

Planning Section,
Clare County Council,
New Road,
Ennis,
Co. Clare



16th November, 2020

Re: Submissions to Draft County Development Plan 2022-2028

A chara,

We, the members of Wind Aware Clare, wish to lodge a submission to the Draft County Development Plan 2022-2028.

We are calling for a comprehensive review of the Wind Energy Strategy and Renewable Energy Strategy, and for the integration of both policies into a revised Clare Renewable Energy Strategy. It is our contention that there is currently an excessive emphasis on on-shore wind to meet the renewable energy targets of the County. These targets should be addressed through the balance of a range of renewable energy sources.

Concentration of wind energy developments in West Clare

A full scoping of the extent of existing and proposed wind energy developments in the West Clare area needs to be undertaken, with full public consultation, to address the emerging picture of over concentration of wind energy facilities in the area. We are concerned that there is no reference in the Wind Energy Strategy to an upper tolerable limit to the number of turbines for the area.

Several developments are cause for concern and need to be considered in terms of cumulative impacts and strategic planning. We refer to in particular the granting of permission for the application by ESB Networks for alteration and extension of existing

Booltiagh 110kV station (Clare County Council File Reference: P14/761) was justified as the extension is required for numerous existing and planned wind farm developments in the area. We refer also to the application for a battery storage unit at Slieve Callan sub-station at Knocknalassa in 2018 and the recent application for an extension to the sub-station at Knocknalassa.

We refer to the ESB 110kV underground cable installation from the Slieve Callan windfarm to the Ennis (Tulla Road) 110kV substation. We submit that the exemption from planning permission granted to the 110kV cable, connecting the Slieve Callan wind farm to the national grid was an error in the planning process, where no level of public consultation was enabled. It is now clear that the 110kV cable connecting Slieve Callan wind farm to the national grid sets a framework for other projects with potential for significant environmental impact and should have been subject to Strategic Environmental Assessment and Environmental Impact Assessment with proper public consultation at all stages.

We refer to Chapter 14 of the Renewable Energy Strategy (Volume 6); Energy Storage – Pumped Hydro Energy Storage; it states in section 14.3.2 *'Actual Potential Following a detailed study of the geographical and physical potential for PHES and through the SEA and AA processes, this Strategy has identified 1. no. indicative area, considered to have significant potential to accommodate future pumped freshwater hydroelectric energy storage. The indicative area identified is as follows: West Clare (Slieve Callan area). This indicative area is outlined on Map 14.1 and Map 14.2 A'*¹. We also refer to section 14.6 Objectives; Res 14.1 *It is an objective of Clare County Council: (A) Within the Indicative Area identified on map 14.1, to facilitate the development of Pumped Freshwater Hydroelectric Energy Storage*². No further information has been made public on this proposed development. Given that this will drive further wind farm construction in the

¹ Clare County Development Plan 2017-2023 volume 6 Clare Renewable Energy Strategy 2017-2023 pg. 100

² *ibid* pg. 101

region, this is yet more grounds for concern regarding the lack of strategic planning in the whole area of wind energy generation and connection.

We submit that the extent of the current and proposed developments is extremely significant in terms of their area and concentration and are liable to give rise to damage to both priority habitats and species. It is also causing alarm in local communities. We request that Clare County Council undertake a full review of all current and planned developments. This exercise is vital both to provide a sound statutory basis for wind farm developments, and to fully consider the impacts of wind farms, associated infrastructure and grid connections and Pumped Freshwater Hydroelectric Energy Storage on the receiving environment and communities, and to ensure that the developments are undertaken in a sustainable manner, and correctly apply the requirements of the EIA and Habitats directives.

Zoning

Currently, several diverse zoning layers apply in many parts of County Clare. For example, an area may be simultaneously zoned as suitable for renewable energy, wind energy, agricultural activity, residential amenity and industrial use. The profusion of simultaneous, conflicting zoning has led to cases where new, permitted residential developments unwittingly find themselves in close proximity to new, permitted industrial developments, a situation which is not in the interest of either party.

Likewise, this excessive layering results in inconsistent planning decisions.

The Wind Energy Guidelines 2006 state that:

'It is preferable to avoid locating turbines where they can be seen one behind another, when viewed from highly sensitive key view points (for example, viewing points along walking or scenic routes, or from designated views or prospects)'.³

³ Wind Energy Guidelines, 2006

However, in Clare, a wind farm development is permitted although it is intersected by an existing 'Scenic Route' while a residential development distant from any 'Areas of Special Control' may be required to lower its roofline in the interest of 'visual impact'.

We propose that this multitude of layers results in inconsistencies in planning decisions, uncertainties for existing interests - residential, commercial or industrial - as well as uncertainties for prospective interests.

In the interest of transparency and consistency of planning decisions, we propose that the number of zones is reduced to no more than one or two in any one area and that those zones are notified by the planning department to every applicant for a planning permission.

We also suggest that zones of conflicting interests should be more carefully considered before being inserted in the CDP. For example, CCDP 2017-23, Vol. 1, 13.2 - Development Plan Objective: Settled Landscapes and the 'Strategic Areas' (Wind Energy) designations are clearly irreconcilable and should not operate in the same areas.

Buffer zones for residential properties

The current CCDP 2017-23 states that in identifying potential strategic wind energy sites: 'A GIS system was used to create buffer zones of 400 metres from properties (residential and commercial).'⁴

In the interest of using up-to-date data in the preparation of the new Clare Wind Energy Strategy, these outdated buffer zones should be increased. Turbine height has increased considerably, and developers have used a - voluntary - buffer of 750m from the nearest inhabited house in recent planning applications. We propose a minimum 1,000m buffer zone.

⁴ CCDP 2017-23, Vol. 5, 2.3.3 - Proximity to Residential Properties

NHA protection

The protection of NHAs requires strengthening in County Clare. The current CCDP has zoned important nature conservation areas in West Clare, in particular large tracts of blanket bog, including Natural Heritage Areas (protected under the Wildlife (Amendment) Act, 2000) as 'strategic' and 'acceptable in principle' areas for wind energy development. The cumulative effect on the hydrology of the peat lands, and the cumulative loss of foraging habitat for the important range of Annex bird species in the area; Golden Plover, Hen Harrier, Breeding Red Grouse, all Irish Red Data Book Species, together with Teal, Common Sandpiper, Redshank, Raven and Curlew needs to be addressed. Failure to take account of these cumulative effects runs counter to the statutory requirements of the EIA and SEA directives.

In relation to peatland vulnerability from renewable energy developments, the current CCDP 2017-23⁵ refers to the research by Renou-Wilson and Farrell which states that:

'Any development that involves drainage and fragmentation of peatlands has irreversible impacts on these ecosystems. Furthermore, the perceived 'green profile' of wind farms means that they tend to be viewed in a different light from other developments. It is proposed that any development on the nationally and internationally significant peatland resource of Ireland should undergo rigorous examination and impact assessment, and that degraded peatlands such as the industrial peat extraction areas in the Irish Midlands be selected as alternative locations for wind farm development.'⁶

We propose the exclusion of all NHAs from 'Strategic Areas (Wind Energy)', 'Acceptable in Principle (Wind Energy)' areas and 'Pumped Hydro Electric Storage (Indicative Area)' and replace with the designation 'Not Normally Permissible (Wind Energy)' in the interest of biodiversity, climate protection and the national goals outlined in the Climate Action

⁵ CCDP 2017-23, Vol. 5, 6.8

⁶ Renou-Wilson, Florence & Farrell, Connor. (2009). 'Peatland vulnerability to energy-related developments from climate change policy in Ireland: the case of wind farms.' *Mires and Peat*. 4. https://www.researchgate.net/publication/26841997_Peatland_vulnerability_to_energy-related_developments_from_climate_change_policy_in_Ireland_the_case_of_wind_farms

Plan 2019 and in particular 'Action 134: Implement measures for peatlands conservation'. This is in line with a recommendation from the DoEHLG to Clare County Council during the public consultation process for the current County Development Plan 2011-2017 for increasing NHA protection from wind farm development in Clare. In addition, a suitable constraint or buffer area should be put in place.

Since the adoption of the Wind Energy Strategy in 2009 there have been changes to the number and extent of Special Areas of Conservation and Special Protection Areas (Natura 2000 sites) that have the potential to be impacted by wind farm development. Consideration should be made of interim research that has increased the knowledge of the extent of the habitats of protected species in West Clare, such as the Fresh Water Pearl Mussel, and the potential impacts of wind farm developments on these species. These changes are further reasons for the need to reassess the current zoning system.

Monitoring and review of the Strategy

In the current CCDP Vol. 5 it is stated, under 'Assessment Monitoring Programme for the implementation of the Wind Energy Strategy':

It is proposed that the SEA monitoring reporting should take place in parallel with the reviewing of the strategy. However, in some cases as data becomes available, the Planning Authority may prepare an additional SEA Monitoring Report, if it is deemed necessary, particularly if the new data and its spatial analysis identifies negative impact(s) on the environment.

Should the monitoring regime identify significant impacts (such as impacts on designated sites) early on in the Wind Energy Strategy implementation, this should trigger a review of the Wind Energy Strategy and monitoring regime. It is recommended that data arising from planning applications, particularly in terms of environmental constraints mapping and Environmental Impact Statements be integrated into the GIS and monitoring system.⁷

⁷ CCDP 2017-23, Vol. 5, pg. 46

There is concern within local communities in West Clare over current monitoring systems (where they exist) which are funded by the development company. Frustration with the current system has led individuals to conduct their own research, resulting in conflicting data.

We propose that yearly monitoring of wind farms and their impacts on noise and flicker levels, on ground water and water courses, on biodiversity (flora and fauna), peat stability and updates on the ongoing habitat restoration should be undertaken by independent assessors from a fund ringfenced by Clare County Council as part of the development contributions. Their qualifications and methodology and results should be publicly available to ensure impartiality and engender confidence in the quality and level of monitoring in the local community.

Compliance with new guidelines

We expect that the new County Development Plan will adopt the upcoming Planning Guidelines on the development of wind farms from the Department of Housing, Planning and Local Government.

Community consultation

The current 2006 guidelines provide detailed recommendations on the community consultation process⁸ and these recommendations are further enhanced in the Dept. of the Environment, Climate and Communications 2016 Code of Practice for Wind Energy

⁸ Wind Energy Guidelines 2006, Appendix 2

Development in Ireland⁹. Unfortunately, community consultation is currently conducted in a sporadic and unsatisfactory manner and its lack of consistency is often cited in commentary and objections to proposed wind farm developments from individuals and community groups. Given that human impacts are low on the list of considerations, poor quality consultation only serves to enhance a sense of disempowerment. We propose that the new CDP mitigate this concern amongst communities by providing clarity on the quality and level of community consultation required with all types of proposals in the area of renewable energy developments.

To allow for fairness and sufficient response time for individuals and groups to planning applications, we refer to Regulations implemented in May 2020 directing that *'planning authorities shall upload all planning application documents onto their internet websites within 5 working days of receipt, subject to exceptional circumstances....'*¹⁰ and we propose that the period of response by the public commences from the day that all documentation relating to the application(s) is available online.

Yours sincerely,

Mary Nugent,

Chairperson, Wind Aware Clare, [REDACTED]

On behalf of Wind Aware Clare, a community group representing families residing in Coore, Shanavogh East and West and neighbouring townlands.

⁹ https://www.housing.gov.ie/sites/default/files/public-consultation/files/code_of_practice_for_wind_energy_development_in_ireland_guidelines_for_c.pdf. This document sets out a Code of Practice to enhance engagement and transparency between wind farm promoters and communities and does not purport to be of a legal form. It is not a substitute for planning obligations or other legal requirements imposed on wind energy developers.

¹⁰ Dept. Housing, Planning & Local Government Circular Letter PL 07/2020