

# **Environmental Report of Part B: Appendix 3; Development Guidelines and Technical Standards; Section 6.5 of the Draft County Donegal Development Plan 2018-2024**

**In accordance with the 2001 Planning and Development Regulations as amended.**

**13<sup>th</sup> April 2018**



**Comhairle Contae  
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# 1 Introduction

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## 1.1 Background

The Draft County Donegal County Development Plan 2018-2024 (hereinafter referred to as the Draft CDP), Environmental Report and Appropriate Assessment were published for a period of public consultation from 19<sup>th</sup> May 2017 to 1<sup>st</sup> September 2017 inclusive. During the period of public consultation of the Draft CDP, Environmental Report and Appropriate Assessment, a total of 312 no. submissions/observations were made including 20 no. by prescribed authorities, 275 no. by the general public, 8 no. by elected members and groupings of elected members and a number of cross-directorate comments.

The Chief Executive's Report, dated October 2017, summarised and responded to each of these submissions/observations. Following consideration of this report, the Elected Members at an adjourned Council meeting on 13<sup>th</sup> December 2017, proposed a number of changes to the Draft Plan including 40 proposed Material Alterations and it was necessary to make them available for public consultation, in compliance with the requirements of Section 12(7) of the Planning and Development Act 2000 (as amended).

The review of the Draft County Donegal Development Plan 2018-2024 has been subject to an Appropriate Assessment (AA) and a Strategic Environmental Assessment (SEA) (also referred to in relation to this process as Environmental Assessment (EA) throughout the development plan process. An addendum to the SEA and the AA reports was prepared in respect of the Material Alterations.

The proposed Material Alterations that were published for public consultation consisted of the following three documents:

- Proposed Material Alterations to the Draft County Donegal Development Plan 2018-2024 (including Appendix A), February 2018.
- Strategic Environmental Assessment of Proposed Material Alterations to the Draft County Donegal Development Plan 2018-2024: Addendum to Part D Environmental Report, February 2018.
- Addendum to Appropriate Assessment: Natura Impact Report of Proposed Material Alterations to the Draft County Donegal Development Plan 2018-2024 (including Appendices A-C), February 2018.

The proposed Material Alterations to the Draft CDP were made available for public consultation during the period from 9<sup>th</sup> February 2018 to 8<sup>th</sup> March, 2018 inclusive, and submissions and observations in respect of the Material Alterations were invited during this time and a total of 32 no. submissions or observations have been received, 16 no. were received from the public and 16 no. were received from Statutory Consultees.

In particular a submission from the Minister of the Department of Housing, Planning and Local Government, (our reference PB12) was received on the 8<sup>th</sup> March 2018 pertaining to 5 different issues including Part B: Appendix 3; Development Guidelines and Technical Standards, section 6.5(f) and raised the following points in relation to this section of the Draft CDP:

- The Department's previous point (made in submission to Draft CDP on 31<sup>st</sup> August) that an SEA is required for Technical Standard 6.5 (f), since it is a mandatory development management consideration thereby falling within the framework for development consent set out in the CDP; it was suggested that this had not, as of that time, been assessed as part of the SEA process.
- The failure to submit this technical standard to an SEA would render the amended Draft CDP inconsistent with the requirements of the Interim Planning Guidelines; Renewable Energy and

Climate Change, July 2017 (section 4) and not in compliance with the SEA process in the Planning and Development Act 2000 (as amended), section 1A, and the Planning and Development Regulations 2001 (as amended by S.I.436/2004 and S.I.201/2011).

- The submission highlighted the requirements of Article 13A to 13F of the 2001 Regulations and Schedule 2B that set out the relevant requirements.
- The inclusion of the technical standard was suggested not to adhere to the procedures laid down in the statutory obligations detailed above and it was suggested that there was an appearance of a serious breach of statutory procedure.
- It recommended the Council seek legal advice on how to remedy the points above but suggested that the clearest and most effective way to remedy the procedural failure would be to remove technical standard 6.5 (f) to retain the integrity of the SEA report and thereby the CDP.

This Environmental Report has been prepared subsequent to the specific comments made in the submission from the Department of Housing, Planning and Local Government referenced above. Given that all of Section 6.5 (points a-f) require to be complied with, it is considered appropriate that the scope of this additional Environmental Report which is being prepared, along with the earlier Environmental Reports referred to above for the purpose of the EA to be carried out on the draft plan, be extended further to that recommended by the submission from the DHPLG in order to assess all of Section 6.5, (points a-f inclusive). This report relates to Part B: Appendix 3, Development Guidelines and Technical Standards, Section 6.5 (hereinafter referred to as "Section 6.5" for ease of reference) and, as noted, must be considered together with both Part D: Environmental Report of the Draft CDP 2018-2024, and the Addendum to Part D: Environmental Report of the proposed Material Alteration to the Draft CDP published February 2018. This Additional Environmental Report addresses the contents of Section 6.5 in compliance with the requirements of the Planning and Development Act, 200, as amended ("the Planning and Development Act") and the Planning and Development Regulations 2001 as amended ("the 2001 Regulations") and includes the reasonable alternatives to same and the matters set forth in Regulation 13E and Schedule 2B of the 2001 Regulations

## **1.2 Legislative Context**

The Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004) (as amended by SI No. 201 of 2011) transpose the European Strategic Environmental Assessment (SEA) Directive 2001/42/EC into Irish Law by amending and inserting Regulations into the 2001 Regulations. The former Department of the Environment Heritage and Local Government issued guidelines in November 2004 on the implementation of the SEA Directive (2001/42/EC) entitled 'Assessment of the Effects of Certain Plans and Programmes on the Environment'.

A Strategic Environmental Assessment (SEA) of the Draft County Donegal Development Plan 2018-2024 is a mandatory requirement pursuant to Article 13B of the aforementioned SEA Regulations, and for this purpose this Environmental Report, along with the two earlier Reports referred to above, has been drafted pursuant to the 2001 Regulations.

The SEA guidelines outline the SEA process and set out the following requisite steps as outlined in Table 1.1.

Table 1.1: Steps in the SEA Process (references to the Manager are now to be read as references to the Chief Executive of a County Council)

Scoping: Consultation with Statutory bodies and other interested parties on the scope and level of detail to be considered in the assessment	<b>Completed</b>
Preparation of Environmental Report: An assessment of the likely significant impacts on the environment as a result of the Plan.	<b>Completed</b>
Consultation on the Draft County Donegal Development Plan and associated Environmental Report and Appropriate Assessment.	<b>Completed</b>
Evaluation of submissions and observations made on the Draft County Donegal Development Plan, Environmental Report and Appropriate Assessment.	<b>Completed</b>
Considerations of Managers Report on submissions and observations made on the Draft County Donegal Development Plan, Environmental Report and Appropriate Assessment and considered at an adjourned Council meeting on 13 <sup>th</sup> December 2017.	<b>Completed</b>
Publication of proposed Material Alterations to Draft County Development Plan and associated Strategic Environmental Assessment and Appropriate Assessment.	<b>Current Stage</b>
Preparation of an SEA Statement identifying how environmental considerations and consultation have been integrated into the Adopted County Development Plan.	<b>To be Completed</b>

Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change were published under Section 28 of the Planning and Development Act 2000 (as amended) by the DHPCLG in July 2017. The Interim Guidelines include a provision at paragraph no. 4. (3) that any proposal to introduce or vary a setback distance or distances for wind turbines from specified land uses or classes of land use within Development Plans may be permissible subject to being SEA'd and that a material consideration of such proposals in the SEA would be whether the proposal would create a significant limitation or constraint on renewable energy projects including windfarms. Any proposal to introduce or vary such a setback distance would require to demonstrate compliance with paragraph 4(2) of the Guidelines that required an indication for how the implementation of the plan over the effective period will contribute to realising overall national targets on renewable energy and climate change targets, in particular wind energy production and potential resource (MW). It is to be noted that the Setback distance referred to in Section 6.5(f) is already contained in the existing development plan and is not being varied by the draft plan currently under consideration by the members and thus the application of paragraph 4(3) of the guidelines to same does not appear clear.

### **1.3 The Process of Strategic Environmental Assessment**

Strategic Environmental Assessment (SEA) is a systematic and effective process for ensuring that environmental issues are taken into account at every stage in the preparation, implementation, monitoring and review of plans, programmes and strategies. This document comprises the Environmental Report of Part B: Appendix 3, Development Guidelines and Technical Standards, Section 6.5 of the Draft CDP in accordance with the requirements of the Planning and Development Act 2000 (as amended), Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004) (as amended by SI No. 201 of 2011). This Environmental Report on Section 6.5 of the Draft CDP, is further to and should be considered in conjunction with 'Part D: Environmental Report of the Draft County Donegal Development Plan 2018–2024' May 2017 and Addendum to Part D: Environmental Report of the Material Alterations to of the proposed Material Alterations of the Draft CDP, February 2018, and should be read in conjunction with the Environmental Reports as well as the Draft CDP, the Stage 2 AA Natura Impact Report (NIR) and the Addendum to the NIR.

The Environmental Report and includes a description of the current environment along with an assessment of the effects of implementing the policies and objectives of the Draft CDP, necessary changes and considerations and mitigation and monitoring proposals going forward. This Environmental Report is subsequent to both previous Environmental Reports and outlines the

assessment of Part B: Appendix 3, Development Guidelines and Technical Standards, Section 6.5 and identifies the extent to which section 6.5 impacts on the SEOs contained in the Environmental Report.

The assessment of Part B: Appendix 3, Development Guidelines and Technical Standards, Section 6.5, Wind Energy shall follow the same assessment process as set out in Section 8.2 and Table 8.4 of the CDP Environmental Report and tables 1.2 and 1.4 of the Addendum to the Material Alterations Environmental Report for reasons of clarity and consistency. This shall be examined and an assessment shall be made as to whether or not technical standards 6.5 shall have an effect (as set out in Table 1.2 below) on each Strategic Environmental Objective, as set out in Table 1.3 below.

Table 1.2: Categories for Assessment

<b>Probable Conflict</b> with status of SEOs-unlikely to be mitigated to an *acceptable level	<b>Potential Conflict</b> with status of SEOs – likely to be mitigated to an *acceptable level	<b>Uncertain</b> interaction with status of SEOs	<b>Neutral</b> interaction with status of SEOs	<b>No Likely</b> interaction with status of SEOs	<b>Likely to Improve</b> the status of the SEOs
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\*An acceptable level means where the conflict with the status of the SEO would be rendered benign or reduced through mitigation measures and thereby become acceptable in terms of well established principles of proper planning and sustainable development.

Table 1.3: Strategic Environmental Objectives

Environmental Component	SEO code:	Strategic Environmental Objective
<b>Biodiversity, Fauna and Flora</b>	BIO1	Ensure compliance with the Habitats Directive by protecting all Natura 2000 sites and habitats of species (SACs and SPAs) within the County and within a surrounding 15km buffer including cross border linkages, or a wider zone of influence where potential impact is considered possible, including Freshwater Pearl Mussel catchment areas.
<b>Biodiversity, Fauna and Flora</b>	BIO2	Conserve and enhance the diversity of habitats and protected species and promote the sustainable management of these areas within the County and within a surrounding 15km buffer including cross border linkages, or a wider zone of influence where potential impact is considered possible.
<b>Biodiversity, Fauna and Flora</b>	BIO3	Protect the marine environment within the County and within a surrounding 15km buffer including cross border linkages, or a wider zone of influence where potential impact is considered possible, and promote integrated coastal zone management strategies.
<b>Biodiversity, Fauna and Flora</b>	BIO4	Protect macro-corridors and contiguous areas of habitat within the County and within a surrounding 15km buffer including cross border linkages, or a wider zone of influence where potential impact is considered possible.
<b>Population</b>	POP1	Facilitate a good quality of life based on high-quality residential, working and recreational environments.
<b>Population</b>	POP2	Facilitate more sustainable travel patterns.
<b>Human Health</b>	HH1	Minimise noise, vibration and emissions from traffic, industrial processes and extractive industry.
<b>Soil (Including Minerals)</b>	SL1	Protect and maintain the quality of soils.
<b>Soil (Including Minerals)</b>	SL2	Protect and conserve geological sites.
<b>Soil (Including Minerals)</b>	SL3	Give preference to the re-use of brownfield lands, rather than developing greenfield lands.
<b>Soil (Including Minerals)</b>	SL4	Minimise the amount of waste to landfill

Environmental Component	SEO code:	Strategic Environmental Objective
<b>Water</b>	WR1	Protect and enhance the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on the aquatic ecosystems, in accordance with the relevant River Basin Management Plan (RBMP).
<b>Water</b>	WR2	Protect the quality of surface and drinking water quality as sources of drinking water, assets for amenity, and recreation and ecosystem purposes.
<b>Water</b>	WR3	Promote sustainable water use based on a long-term protection of available water resources.
<b>Water</b>	WR4	Reduce progressively discharges of polluting substances to waters.
<b>Water</b>	WR5	Manage the risk of coastal, estuarine and fluvial flooding. Manage the risk of droughts.
<b>Coast/Marine Resource</b>	CM1	Avoid coastal erosion and promote coastal protection.
<b>Coast/Marine Resource</b>	CM2	Manage the coastal zone as an environmental and tourist resource.
<b>Coast/Marine Resource</b>	CM3	Protect Designated Shellfish Waters.
<b>Air/Climatic Factors</b>	AC1	Support implementation of National Climate Strategy 2007-2012.
<b>Air/Climatic Factors</b>	AC2	Reduce all forms of air pollution.
<b>Air/Climatic Factors</b>	AC3	Promote and support a shift from fossil fuel dependent energy to more sustainable energy. Promote and support a shift from fossil fuel dependant vehicles to more sustainable modes of travel.
<b>Material Assets</b>	MA1	Maintain and improve the availability and quality of community related infrastructure, services and facilities and ensure the prudent management of environmental resources.
<b>Material Assets</b>	MA2	Avoid flood risk and/or coastal erosion in selecting sites for development.
<b>Cultural Heritage</b>	CH1	Promote the protection and conservation of the cultural, including architectural and archaeological, heritage.
<b>Landscape</b>	LD1	Conserve and enhance valued natural, historic and cultural landscapes and features within them and avoid adverse impacts.



## 2 Reasonable Alternatives

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### 2.1 The Reasonable Alternatives Considered

Two reasonable alternatives are considered as follows:

- (i) That the renewable energy strategy of the Plan would include section 6.5 of Part B: Appendix 3, Development Guidelines and Technical Standards as follows:
  - '6.5 Wind turbines must meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2006, or any subsequent related Guidelines and in addition must not be located within:
    - (a) The zone of visual influence (ZVI) of the Glenveagh National Park.
    - (b) The zone of influence/flight path at Donegal Airport.
    - (c) Areas identified as locations where wind farm development would not be acceptable as identified on map 8.2.1, chapter 8 of the County Development Plan 2018-2024.
    - (d) Special Areas of Conservation (SACs) nor Special Protection Areas (SPAs)
    - (e) The 6 Fresh Water Pearl Mussel (S.I. 296 of 2009) catchments contained in the Freshwater Pearl Mussel Sub-Basin Management Plans for Clady, Eske, Glaskeelin, Leannan, Owencarrow and Owenea.
    - (f) A set back distance of ten times the tip height of proposed turbines from residential properties and other centres of human habitation'.
- (ii) That the renewable energy strategy of the Plan would not include section 6.5 of Part B: Appendix 3, Development Guidelines and Technical Standards.

### 2.2 The Reason for Selecting the Alternatives

The reason for selecting the two alternatives is to directly and clearly assess the potential significant environmental effects either with or without the inclusion of section 6.5 and to provide for a clear and direct comparison of the alternatives in the context of each other.

**Alternative 1** (to include section 6.5 in the Plan) would identify specified locations within which wind turbines would not be permitted as a result of the implementation of section 6.5 in addition to the areas identified as 'Not Acceptable' on Map 8.2.1 contained in the Draft Plan published in May 2017. The provision of sections 6.5 would apply equally to areas identified as 'Acceptable for Augmentation' on map 8.2.1 of the Draft Plan published in May 2017 and have the effect of reducing the potential for expansion of these sites. As a consequence, it would have the effect of reducing the geographical extent of the County within which proposals for wind turbines would be 'Open to Consideration subject to compliance with other objectives and policies of the plan' as provided for through Policy E-P-12 of the Draft Plan published in May 2017. This is demonstrated through appendices A to F attached to this report as follows:

- **Appendix A:** The definition of 'the zone of visual influence (ZVI) of the Glenveagh National Park' as contained in section 6.6 of Part B: Appendix 3 Development Guidelines and Technical Standards of the Draft CDP 2018-2024 published May 2017.
- **Appendix B:** Map 5.1.13, chapter 5 of the Draft CDP 2018-2024 published May 2017 entitled 'Donegal Airport Safeguarding.'
- **Appendix C:** Map 8.2.1 chapter 5 of the Draft CDP 2018-2024 published May 2017 entitled 'Wind Energy,' and which shows the areas 'Not Acceptable' for wind energy developments.

- **Appendix D:** Map showing the location of SAC's and SPA's overlaid with Map 8.2.1 'Wind Energy' that is contained in the Draft CDP 2018-2024 published May 2017.
- **Appendix E:** Map showing the location of The 6 Fresh Water Pearl Mussel (S.I. 296 of 2009) catchments contained in the Freshwater Pearl Mussel Sub-Basin Management Plans for Clady, Eske, Glaskeelin, Leannan, Owencarrow and Owenea overlaid with Map 8.2.1 'Wind Energy' that is contained in the Draft CDP 2018-2024 published May 2017.
- **Appendix F:** Containing 3 maps relating to 3 scenarios for turbine tip height and showing the associated geographical extent of a set back distance of ten times the tip height of proposed turbines from residential properties. Note that 'other centres of human habitation' have not been factored into the maps in appendix F due to the limitations on data available relating to 'schools, hospitals, churches or buildings used for public assembly' as referenced in the definition set out at section 6.6 of Part B: Appendix 3, Development Guidelines and Technical Standards. Specifically, the maps show:

**Map (i):** Map showing the geographical areas where wind turbines would not be permitted (in addition to areas identified as 'Not Acceptable' on Map 8.2.1 of the Draft CDP 2018-2024) as a result of the implementation of section 6.5(f) of Part B Appendix 3, Development Guidelines and Technical Standards, in the scenario of turbine tip heights of 100m. Map is entitled, 'Scenario (i)- Implementation of section 6.5(f) in the case of turbine tip heights of 100m.'

**Map (ii):** Map showing the geographical areas where wind turbines would not be permitted (in addition to areas identified as 'Not Acceptable' on Map 8.2.1 of the Draft CDP 2018-2024) as a result of the implementation of section 6.5(f) of Part B Appendix 3, Development Guidelines and Technical Standards, in the scenario of turbine tip heights of 150m. Map is entitled, 'Scenario (ii)- Implementation of section 6.5(f) in the case of turbine tip heights of 150m.'

**Map (iii):** Map showing the geographical areas where wind turbines would not be permitted (in addition to areas identified as 'Not Acceptable' on Map 8.2.1 of the Draft CDP 2018-2024) as a result of the implementation of section 6.5(f) of Part B Appendix 3, Development Guidelines and Technical Standards, in the scenario of turbine tip heights of 200m. Map is entitled, 'Scenario (iii)- Implementation of section 6.5(f) in the case of turbine tip heights of 200m.'

**Alternative 2** (not to include section 6.5 in the Plan) would identify specified locations (identified as 'Open to Consideration' on Map 8.2.1 contained in the Draft Plan published in May 2017) within which appropriate wind energy developments may be considered subject to compliance with other objectives and policies of the Plan as provided for through Policy E-P-12 of the Draft Plan published in May 2017, and this would comprise additional areas beyond those areas identified as 'Open to Consideration' under Alternative 1. As a consequence, it would have the effect of increasing the geographical extent of the County within which proposals for wind turbines would be 'Open to Consideration' subject to compliance with other objectives and policies of the Plan and where, in such cases, appropriate mitigation may be provided. In addition, Alternative 2 would not constrain the expansion of existing windfarms within the areas identified as 'Acceptable for Augmentation,' whereas such constraints would apply in the case of Alteration 1 as the relevant provision(s) (para 6.5(f)) apply both to 'Open to Consideration' and 'Areas for Augmentation.'

## 2.3 Assessment of the Reasonable Alternatives

The assessment of the reasonable alternatives is set out in table 2.1 which considers the interactions of each alternative with the Strategic Environmental Objectives (SEO's as set out in Table 1.3); Insofar as there are probable conflicts with status of SEOs that are unlikely to be mitigated to an acceptable level in relation to Alternative 1, a further more detailed assessment is carried out in section 3.0.

Table 2.1: Assessment of the Reasonable Alternatives

Alternative	Probable Conflict with status of SEOs- unlikely to be mitigated to an acceptable level	Potential Conflict with status of SEOs- likely to be mitigated to an acceptable level	Uncertain interaction with status of SEOs	Neutral interaction with status of SEOs	No likely interaction with status of SEOs	Likely to improve the status of SEOs
Alternative 1 (To include section 6.5)	AC1, AC2, AC3,			BIO3, POP1, POP2, HH1, SL3, SL4,	WR2, WR3, CM1, CM2, MA1, MA2,	BIO1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2
Alternative 2 (Not to include section 6.5)		BIO1, BIO2, BIO3, BIO4; HH1, SL1, SL2; WR1, WR2, WR4, CM2, CM3, MA2, LD1	POP1, SL4, WR3, WR5, CM1, CH1	POP2	SL3, MA1	AC1, AC2, AC3



### **3 Strategic Environmental Assessment of Part B: Appendix 3; Development Guidelines and Technical Standards, Section 6.5**

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The Strategic Environmental Assessment of the potential impact of proposed Section 6.5 on the Strategic Environmental Objectives set out in this Environmental Report is in compliance with the Planning and Development Regulations 2001-2015 and in particular Part 3, Article 13E and Schedule 2B, as set out below:

- Article 13E (1)(a) The Environmental Report has been prepared further to the Environmental Reports set out in Section 1.1, and in compliance with Schedule 2B;
- Article 13E (1)(b) Submission from the DHPLG has been considered specifically in relation to Section 6.5(f);
- Article 13E (1)(c) The Environmental Report has been prepared is in compliance with the requirements of the Regulations;
- Article 13E (2)(a) The Environmental Report has been prepared further to the Environmental Reports set out in Section 1.1;
- Article 13E (2)(b) The Environmental Report has been prepared further to the Environmental Reports set out in Section 1.1;
- Article 13E (2)(c) The stage in the decision making process is set out in Table 1.1 and
- Article 13E (2)(d) The Environmental Report has been prepared further to the Environmental Reports set out in Section 1.1.

The potential impact of section 6.5 of Part B: Appendix 3; Development Guidelines and Technical Standards on the status of the Strategic Environmental Objectives have been assessed in Table 2.1.

#### **Section 6.5 of Part B: Appendix 3; Development Guidelines and Technical Standards sets out as follows:**

**6.5:** "Wind Turbines must meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2006, or any subsequent related and in addition must not be located within:

- (a) The zone of visual influence (ZVI) of the Glenveagh National Park<sup>1</sup>.
- (b) The zone of influence/flight path at Donegal Airport.
- (c) Areas identified as locations where wind farm development would not be acceptable as identified on map 8.2.1, chapter 8 of the County Development Plan 2018-2024.
- (d) Special Areas of Conservation (SACs) nor Special Protection Areas (SPAs)
- (e) The 6 Fresh Water Pearl Mussel (S.I. 296 of 2009) catchments contained in the Freshwater Pearl Mussel Sub-Basin Management Plans for Clady, Eske, Glaskeelin, Leannan, Owencarrow and Owenea.
- (f) A set back distance of ten times the tip height of proposed turbines from residential properties and other centres of human habitation<sup>2</sup>.

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<sup>1</sup> Definition of Glenveagh National Park ZVI: The environmental and visual character of Glenveagh National Park consists of the geographic extent of the park and its immediate environs. The implementation of the relevant policy should not be interpreted as relating to lands with limited physical or visual connection to the park. The onus is on the applicant to demonstrate the extent of the potential impact a proposed wind energy development has on the National Park.

<sup>2</sup> Defined in the Draft CDP as including schools, hospitals, churches, residential buildings or buildings used for public assembly

The potential impact of section 6.5 of Part B: Appendix 3; Development Guidelines and Technical Standards (as set out below) on the status of the Strategic Environmental Objectives have been assessed in Table 3.1 and summarised below.

(a) Section 6.5 (a)-(e) had

- Neutral interaction with the status of 9 SEOs (BIO3, POP1, POP2, HH1, SL3, SL4, AC1, AC2, AC3)
- No likely Interaction with the status of 6 SEOs (WR2, WR3, CM1, CM2, MA1, MA2)
- Likely to Improve the status of 11 SEOs (BIO 1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2)

(b) Section 6.5 (f) had:

- Potential Conflict not likely to be Mitigated to an acceptable level with the status of the following 3 SEOs: (AC1- Support implementation of National Climate Strategy 2007-2012, AC2- Reduce all forms of air pollution and AC3- Promote and support shift from fossil fuel dependent energy to more sustainable energy. Promote and support a shift from fossil fuel dependent vehicles to more sustainable modes of travel.
- Neutral interaction with the status of 6 SEOs (BIO3, POP1, POP2, HH1, SL3, SL4,)
- No likely Interaction with the status of 6 SEOs (WR2, WR3, CM1, CM2, MA1, MA2)
- Likely to Improve the status of 11 SEOs (BIO 1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2)

#### **Consideration of the Cumulative effects:**

As part of the Assessment of the impact of the implementation of Section 6.5 on the status of the SEOs; there has also been consideration of the interaction between the effects from the earlier two Environmental Reports and the potential of cumulative effects of same as detailed below.

The consideration of the cumulative effects of Section 6.5 (a)-(e) in conjunction with the policies and objectives of the Draft CDP on the status of the SEOs, found that there was neutral or no likely interaction with the Status of the SEOs and that it would be likely to improve the status of the SEOs. Therefore there are no negative effects arising from Section 6.5 (a)-(e).

The consideration of the cumulative effects of Section 6.5 (f) and the policies and objectives of the Draft CDP on the status of the SEOs, found that elements would have neutral or no likely interaction with the Status of the SEOs and that it would be likely to improve the status of the SEOs, particularly in regard to Biodiversity, Flora and Fauna, Population, Human Health, Soil, Water, Coast/Marine Resource, Material Assets, Cultural Heritage and Landscape. Regarding the SEOs in relation to Air/Climatic Factors (AC1, AC2 and AC3) it was found that the cumulative effects would have Probable Conflict with the Status of the *SEOs-unlikely to be mitigated to an acceptable level*, and in particular that it would create a conflict with Objectives E-O1, E-O-3, E-O-4, E-O-5 and Policies E-P-2, E-P-10 AND E-P-12 of the Draft CDP

Table 3.1: Assessment of Part B: Appendix 3; Development Guidelines and Technical Standards, section 6.5

<b>Part B: Appendix 3; Development Guidelines and Technical Standards; Section 6.5 of the Draft CDP. "Wind Turbines must meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2006, or any subsequent related and in addition must not be located within:</b>	<b>Probable Conflict with status of SEOs- unlikely to be mitigated to an *acceptable level</b>	<b>Potential Conflict with status of SEOs- likely to be mitigated to an *acceptable level</b>	<b>Uncertain interaction with status of SEOs</b>	<b>Neutral interaction with status of SEOs</b>	<b>No likely interaction with status of SEOs</b>	<b>Likely to improve the status of SEOs</b>
(a)The zone of visual influence (ZVI) of the Glenveagh National Park				BIO3, POP1, POP2, HH1, SL3, SL4, AC1, AC2, AC3,	WR2, WR3, CM1, CM2, MA1, MA2,	BIO1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2
(b) The zone of influence/flight path at Donegal Airport				BIO3, POP1, POP2, HH1, SL3, SL4, AC1, AC2, AC3,	WR2, WR3, CM1, CM2, MA1, MA2,	BIO1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2
(c) Areas identified as locations where wind farm development would not be acceptable as identified on map 8.2.1, chapter 8 of the County development Plan 2018-2024				BIO3, POP1, POP2, HH1, SL3, SL4, AC1, AC2, AC3,	WR2, WR3, CM1, CM2, MA1, MA2,	BIO1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2
(d) Special Areas of Conservation (SACs) nor Special protection Areas (SPAs)				BIO3, POP1, POP2, HH1, SL3, SL4, AC1, AC2, AC3,	WR2, WR3, CM1, CM2, MA1, MA2,	BIO1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2
(e) The 6 Freshwater Pearl Mussel Sub-Basin Management Plans for Clady, Eske, Glaskeelin, Leannan Owencarrow and Owenea				BIO3, POP1, POP2, HH1, SL3, SL4, AC1, AC2, AC3,	WR2, WR3, CM1, CM2, MA1, MA2,	BIO1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2
(f) A set back distance of ten times the tip height of proposed turbines from residential properties.	AC1, AC2, AC3,			BIO3, POP1, POP2, HH1, SL3, SL4,	WR2, WR3, CM1, CM2, MA1, MA2,	BIO1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2



## 4 Conclusion

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This document comprises the Environmental Report of section 6.5 Part B: Appendix 3; Development Guidelines and Technical Standards of the Draft County Donegal Development Plan 2018–2024 (the Draft CDP) further to 'Part D: Environmental Report of the Draft County Donegal Development Plan 2018–2024' and should be read in conjunction with the Environmental Report as well as the Draft CDP, the Stage 2 AA Natura Impact Report (NIR), the Addendum to the NIR and the proposed Material Alterations.

The assessment of the impact of Technical Standard 6.5 (a)-(f) to determine the effect on each of the 26 Strategic Environmental Objectives (as set out in table 3.1) has arrived at the following:

(c) Section 6.5 (a)-(e) had

- Neutral interaction with the status of 9 SEOs (BIO3, POP1, POP2, HH1, SL3, SL4, AC1, AC2, AC3)
- No likely Interaction with the status of 6 SEOs (WR2, WR3, CM1, CM2, MA1, MA2)
- Likely to Improve the status of 11 SEOs (BIO 1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2)

(d) Section 6.5 (f) had:

- Potential Conflict not likely to be Mitigated to an acceptable level with the status of the following 3 SEOs: (AC1- Support implementation of National Climate Strategy 2007-2012, AC2- Reduce all forms of air pollution and AC3- Promote and support shift from fossil fuel dependent energy to more sustainable energy. Promote and support a shift from fossil fuel dependent vehicles to more sustainable modes of travel.
- Neutral interaction with the status of 6 SEOs (BIO3, POP1, POP2, HH1, SL3, SL4,)
- No likely Interaction with the status of 6 SEOs (WR2, WR3, CM1, CM2, MA1, MA2)
- Likely to Improve the status of 11 SEOs (BIO 1, BIO2, BIO4, SL1, SL2, WR1, WR4, WR5, CM3, LD1, LD2)

### Consideration of National Policy Objectives.

Regulation 13E of the 2001 Regulations requires the Environmental Report to contain the information set out in Schedule 2B to those Regulations. The information required to be contained in such report and thus to be considered in carrying out the Environmental Assessment include (at Schedule 2B (e)) the following:

*"(e) the environmental protection objectives, established at international, European Union or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;"*

Section 28(1C) of the 2000 Act, as amended provides, inter alia, as follows:

**28.—(1)** *The Minister may, at any time, issue guidelines to planning authorities regarding any of their functions under this Act and planning authorities shall have regard to those guidelines in the performance of their functions.*

*(1A) Without prejudice to the generality of subsection (1) and for the purposes of that subsection a planning authority in having regard to the guidelines issued by the Minister under that subsection, shall—*

*(a) consider the policies and objectives of the Minister contained in the guidelines when preparing and making the draft development plan and the development plan, and*

*(b) append a statement to the draft development plan and the development plan which shall include the information referred to in subsection (1B).*

*(1B) The statement which the planning authority shall append to the draft development plan and the development plan under subsection (1A) shall include information which demonstrates—*

*(a) how the planning authority has implemented the policies and objectives of the Minister contained in the guidelines when considering their application to the area or part of the area of the draft development plan and the development plan, or*

*(b) if applicable, that the planning authority has formed the opinion that it is not possible, because of the nature and characteristics of the area or part of the area of the development plan, to implement certain policies and objectives of the Minister contained in the guidelines when considering the application of those policies in the area or part of the area of the draft development plan or the development plan and shall give reasons for the forming of the opinion and why the policies and objectives of the Minister have not been so implemented.]*

*"(1C) Guidelines to which subsection (1) relates may contain specific planning policy requirements that, notwithstanding subsection (1), are required to be applied by planning authorities and the Board in the performance of their functions"*(Emphasis added)

The 'Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change, DoHPCLG July 2017, state, at paragraph 4 of same that it is a specific planning policy requirement under Section 28(1C) of the Planning and Development Act 2000 (as amended) that in making a development plan with policies or objectives that relate to wind energy developments a Planning Authority must:

*"(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); and*

*"(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."*

**In summary:**

It is concluded;

- (1) That section 6.5(a) to (e) of the Draft County Development Plan 2018-2024 published in May 2017:-
  - (i) Would not conflict with Section 28 Ministerial Guidelines and;
  - (ii) Would result in a combination of neutral interaction with/ no likely interaction with/ likely to improve the status of; the SEO's and;
- thereby would not give rise to any significant adverse effects on the environment.

And;

- (2) Having regard to:-
  - (i) Section 28 (1C) of the Planning and Development Act 2000 (as amended) which provides that Guidelines to which Section 28(1) relates may contain specific planning policy requirements that, notwithstanding subsection (1), are required to be applied by planning authorities and the Board in the performance of their functions and;
  - (ii) That, as outlined in section 1.2 of this report, the Interim Guidelines for Planning Authorities published in July 2017 include specific planning policy requirements which may trigger the application of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in appropriate cases.
  - (iii) That Paragraph 4(3) of the Guidelines state that any proposal to introduce or vary a setback distance or distances for wind turbines from specified land uses or classes of land use within Development Plans may be permissible subject to being SEA'd (No 4(3) of the Interim Guidelines) and that a material consideration of such proposals in the SEA would be whether the proposal would create a significant limitation or constraint on renewable energy projects including windfarms;
- The adoption of the Draft Plan, if it contains Section 6.5(f) of the Draft County Development Plan 2018-2024 published in May 2017, may be found not to be in compliance with the Section 28 Ministerial guidelines entitled, 'Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change', published July 2017 by reason of not permitting the plan to indicate how the plan over its lifetime would contribute to realising the targets as set forth in paragraph 4(2) can be achieved since the Standard 6.5(f) is likely to create a significant limitation or constraint on renewable energy projects including wind turbines as demonstrated on the maps contained in Appendix F to this report and since it would result in an overly restrictive and limited area of land being effectively 'Open to Consideration' for wind energy proposals within the administrative area of the Donegal County Council and:
  - (i) Would thereby significantly reduce the Councils potential support for the implementation of the National Climate Strategy 2007-2012 such as to result in a probable conflict unlikely to be mitigated to an acceptable level (SEO: AC1);
  - (ii) would significantly reduce the Councils potential contribution to the reduction of all forms of air pollution such as to result in a probable conflict unlikely to be mitigated to an acceptable level (SEO: AC2) and;
  - (iii) Would significantly reduce the Councils potential support and promotion of a shift from fossil fuel dependent energy to more sustainable energy such as to result in a probable conflict unlikely to be mitigated to an acceptable level (SEO: AC3)

## **Appendix A**

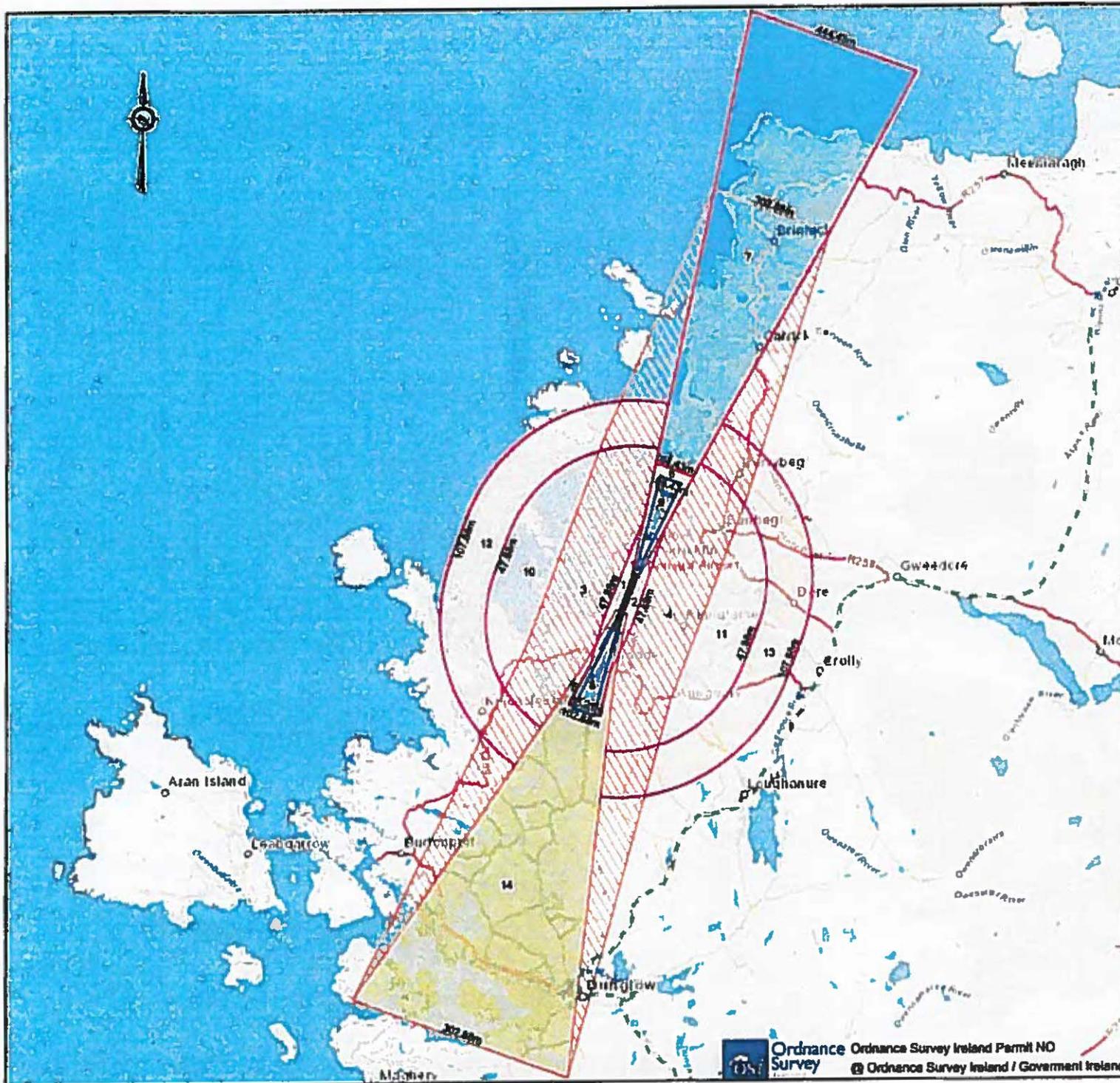
### **Definition of 'the zone of visual influence (ZVI) of the Glenveagh National Park**

**The definition of 'the zone of visual influence (ZVI) of the Glenveagh National Park' as contained in section 6.6 of Part B: Appendix 3 Development Guidelines and Technical Standards of the Draft CDP 2018-2024 published May 2017:**

'The environmental and visual character of Glenveagh National Park consists of the geographic extent of the park and its immediate environs. The implementation of the relevant policy should not be interpreted as relating to lands with limited physical or visual connection to the park. The onus is on the applicant to demonstrate the extent of the potential impact a proposed wind energy development has on the National Park'.

## **Appendix B**

### **'Donegal Airport Safeguarding' Map**



Draft Donegal Development Plan 2018-2024  
 Dréacht Plean Forbartha Contae Dhún na nGall 2018-2024

Map 5.1.13: Donegal Airport Safeguarding  
 Léarscáil 5.1.13: Aerfort a Chosaint Léarscáil

- 1 & 2 Transitional Surfaces Maximum Elevation 47.88m**  
**1 & 2 Dromchlaí Idirchriosacha Uas-Airde 47.88m**
- 3 & 4 ILS Transitional Surfaces Maximum Elevation 302.88m**  
**3 & 4 Dromchlaí Idirchriosacha CTT (Córas Trealamh Tuirlingthe) Uas-Airde 302.88m**
- 5 Approach Surfaces @ 3.33% Maximum Elevation 86.21m**  
**5 Dromchlaí Isteach @3.33% Uas-Airde 86.21m**
- 6 Approach Surfaces @ 2.5% Maximum Elevation 84.43m**  
**6 Dromchlaí Isteach @ 2.5% Uas-Airde 84.43m**
- 7 Approach Surfaces @ 4% Maximum Elevation 444.43m**  
**7 Dromchlaí Isteach @ 3% Uas-Airde 444.43m**
- Take Off Surfaces @ 4%**  
**8 Maximum Elevation 102.88m**  
**9 Maximum Elevation 109.43m**  
**Dromchlaí Isteach @ 4%**  
**8 Uas-Airde 102.88m**  
**9 Uas-Airde 109.43m**
- 10 & 11 Inner Horizontal Surfaces Maximum Elevation 47.88m**  
**10 & 11 Ion-Dromchlaí Cothrománacha Uas-Airde 47.88m**
- 12 & 13 Conical Surfaces @ 3% Maximum Elevation 107.88m**  
**12 & 13 Dromchlaí Cónúta @ 5% Uas-Airde 107.88m**
- 14 Missed Approach Surfaces @ 2.5% Maximum Elevation 302.88m**  
**14 Dromchlaí Ascraimh Ionraill @ 2.5% Uas Airde 302.88m**



## **Appendix C**

### **Map 8.2.1 (Wind Energy) of the Draft CDP 2018-2024**



**Draft County Donegal  
Development Plan  
2018 - 2024**

**Dréacht Plean Forbartha  
Contae Dhún na nGall  
2018 - 2024**

**Map 8.2.1 / Léarscáil 8.2.1**

**Wind Energy  
Fuinneamh Gaoithe**

**Legend**

Acceptable for augmentation of/improvements to existing windfarms.

Glacadh le mhéadaithe/feabhsúcháin ar feirmeacha gaoithe reatha Inghlactha do mhéadaithe de / feabhsúcháin ar ann cheana féin feirmeacha gaoithe.

Not acceptable  
Ní ghlactar le

Open to consideration  
Oscailte do bhreithniú

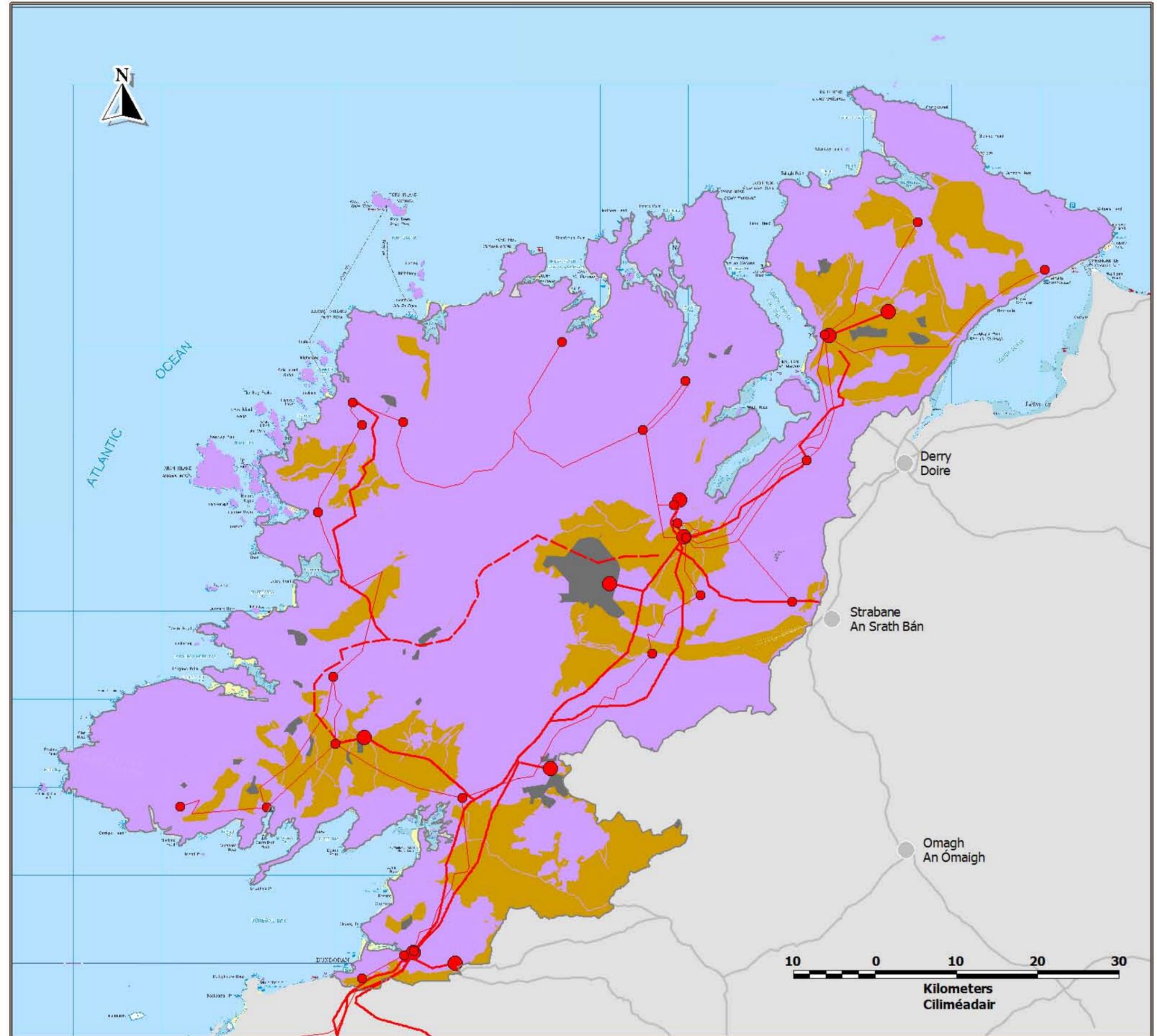
38 Kv station  
Stáisiún 38Kv

38 Kv Line  
Líne 38 Kv

110 Kv Station  
Stáisiún 110 Kv

110 Kv Line  
Líne 110Kv

110 Kv Reinforcement Line  
- Operational from 2012  
Líne Átreisiúcháin 110 Kv  
- i bhfeidhm ó 2012



Source - Donegal County Council  
Foinse - Comhairle Chontae Dhún na nGall

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To be read in conjunction with relevant accompanying text contained in the front section of this appendix as well as other relevant objectives & policies of the CDP.  
Le Léamh i gcomhar leis an téacs ábhartha tionlacain atá chun tosaigh sa chuid seo den aghuisín chomh maith le cuspóirí agus beartais ábhartha eile sa PFC.

## **Appendix D**

### **Location of SAC's and SPA's Overlaid on Map 8.2.1 (Wind Energy) of the Draft CDP 2018- 2024**



**Draft County Donegal  
Development Plan  
2018 - 2024**

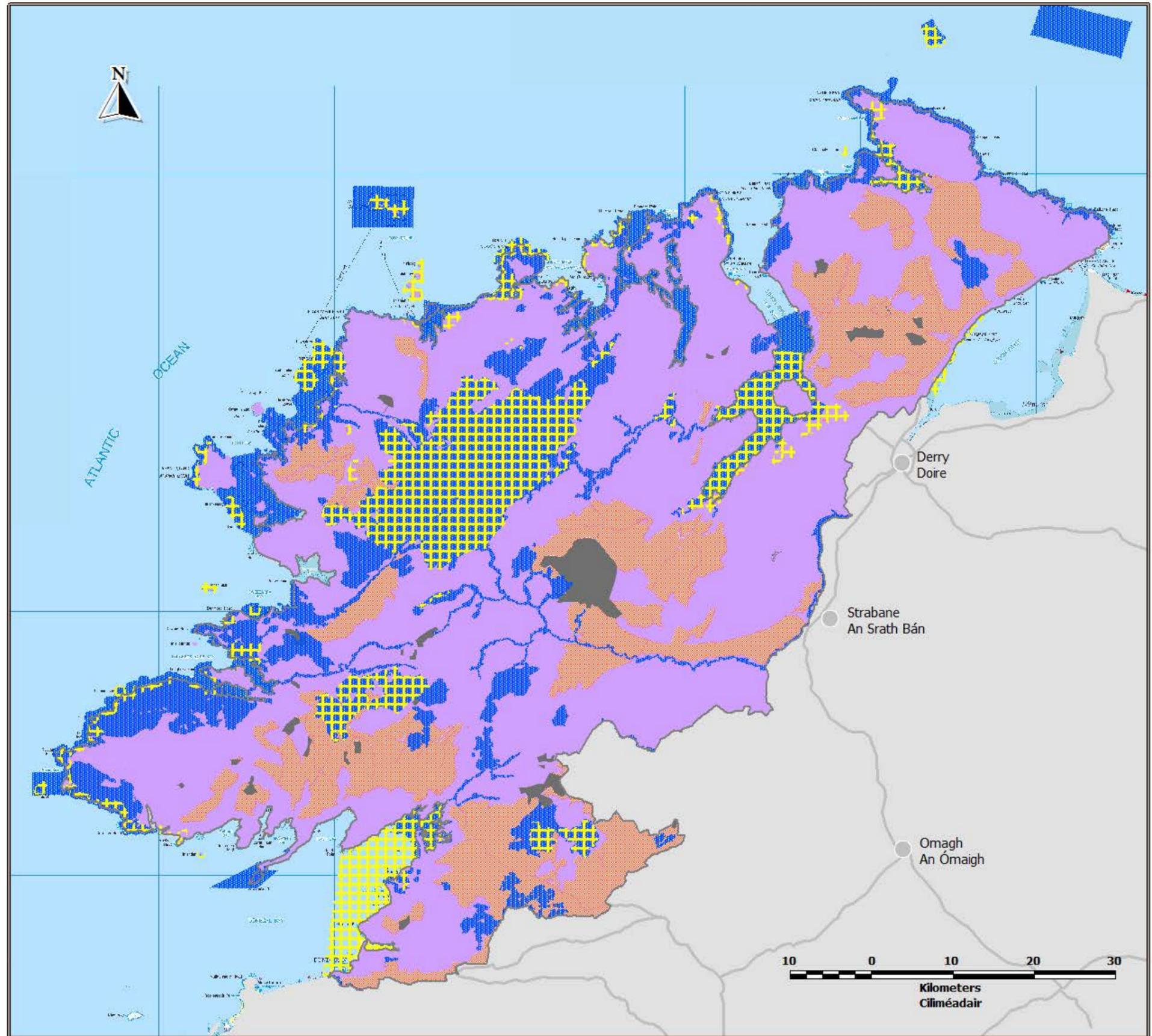
**Dréacht Plean Forbartha  
Contae Dhún na nGall  
2018 - 2024**

**Map 8.2.1 / Léarscáil 8.2.1**

**Wind Energy  
Fuinneamh Gaoithe**

**Legend**

- Open to consideration  
Oscailte do bhreithniú
- Not acceptable  
Ní ghlactar le
- Acceptable for augmentation  
of/improvements to existing  
windfarms.  
Glacadh le mhéadaithe/feabhsúcháin  
ar feirmeacha gaoithe reatha  
Inghlactha do mhéadaithe  
de / feabhsúcháin ar ann cheana féin  
feirmeacha gaoithe.
- Special Area of Conservation  
Réimse speisialta caomhnaithe
- Special Protection Area  
Limistéar Cosanta Speisialta



Source - Donegal County Council  
Foinse - Comhairle Chontae Dhún na nGall

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Comhairle Contae Dhún na nGall, 2017.  
To be read in conjunction with relevant accompanying text contained in the front section of this appendix as well as other relevant objectives & policies of the CDP.  
Le léamh i gcomhar leis an téacs ábhartha tionscain atá chun tosaigh sa chuid seo den agus in cionn maith le cuspóirí agus beartaí ábhartha eile sa PPC.

## **Appendix E**

**Location of the 6 Fresh Water Pearl Mussel  
(S.I. 296 of 2009) Catchments Overlaid on  
Map 8.2.1 (Wind Energy) of the Draft CDP  
2018-2024**



**Draft County Donegal  
Development Plan  
2018 - 2024**

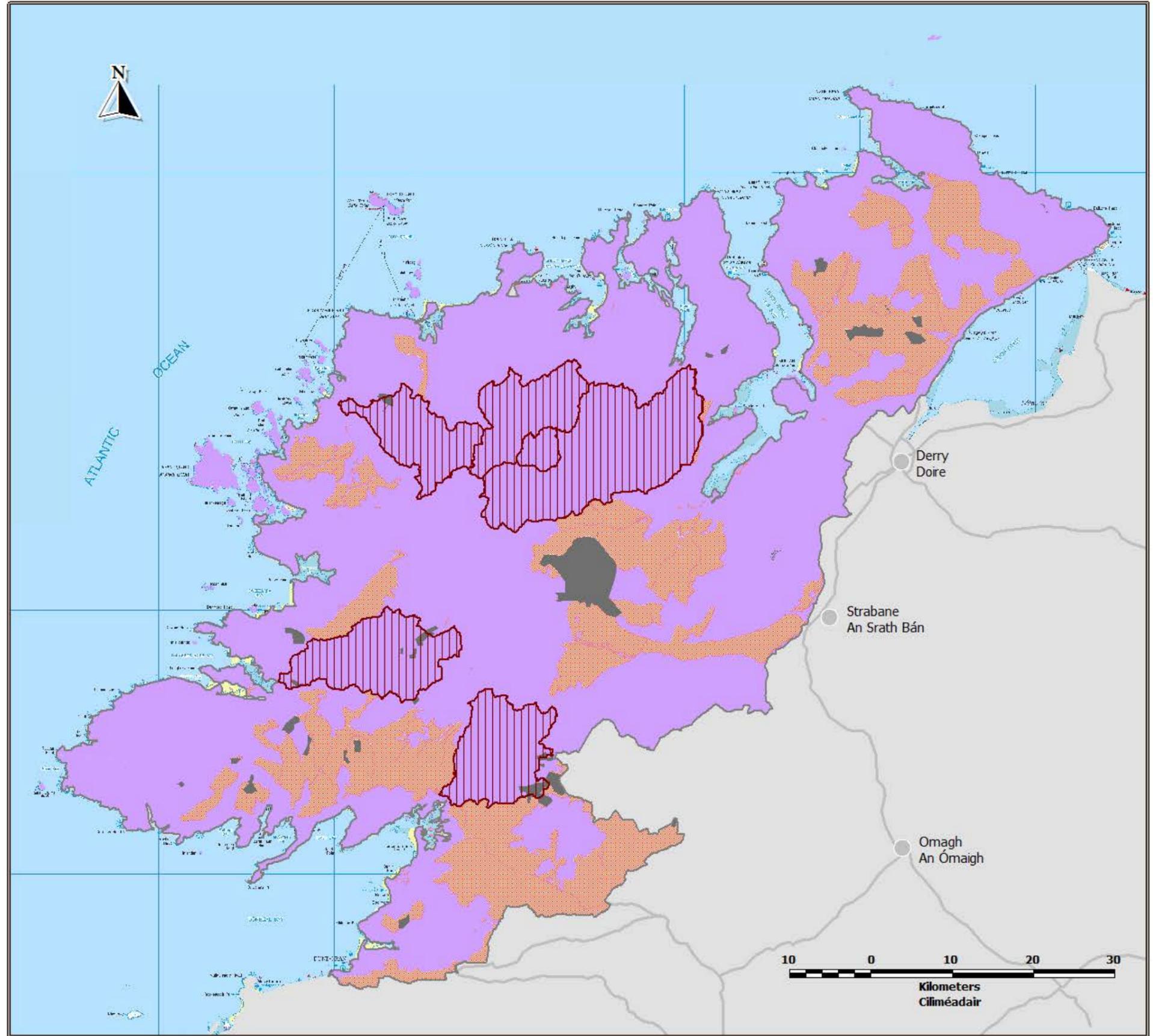
**Dréacht Plean Forbartha  
Contae Dhún na nGall  
2018 - 2024**

**Map 8.2.1 / Léarscáil 8.2.1**

**Wind Energy  
Fuinneamh Gaoithe**

**Legend**

-  Open to consideration  
Oscailte do bhreithniú
-  Not acceptable  
Ní ghlictar le
-  Acceptable for augmentation  
of/improvements to existing  
windfarms.  
Glacadh le mhéadaithe/feabhsúcháin  
ar feirmeacha gaoithe reatha  
Inghlactha do mhéadaithe  
de / feabhsúcháin ar ann cheana féin  
feirmeacha gaoithe.
-  Freshwater Pearl Mussel  
Catchment



Source - Donegal County Council  
Foinse - Comhairle Chontae Dhún na nGall

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To be read in conjunction with relevant accompanying text contained in the front section of this appendix as well as other relevant objectives & policies of the CDP.  
Le léamh i gcomhar leis an téacs ábhartha tionscain atá chun tosaigh sa chuid seo den agus in cionn maith le cuspóirí agus beartaí ábhartha eile sa PPC.

## **Appendix F**

### **3 Scenarios for Turbine Tip Height Overlaid on Map 8.2.1 (Wind Energy) of the Draft CDP 2018-2024**

- (i) 100m turbine tip height**
- (ii) 150m turbine tip height**
- (iii) 200m turbine tip height**



**Draft County Donegal  
Development Plan  
2018 - 2024**

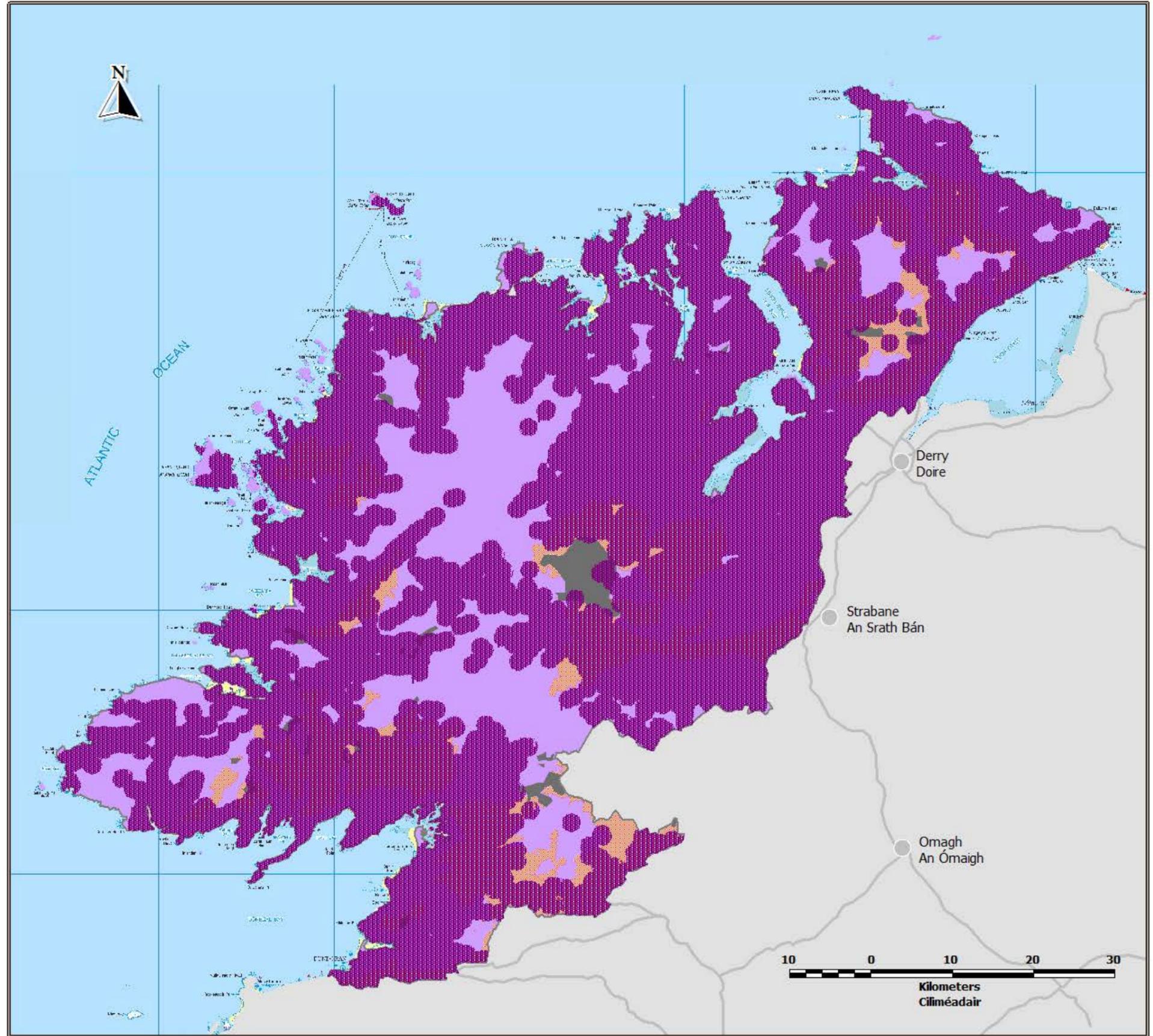
**Dréacht Plean Forbartha  
Contae Dhún na nGall  
2018 - 2024**

**Scenario (i)**

**Implementation of  
section 6.5(f)  
in the case of  
turbine tip heights of 100m**

**Legend**

-  Open to consideration  
Oscailte do bhreithniú
-  Not acceptable  
Ni ghlactar le
-  Acceptable for augmentation  
of/improvements to existing  
windfarms.  
Glacadh le mhéadaithe/feabhsúcháin  
ar feirmeacha gaoithe reatha  
Inghlactha do mhéadaithe  
de / feabhsúcháin ar ann cheana féir  
feirmeacha gaoithe.
-  100m tip height area of  
influence





**Draft County Donegal  
Development Plan  
2018 - 2024**

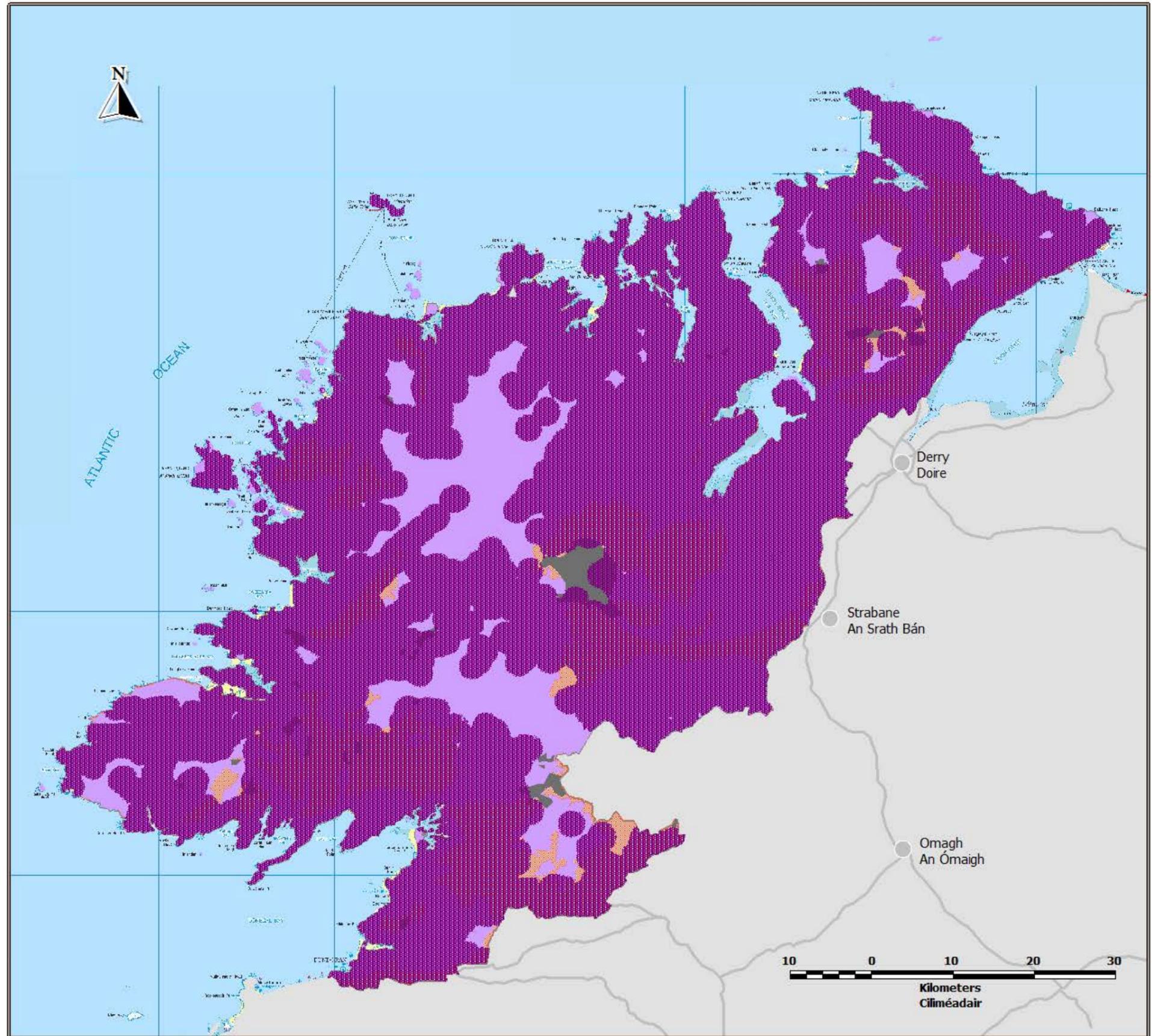
**Dréacht Plean Forbartha  
Contae Dhún na nGall  
2018 - 2024**

**Scenario (ii)**

**Implementation of  
section 6.5(f)  
in the case of  
turbine tip heights of 150m**

**Legend**

-  Open to consideration  
Oscailte do bhreithniú
-  Not acceptable  
Ni ghlactar le
-  Acceptable for augmentation  
of/improvements to existing  
windfarms.  
Glacadh le mhéadaithe/feabhsúcháin  
ar feirmeacha gaoithe reatha  
Inghlactha do mhéadaithe  
de / feabhsúcháin ar ann cheana féir  
feirmeacha gaoithe.
-  150m tip height area of  
influence





**Draft County Donegal  
Development Plan  
2018 - 2024**

**Dréacht Plean Forbartha  
Contae Dhún na nGall  
2018 - 2024**

**Scenario (iii)**

**Implementation of  
section 6.5(f)  
in the case of  
turbine tip heights of 200m**

**Legend**

-  Open to consideration  
Oscailte do bhreithniú
-  Not acceptable  
Ni ghlactar le
-  Acceptable for augmentation  
of/improvements to existing  
windfarms.  
Glacadh le mhéadaithe/feabhsúcháin  
ar feirmeacha gaoithe reatha  
Inghlactha do mhéadaithe  
de / feabhsúcháin ar ann cheana féir  
feirmeacha gaoithe.
-  200m tip height area of  
influence

