



Irish Wind Energy Association,
Sycamore House,
Millennium Park,
Osberstown,
Naas, Co. Kildare.

Mr. Brian Clancy, Administrative Officer,
Planning Section,
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

By email to planning@tipperarycoco.ie

23 May 2016

Re: Submission to Proposed Variation No. 3 to the North Tipperary County Development Plan 2010-2016 (as varied) and South Tipperary County Development 2009-2015 (as varied).

Dear Mr Clancy,

IWEA is Ireland's leading renewable energy representative body and as such has an active interest in the potential for renewable energy, and in particular wind energy, in County Tipperary. As this variation will inform the vision, objectives and policies for the entire county, IWEA would like to make the following comments, which we request the planning authority to take into consideration prior to adopting the Variation of the Renewable Energy Strategy of which the Tipperary Wind Energy Strategy (WES) 2016 is a key element.

We note that there is significant material change proposed to the Draft Wind Energy Strategies of the Development Plans in the proposed Variations. IWEA would like to emphasise our concern over a number of these changes, which will serve to severely limit further wind energy development in the County, in direct contrast to national policy as set out within the recent Government *White Paper, Ireland's Transition to a Low Carbon Energy Future*.

We look forward to engaging constructively with you on this proposal, and would welcome the opportunity to discuss this submission in more detail. As drafted the proposed Tipperary Wind Energy Strategy (WES) 2016 is severe in its approach, and is likely to work directly contrary to the broader County strategy to support renewable energy development towards national climate goals and targets.

Yours sincerely,

*Sent by email.

Brian Dawson
Head of Communications,
Irish Wind Energy Association.

Submission to Proposed Variation No. 3 to the North Tipperary County Development Plan 2010-2016 and South Tipperary County Development 2009-2015

1.0 Introduction

IWEA notes the proposed variation to the *North Tipperary County Development Plan 2010-2016* and *South Tipperary County Development 2009-2015* which is primarily to incorporate the *Draft Tipperary Renewable Energy Strategy 2016* which also contains the *Draft Wind Energy Strategy 2016* as Appendix 1. The *Draft Wind Energy Strategy 2016* replaces the Wind Energy Strategy of the *North Tipperary County Development Plan 2010-2016* (as varied) and the *Wind Energy Strategy* of the *South Tipperary County Development Plan 2009-2015* (as varied).

2.0 Vision

County Tipperary has been a leader in promoting renewable energy in Ireland throughout previous development plans and policies. It now supports 268MW of wind energy in Co. Tipperary, accounting for 11% of the total capacity for Ireland of 2436MW. Investment for the significant majority of this capacity coming from IWEA member companies.

IWEA supports the Vision for Renewable Energy as set out in Section 1.2 of the *Draft Tipperary Renewable Energy Strategy 2016*. Which states:

“The Council will seek to support and facilitate the development of the renewable energy sector in line with the strategic goals set out by the Department of Communications, Energy and Natural Resources whilst balancing the need for new development with the protection of the environmental, cultural and heritage assets of the county.”

3.0 Pre-draft Consultation

It is noted that a pre-draft consultation to this Wind Energy Strategy was undertaken between mid-May and 15th July 2015. As the trade organisation, which represents renewable energy companies responsible for the significant majority of renewable energy investment in County Tipperary and in Ireland, IWEA was concerned not to have been contacted as a *pre-identified* stakeholder.

4.0 Comments on Policies and Objectives

IWEA considers some of the provisions of the *Draft Tipperary Renewable Energy Strategy 2016* and in particular, the *Wind Energy Strategy 2016* contained in Appendix 1, overly restrictive and requiring clarity in terms of achieving the vision of the draft strategy, the strategic goals set out by the Department of Communications, Climate Change and Natural Resources and *sui generis* our global commitments to avoid dangerous climate change by limiting global warming to well below 2°C as stated under the *Paris Agreement (COP21)* December 2015, to which Ireland is a signatory.

IWEA holds a strong concern that areas which have previously been identified as suitable for wind energy development have now been reclassified to exclude such use, with significant implications for projects in development and also projects which are existing in such areas.

Additional restrictions as proposed in this draft policy, run contrary to Tipperary County Council's stated aim to "*fully support the strategic national goals and recognises the importance of progressing towards the development of a sustainable renewable energy sector.*" (Section 3.4 Future prospects on Wind Energy Developments in Tipperary, of the draft WES 2016)

4.1 Sieve Mapping Analysis

It is noted that the methodology for developing the *Draft Wind Energy Strategy 2016* is based on that recommended by the SEAI (2013) *A Methodology for Local Authority Renewable Energy Strategies*'. In the Sieve Mapping Analysis, areas 'Unsuitable for Further Development' have been identified by the planning authority. In these areas,

TWIND 4: It is the policy of the Council to assess new wind energy development in accordance with the associated wind energy strategy map and the following parameters:

Areas 'Open for Consideration' – wind energy development in these areas may or may not be appropriate, depending on the character of the landscape and the potential impact of the proposed development. Any impact on the environment must be low and subject to proper planning and sustainable development, and the guidelines set out in this policy document.

Areas 'Unsuitable for Further Development' – new wind energy development in these areas is not permitted. These areas have a special or unique landscape character where the main objective is conservation. Where there are existing wind energy developments in these areas, their repowering may be considered appropriate. Any impact on the environment must be low and subject to proper planning and sustainable development, and the guidelines set out in this strategy.

Further under Policy TWIND 4.12 and TWIND 4.13, it states:

TWIND 4.12 New wind energy projects will not normally be considered in these areas.

TWIND 4.13 Where there are existing wind energy developments in these areas, applications for 'repowering' may be considered appropriate, on a case by case basis. Repowering is the process of replacing older turbines with newer ones that either have a greater capacity or more efficiency which results in a net increase of power generated. All applications for such development will be required to demonstrate a low impact on the environment. Proposals will be required to comply with guidelines for development set out in this strategy and the proper planning and sustainable development of the area.

It is considered that the methodology used in the Sieve Mapping Analysis is too broadbrush and arbitrary, and does not examine the variety of factors and issues within the Areas 'Unsuitable for Further Development'. While it is agreed that some locations have more inherent environmental issues than others for wind energy developments. Such sites can usually be avoided in favour of alternative sites which have fewer constraints and the maximum capacity to sustainably assimilate the development. Regardless of the Draft Wind Energy Strategy, wind energy developers carry out extensive site finding exercises in order to arrive at a suitable site. While acknowledging the cumulative impacts, it is considered the designation is too restrictive and the council could apply a more open approach which allows consideration each project on its own merits.

The methodology applied does not assist detailed and robust appraisal, and could prevent appropriately sited projects from a proper assessment by the planning authority based on a broad brush policy. Alternative solutions can be found within Areas 'Unsuitable for Further Development'. Areas 'Unsuitable for Further Development' will be capable of a number of design solutions by varying

the site layout or location of facilities to avoid direct and indirect impacts on an area. Where designers are informed about environmental factors, these can usually be incorporated along with other design parameters. With this in mind we think a better approach would be to retain that adopted in the previous policy by South Tipperary i.e. using three designations for wind energy policy areas.

- Areas unsuitable for wind energy development
- Areas preferred for wind energy development, and
- Areas open for consideration.

The Wind Energy Strategy 2016 also fails to acknowledge that due to the nature of Irish development patterns, it is generally areas in proximity to environmental designations, which are most suitable for wind energy development. This is because both environmental designations and wind energy developments are generally located away from human settlements. The remaining areas designated 'Open for Consideration' will prove difficult for site identification as a result of the dispersed nature of residential development. Again, it is reiterated that with appropriate design and mitigation to a project, many impacts can be overcome. However, a broad-brush approach to the designations will prevent appropriately sited projects from a proper assessment by the planning authority.

It is also important to stress in relation to designated areas, specific EU Commission advice on the implementation of Natura 2000 regulations 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."¹

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 comprised of Special Areas of Conservation (SAC) designated by Member States under the Habitats Directive, and also incorporates Special Protection Areas (SPAs) which are designated under the 1979 Birds Directive.

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, rail networks and public utilities such as electricity transmission and distribution systems, gas networks, energy generation etc, as well as other land uses

¹ http://ec.europa.eu/environment/nature/natura2000/management/docs/Wind_farms.pdf

and activities. Therefore, the emphasis is on ensuring that management is sustainable, both ecologically and economically.

IWEA supports the position that projects must be assessed on their own merits, subject to the findings of the Environmental Impact Assessment and Appropriate Assessment processes and would ask that this be reflected within the draft.

4.2 Applications in the Planning Process

Of further concern as a result of TWIND 4.1, 4.12 and 4.13 is the status of projects both currently in the planning process and those with expiring permissions.

4.2.1 Applications currently in the Planning Process

There are several planning applications which have been in the planning process for several years now. An Bord Pleanála has been unable to make a decision on several wind energy developments, simply as a result of the timing with legal challenges to other EIA and AA projects.

4.2.2 Applications seeking an Extension of Duration

A planning permission normally expires after five/ten years. The time limit refers to the completion, not the commencement of the development. If works are not completed by the expiration date then the permission simply lapses. Developments may now seek to extend the duration of planning permission to prevent the permission lapsing and allow for the completion of development.

It is noted that the planning authority must be satisfied on the several points in order to grant an extension of permission. These include:

- Considerations of a commercial, economic or technical nature beyond the applicant's control which prevented commencement of the development or the carrying out of substantial works;
- The development continues to be consistent with the development objectives of the current development plan and the relevant regional planning guidelines.

- The development would not be inconsistent with Ministerial guidelines, irrespective of whether these post-date the original grant of permission; and
- Environmental impact assessment and appropriate assessment were carried out, if required, before the original permission was granted where no development has taken place.

Wind Farms are complex energy generating projects, subject to commercial and technical decisions outside the scope of the Planning and Development Act 2000 (as amended) and in particular, outside the scope of a five year CDP period. Many projects are in a queue for a Grid Connection Offers prior to 2010. The Commission for Energy Regulation (CER) has recently issued a consultation on the future grid access late in 2015². It is expected that it could take several years before certain projects can receive a connection offer. It will then take a further period to finance and construct a project. This delay is through no fault or inaction on the part of the developer. The ability to secure grid connections for projects from CER/EirGrid has substantially militated against the commencement of the development or the carrying out of substantial works.

This issue should be taken into account when considering the variation to the Wind Energy Strategy. In order to receive an extension of duration, the planning authority needs to be satisfied the development continues to be consistent with the development objectives of the current development plan and the relevant regional planning guidelines. As a change will be occurring to development plans, the development may not continue to be consistent with the development objectives of the current development plan and the relevant regional planning guidelines. This could put at risk existing projects, undermining progress towards national climate targets.

5.0 Conclusions & Clarifications

Clarification is required to give flexibility for projects which find themselves in an area previously identified as *'suitable', 'preferred', or 'open'* but now changed to a proposed Area *'Unsuitable for Further Development'*. This flexibility is necessary to allow the projects proceed given the complex considerations of a commercial, economic or technical nature beyond the applicant's control which prevented commencement of the development or the carrying out of substantial works. In order to ensure the projects already developed and in operation, IWEA consider that there should be a more direct recognition of repowering of existing projects and facility to consider, and where appropriate

² <http://www.cer.ie/docs/001060/CER%2015284%20Review%20of%20Connection%20and%20Grid%20Access%20Policy.pdf>

sustainable small scale project extensions which due to existing infrastructural arrangements can clearly be demonstrated to have no material environmental impact.

This could be facilitated through a minor rewording to TWIND 4.13 as follows (new wording highlighted)

*Areas 'Unsuitable for Further Development' – new wind energy development in these areas is not permitted. These areas have a special or unique landscape character where the main objective is conservation. **Minor extensions to existing operational projects within EIA thresholds, which do not adversely impact should be assessed on a case by case basis.***

*Where there are existing wind energy developments in these areas, applications for repowering **will be supported and extension of duration and modifications to associated infrastructure requiring planning permission** may be considered appropriate, on a case by case basis.*

Furthermore, as per our previous submission dated 27 November 2015 (Proposed Variation No.2 of the North Tipperary County Development Plan 2010), an integral part of wind energy development is the associated electricity network infrastructure and so we suggest rewording of policy TWIND 1 to acknowledge such.

Reword TWIND 1 as follows (new wording highlighted in bold for identification)

*It is the policy of the Council to support, in principle and in appropriate locations, the development of wind energy resources **and associated electricity network infrastructure** in county Tipperary. The Council recognises that there is a need to promote the development of 'green electricity' resources and to reduce fossil fuel dependency and greenhouse gas emissions in order to address the global issue of climate change, and to comply with European and International policies with regards to renewable and sustainable energy resources.*