analysis of Updated Wind Energy Policy and Mapping

In updating the wind energy mapping for County Donegal, the Council states “*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)*”. Nonetheless, in relation to landscape and visual, the updated wind energy mapping is considered flawed for the following reasons;

1. Table 1 of the draft WEGs clearly identifies a step-by-step approach to identifying suitable locations for wind energy development. Step two of this table states “*factors that can inform landscape sensitivity to wind energy development include scenic quality, rarity, uniqueness, natural and cultural heritage and environmental considerations. Special attention is recommended in areas (such as coastal or island areas) where there is higher potential for the occurrence of adverse visual impacts arising from limited assimilative capacity.*” Whilst the council has continued to exclude EHSA designations from the wind energy policy mapping, their use of the following two scenic amenity classifications (both of which are deemed less sensitive than the aforementioned EHSA designation) in the sieve mapping analysis is relatively ambiguous. The HSA designation is included as a spatial data layer used in the construction of ‘open to consideration’ areas, however the following and less sensitive MSA designation is not included. It is unclear as to why the most robust of the three scenic amenity classification has not been used as a basis to construct ‘open to consideration’ and ‘acceptable in principle’ wind energy policy areas, as scenic quality is one of the principle factors that can affect wind energy policy areas. Furthermore, this appears to be in direct contrast to the previous wind energy mapping for County Donegal, which previously appeared to include the MSA designation as a basis to create ‘open to consideration’ areas.

As examples, the site of the proposed Cloghercor wind farm is principally located within an MSA designation on the previous wind energy policy mapping. The relationship between wind energy policy areas and scenic amenity classifications is clearly accounted for here, as a broad linear area of 'open to consideration' located to the south of the Gweebarra Rivers is directly aligned with an MSA designation (see Figure 4 below). In contrast to this, the relationship with Donegal's Scenic Amenity classifications in the updated wind energy policy mapping is much less apparent.

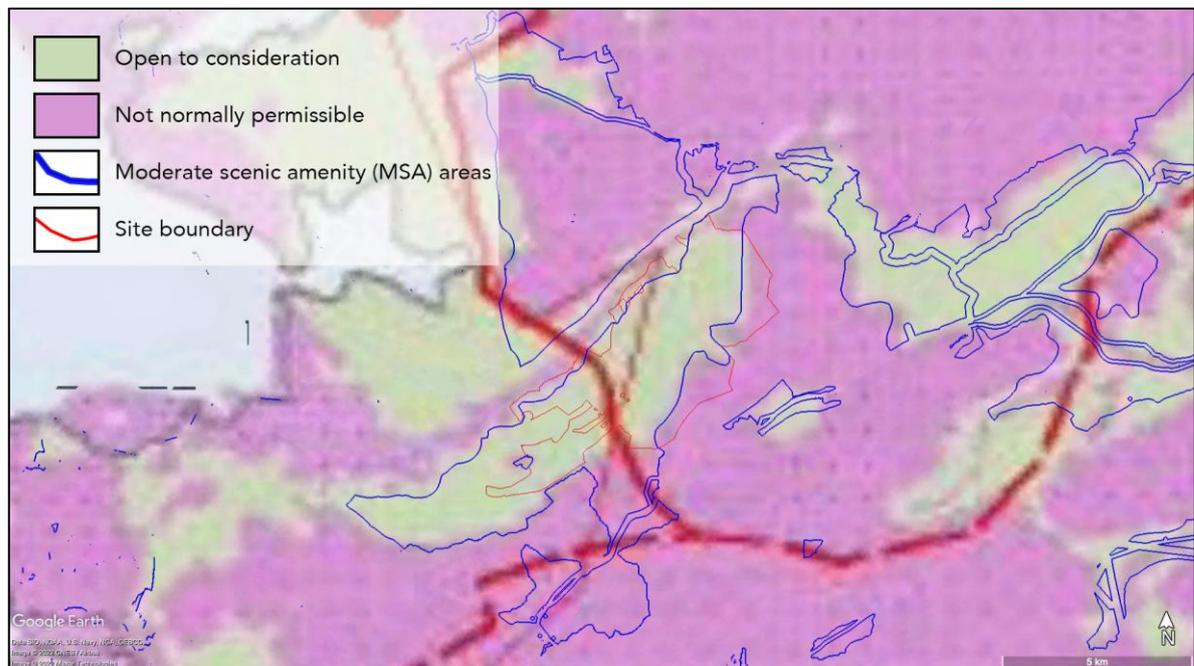


Figure 4: Excerpt from the Donegal CDP 2012-2018 wind energy mapping (showing the clear relationship between the 'open to consideration' wind energy policy and the Moderate Scenic Amenity (MSA) designation (blue line).

2. The current CDP identifies 'views to be protected' throughout Donegal, many of which are often associated with the coastline. Donegal's coastline is deemed one of the most visually sensitive parts of the county, highlighted by the EHSA designation that occurs along the entirety of the immediate coastline. In some instances, the proposed wind energy mapping appears to be at odds with the views to be protected, especially those along the coastline. As an example, the proposed wind energy policy mapping includes numerous areas 'open to consideration' in the surrounds of the Gweebarra River estuary, which also includes two views to be protected. One such view to be protected is oriented west from the N56 at Maas. Nonetheless, the proposed wind energy mapping highlights areas 'open to consideration' west of the N56 and along the adjoining coastline. From a landscape and visual perspective, it is highly ambiguous as to why these areas are classified with an 'open to consideration' designation, as any wind energy development here would likely be at odds with policy NH-P-17 in the current CDP. It is also important to note that table 1 of the WEGs clearly identifies the need for special attention in areas "such as coastal or island areas" where there is higher potential for the

occurrence of adverse visual impacts. Finally, the council includes a direct contradiction to their 'open to consideration' designations in the surrounds of the Gweebarra River basin in the new Policy E-P-23, which states *"It is policy of the council that wind farm developments: 1(ii) must not be located within the following areas, subject to the possible exceptions set out in Policy E-P-12(1)(c)(ii): (b) the Gweebarra River Basin"*

The proposed Cloghercor development has been discreetly and appropriately sited away from Donegal's most scenic and visually susceptible landscape areas. One of the principal mitigation measures employed in the siting of the proposed development was that it was entirely located away from the immediate coastline. The location of the site itself is in a contained valley setting that has limited potential to notably influence the more sensitive and scenic coastal areas within Donegal landscape such as the Gweebarra River estuary. Thus, from a landscape and visual perspective, it appears highly contradictory for the council to remove a robust and less constrained 'open to consideration' designation that previously contained the site, in place of newly proposed 'open to consideration' areas located along the more sensitive and highly constrained coastal parts of the county, such as the surrounds of the Gweebarra River estuary.

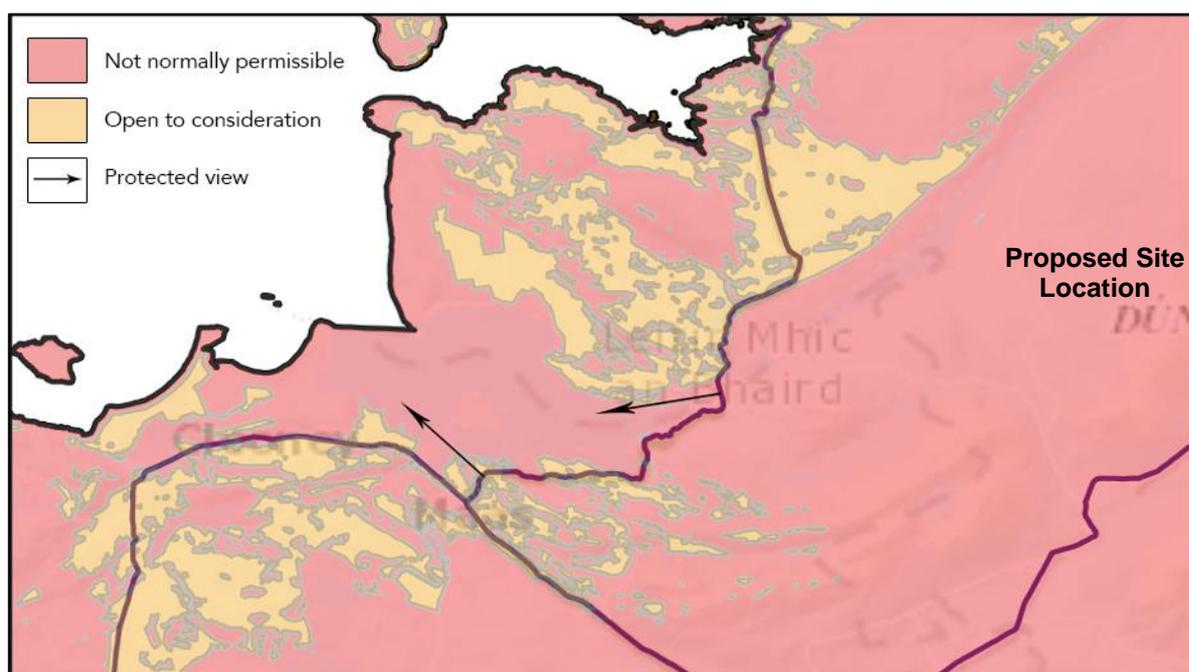


Figure 5: Excerpt from the proposed wind energy mapping for Donegal showing wind energy classifications in relation to protected views, sensitive coastal areas and the proposed development site.

3. As mentioned previously, the landscape policy that contains the site of the proposed Cloghercor wind farm has changed from 'open to consideration' to 'not normally permissible'. Whilst the proposed variation includes some rationale for this change, it is considered that the rationale provided is highly ambiguous, some of which has little relevance for the exclusion of potential wind energy development.

Amendment 3 states that *“much of the river valley (Gweebarra River) was already included in the ‘not normally permissible’ areas”*. This is a highly inaccurate statement as an area stretching upwards of 13km in length extending south from the Gweebarra River basin towards the settlement of Doochary along the north/northwest face of the Gweebarra River valley was previously classified as ‘open to consideration’ in relation to wind energy development (see Figure 4 above).

The amendment text then states *“Whilst much of the Gweebarra River valley was already included in the ‘Not normally permissible’ areas, this proposal consolidated the ‘Not Normally Permissible’ designation having regard to the fact that the area joins two specific EHSA’s the Gweebarra River and Lough Finne, within the mapped area there are spectacular views of both EHSA’s Gweebarra River and Lough Finne”*. It is considered an inaccurate representation to state that ‘spectacular views’ are afforded of both EHSA’s from here. Lough Finn is almost entirely screened from within this part of the Gweebarra River valley. Therefore, it is not considered a relevant constraint for the removal of an ‘open to consideration’ designation. Furthermore, whilst pleasant views are afforded from the immediate surrounds of the Gweebarra River valley, much of the area highlighted for removal from the ‘open to consideration’ designation is cloaked in dense commercial conifer forest and provides little clear visibility of the river context. This is further reinforced by the fact that this extensive area between the two EHSA’s is contained in the most robust and least sensitive scenic amenity classification - an MSA designation.

The following text in amendment 3 identifies some reasoning for the removal of the ‘open to consideration’ area in the surrounds of the Gweebarra River valley, however, the relevance of this is questionable at best. One constraint given is the *“vast mature forestry”* that cloaks the southern river valley context, much of which carpets the proposed Cloghercor site. Indeed this is somewhat misleading as it should be titled ‘vast commercial conifer forest plantations’, which are typically associated with wind farm developments throughout the country. Whilst these extensive areas of commercial forestry are highlighted as a constraint, in reality, this is more a reason for the suitability of this landscape area for wind farm development. Again, the amendment text identifies the Lettermacaward Water Treatment Plant as an additional constraint for potential wind energy development, however, with regard to landscape and visual, this further highlights the robustness of this landscape context, which currently accommodates a variety of land uses and development types.

Finally, point three's amendment text identifies this area's potential to *“play a leading role offsetting carbon omissions”*. For this area to play such a role, the combination of wind energy development located within extensive areas of forestry would undoubtedly play a more significant role than just the existing forestry alone. With regard to landscape and visual, it is considered that this piece of amendment text highlights that although this landscape area contains some degree of landscape and visual constraints, it is a relatively robust and

somewhat modified setting comprising various land uses, the most prominent being, the extensive areas of commercial conifer forestry, which highlights the appropriateness of this area for wind energy development more than anything else.

Overall, it is clear that the updated wind energy policy mapping and proposed variation to the wind energy policy framework are highly contradictory and aim to preclude wind energy development throughout Donegal. Despite including an updated wind energy policy mapping for the county, which designates a relatively insignificant 'acceptable in principle' classification but some notable areas of 'open to consideration', the proposed variation appears to almost entirely preclude the potential for any wind energy development, as the proposed policy E-P-23 states, *"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"*. In the current scenario where proposed turbines in commercial-scale wind farms range from 150m – 200m tip height, this policy would inevitably eliminate all potential 'open to consideration' and 'acceptable in principle' areas within the county, many of which are now focused in lowland areas with notable rural population densities. Indeed, if this policy, which contradicts the WEGs (2019 – draft revised) setback distance of 4 x tip height, were to be incorporated at a national level, there would be little or no appropriate wind energy development sites throughout the country.

With regard to the proposed Cloghercor Wind Farm site, which was previously contained by an 'open to consideration' wind energy policy classification, it is considered that this site is an appropriate location for a commercial-scale wind energy development in relation to landscape and visual considerations. The existing site, south of the Gweebarra River, is contained by broad-scale landscape features and land uses, which help assimilate the scale of commercial wind energy development. The site is heavily enclosed from the coastal areas of Donegal, which are renowned for their high degree of scenic amenity (yet are now considered more appropriate for wind energy development). Furthermore, the site itself is located within the MSA designation in County Donegal. These areas are described as having *"the capacity to absorb additional development that is suitably located, sited and designed"*.

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