

The Central Planning Unit  
Donegal County Council  
County House  
Lifford  
County Donegal

Friday, September 1st, 2017

By email to: [donegalcdp@donegalcoco.ie](mailto:donegalcdp@donegalcoco.ie)

## Re: Submission to the Preparation of the Draft Donegal County Development Plan 2018-2024

Dear Central Planning Unit officials,

The Irish Wind Energy Association (IWEA) welcomes the opportunity to comment on the preparation of the new *Donegal County Development Plan 2018-2024 (CDP 2018)* and looks forward to engaging constructively with Donegal County Council throughout the development plan process.

IWEA recognises the significant contribution Donegal County Council has made to the existing onshore wind farm fleet in Ireland to date. Currently Donegal has 392MW of installed wind energy capacity, enough to power 250,000 homes. In fact, Donegal is home to 13% of Ireland's total installed capacity and Donegal is second only to Cork for the most installed capacity per county. This a record of achievement that Donegal can and should be extremely proud of. As the governing local authority Donegal County Council has also enjoyed significant benefits from wind energy through the payment of development contributions and annual rates which totalled approximately €2.5m in 2016.

From our experience of the operation of the existing County Development Plan, IWEA has an insight into what has worked well in applying the current policies and objectives. We are concerned that Donegal County Council has decided to insert certain measures in the CDP 2018 that will severely and significantly limit future wind development in the county. If certain measures as proposed were adopted Donegal County Council would suffer significant financial loss in future years as the period covered by the CDP 2018 will govern an important repowering window for older operational turbines in the county.

Specifically, it is noted that Donegal County Council is proposing to continue with the proposals contained in the variation (Variation No.2) made to the *existing County Development Plan (existing CDP)* in relation to a ten times tip height setback from residential properties and other centres of human habitation.

IWEA is concerned that Donegal County Council is pursuing a policy in respect of Wind Energy that is significantly at variance with the existing Wind Energy Development Guidelines (WEDG 2006) and indeed the "draft preferred approach" to the revision of the WEDG as released by the Department of Housing Planning and Local Government (DHPLG) on the 13<sup>th</sup> of June 2017 (see appendix 1). The national energy policy underpinned by the WEDG 2006 created the energy infrastructure that is in place in Donegal today which provides significant monetary benefits to the county on an annual basis. In addition, IWEA has serious concerns as to the evidence base used to draft "Wind energy Map 8.2.1".

IWEA notes that the Donegal Planning Authority itself acknowledges that the proposal for a ten times tip height setback means "*that Section 5.0 of the Wind Energy Development Guidelines has not been implemented in relation to distance from the nearest turbines to any noise sensitive property*" and the *ten times tip height setback has been proposed on foot of its consideration of a non-Executive report submitted*

*to the council.* It is assumed from this comment that the Planning Authority does not support this increased setback constraint and the reports relied upon the Councillors in voting for such a measure did not come from the Planning Authority itself. In this regard, it is not clear what scientific evidence is being put forward by the Council to justify this position on the ten times tip height setback restriction.

IWEA is Ireland's leading renewable energy representative body and as such, it has an active interest in the potential for sustainable energy and energy policy integrity. IWEA is committed to promoting the use of wind energy in Ireland and beyond, as an economically viable and environmentally sound alternative to other forms of non-renewable generation. IWEA also promotes awareness and understanding of wind power as a primary renewable energy resource. The magnitude of the Irish wind resource and the potential for its development has been appreciated for some years within the European wind energy community. There is a growing appreciation for the amount of energy that can be delivered through wind, in 2015 alone, wind energy produced 21% of the Ireland's electricity demand. This is increasing year on year as more capacity is brought online.

Renewable energy development is a vital part of Ireland's strategy to tackle two major challenges facing us today – ensuring a secure supply of energy and combating climate change. Wind energy, as the most commercially viable source of renewable energy in Ireland, in particular has a key role to play in meeting these challenges. IWEA supports a strategic and transparent approach to proper planning and sustainable development, and recognises that development of wind energy projects must take account of the full range of environmental and socio-economic issues.

Relevant strategic policy documents, such as the new County Development Plan in County Donegal, must assist in enabling Ireland to develop its natural green energy resources and meet Ireland's 2020 and 2030 targets. Indeed, the circular issued to all Local Authorities on the 3<sup>rd</sup> of August 2017 (see appendix 2) makes clear that Local Authorities are obliged to:

- Acknowledge and document national policy on renewable energy in the relevant development plan or local area plan
- Indicate how the plan will contribute to realising overall national targets on renewable energy (particularly in any proposal to introduce or vary a mandatory setback distance or distances for wind turbines)
- The Interim Guidelines also confirm that it shall be a material consideration in the strategic environmental assessment of any statutory development plans if a new or varied mandatory setback distance proposal would create a significant limitation or constraint on renewable energy projects, including wind turbines, in the authority's administrative area

IWEA members are involved in developing more than 85% of the wind farm capacity that is planned to be built from now to 2020 and we continue to contribute proactively and positively to the development of local, regional and national strategic planning.

We very much welcome this opportunity and look forward to engaging constructively with you in the future. IWEA would also welcome the opportunity to discuss this submission in more detail at any stage either with officials or Donegal County Council's elected representatives. Donegal has played a vital role in Ireland's renewable energy journey and we believe the county, its residents, elected office holders and administrative governing officials deserve respect and recognition for making this a reality.

Yours sincerely,



Adam Ledwith  
Head of Communications and Public Affairs

## Submission to Donegal County Council

### Preparation of the Draft Donegal County Development Plan 2018-2024

*Friday 01 September 2017*

#### 1 EU & National Renewable Energy Commitments

It is important we must recognise Ireland's obligation and our need to support renewable energy as set out under EU Directive 2009/28/EC on the Promotion of the Use of Energy from Renewable Sources, which establishes a binding target of 20% of overall EU energy consumption to come from renewable sources by 2020. Ireland's mandatory target under Directive 2009/28/EC is for renewable sources to account for 16% of total energy consumption by 2020. Ireland's National Renewable Energy Action Plan sets out how Ireland intends to achieve this binding national renewable energy target of 16% with renewable electricity (RES-E) to account for 40% of total energy consumption by 2020.

In autumn 2014, Ireland agreed to new binding EU 2030 energy targets, which proposes to achieve a 40% reduction in greenhouse gas emissions by 2030 relative to 1990 and a binding EU wide target for renewable energy of at least 27% by 2030. These targets require that renewable energy will be a critical and growing component of Ireland's energy supply to 2020 and beyond. Failure to meet these binding targets will result in EU sanctions.

##### 1.1 Climate Change Policy and Targets

At the Paris climate conference (COP21) in December 2015, 195 countries including Ireland adopted the first-ever universal, legally binding global climate deal. The agreement sets out a global action plan to put the world on track to avoid dangerous climate change by limiting global warming to well below 2°C above pre-industrial levels and to limit the increase to 1.5°C. Under the agreement Governments also agreed on the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries, and to undertake rapid reductions thereafter in accordance with the best available science. Ireland has signed the Paris Agreement with national ratification expected.

The International Panel on Climate Change (IPCC) has put forward its clear assessment that the window for action on climate change is rapidly closing and that renewable energy sources such as wind will have to grow from 30% of global electricity at present to 80% by 2050 if we are to limit global warming to below 2 degrees in accordance with the COP 21 Agreement.

It is within this context that the Government enacted the 'Climate Action and Low Carbon Development Bill 2015' which provides for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a low carbon, climate resilient and environmentally sustainable economy.

## 1.2 Progress towards National Renewable Energy 2020 Targets

As we are now less than 2.5 years from 2020 we can begin to have a significant amount of confidence in projecting the likely energy demand requirements in 2020 from current energy trends. One overriding and ultimately positive trend is that Ireland's economy is growing at the highest rate in Europe, over 7% GDP growth per annum. The Economic and Social Research Institute (ESRI) noted that from an initial export led growth, there is now an increase in domestic consumption. This will manifest across all areas of energy use. The energy modelling group at the Sustainable Energy Association of Ireland (SEAI) recently produced a report<sup>1</sup> for policymakers, stating that:

*'It is evident that an increased deployment rate of all renewable electricity technologies is required in order to meet the 2020 renewable electricity (RES-E) target'.*

In a report published in April 2017, the EPA<sup>2</sup> said that:

*"in terms of the overall 16% Renewable Energy Share (RES) target in 2020, it is expected that 13.2% will be achieved by 2020 based on current progress".*

The renewable heat (RES-H) sector is estimated to have a shortfall in targets by around 3-5% of the overall 12% RES-H targets by entities such as University College Cork (UCC), ESRI and SEAI. The transport sector is also estimated to have a shortfall on its 10% target (RES-T). The most recent EirGrid 'All Island Generation Capacity Statement 2016-2025'<sup>3</sup>, estimates that between 3.8-4.1GW of wind energy could be required to meet the 2020 RES-E target. To achieve this EirGrid estimates that this would mean an average of about 300MW of extra wind capacity installed per year between now and 2020. The increase in predicted electricity demand is largely being driven by an increased data centre demand (from the likes of Apple, Google, Facebook, Amazon etc. who have a need for 100% renewable electricity) and the current economic recovery in Ireland.

The consequence of not meeting our 16% renewable energy target is that Ireland will either have to purchase renewable credits from other EU states through statistical transfer surplus or alternatively the European Court of Justice will apply fines to Ireland. According to estimates by the then Department of Communications, Energy and Natural Resources<sup>4</sup> (DCENR) the cost to Ireland of missing the 2020 targets in the range of 1% - 4% will be in the range of €140m and €600m per year of non-compliance.

Given that 2030 targets are expected to be set at a more challenging level than 2020, the fines could persist for an extended number of years, and so the total cost to Ireland could run to billions. For comparison, the entire wholesale electricity market has an annual value of around €3bn. Recognising the scale of this risk, the Department of Finance noted in its April 2016 Stability Programme Update<sup>5</sup>:

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<sup>1</sup>[https://www.seai.ie/Publications/Statistics\\_Publications/Energy\\_Modelling\\_Group\\_Publications/Ireland%E2%80%99s-Energy-Targets-Progress-Ambition-and-Impacts.pdf](https://www.seai.ie/Publications/Statistics_Publications/Energy_Modelling_Group_Publications/Ireland%E2%80%99s-Energy-Targets-Progress-Ambition-and-Impacts.pdf)

<sup>2</sup>[http://www.epa.ie/pubs/reports/air/airemissions/ghgprojections/EPA\\_2017\\_GHG\\_Emission\\_Projections\\_Summary\\_Report.pdf](http://www.epa.ie/pubs/reports/air/airemissions/ghgprojections/EPA_2017_GHG_Emission_Projections_Summary_Report.pdf)

<sup>3</sup>[http://www.eirgridgroup.com/sitefiles/library/EirGrid/Generation\\_Capacity\\_Statement\\_20162025\\_FINAL.pdf](http://www.eirgridgroup.com/sitefiles/library/EirGrid/Generation_Capacity_Statement_20162025_FINAL.pdf)

<sup>4</sup><http://igees.gov.ie/wp-content/uploads/2013/10/Future-Expenditure-Risks-associated-with-Climate-Change-Climate-Finance1.pdf>

<sup>5</sup>[http://www.finance.gov.ie/sites/default/files/SPU\\_FINAL\\_post\\_Oireachtas\\_0.pdf](http://www.finance.gov.ie/sites/default/files/SPU_FINAL_post_Oireachtas_0.pdf)

*'There are fiscal risks associated with a legally binding EU Effort Sharing Decision on climate change covering the 2013-2020 period. Ireland is obliged to achieve a 20 per cent Greenhouse Gas emissions reduction (compared to 2005 levels) in certain sectors. Current EPA projections estimate that Ireland will not achieve this reduction and failure to comply may incur costs of hundreds of millions through the purchase of carbon credits until such time as the target is complied with. Similarly, further new costs may arise in the context of a new EU climate and energy framework for the period 2020-2030, which will set new emissions reduction targets.'*

### 1.3 Security of Energy Supply

Ireland is one of the most energy import-dependent countries in the European Union, importing 85% of its fuel in 2014<sup>6</sup>. This makes Ireland particularly vulnerable to future energy crises and price fluctuations given its location on the periphery of Europe. While the commissioning of the Corrib gas field in January 2016 has reduced the amount of imported fossil fuels Ireland will require in the short term, SEAI has noted that *"the production profile is quite short, however, and is expected to decline within 6 years of its commencement"*<sup>7</sup>. The international fossil fuel market is growing increasingly expensive and is increasingly affected by international politics which can add to price fluctuations. This volatility will be increased as carbon prices increase in the future. The cost of carbon credits is included in all electricity traded, and the price of electricity generated by coal is particularly vulnerable due to its high carbon emissions per unit of electricity generated.

In December 2015, the Government confirmed in their publication of the White Paper 'Ireland's Transition to a Low Carbon Future 2015 – 2030' that *'there will be a substantial increase in the cost of carbon in the short and medium term, through the EU Emissions Trading Scheme'*. Any steps to reduce dependence on imported fossil fuels will add to financial autonomy and stability in Ireland. The White Paper also notes, *'In the longer term, fossil fuels will be largely replaced by renewable sources'*. SEAI has warned of our heavy dependence on imported fossil fuels, noting *'In 2014, 15% of our energy came from indigenous resources with renewable energy now starting to make a significant contribution. However, the remaining 85% of our energy requirements came from abroad, costing us more than €15 million every day. This is a lost opportunity in terms of keeping this money here in Ireland and further developing our abundant renewable resources.'*

### 1.4 Competitiveness of Wind Energy and Local Benefits

While Ireland has a range of renewable resources, as the White Paper states *'[Onshore Wind] is a proven technology and Ireland's abundant wind resource means that a wind generator in Ireland generates more electricity than similar installations in other countries. This results in a lower cost of support.'*

A 2015 Poyry study 'Future Wind Scenarios and Electricity Market Effect in Ireland' showed that reaching our RES-E target in 2020 would reduce wholesale prices by more than costs of (i) new grid infrastructure, (ii) backup required when the wind doesn't blow and (iii) the subsidies paid to wind generators. Poyry found that meeting the RES-E target would result in a net saving of €43m per year to the Irish economy from 2020. The EU has noted that Ireland has one of the lowest costs of supporting renewables, mainly because onshore wind is on a par with the cost of power from conventional generation when a full cost benefit is undertaken. It is further noted that a detailed report carried out by Baringa on behalf of Scottish Renewables which analysed the potential outcome of a further "Pot 1"

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<sup>6</sup> [https://www.seai.ie/Publications/Statistics\\_Publications/Energy\\_Security\\_in\\_Ireland/Energy-Security-in-Ireland-2015.pdf](https://www.seai.ie/Publications/Statistics_Publications/Energy_Security_in_Ireland/Energy-Security-in-Ireland-2015.pdf)

<sup>7</sup> [http://www.seai.ie/Publications/Statistics\\_Publications/Energy\\_Security\\_in\\_Ireland/Energy\\_Security\\_in\\_Ireland\\_A\\_Statistical\\_Overview.pdf](http://www.seai.ie/Publications/Statistics_Publications/Energy_Security_in_Ireland/Energy_Security_in_Ireland_A_Statistical_Overview.pdf)

CfD auction in Great Britain<sup>8</sup> confirmed onshore wind as the most cost competitive renewable technology in the UK, which has similar renewable resources as Ireland. Wind energy brings with it significant local benefits by way of local jobs, rental payments to landowners, rates to county councils and improved infrastructure such as roads.

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<sup>8</sup> <http://www.scottishrenewables.com/publications/baringa-sr-analysis-potential-outcome-pot-1-cfd/>

## 2 Specific Comments on the Draft CDP & Map 8.2.1

### 2.1 Policy Review

As a major stakeholder in the wind energy sector, IWEA welcomes the Council's positive policies and objectives towards promoting wind energy in Co. Donegal such as:

*E-O-5 To ensure that wind energy developments meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2006, or any subsequent related Guidelines (or as may be amended).*

*E-P-10: It is a policy of the Council that development proposals for wind energy shall be in accordance with the requirements of the Wind Energy Development Guidelines: Guidelines for Planning Authorities, 2006 (or as may be amended).*

However, it is noted that Objective E-O-6 references the text contained within section 6.5 (f) of the CDP 2018 and runs contrary to both the above policy and objective. The text contained within section 6.5 (f) (shown below) is not in compliance with National Policy and is proposed without credible scientific evidence base.

*(f) A set back distance of ten times the tip height of proposed turbines from residential properties and other centres of human habitation.*

Indeed on p.128 of the CDP 2018, the review of the policy in relation to wind energy in the county claims to have been "augmented by evidence base that is made up, in part" with references included to two different noise reports from 2013 and 2015. There is also some text on p.41 of Part A Appendix 2 which suggests that an increased setback maybe required for other reasons:

*'In order to protect residential amenity in the face of emerging evidence shown above it is prudent to apply the precautionary principle until adverse effects can be scientifically discounted according to case law averred to in the recent CJEU judgement case ref# C-142/16. Also since the adoption of the current CDP we have had incidents of blade throw (Corkermore), turbine collapse (Loughderryduff and Screggagh), fire (Cappagh Beg), which the set back would provide an adequate safety buffer.'*

While IWEA cannot comment on specific individual incidents since we don't have the full details, it is important to note that there are over 3,000MW of wind energy operating in Ireland with a very limited number of incidents, as seen in the table below.

Year	Total # of Turbines Operational	Total # of Catastrophic Tower Failures (Full or Partial)	Total # of Catastrophic Blade Failures (Full or Partial)	No. of Blade and Tower Failures	% fails
2011	1179	0	0	0	0.00%
2012	1255	0	0	0	0.00%
2013	1391	1	2	0	0.22%
2014	1511	0	1	0	0.07%
2015	1645	0	1	0	0.06%

IWEA strongly suggests that the text above from p.41 of appendix A Part does not constitute scientific evidence that would justify such a dramatic and drastic increase to the setback proposed in WEDGs. In circumstances where there have been a very limited number of incidents with the existing fleet which was built under existing guidance on setback, and which have not resulted in any injuries it is difficult to understand how an increased setback restriction is to be justified. It should be noted that all every wind farm in Ireland turbines has a Supervisory Control and Data Acquisition (SCADA) system which monitors and records the operation of the turbines including power generation, faults, alarms and grid interface. The SCADA system itself is remotely monitored 24/7, any faults that raise an alarm is checked remotely by the 24/7 monitoring team, and a service team can then be dispatched to site to repair the fault. If a fault has the potential to cause damage to the turbine, the SCADA system stops the turbine and sends an alarm to the 24/7 monitoring team.

In relation to noise, while it is not at all clear that the two reports referenced on p.128 of CDP 2018 form the purported “evidence base” for the ten times tip height setback restriction, it is IWEA’s submission that including a reference to reports does not constitute sufficient evidence base for such a significant and material deviation from national policy on the minimum setback distance that should be applied by each Local Authority. As already pointed out in this submission, p.41 of Appendix 2 suggests that the Planning authority itself would agree that sections of the National Wind Energy Development Guidelines in relation to setback have not been implemented within the CDP 2018. The Minister for Housing, Planning and Local Government (HPLG) has already said as much in the Statement of Reasons which were included in the Direction he issued to Donegal County Council issued to Donegal County Council in October 2016 (see appendix 3). Furthermore, and as already stated the circular issued by the DHPCLG on the 3<sup>rd</sup> of August contain specific measures in relation to proposed setback distances which have not been complied with in this case.

Furthermore, the Environmental Report which accompanies the CDP 2018 does not include information on “any measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing” OBJ E-O-6, even though it will effectively run contrary to OBJ E-O-5 and Policy E-O-10 in CDP 2018, as proposed.

**IWEA requests that section 6.5 (f) of CDP 2018 and any other reference to ten times tip height restriction be deleted as this is not in compliance with national policy on the matter.**

## 2.2 Map 8.2.1

IWEA is also extremely concerned with the approach taken by the Donegal County Council in relation to the mapping of areas deemed “Open to consideration”, “Acceptable for augmentation of / improvements to existing windfarms” and “Not acceptable”.

Aside from the welcomed proposal that areas be designated as “Acceptable for Augmentation”, it is clear from an analysis between the proposed wind energy map in CDP 2018, and the wind energy map from the existing County Development Plan 2012 – 2018 (prior to Variation No.2 of the 2012 – 2018 CDP) that the approach of the council has been to reduce areas deemed “Open to Consideration” to such an extent that future greenfield development of wind farms in the county will not be practically possible when considered in tandem with the proposed ten times tip height restriction. IWEA is concerned with the council’s approach to effectively preclude future greenfield development in the county. This approach by the Council seems to date back to the Variation No.2 of the existing CDP where large areas of the county that were previously zoned as “Open to Consideration” in the existing CDP, but which were subsequently deemed “Not acceptable” for wind energy on the basis of the areas allegedly being sensitive from a Fresh Water Pearl Mussel perspective and first introduced the ten times



tip height setback restriction. IWEA's submission at the time made clear that in its opinion the changes proposed in Variation No. 2 of the existing County Development Plan were in contravention to national policy, were being proposed without merit and in circumstances where experience **with wind farms in Ireland has shown that it is clearly possible to undertake successful Freshwater Pearl Mussel surveys and assessment, and to design mitigation measures to protect this sensitive species.** Furthermore, IWEA made clear that it failed to see the premise under which the six catchments were identified and vast swathes of the county arbitrarily singled out as additional for "Not Favoured" status, considering the lack of reasoning or new evidence base for such a provision around a single species. The Fresh Water Pearl Mussel is already given clear and unambiguous protection under the existing CDP and there was no clear explanation as to why wind energy was seemingly singled out among commercial activities for special attention under this provision.

IWEA also noted that this kind of blanket ban on individual species designation is not recommended by the National Parks and Wildlife Services (NPWS) and it runs contrary to specific EU Commission advice on the implementation of Natura 2000 regulations<sup>9</sup> which states that:

*"The Habitats Directive does not, a priori, exclude wind farm developments in or adjacent to Natura 2000 sites. These need to be judged on a case-by-case basis."*

The aim of the Natura 2000 Network is to protect vulnerable habitats and species across their natural range in Europe and ensure that they are restored to, or maintained at, a favourable conservation status. It is important to note that Natura 2000 is not a system of strict nature reserves where all human activities are excluded. While the network does include nature reserves, most of the land is privately owned and also plays host to various essential infrastructure such as roads, and public utilities such as electricity transmission and distribution systems, energy generation etc, as well as other land uses and activities. Therefore, the emphasis is on ensuring that management is sustainable, both ecologically and economically.

IWEA's analysis shows that the total area deemed "Open to Consideration" in the existing CDP (prior to the introduction of the areas deemed "Not acceptable" following Variation No.2 of the existing CDP) have decreased by as much as 40%. Indeed, when one assumes that a nominal tip height of 135m will result in a 1.35KM setback from houses, there is only a **minuscule 1.5% of the county remaining as "Open to Consideration" for future wind development** using this example. In addition, while supporting the principle of zoning sites as suitable for "Areas for Augmentation" IWEA notes that not all wind farms that have been granted planning permission in the county have been marked on Map 8.2.1 (e.g. Derrykillew Wind Farm; ABP planning Ref: 245108). Furthermore, IWEA has concerns about how these "Areas for Augmentation" have been decided upon and whether there is sufficient room for extensions to the existing permitted or constructed wind farms in these areas. E-P-12 (b) permits extensions of "up to 20%", while the principle to support extensions to wind farms is very welcome, limiting the size of these extension to 20% is very restrictive. Existing and permitted grid connection cables connecting many wind farms in the county also have the capacity to transmit more power. Proposed wind farm extensions should be permitted to maximise the use of their existing grid infrastructure.

Similar to the proposal on the ten times tip height setback, it is not clear how this map has been drafted. On p.128 of Part B of CDP 2018 the following text appears:

*The Council's approach to wind energy has been prepared having regard to the Planning Guidelines on Wind Energy Development, 2006 prepared by the (then) Department of the Environment, Heritage and Local Government. The review of the policy context guiding wind energy production has been augmented by the evidence base that is made up, in part, by the*

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<sup>9</sup> [http://ec.europa.eu/environment/nature/natura2000/management/docs/Wind\\_farms.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/Wind_farms.pdf)

*landscape character assessment process, the SEAI commissioned reports 'Examination of the Significance of Noise in Relation to Onshore Wind Farms' Marshall Day Acoustics. (November 2013), and 'Preliminary Report on Wind Turbine Noise Modelling RPS (March 2015), the Donegal County Council Interreg Iva project, 'Practical Implementation of Freshwater Pearl Mussel Measures' report 'Windfarm Development Guidance - Dr Tony McNally (June 2014), the EirGrid reports, 'All Island Ten Year Transmission Forecast Statement 2015' and 'Generation Capacity Statement 2017-2026'.*

*Arising from this process, and in accordance with E-P-12, Map 8.2.1 and 'Wind Energy' section of Appendix 3, Development Guidelines and Technical Standards, Part B, Objectives and Policies of the Plan, the Plan identifies the following policy/zoning areas for consideration of proposed new wind farm developments, and alterations to existing wind farms within the County.*

In IWEA's opinion this does not demonstrate scientific evidence to support such a radical reclassification of zoning for wind farm development in County Donegal.

The text which appears after the "Open to Consideration" zoning reference on p.128 does state:

*Open to Consideration: "They (these areas) have been identified having regard to a range of factors, including wind energy potential (through the wind speed atlas [www.seai.ie](http://www.seai.ie)), existing grid connections, proposed grid connections, natural heritage designations and landscape sensitivity, road infrastructure and where potential conflict with natural heritage designations may be managed effectively".*

While the text in the existing County Development Plan states:

*Open to Consideration: "This assessment (the process of identifying areas as open to consideration) utilised a Geographic Information Systems (GIS) approach examining a range of factors relating to wind energy development including: wind energy potential (through the Wind Speed Atlas, [www.seai.ie](http://www.seai.ie)), proposed and existing grid connections, natural heritage designations, landscape sensitivity*

IWEA cannot understand the vast difference in the area of the county that is now proposed to be zoned as "Open to Consideration" compared the area of the county that is currently deemed "Open to Consideration" in the existing County Development Plan when the criteria used to define areas as "Open to consideration" is almost identical.

It would seem that other matters outside of what is stated in the text above from CDP 2018 have been considered in drafting of Map 8.2.1 of CDP 2018. IWEA requests that Donegal County Council clarify this as a matter of urgency and either revert to the existing map in the current CDP or provide the evidence base required to justify such declassifying significant areas of the county from "Open to Consideration" to "Not acceptable".

This deficiency in the evidential basis of the policy is contrary to the guidelines above which are intended to ensure a consistency of approach throughout the country in the identification of suitable locations for wind energy development and the securing of the maximum potential from the wind energy resources of the planning authority's area and to underpin wider Government policy in relation to meeting binding international legal obligations with regard to renewable energy production and tackling the drivers of climate change.

Furthermore, the measures above are in breach of the planning policy guidance contained in the Wind Energy Guidelines 2006, as they do not maximise wind energy potential in the county and are in direct conflict with the requirements of Section 3.4 of the guidelines *'to secure the maximum potential from wind energy resources of the planning authority's area commensurate with supporting development that is consistent with the proper planning and sustainable development.'*

IWEA requests that the DRAFT Map 8.2.1 appended to CDP 2018 be removed. IWEA further requests that either a new process be commenced whereby clear scientific evidence is given for revising previous zonings in the county, or that the original map in the existing CDP (prior to the introduction of the areas deemed "Not acceptable" following Variation No.2 of the existing CDP) is reinstated as the Wind Energy Map for the county, as this original map was evidently drafted based on proper planning considerations.

### 3 APPENDIX 1 – Review of the Wind Energy Development Guidelines 2006 “Preferred Draft Approach”



**Roinn Cumarsáide, Gníomhaithe  
ar son na hAeráide & Comhshaoil**  
Department of Communications,  
Climate Action & Environment



**An Roinn Tithíochta, Pleanála,  
Pobail agus Rialtais Áitiúil**  
Department of Housing, Planning,  
Community and Local Government

#### **Information Note**

#### **Review of the Wind Energy Development Guidelines 2006 “Preferred Draft Approach”**

Following detailed engagement between the Department of Housing, Planning, Community and Local Government (DHPCLG) and the Department of Communications, Climate Action and Environment (DCCAE), an emerging “preferred draft approach” to the Review of the 2006 Wind Energy Development Guidelines was jointly announced on 13 June 2017. The emerging “preferred draft approach” was outlined to update the general public, stakeholders and planning authorities on the progress made and timetable for conclusion of the Review of the 2006 Guidelines, in the light of the elapse of time since the review commenced in 2013.

#### **Review of the Wind Energy Development Guidelines 2006**

The Wind Energy Development Guidelines 2006, issued under Section 28 of the Planning and Development Act 2000, as amended, sets the national planning policy context for local authority plan-making and the determination of planning applications and appeals by planning authorities and An Bord Pleanála.

As part of a targeted review of the 2006 Guidelines, the DHPCLG published proposed draft revisions to the noise, setback distance and shadow flicker aspects of the 2006 Guidelines for public consultation in December 2013. The public consultation process resulted in a very high level of public response, resulting in over 7,500 submissions, from the public, community groups, industry and other stakeholders expressing a broad range of views which informed the progress of the Review.

The Programme for A Partnership Government (May 2016) included a commitment to conclude the review of the Guidelines, with a view to offering a better balance between the concerns of local communities and the need to invest in indigenous energy projects, informed by the public consultation process and best international practice. On-going work has been underway between DHPCLG and DCCAE in this regard.

### **Renewable Energy Policy**

The Review has been undertaken within a wider national and EU energy policy context in line with binding EU and international obligations on Ireland to play its part in tackling both the causes and effects of climate change.

Under the 2009 Renewable Energy Directive, Ireland is legally bound to deliver 16% of its final energy requirements from renewable sources. The Government decided that, within the overall 16% target, the largest element is to be met by achieving a target of 40% of electricity generation from renewable sources.

Onshore wind is expected to make the largest contribution to achieving this 40% target by 2020. As of the end of April 2017, there was 2,851 megawatts (MW) of wind energy capacity installed and exporting to the national electricity grid. Eirgrid estimates that a total of between 3,900 and 4,300 MW of onshore renewable generation capacity will be required to allow Ireland to achieve 40% renewable electricity by 2020.

In the event that Ireland does not meet its 2020 targets, purchasing compliance is estimated by the SEAI to lie in the range of €65 to €130m for each percentage point that Ireland falls short of the overall 16% renewable energy target.

Looking beyond 2020, an EU target of at least 27% has been indicated as the share of renewable energy consumed in the EU in 2030. While the DCCAE is currently examining the potential for diversifying Ireland's renewable technology mix in the post-2020 period, as a proven and cost effective technology, onshore wind will remain part of Ireland's generation portfolio out to 2030 and will help to meet Ireland's contribution to the binding EU-wide 2030 renewable energy target.

### **“Preferred Draft Approach”**

There are a wide range of community, spatial planning, energy policy, environmental, technological and industry considerations that need to be balanced within the Review of the 2006 Guidelines.

The package of measures that has emerged as part of the “preferred draft approach” is being developed in the light of the commitment under the Programme for Government to strike a better balance between addressing the concerns of local communities whilst maintaining Ireland’s ability to deliver on its binding energy policy obligations.

The “preferred draft approach” focuses on a number of key aspects including:

1. Sound/ Noise.
2. Visual Amenity Setback.
3. Shadow Flicker.
4. Consultation Obligations.
5. Community Dividend.
6. Grid Connections.

### **SEA Process**

In line with requirements under the EU Strategic Environmental Assessment Directive (the SEA Directive), an SEA will be undertaken on the “preferred draft approach” to the revised Guidelines. The SEA process ensures that environmental considerations are fully integrated in the preparation of plans and programmes, which provide a framework for development consent or planning permission.

In addition, the consideration of alternatives in the SEA process provides the opportunity to identify and explore different ways to deliver the objectives of a plan or programme while addressing environmental issues.

The SEA process will involve the preparation of draft revised Guidelines, incorporating the “preferred draft approach”, and an Environmental Report, including alternatives, and will be subject to public consultation enabling all stakeholders to express their

views. Therefore, the draft revised Guidelines will be fully informed by the SEA process prior to their publication by the Minister/DHPCLG.

### **Finalised Guidelines**

Subject to and following the completion of the SEA process, the Guidelines will be finalised and issued under Section 28 of the Planning and Development Act 2000, as amended, and will apply to planning applications and considerations for future wind energy development proposals. Planning authorities and An Bord Pleanála will be required to have regard to the Guidelines and must apply any specific planning policy requirements as may be included in the revised Guidelines in carrying out their functions under Section 28(1C) of the Act.

It is intended that the revised and updated Guidelines will be accompanied by a number of technical appendices to assist planning authorities in relation to noise assessment, monitoring and the setting of planning conditions to ensure a consistent and robust approach.

## **“Preferred Draft Approach” – 6 Key Aspects**

### **1. Sound/ Noise**

#### **Noise Limits**

The “preferred draft approach” proposes noise restriction limits consistent with World Health Organisation standards, proposing a relative rated noise limit of 5dB(A) above existing background noise within the range of 35 to 43dB(A), with 43dB(A) being the maximum noise limit permitted, day or night. The noise limits will apply to outdoor locations at any residential or noise sensitive properties.

Sounds containing certain characteristics specific to wind turbines (e.g. tonal, low frequency and amplitude modulation) are frequently perceived to be more intrusive than those that do not. The rated limit will take account of these certain noise characteristics and, where identified, permitted noise limits will be further reduced to mitigate for these.

#### **Noise Monitoring**

Updated noise measures are being proposed in tandem with the introduction of a new noise monitoring regime in relation to wind farms with local authorities enforcing planning conditions supported by the Environmental Protection Agency who will provide independent noise monitoring of wind farms. Where there is evidence of non-compliance with noise limits, wind turbines will be required to be turned off until compliance with the noise limits is proven.

Detailed technical guidance is being developed in relation to noise assessment, monitoring and the setting of planning conditions to assist planning authorities and developers in this regard.



## **2. Visual Amenity Setback**

The 'preferred draft approach' proposed for visual amenity comprises a setback distance, of 4 times the tip height between a wind turbine and the nearest point of the curtilage of any residential property, subject to a mandatory minimum setback of 500 metres.

The potential for visual disturbance can be considered as dependent on the scale of the proposed turbine and the associated distance. Thus a setback which is the function of size of the turbine should be key to setting the appropriate setback.

Setback requirements would also be subject to compliance with noise limits.

## **3. Shadow Flicker**

Shadow Flicker occurs when the sun is low in the sky and the rotating blades of a wind turbine casts a moving shadow which, if it passes over a window in a nearby house or other property results in a rapid change or flicker in the incoming sunlight. The time period in which a neighbouring property may be affected by shadow flicker is completely predictable.

The 'preferred draft approach' proposes that technology and appropriate modelling at design stage to eradicate the occurrence of shadow flicker must be confirmed in all planning applications for wind energy development.

Moreover, there will be clearly specified measures for automatic wind turbine shut down, where the issue arises as a condition planning permission. In effect, no neighbouring property will experience the occurrence of shadow flicker.

#### **4. Consultation Obligations**

It is proposed that there will be an obligation on the developer of a wind energy project to consult with communities, prior to submitting a planning application.

Planning authorities will take into account the degree to which the proponents of wind energy projects have meaningfully and properly consulted with and facilitated public participation in developing and refining their proposals. Projects should reflect broadly based community perspectives, should explain the potential benefits of a project and should seek to establish relationships with the community on a long-term basis.

#### **Community Report**

Planning applications must contain a Community Report prepared by the applicant which will specify how the final proposal reflects community consultation.

The Community Report must also outline steps taken to ensure that the proposed development will be of enduring economic benefit to the communities concerned.

#### **5. Community Dividend**

Community benefit/dividend will be a core component of future wind farm development with both community ownership and part-ownership of wind energy projects by local communities being encouraged.

Wind farm developers will also be required to take steps to ensure that the proposed development will be of enduring economic benefit to the communities concerned. While the precise benefit will vary according to the nature and scale of a project and the local communities' preferred options regarding the nature of the community benefit, it is essential that applicants/developers offer a form of community benefit that provides for a tangible long-term dividend to the community.

Community benefit may encompass a range of measures that a project can bring to local areas. For the majority of projects, this is associated with the level of economic benefit, widely defined, that a project brings to a community. Whether in the form of

local jobs and training opportunities, energy efficiency measures, and contributions in kind to local assets and facilities, it is important that community benefit is a core component of future wind farm development.

Models to support community participation will be implemented as part of the new Renewable Electricity Support Scheme under development by the DCCAE.

The 'preferred draft approach' for the consultation obligations and community dividend proposals will be further supported by the "Code of Practice for Wind Energy Developments – Guidelines for Community Engagement", issued by the DCCAE in December 2016 for the wind industry sector.

## **6. Grid Connection**

From a visual amenity aspect, undergrounding of cable connections from wind farms to the transmission and distribution system is the most appropriate solution, except where specific ground conditions or technical considerations make this impractical.

### **Draft Revised Guidelines**

The draft revised Guidelines will be prepared incorporating the 6 key aspects of the "preferred draft approach" outlined above along with a general update of the 2006 Guidelines.

## **SEA Process and Timelines**

The SEA process for these Guidelines will involve a number of stages, including:

- scoping the content of an Environmental Report with the prescribed Environmental Authorities;
- environmental assessment and the preparation of an Environment Report;
- a public consultation on the proposed draft Guidelines and Environmental Report; and
- the adoption of the Guidelines pursuant to SEA, with the subsequent publication of an SEA Report.

It is envisaged that the full SEA process will take approximately 9 months, including tendering for the appointment of SEA consultants. An indicative SEA Process Timeline is set out at Appendix 1.

It is also intended to screen for appropriate assessment (AA).

In tandem with commencing the tendering process for an SEA consultant in early Q3 2017, DHPCLG will also carry out the SEA screening process and commence the scoping process with the Environmental Authorities, on an in-house basis. The indicative timeline for the completion of the overall process and the issuing of adopted Guidelines is Q1 2018.

**Indicative SEA Process Timeline\***

<b>Stage</b>	<b>Timeline</b>	<b>Period</b>	<b>Action</b>
Screening and Scoping	Week 0-2	2 weeks	Preparation of SEA Scoping Report
	Week 3-6	4 weeks	Environmental Authority Consultation
Environmental Assessment	Week 7-8	2 weeks	Review response Environmental Authorities. Finalise “Recommended” Guidelines, Environmental Report and AA Screening Report
	Week 9-12	4 weeks	Additional period if NIS (AA) required
Public Consultation	Week 13-20	8 week	Publication of “Recommended” Guidelines, Environmental Report and AA Screening/NIS
	Week 21-24	4 weeks	Review response from Public Consultation
Finalise Guidelines	Week 25-26	2 weeks	Publication of adopted Guidelines and SEA Report

\* Timeline may change e.g. due to the volume of submission received in the public consultation stage.

## 4 APPENDIX 2 – Circular PL05-2017 sent to all Local Authorities Review on 3<sup>rd</sup> of August



An Roinn Tithíochta, Pleanála  
agus Rialtais Áitiúil  
Department of Housing, Planning  
and Local Government



Planning Circular Letter  
Circular PL 5/2017

3 August 2017

- To: Chief Executive of each County/City Council,  
Cathaoirleach of each County/City Council,  
Cathaoirleach of each County/City Council Strategic Policy Committee on Planning,  
Director of Service for Planning of each County/City Council, and  
An Bord Pleanála.
- CC: Senior Planners, City and County Councils

### **Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change and Wind Energy Development Guidelines 2006 – Update on Review**

As directed by the Minister for Housing, Planning and Local Government, Mr Eoghan Murphy, T.D., I refer to the Department's previous Circular letter PL 20-13 on the review of wind energy and renewable policies in development plans which issued on 20 December 2013 and wish to provide an update on the current position with regard to the advice contained therein.

Circular Letter PL 20-13 advised that local authorities should defer amending their existing Development Plan policies in relation to wind energy and renewable energy generally as part of either the normal cyclical six-yearly review or plan variation processes and should instead operate their existing development plan policies and objectives until the completion of a focused review of the Wind Energy Development Guidelines 2006. The content of Circular letter PL 20-13 continues to be the advice of the Department.

#### **Development Plan Process**

Local authority development plans are a critical part of translating overall national policy on energy, renewable energy and wind energy in a manner that supports the achievement of Ireland's international obligations relating to climate change and renewable energy, and taking account of

local circumstances. As provided for in section 10(2) (n) of the Planning and Development Act (2000), as amended, (the Act), development plans are required to include objectives to mitigate against climate change and reduce reliance on fossil fuels.

Therefore, members of local authorities are reminded of their statutory obligations under the planning code in this regard and that in making or varying development plans, they must address renewable energy related policies or objectives when considering the proper planning and sustainable development of the area.

### **Interim Guidelines on Statutory Plans, Renewable Energy and Climate Change**

It is acknowledged that the review of the Wind Energy Development Guidelines 2006 has taken considerably longer to conclude than initially envisaged, including due to the undertaking of extensive public consultation exercises. However, considerable progress on the review has been made and a more detailed update on the review is set out below. The need to finalise the review is also reflected in Action 20 of the Government's recently published "National Mitigation Plan" on climate change. The measures to be implemented through this Plan will lay the foundations for transitioning Ireland to a low carbon, climate resilient and environmentally sustainable economy by 2050.

Recognising the elapse of time since the review of the 2006 Guidelines was commenced and the statutory obligations on planning authorities to conduct reviews of their development plans every six years with variations possible in the intervening period, it is considered that guidance is necessary to ensure that statutory plans place the highest degree of priority on practical steps that will assist in the delivery of development that will lead to the level of decarbonisation required.

Accordingly, the Minister is now issuing new Planning Guidelines entitled – "*Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change – July 2017*" (enclosed), which focus on administrative procedures which should be carried out by planning authorities in the context of any review or variation to a development plan that may arise in the interim.

In this connection, the Interim Guidelines identify specific national policies relating to renewable energy and wind energy to which planning authorities shall have regard in the adoption or variation of statutory development plans. The Interim Guidelines also contain specific planning policy requirements, pursuant to Section 28(1C) of the Planning and Development Act 2000, as amended, that, in making, reviewing, varying or amending a development plan or a local area plan with policies or objectives that relate to wind energy developments, the relevant planning authority shall:

- acknowledge and document national policy on renewable energy in the relevant development plan or local area plan;
- indicate how the plan will contribute to realising overall national targets on renewable energy (particularly in any proposal to introduce or vary a mandatory setback distance or distances for wind turbines).

The Interim Guidelines also confirm that it shall be a material consideration in the strategic environmental assessment of any statutory development plans if a new or varied mandatory setback distance proposal would create a significant limitation or constraint on renewable energy projects, including wind turbines, in the authority's administrative area.

The Interim Guidelines do not replace or amend the existing Wind Energy Development Guidelines 2006 but it is intended that the administrative provisions contained therein will be incorporated into the revisions to the 2006 Guidelines when finalised.

The Interim Guidelines enclosed are being issued under section 28 of the Act. Under this provision, planning authorities and An Bord Pleanála are required to have regard to the guidelines and to apply any specific planning policy requirements of the guidelines, in the performance of their functions.

### **Ministerial Directions regarding development plans**

Where local authorities breach statutory requirements in the development plan process or fail to adopt policies that reflect the overall national policy position, the Minister has powers under section 31 of the Act, which allow him to direct a planning authority to amend a statutory development plan. Where a local authority includes provisions considered to be incompatible with established national policy on renewable energy development and the statutory Guidelines, including the Wind Energy



Development Guidelines (2006) or these Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), consideration will be given to the use of those powers to direct the local authority to remove the incompatible provisions.

### **Review of the Wind Energy Development Guidelines 2006 – Update**

In light of the commitment under the Programme for a Partnership Government (May 2016) to conclude the review of the 2006 Guidelines, with a view to offering a better balance between the concerns of local communities and the need to invest in indigenous energy projects, an important milestone in the review of the 2006 Guidelines was announced on 13 June 2017. The then Minister for Housing, Planning, Community and Local Government, in conjunction with the Minister for Communications, Climate Action and Environment, outlined an emerging “preferred draft approach” being developed by their respective Departments to address the key aspects of the review of the 2006 Guidelines.

The key aspects of the preferred draft approach are:

- the application of a more stringent noise limit, consistent with World Health Organisation noise standards, in tandem with a new robust noise monitoring regime, to ensure compliance with noise standards;
- a visual amenity setback of 4 times the turbine height between a wind turbine and the nearest residential property, subject to a mandatory minimum distance of 500 metres between a wind turbine and the nearest residential property;
- the elimination of shadow flicker; and
- the introduction of new obligations in relation to engagement with local communities by wind farm developers along with the provision of community benefit measures.

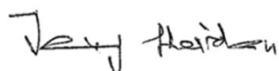
For further information on the announcement, please see attached *An Information Note: Review of the Wind Energy Development Guidelines 2006 - “Preferred Draft Approach”*. This is also available on the Departments website at the following link:

[http://www.housing.gov.ie/sites/default/files/publications/files/wedg\\_review\\_information\\_note -  
\\_preferred\\_draft\\_approach.docx](http://www.housing.gov.ie/sites/default/files/publications/files/wedg_review_information_note_-_preferred_draft_approach.docx)

In line with requirements under Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, a Strategic Environmental Assessment (SEA) will be carried out on the proposed revisions to the Guidelines, incorporating the preferred draft approach outlined above, prior to their adoption. The SEA process ensures that environmental considerations and public participation are fully integrated in the preparation of plans and programmes which provide a framework for development consent or planning permission.

The next stage of the focused review will be the commencement of scoping for strategic environmental assessment of the proposed revisions to the Guidelines with the relevant statutory environmental authorities. This will be followed in due course by the publication of detailed draft guidelines accompanied by relevant environmental reports for public consultation in Autumn 2017, with a view to concluding and publishing the final revised Guidelines in Q1 2018.

Any enquiries in relation to this Circular and the enclosed Guidelines may be emailed to [planning@housing.gov.ie](mailto:planning@housing.gov.ie).



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**Terry Sheridan**  
**Principal**  
**Planning Policy**



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**Niall Cussen**  
**Principal Adviser**  
**Forward Planning**

**Attachments:**

- (i) Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change – July 2017.
- (ii) An Information Note: Review of the Wind Energy Development Guidelines 2006 - “Preferred Draft Approach”.



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



# INTERIM GUIDELINES FOR PLANNING AUTHORITIES ON STATUTORY PLANS, RENEWABLE ENERGY AND CLIMATE CHANGE

## 1. Introduction

These guidelines are being issued under Section 28 of the Planning and Development Act 2000, as amended, ('the Act'). These guidelines focus on administrative procedure and do not replace or amend the existing Wind Energy Development Guidelines 2006 which remain in place pending the completion of an ongoing review of the 2006 Guidelines, which will be subject to strategic environmental assessment (SEA).

It is intended that the subject matter of these interim guidelines will also be included in amendments to the 2006 Guidelines, and after the adoption of amendments to the 2006 Guidelines, following the above-mentioned review, these interim guidelines will cease to have effect.

Section 28 of the Act requires both planning authorities and An Bord Pleanála to have regard to these interim guidelines and apply any specific planning policy requirements of the interim guidelines in the performance of their functions.

## 2. Context

The development plan is a critical part of translating overall national policy on energy, renewable energy and wind energy in a manner that supports the achievement of Ireland's binding international obligations relating to climate change and renewable energy, and taking account of local circumstances. Central and local government need to work together in achieving these targets.

In making or varying a development plan, Sections 12(11) and 13(7) of the Act provide that the members of a local authority shall be restricted to considering the proper planning and sustainable development of the area to which the development plan relates, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or any Minister of the Government.

## 3. National Plans and policies relating to renewable energy and wind energy

For the purposes of these interim guidelines, planning authorities shall, in particular, have regard to the following national plans, policies and strategies when making, reviewing, varying or amending development plan or local area plan policies or objectives that relate to renewable energy, and in particular, wind energy developments:

- The National Renewable Energy Action Plan 2010 (Irish Government submission to the European Commission);
- The Government's Strategy for Renewable Energy 2012 – 2020 (DCENR);
- The Government's White Paper on Energy Policy - Ireland's Transition to a Low Carbon Energy Future 2015-2030 (DCENR); and
- The Government's National Mitigation Plan, July 2017 (DCCA).

#### 4. Specific Planning Policy Requirement

It is a specific planning policy requirement under Section 28(1C) of the Act that, in making, reviewing, varying or amending a development plan, or a local area plan, with policies or objectives that relate to wind energy developments, the relevant planning authority shall carry out the following:

- (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.

#### 5. Links to referenced national policies and plans

The National Renewable Energy Action Plan 2010 (Irish Government submission to the European Commission):

[http://www.dccae.gov.ie/en-ie/energy/topics/Renewable-Energy/irelands-national-renewable-energy-action-plan-\(nreap\)/Pages/Action-Plan.aspx](http://www.dccae.gov.ie/en-ie/energy/topics/Renewable-Energy/irelands-national-renewable-energy-action-plan-(nreap)/Pages/Action-Plan.aspx)

The Government's Strategy for Renewable Energy 2012 – 2020 (DCENR):

[http://www.dccae.gov.ie/en-ie/news-and-media/publications/Documents/21/RenewableEnergy\\_Strategy2012-2020.pdf](http://www.dccae.gov.ie/en-ie/news-and-media/publications/Documents/21/RenewableEnergy_Strategy2012-2020.pdf)

The Government's White Paper on Energy Policy - Ireland's Transition to a Low Carbon Energy Future 2015-2030 (DCENR):

<http://www.dccae.gov.ie/documents/Energy%20White%20Paper%20-%20Dec%202015.pdf>

The Government's National Mitigation Plan, July 2017 (DCCAE):

<http://www.dccae.gov.ie/en-ie/climate-action/publications/Pages/National-Mitigation-Plan.aspx>

**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 2016**

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

“The Planning Authority” means Donegal County Council

**WHEREAS** the Minister for Housing, Planning, 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.13 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:

<b>E-O-6:</b>	<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:

<b>10.6.5</b>	<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>
<b>10.6.7</b>	<p><b>Centres of Human Habitation</b>  <b>Definition:-</b>  <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**

Having carefully considered the Independent Inspector's report, public submissions received and the report of the Donegal Chief Executive's report, I have decided to issue this direction on the Variation No. 2 to the Donegal County Development Plan 2012-2018 taking account of the following:

1. Variation No. 2 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 in that it removes the capability for a case by case assessment of wind energy applications based on objective analysis of the impact of noise and shadow flicker on the amenity of noise sensitive properties. Furthermore in practical terms this element of the variation introduces a setback distance considerably in excess of the non-mandatory guidance set-back referred to in the statutory guidelines.
2. Variation No. 2 introduces an arbitrarily based and mandatorily applied exclusion of wind energy developments alone, as distinct from any other class of developments, within six freshwater pearl mussel catchments contained in the freshwater pearl mussel sub-basin management plans for Claddy, Eske, Glaskeelin, Leannan, Owencarrow and Owenea. This is 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.
3. Given that 1 and 2 above introduce mandatory and arbitrary exclusion zones the effect of variation No.2 is to introduce policies that are in breach of the planning policy guidance contained in the Wind Energy Guidelines 2006, the Council will fail to maximise wind energy potential in Donegal, which directly conflicts with the requirements of Section 5.2 of the Guidelines above which state that development plans must 'secure the maximum potential from wind energy resources of the planning authority's area commensurate with supporting development that is consistent with the proper planning and sustainable development.'
4. The elected members of 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)(b) and Section 31 (c) of the Act.

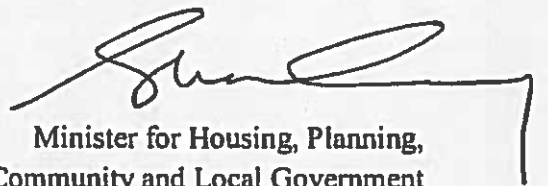


5. A written submission on the proposed Variation No.2 to County Donegal Development Plan 2012-2018 was made to Donegal County Council on behalf of the Minister for the Environment, Community and Local Government in May 2014.

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.
6. 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.13 and s.28 of the Planning and Development Act 2000 (as amended).

GIVEN under my hand,



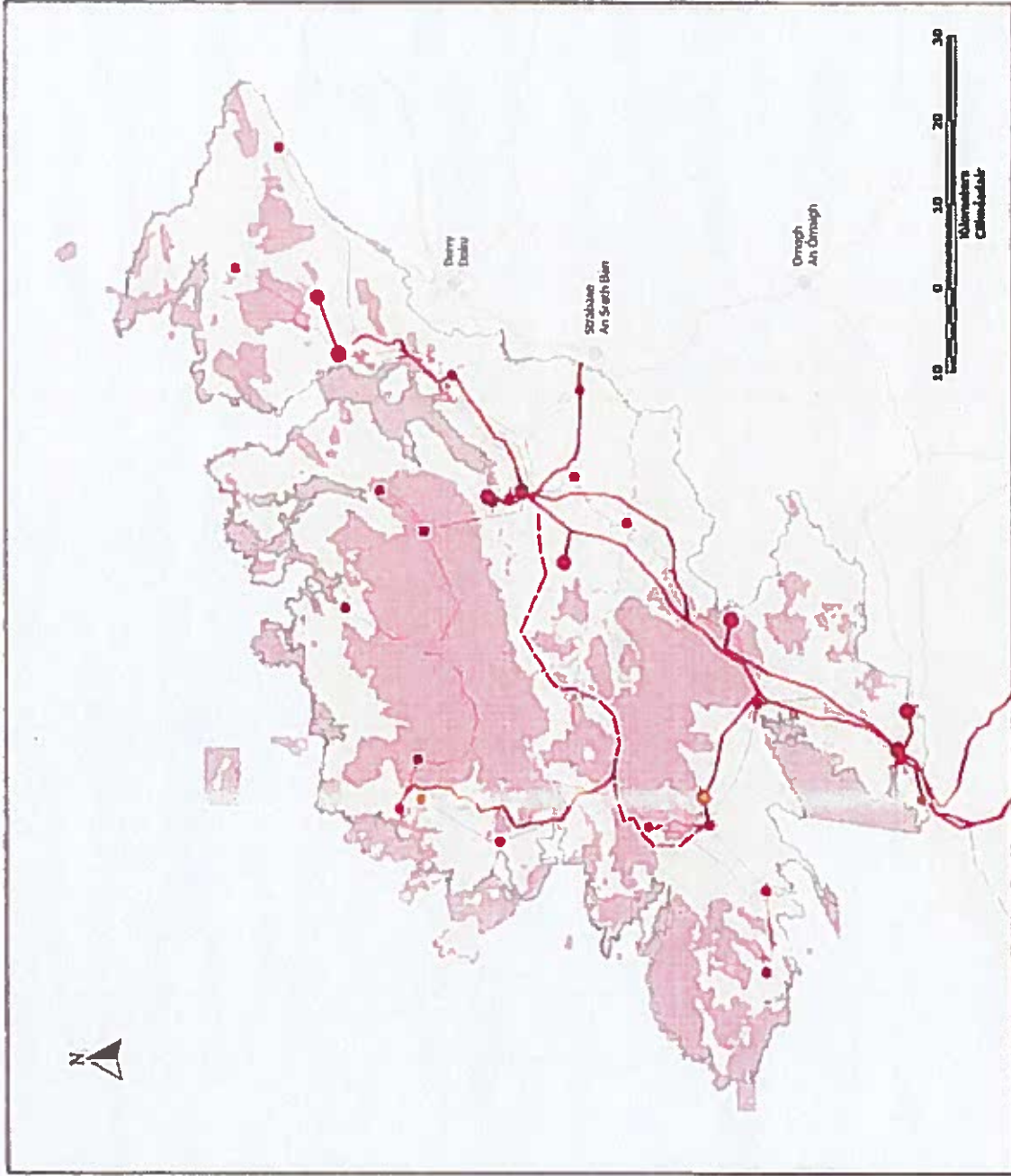
Minister for Housing, Planning,  
Community and Local Government  
On this 6<sup>th</sup> day of October 2016

# APPENDIX 1

**County Donegal  
Development Plan  
2012 - 2018 (As Varied)**

**Plean Forbartha  
Contae Donegal na hEanáir  
2012 - 2018 (arna leasú)**

**Map 9 / Léaráidil 9  
Wind Energy  
Fuinnseanbh Gaoithe**



- Áiteanna Oidre ar Chomhairleáil**  
Unsuitable ar chomhairleáil a ghlac
- Red square: **Not Favourable Areas**  
Ciontáirí nach bhfuil tair
  - Small red dot: **20 to 100m**  
Sráibhín 300v
  - Medium red dot: **30 to 100**  
Lárna 30 kv
  - Large red dot: **100 to 200m**  
Stáisiún 110 kv
  - Red line: **210 kv to 270kv**  
Líne 150kv
  - Red line with dots: **110 kv Reinforcement Line**  
Chomhairleáil ón 2013  
Lárna Aghaidh ón 110 kv  
líne 150kv

Map created July 2014 incorporating Variation No. 2  
Léaráid eilimhíne 104 2014, agús áithre áithre 3 áithre.

County Donegal Development Plan  
2012 - 2018 (As Varied)

APPENDIX 2

**County Donegal  
Development Plan  
2012 - 2018**

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

**Map 9 / Léarscáil 9**

**Wind Energy  
Fuinneamh Gaoithe**

