



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

County Development Plan Review,
Planning Department,
Wicklow County Council,
Station Road,
Wicklow Town.

By email to planreview@wicklowcoco.ie

26th August 2016

Re: Submission to the Draft Wicklow County Development Plan 2016-2022 (Proposed Amendments).

Dear Wicklow Forward Planning Team,

The Irish Wind Energy Association (IWEA) welcomes the development of the Draft Wicklow County Development Plan 2016-2022 as a strategic planning framework for County Wicklow. This submission follows on from our two previous submissions to the Issues Paper dated 23rd December 2014, and to the Draft County Development Plan dated 18th February 2016.

IWEA is Ireland's leading renewables energy representative body and as such has an active interest in the potential for renewable energy, and in particular wind energy in County Wicklow. As the proposed amendments to the County Development Plan 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 take into consideration in the finalisation and adoption of the Development Plan.

We would kindly ask that the planning authority notify IWEA when the adopted County Development Plan has been finalised.

We very much welcome this opportunity and look forward to engaging constructively with you in the future, we would also welcome the opportunity to discuss this submission in more detail at any stage.

Yours Sincerely,

*Sent by email.

Brian Dawson
Head of Communications,
Irish Wind Energy Association

Draft Wicklow County Development Plan 2016-2022

IWEA welcomes the opportunity to comment on the Draft Wicklow County Development Plan 2016-2022, and acknowledges that the County Wicklow Wind Energy Strategy forms part of the Draft Plan. IWEA appreciates the recognition the Draft Development Plan affords to the significant increase in Ireland's energy requirements over the past two decades and the key role renewable energy will play in meeting increasing targets.

The Draft County Development Plan also recognises the substantive wind resources available to the Country, with Ireland only accounting for 2% of the total EU land mass but still accounting for 6% of the EU wind resources. IWEA welcomes in this regard Objective EMP 17 which states that it is an Objective of the Council *"to encourage and facilitate the development of "green" industries, including industries relating to renewable energy and energy- efficient technologies, waste recycling and conservation"*.

The Draft Plan goes on in section 9.5 to acknowledge the renewable energy commitments that have been undertaken at a national and European level. In relation to Electricity generation the Draft Plan states *"It is therefore imperative that further progress is made in this area and that alternative renewable source are further expanded and developed"*.

The County Wicklow Wind Energy Strategy has identified areas that are *"Most Favoured"*, *"Less Favoured"* and *"Not Favoured"*, for wind energy development within the County, and is included as Appendix 6 of the current draft plan. The Draft Plan states that *"it is the policy of the Council to maximise wind energy development within the County in all three if these areas, on a case by case basis, subject to meeting specific requirements and guidance contained within the strategy"*.

IWEA wishes to state that we are fully supportive of the above objectives and provisions within the Draft County Development Plan.

Serious Concerns within Objective CCE6

Following our previous submission in February 2016, IWEA wishes to place on record some very serious reservations in connection with the proposed amendments associated with Objective CCE6. It is apparent that the proposed changes to this objective have had little, if any regard for the existence of binding national targets for renewable energy generation. IWEA would regard this as a significantly negative step and one that is at odds with the existing National Policy guidelines.

The proposed amendment states as follows:

'Wind farms shall be at least 1,000m or 10 times the tip height of the proposed turbines from any residential properties or other centres of human habitation with special consideration given to the proximity of such developments to educational establishments.'

While IWEA acknowledges the importance of selecting the optimum locations for wind developments and ensuring that projects follow the requirements of proper planning and sustainable development, the imposition of the requirement for wind farms to be at least 1,000m or 10 times the tip height of the proposed turbines from any residential dwellings or other centres of human habitation runs directly contrary to the current *Wind Energy Development Guidelines*. Furthermore, it places

unnecessary restriction and constraint on the site selection process which would jeopardise or prevent renewable energy investment and development in the County.

It is clear from research carried out by the AIRO Institute of NUI, Maynooth that the setback being proposed by Wicklow County Council, would leave virtually no viable sites available for wind energy development.

Non-Compliance with National and Regional Policy

In proposing this new standard of separation distance, Wicklow County Council is blatantly disregarding both national and regional policy. Such a policy would also run contrary to the principles of EIA which seeks to establish a baseline and then predict associated impacts, in this case principally noise and shadow flicker. The replacement of a scientific approach with an arbitrary standard unsupported by factual evidence to justify its inclusion is completely at odds with best practice in development plan formulation.

The amendment to Objective CCE6 at this late stage is a major regressive change and will ensure that there will be no potential for the deployment of any new wind energy in Wicklow over the proposed lifetime of the Plan.

IWEA would like to clearly state that the setting of such a separation distance under this variation, would cut across and undermine the Government policy to deliver more indigenous renewable energy and reduce our current 85% imported fossil fuel dependency. Ruling out what could be suitable sites on an arbitrary basis could hinder our ability to meet our ambitious, but necessary and legally binding EU renewable energy and EU climate change commitments.

The Draft Plan does not provide any justification for the imposition of this proposed separation distance, nor is one contained in the County Wicklow Wind Energy Strategy. The separation distance quoted is an arbitrary distance and no explanation has been provided for this deviation from current planning guidance.

In this regard, we refer to the Department of the Environment, Communities and Local Government Wind Energy Development Guidelines 2006, which contain the following statements in relation to setbacks and buffer distance requirements for wind turbines (in the context of noise and shadow flicker):

- *“In general, noise is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500 metres”,* (Section 5.6, page 30 of the Guidelines refer);
- *“It is recommended that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day”* (Section 5.12, Page 33 of the Guidelines refer);
- *“Where the calculations indicate that occupied dwelling houses would be significantly affected, a condition requiring the non-operation of turbines at times when predicted shadow flicker might adversely impact on any inhabited dwelling within 500m of a turbine may be appropriate.”* (Section 7.14, Page 85 of the Guidelines refer);

Practical Implications of Proposed Policy Change

In the February 2016 submission IWEA sought to explain the implications of the proposed separation distance from dwellings standard, which at that stage was “at least 1km”. The amendment now proposed is 10 times the tip height which in practical terms, based on prevailing turbine technology

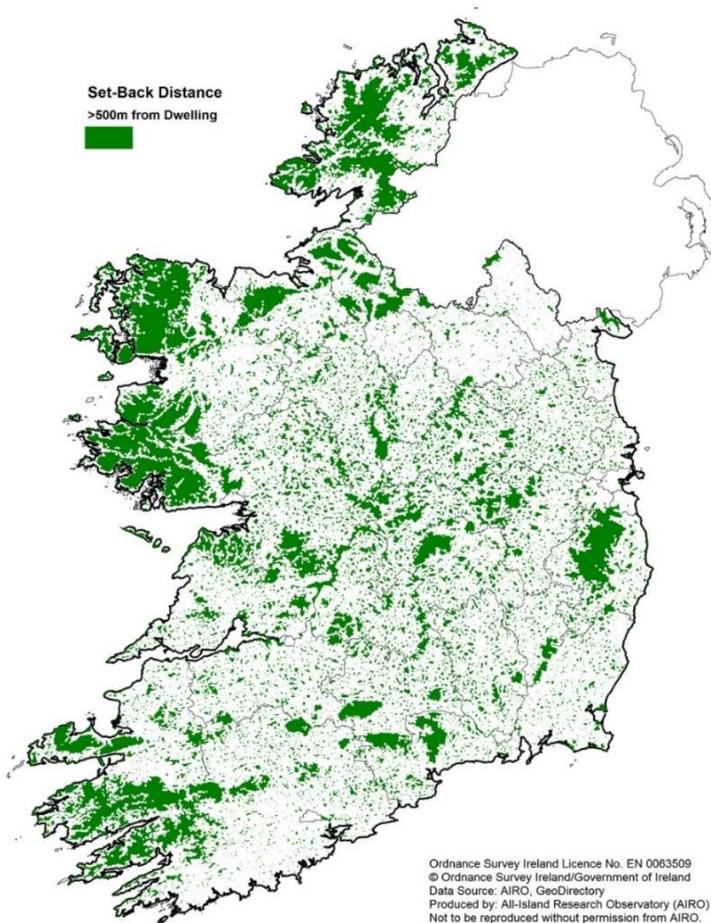
would give a distance of anywhere between 1,250m and 1,500m. In this regard, it is considered appropriate to re-state much of the information put forward in February.

The All-Island Research Observatory (AIRO) who are an independent spatial research body has mapped that for a 500m setback, just under a quarter (23.75%) of the total land area of the country would remain available for new wind farm development.

However, this significantly drops to:
9.4% for a 1,000m setback,

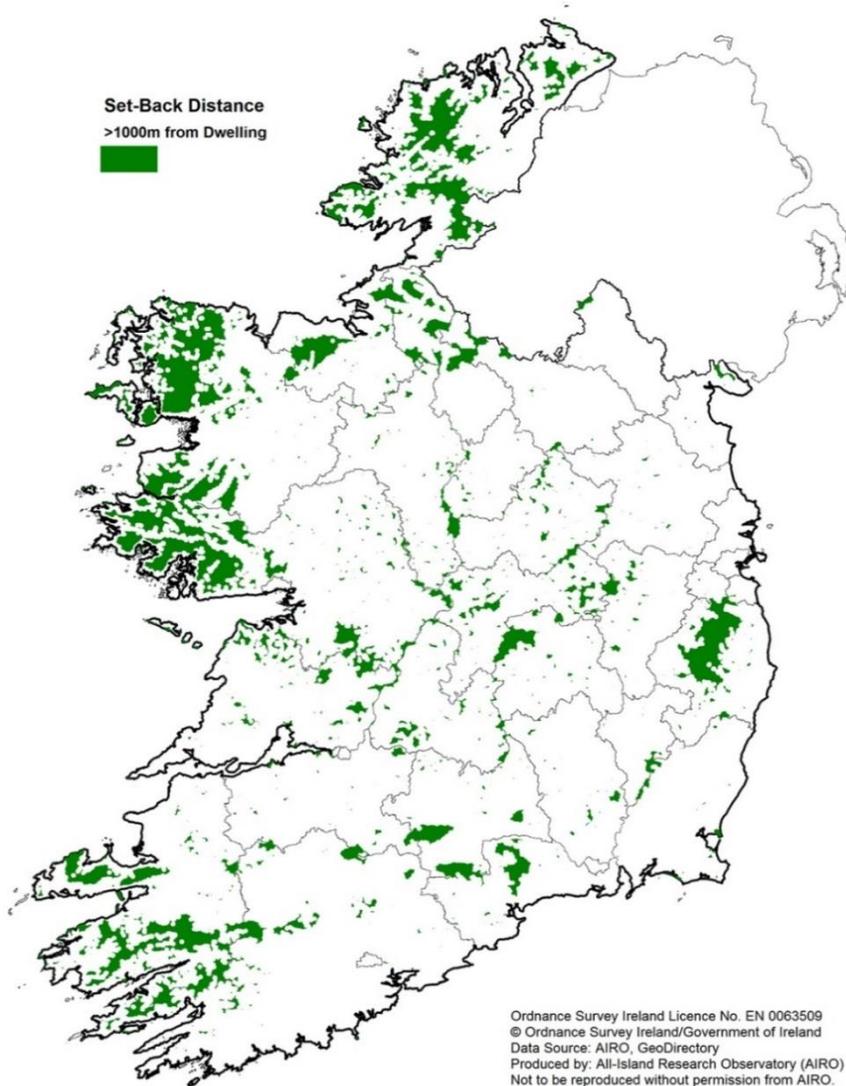
(i) Impact of a 500M Housing Buffer Zone in ROI

In the case of the **500m setback**, **23.75%** of the total land area of the country would remain available for new wind farm development.



(ii) **Impact of a 1KM Housing Buffer Zone in ROI**

In the case of the **1000m setback**, **only 9.4%** of the total land area of the country would remain available for new wind farm development.



Source: [Analysis carried out by AIRO at NUI Maynooth](#)

It is also important to note that while the analysis above from AIRO at NUI Maynooth is robust, it does not take into account, other constraints such as:

- Availability of a viable Wind resource
- Avoidance of known archaeological features with an appropriate buffer if required
- An airport buffer
- A radar buffer
- A telecommunications buffer

- Landscape constraints for sensitive landscape
- County Development Plan zoning

Therefore the total land area remaining available under the above scenario remains an optimistic number as the % land area would in fact be significantly smaller, if not towards zero for distances >500m, when all other constraints are taken into account.

This analysis clearly indicates that a setback distance of approximately 1.5km as proposed in Wicklow would mean that there would *be virtually no land available within the county for wind development and demonstrates that applying such a restriction is uninformed given no quantitative study has been prepared.*

There is no doubt such a policy will rule out the development of Wind Energy Development within the County even in the areas considered otherwise suitable.

IWEA are concerned that the inclusion of an “*at least 1,000 metre or 10 times the tip height of the proposed turbines*” standard set back of wind farm developments from dwellings will:

- Greatly reduce the suitable site alternatives available for wind farm development within County Wicklow, as identified within the wind Energy Strategy that has been adopted;
- Reduce the ability of landowners to bring forward renewable energy projects on their own lands;
- Apply an inappropriate strategic level constraint that would not be necessary to ensure the protection of residential amenity at individual project level;
- Restrict the opportunities for Wicklow to benefit from development of its own Green Economy with benefits from jobs, investment, carbon emissions savings and for the reputation of the country. We note that within Chapter 5 on Economic Development, Green Energy is clearly identified as an opportunity for economic development within objective EMP17, including renewable energy.
- Reduce the ability of Wicklow as a County and the Country as a whole to support the delivery and achievement of renewable energy targets that have been set and are subject to national and international agreement;
- Restrict the ability of the planning Authority to favourably consider wind farm projects that fully satisfy all the other listed requirements following detailed individual project assessment and study; and
- Render the Wicklow Development Plan inconsistent with Ministerial Guidelines that have been issued under Section 28 of the Planning and Development Act, 2000 as amended.

IWEA reiterate our serious concern that the result of the proposed amendments would be the further overall reduction in wind farm capacity areas within County Wicklow.

The imposition of a rigid extreme separation distance within the strategic planning policy for the County will further restrict, to the point of extinction, any potential for future wind energy development in Co. Wicklow. **IWEA would like to ask the Council if this is the intended consequence of such proposals.**

Concern with Omission of Objective CCE7

In the previous draft, Objective CCE7 stated:

“All wind farms shall be granted for a duration of 10 years (maximum) unless a shorter period is requested”.

The proposed Draft Plan is seeking to remove the objective stated above. Given the lead times for grid connections and the current uncertainty of the future support regime for wind farms, a ten year planning permission is deemed necessary and reasonable for these types of development. This can be clearly seen by the recent orders issued by An Bord Pleanála below. The project timescales for this type of infrastructure requires a significant amount of time to negotiate all the elements required to build out a project. We would also note that the removal of the provision is likely in time to lead to further applications under Section 42 of the Planning and Development Act 2000 (as amended) to extend the appropriate period;

IWEA is clear that 10 year planning permissions are regularly applied for specifically as part of the proposed development as set out under section 41 of the Planning and Development Act 2000 (as amended), Power to vary appropriate period can be permitted by the consenting Planning Authority.

“41.—Without prejudice to the powers conferred on them by this Part to grant a permission to develop land for a limited period only, in deciding to grant a permission under F184[section 34, 37, 37G or 37N], a planning authority or the Board, as may be appropriate, may, having regard to the nature and extent of the relevant development and any other material consideration, specify the period, being a period of more than 5 years, during which the permission is to have effect, and in case the planning authority F185[or the Board] exercises, or refuses to exercise, the power conferred on it by this section, the exercise or refusal shall be regarded as forming part of the relevant decision of the authority or the Board under F184[section 34, 37, 37G or 37N].”¹

This period as set out in Objective CCE7 is in line with recent permissions that have been granted by An Bord Pleanála (ABP), examples of which include;

- PA0044 – Grousemount Wind Farm, granted with conditions 21/07/2016 for a period of 10 years from the date of the order
- PL03.244095 – Boolynagleragh Wind Farm, granted with conditions 13/06/2016 for a period of 10 years from the date of the order
- PL16.PA0029 – Oweninny Wind Farm, granted with conditions 02/06/2016 for a period of 10 years from the date of the order

While the duration of planning is a matter for the applicant to propose under their development, as part of their planning application, and to be considered under the clear terms of the Planning and Development Act 2000, considering Wicklow County Council considered it appropriate for this Objective to be included in previous drafts, it is difficult to understand the logic that prompted the omission of this policy at such a late stage.

Conclusion

IWEA is hopeful that the new County Development Plan will contribute to achieving the continued development of the wind resource in the County. This is a valuable opportunity for Wicklow County

¹ Planning and Development Act 2000 Revised – updated to 30th June.

Council, by taking a proactive approach, to realise, in an appropriate manner, the wind energy development potential of the County and to adopt policies and objectives that enhance sustainable development. The importance of adopting clear policies and a detailed strategy using a logical methodology and with the benefit of the statutory process is immeasurable. This approach brings a greater degree of clarity for the wind energy industry, as well as for the planning authority and the general public.

Given the development plan's remit in relation to wind energy development (i.e. that it provides a broad strategic land use framework), it is suggested that development plan objectives should not stipulate site specific design constraints. Appropriate design constraints such as set-back distances are informed by national policy guidance and further informed by the detailed project design process undertaken in tandem with the preparation of an Environmental Impact Statement for a project.

The inclusion of a mandatory set back distance within a policy objective will unnecessarily and inappropriately restrict the implementation of national and local policy to generate additional electricity from renewable sources and artificially restrict the number and range of sites that could be brought forward that would otherwise satisfy all the other requirements of the County Development Plan, National Guidelines and the requirements of proper planning and sustainable development.

Climate change is a global issue and is a matter for all levels of government to address from an international to a local level. The inclusion of a mandatory set back will unnecessarily prevent the full potential of County Wicklow's renewable energy and wind energy resources being harnessed, and would be misaligned with the other policies and provisions within the Draft Plan that support the development of renewables.

To conclude, therefore, IWEA fully supports the provisions contained within the plan which seek to increase and foster further renewable energy development within the County.

However, IWEA strongly requests that the requirement for an "at least 1,000m or 10 times the tip height of the proposed turbines" set back from residential development be omitted from the final plan. Omitting this provision will ensure compliance with National Guidance while also allowing wind farm developments to be assessed on a more detailed case by case basis. Reviewing wind farm applications on a specific project by project basis will allow all relevant potential impacts to be assessed during the planning application process and will ensure that an appropriate balance can be struck between reaching national and international renewable targets and the protection of residential amenities.