

DRAFT DIRECTION

**DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000
(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT
(AMENDMENT) ACT 2010)**

COUNTY DONEGAL DEVELOPMENT PLAN 2012-2018 DIRECTION 2014

“Development Plan” means the County Donegal Development Plan 2012-2018

“The Planning Authority” means Donegal County Council

WHEREAS the Minister for the Environment, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that

- (i) Donegal County Council in making the Variation No.2 to the County Donegal Development Plan 2012-2018 has ignored or has not taken sufficient account of the submissions made by the Minister for the Environment, Community and Local Government in May 2014,

and

- (ii) the Variation No.2 to the County Donegal Development Plan 2012-2018 is not in compliance with the requirements of s.9, s.10, s.12 and s.28 of the Planning and Development Act 2000 (as amended).

NOW, THEREFORE in exercise of the powers conferred on him by s.31 of the Planning and Development Act 2000 (as amended), the Minister of the Environment, Community and Local Government hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (County Donegal Development Plan 2012-2018) Direction 2014.
- (2) The County Council of Donegal is hereby directed to take the following steps with regard to the County Donegal Development Plan 2012-2018 (“the Development Plan”).
 - i. The written statement in respect of the Natural Resource Development (Chapter 7, Section 7.2.1 – Background – Wind Energy – Not Favoured) is to be amended by deleting the following text in the County Donegal Development Plan 2012-2018:

,including the catchments identified in the Sub-Basin Management Plans for Clady Eske, Glaskeelin, Leannan, Owencarrow and Owenea (as listed in S.I. 296 of 2009),

- ii. The written statement in respect of the Natural Resource Development (Chapter 7, Section 7.2.2 - Objectives) is to be amended by deleting the following text in the County Donegal Development Plan 2012-2018:

E-O-6:	<i>To ensure that wind energy developments do not adversely impact upon the existing residential amenities of residential properties, and other centres of human habitation (as defined at 10.6.7) in Chapter 10 Development and Technical Standards.</i>
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- iii. The written statement in respect of the Development and Technical Standards (Chapter 10, Section 10.6. – Wind Energy) is to be amended by deleting the following text in the County Donegal Development Plan 2012-2018:

10.6.5	<p>(c) <i>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.</i></p> <p>(d) <i>(A set back distance of ten times the tip height of proposed turbines from residential properties and other centres of human habitation.</i></p>
10.6.7	<p><i>Centres of Human Habitation</i> <i>Definition:-</i> <i>‘Centre of Human Habitation’ includes schools, hospitals, churches, residential buildings or buildings used for public assembly’.</i></p>

- iv. The plan/map entitled “County Donegal Development Plan 2012-2018 (As Varied Map 9 Wind Energy)” (July 2014), as in the County Donegal Development Plan 2012-2018 (As Varied), which sets out the designations for Wind Energy for Donegal is to be removed. For ease of reference a copy of the said plan/map is attached as Appendix 1 to this direction.

And

The plan/map entitled “County Donegal Development Plan 2012-2018 Map 9 Wind Energy” (June 2012), as in the County Donegal Development Plan 2012-2018 published in June 2012, which sets out the designations for Wind Energy for Donegal is to be re-inserted. For ease of reference a copy of the said plan/map is attached as Appendix 2 to this direction.

The effect of this amendment will be that the 6 Sub-Basin Catchments of SAC populations listed in S.I. 296 of 2009 (First Schedule) for the Fresh Water Pearl Mussel as ‘Not Favoured Areas’ for wind energy will be removed.

STATEMENT OF REASONS

- 1) A written submission on the proposed Variation No.2 to County Donegal Development Plan 2012-2018 was made to Donegal County Council on behalf of the Minister for the Environment, Community and Local Government in May 2014.

The written submission outlined that the proposed variation concerning the Planning Authority’s policy framework for wind energy projects would be significantly inconsistent with:

- The Wind Energy Guidelines, (issued under section 28 of the Planning and Development Acts, in 2006);
 - The Border Regional Authority Regional Planning Guidelines, in relation to the areas identified as suitable for wind energy/renewable energy development;
 - National targets for generation of energy consumption from renewable energy sources by 2020, (as derived from EC Directive 2009/28 on the promotion of the use of energy from renewable resources); and
 - National Government policy commitments to increase on and offshore wind energy production indicated in the Strategy for Renewable Energy 2012-2020.
- 2) The decision by the members to alter the policies and objectives in regard to the wind energy objectives as outlined in this direction does not provide for proper planning and sustainable development and therefore the County Donegal Development Plan 2012-2018 is not in compliance with the requirements of s.9, s.10, s.12, and s.28 of the Planning and Development Act 2000 (as amended).

GIVEN under my hand,

Minister for the Environment,
Community and Local Government
this day of July 2014

APPENDIX 1

County Donegal Development Plan 2012 - 2018 (As Varied)

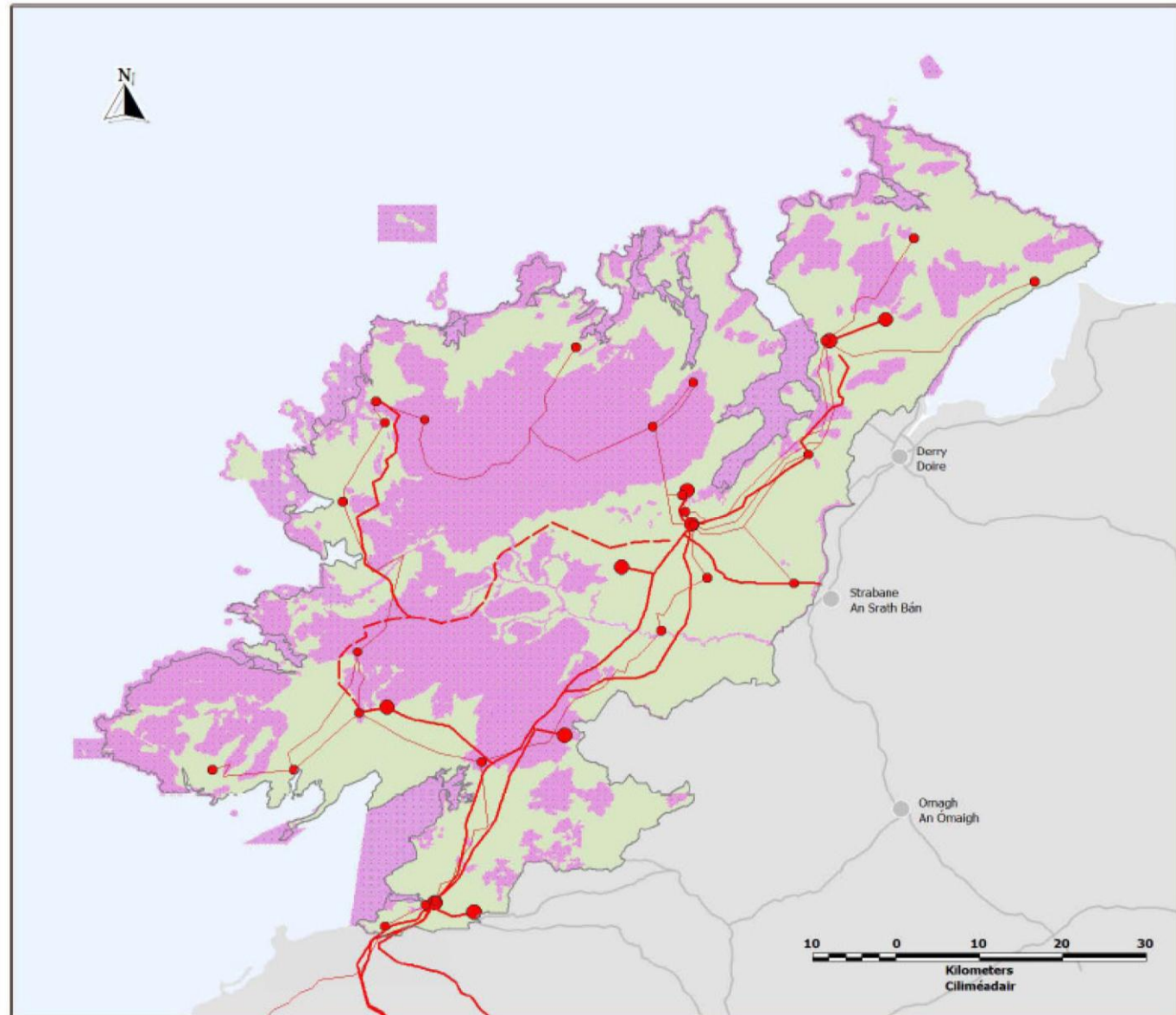
Plean Forbartha Contae Dhúin na nGall 2012 - 2018 (arna leasú)

Map 9 / Léarscáil 9

Wind Energy Fuinneamh Gaoithe

- Areas Open to Consideration
Limistéir a d'fhéadfaí a phlé
- Not Favoured Areas
Ceantair nach bhfuiltear i bhfách leo
- 38 Kv station
Stáisiún 38Kv
- 38 Kv Line
Line 38 Kv
- 110 Kv Station
Stáisiún 110 Kv
- 110 Kv Line
Line 110Kv
- 110 Kv Reinforcement Line
- Operational from 2012
Line Átreisiúcháin 110 Kv
- i bhfeidhm ó 2012

Map created July 2014 incorporating Variation No. 2
Léarscáil cruthaithe Iúil 2014, agus Athru Uimh. 2 int.




Source - Donegal County Council
Foinse - Comhairle Chontae Dhúin 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 DDP.
Le léamh i gcomhar leis an t-éileamh ábhartha forleáilte atá chomh ábhartha le chuid seo den aghaidh chomh maith le cuspóirí agus beannas ábhartha eile sa RCP.

APPENDIX 2



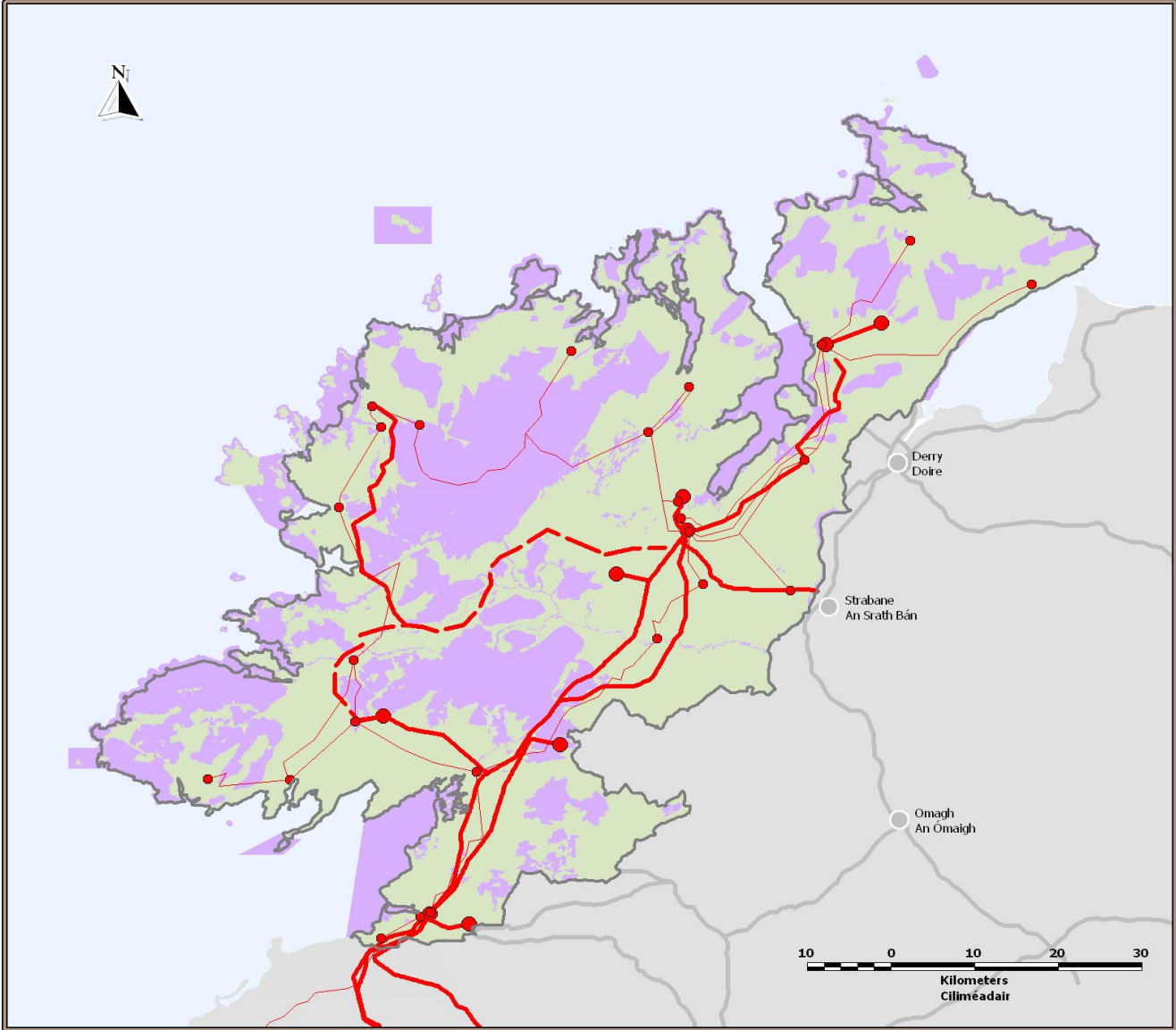
**County Donegal
Development Plan
2012 - 2018**

**Plean Forbartha
Contae Dhún na nGall
2012 - 2018**

Map 9 / Léarscáil 9

**Wind Energy
Fuinneamh Gaoithe**

- Areas Open to Consideration
Limistéir a d'fhéadfaí a phlé
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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 ionlacain atá chun tosaigh sa chuid seo den agúis chomh maith le cuspóirí agus beartaí ábhartha eile sa PFC.