



**PROPOSED VARIATION NO. 4**  
**TO THE WICKLOW COUNTY DEVELOPMENT PLAN 2010-2016**

**Report to the members of Wicklow County Council under Section  
13(4) of the Planning and Development Act 2000**

**March 2014**

**Forward Planning Section  
Wicklow County Council  
County Buildings  
Wicklow**

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## **PART 1 INTRODUCTION**

This Manager's Report is submitted under Section 13(4) of the Planning & Development Act 2000 (as amended); it is part of the formal statutory process of the making of a variation to the County Development Plan.

Section 13 (4) of the Planning Act requires that this report contains the following:

- i. A list of the persons or bodies that made submissions
- ii. A summary of the following:
  - a. Issues raised by the Minister
  - b. Issues raised by other bodies or persons
  - c. In the case of a planning authority within the GDA, issues raised and recommendations of the NTA
  - d. Issues raised and recommendations made by the regional authority
- iii. The response of the Manager to the issues raised and the recommendation of the Manager in relation to the manner in which the issues should be addressed, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

This report is now formally submitted to the Council for consideration. This report will be on the agenda of the County Council meeting on **28 April 2014**.

### **Draft Consultation Process**

The proposed variation was placed on display during the period of 29<sup>th</sup> of January to the 26<sup>th</sup> of February 2014. The aim of the consultation process was to enable the public and interested parties to give their observations on the proposed variation.

A total of 50 written submissions were received. The written submissions are held on file and are available for Council and public inspection. The list of persons or bodies who made submissions on the proposed variation is set out in Part 2 of this Report.

### **Considering the Submissions**

Each submission made has been considered carefully and evaluated, and this assessment is set out in Part 2 of this report. All submissions from prescribed bodies and elected representatives have been considered individually. With respect to submissions from the public, submission from representative bodies have been addressed individually and as a number of very similar submissions have been received from individuals, these submissions have been grouped where possible.

For each submission or group of submissions, a synopsis of the point raised is provided, alongside the Manager's assessment of same.

This report is submitted to the Council Members for consideration.

### **Next Steps – Variation timetable**

The members of the Planning Authority are required to consider the proposed variation and this Manager's Report.

If the Planning Authority, after considering a submission, observation or recommendation from the Minister or Greater Dublin Area Regional Authority, decides not to comply with a recommendation made by either, it shall so inform the Minister or Regional Authority as soon as practicable by written notice and shall include the reasons for the decision.

The consideration of the variation and the Manager's Report shall be completed not later than 6 weeks after the submission of the Manager's Report to the members of the Planning Authority.

Having considered the proposed variation and Manager's Report, the members of the Planning Authority may, by resolution, either:

- i. make the variation with or without further modification, or
- ii. refuse to make the variation.

Where a proposed modification, if made, would constitute a 'material alteration' of the variation, the following shall be carried out:

- The Planning Authority shall determine if a Strategic Environmental Assessment or an Appropriate Assessment, or both, is required to be carried out as respects a proposed material alteration. Within 2 weeks of such a determination, the Manager shall specify the period that is considered necessary to facilitate the carrying out of a SEA/AA.
- The Planning Authority shall publish notice of a proposed material alteration and any determination that requires the carrying out of an SEA/AA. The proposed material alteration and any determination shall be on public display for a period of not less than 4 weeks and submissions invited. All submissions shall be taken into account before the variation of the development plan is made.
- The SEA/AA shall be carried out within the period specified by the Manager.
- After consideration of the proposed material alteration to the variation, any submissions made and any SEA / AA carried out, the members may then:
  - i. make the variation with or without the proposed material alteration,
  - ii. refuse to make the variation,
  - iii. make the variation subject to a further modification\*.

\*A further modification to the variation may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site, and shall not be made where it refers to an increase in the area of land zoned for any purpose, or an addition to or a deletion from the record of protected structures.

Formally, making a variation is done by resolution of the Council.

In making a variation to a development plan, the members are restricted to considering the proper planning and sustainable development of the area, the statutory obligations of a local authority and any relevant policies or objectives of the Government or any Minister of the Government.

<b>Indicative timeframe</b>	<b>Progress of variation process</b>
29 <sup>th</sup> January 2014 – 26 <sup>th</sup> February 2014	Proposed variation on display - submissions invited
27 <sup>th</sup> of February 2014 – 27 <sup>th</sup> March 2014	Preparation of Manager's Report on submissions received
28 <sup>th</sup> March 2014 – 9 <sup>th</sup> May 2014	Manager's Report issued to Council Members for consideration. Variation made, with or without modification, or not made. If modification is material, the process continues as set out above.

**PART 2      CONSIDERING THE SUBMISSIONS**

**List of persons or bodies that made submissions**

	<b>Prescribed bodies</b>	<b>Agent / Rep</b>
1	An Taisce	Tomas Bradley
2	Department of Arts, Heritage and the Gaeltacht	Michael Murphy
3	Department of Communications, Energy and Natural Resources	Mary Brady
4	Dublin Airport Authority	Yvonne Dalton
5	Dublin and Mid East Regional Authority	Malachy Bradley
6	EIRGRID	Niamh Cahill
7	Environmental Protection Agency	Cian O'Mahoney
8	National Roads Authority	Olivia Morgan
	<b>Elected representatives</b>	
9	Nessa Childers MEP	
10	CLr Jim Ruttle	
	<b>Public submissions</b>	
	<b>Surname</b>	<b>First name</b>
11	Balfe	Ann
12	Carroll	Nuala & Niall
13	Carroll	Stephen & Ann
14	Cody	Clare & Owen
15	Conlon	Jacinta
16	Connolly	Pauline
17	Duffy	Aine
18	Duffy	John
19	Dwane	Ulrike
20	Eustace	Pat
21	Grace	Sile
22	Higgins	Pat
23	Irish Wind Energy Association	Brian Dawson
24	Kelly	John
25	Kelly	John & Anne
26	Kelly	Ruth
27	Last	Andrew & Alice
28	Mac Domhnaill	Donan & family
29	Magee	Tom & Claire
30	Manor Kilbride Residents Against Wind Farm Developments	John Duffy
31	Mansfield	John
32	McDonald	Vanessa
33	McGillicuddy	Dr. Deirdre
34	McGillicuddy & Archibald	Fiona & Stephen
35	McGillicuddy	Michael
36	McGillicuddy	Monica
37	Moody	Sandra
38	Murphy	Claire
39	Nolan	Lynda
40	O'Byrne	S.J.
41	O'Donoghue - Fox	Paula & Patrick
42	O'Malley	Eithne

43	Quinn	Anthony
44	Roche	Joanne & Peter
45	Rushe	Marian & Thomas
46	Ryder	Gerard
47	South Wicklow Wind Action Group	Richard More-O'Ferrall
48	Stanley	Nigel
49	Trant	Anton & Kathy
50	Webster	Stuart

## PRESCRIBED BODIES

<b>No. 1</b>
<b>An Taisce</b>
<ol style="list-style-type: none"><li>1) Questions the timing of the proposed variation given the Department of Environment, Community and Local Government has published a draft document for revisions to the Wind Energy Development Guidelines (2006) with a submissions deadline of 21<sup>st</sup> of February 2014. It is considered that until such time as these guidelines have been decided the appropriateness of such a variation has to be fully considered given the revised guidelines could supersede policy of the County Development Plan, making this variation superfluous.</li><li>2) Requests that the Planning Authority review the development plan variations before final adoption to ensure conciseness, clarity and simplicity in use of language, and that planning terms be explained in an appending glossary.</li></ol>
<b>Manager's response</b>
<ol style="list-style-type: none"><li>1) The Manager is aware of the proposed revisions to the Wind Energy Guidelines, which were published for public consultation before the proposed variation was published. If the proposed revisions to the Guidelines are made in the future, these would supplement the Wind Energy Strategy of the County, not supersede it.</li><li>2) As no specific examples of unclear language are provided and given the limited use of acronyms in the Wind Energy Strategy, it is unclear what issue is being raised here.</li></ol>
<b>No. 2</b>
<b>Department of Arts, Heritage and the Gaeltacht</b>
This submission relates to the Specific Conservation Objectives for Natura 2000 sites utilised in the Appropriate Assessment screening report.
<b>Manager's Response</b>
All matters relating to the Strategic Environmental Assessment and Appropriate Assessment are dealt with in detail in Part 4 of this report
<b>No. 3</b>
<b>Department of Communications, Energy &amp; Natural Resources</b>
This submission makes reference to a number datasets available from Geological Survey Ireland aimed at assisting in the EIA process in particular.
<b>Manager's response</b>
No specific comments are made in relation to the proposed variation or the SEA / AA
<b>No. 4</b>
<b>Dublin Airport Authority</b>
No comment
<b>Manager's response</b>
Noted
<b>No. 5</b>
<b>Dublin and Mid East Regional Authority</b>
This submission emphasises the importance of Wind Energy production within the country and its role within the country's Climate Change Strategy 2013 (EPA). The submission makes reference to policies within the Regional Planning Guidelines relating to renewable energy and targets and the local authorities role in achieving these aims. The submission also makes reference to the Department of the Environment,

Community and Local Government Circular PL 19-13 of the 11<sup>th</sup> December 2013 and states that the planning authority should be cognizant of the contents of the proposed revisions to the existing *Wind Energy Guidelines 2006*.

**Managers Response**

The submission does not make any specific suggestions with respect to the proposed variation, and does not explicitly state whether the proposed variation would be consistent or not with the RPGs. While reference is made to the proposed revisions to the guidelines, it is not suggested in this submission that this proposed variation be amended or delayed to await the outcome of this revision process.

**No. 6**

**EIRGRID**

No comment

**Manager's response**

Noted

**No. 7**

**Environmental Protection Agency**

The EPA notes Wicklow County Council's position with respect to SEA and refers to its submission made with respect to that separate but concurrent process. The submission further states that it is a matter for the Planning Authority to determine whether or not any future proposed amendments/variations would be likely to have significant effects on the environment.

**Manager's response**

All matters relating to the Strategic Environmental Assessment and Appropriate Assessment are dealt with in detail in Part 4 of this report

**No. 8**

**National Roads Authority**

No comment

**Manager's response**

Noted

## ELECTED REPRESENTATIVES

<b>No. 9</b>
<b>Nessa Childers MEP</b>
<ol style="list-style-type: none"><li>1) Supports proposed variation 4.1 (a) as this variation will serve to protect the areas of Outstanding Natural Beauty from the overpowering presence of wind farms and their known and unknown negative consequences.</li><li>2) Reference is made to the word 'Generally' in the description of areas 'Not Favoured'. The submission questions the use of this word and whether it would render the designation less effective and open to interpretation.</li><li>3) In regard to variation 4.3 it is submitted that Wicklow County Council consider a set back distance (and detailed assessment of noise and shadow flicker on all residences) of 500m when the height of the turbine is 50m, of 1000m when the height of the turbine is 100m, of 1500m when the height of the turbine is 150m and at least 2000m when the height of the turbine is over 150m. This would be in line Senators John Kelly and John Whelan's Wind Turbine Bill.</li><li>4) It is submitted that when monitoring for sound and shadow flicker, the terrain should be considered and an independent noise assessor should be employed by the Council's planning department to survey each potential site.</li></ol>
<b>Managers Response</b>
<ol style="list-style-type: none"><li>1) The proposed changes to the WES, such that all AONBs would be designated 'Not Favoured' does not automatically ban wind developments in such areas. The 'traffic light' map is a guidance document only and the development of wind farms in areas designated as 'Not Favoured' or 'Less Favoured' is not ruled out. Each application will be assessed on a case by case basis against a range of factors, not this map alone With respect to the protection of listed view and prospects, these are already explicitly protected in the County Development Plan, and the re-statement of this policy in the WES does not in fact offer increased protection to them.</li><li>2) It is considered that the word 'generally' should be maintained as this is a high level, broad brush strategy that has not involved a detailed assessment of every potential wind development site. It is possible that there may be suitable sites within the 'Not Favoured' areas and the possibility of developing such sites must remain open if Wicklow is to contribute its share to the national renewable energy targets.</li><li>3) The existing, and proposed varied, Wind Energy Strategy for Wicklow does not provide for defined 'set backs' of wind turbines from dwellings. The proposed varied WES does provide a zone from each turbine that must be assessed for noise and shadow flicker impact, the size of which depends on the height of the turbine, generally along the same lines as suggested i.e. as a factor of the size of the turbine (rotor diameter rather than overall height). As part of Wicklow County Council executive's assessment of the proposed revisions to the Wind Energy Guidelines, officials crafted a map of the County showing how much of the County would be available for wind energy development were a 500m radius from all dwellings effectively sterilised. The resulting map (which also excluded Natura 2000 sites as a given) showed very few exploitable sites remaining and those that were of adequate size, already had permission for wind farms. Were this exercise expanded to 1,000m or 2,000m, there would be no sites available for wind developments in the County. The County Manager does not believe that this is an appropriate policy to apply nationally, given Ireland's renewable energy targets.</li><li>4) The proponents of any wind energy development will be required to carry out detailed noise and shadow flicker assessment, which will address terrain issue. The staff of the Council has the skills and training to evaluate such assessments.</li></ol>

**No. 10****Cllr Jim Ruttle**

The variations as proposed is welcomed, however:

- 1) It is considered that the '10 rotor diameter' rule for determining the distance for assessment of noise and shadow flicker impacts is too short.
- 2) It is submitted that the red area 'Not Favoured' around Manor Kilbride should be expanded all the way to the Kildare/Dublin border in order to impede the possibility of wind turbines being erected along the N81 which is the gateway to West Wicklow.

**Manager's response**

- 1) The '10 rotor diameter' rule for the assessment of shadow flicker impacts is that suggested in the current and proposed revised Wind Energy Guidelines, which were drawn up by experts in this field and therefore this measure is considered appropriate.

The proposed variation also makes provision for this rule to be applied in the assessment of noise impacts. Having regard to the provisions of the Ministerial Guidelines, in particular the proposed revisions thereto which have recently been published, it is not considered that a '10 X rotor diameter' rule is appropriate for the assessment of noise impacts.

- 2) There would be no particular rationale for expanding the 'Not Favoured' area out to the N81 and the Dublin / Kildare border, as this area is not subject to any environmental or landscape designations that would render it completely unsuitable for wind farm development.

## **PUBLIC SUBMISSIONS**

### **GROUP 1 SUBMISSIONS**

**NO. 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 24, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 45, 48, 49, 50**

These submissions are all in favour of the proposed variation because it is considered to offer increased protection to the landscape, to scenic areas, to views and prospects, and areas designated as being of Outstanding Natural Beauty

#### **Manager's response**

The points raised are noted:

- The proposed variation would result in all areas that are in the landscape zone 'Areas of Outstanding Natural Beauty' being identified as 'Not Favoured' in the Wind Energy Strategy
- The proposed variation would provide for a specific reference to objective VP1 of the County Development Plan (related to views and prospects) in the Wind Energy Strategy

### **GROUP 2 SUBMISSIONS**

**NO. 15, 16, 19, 33, 35, 40, 49**

These submissions are all in favour of the proposed variation because it is considered that wind farms negatively impact on the tourism and recreation potential of the County

#### **Manager's response**

Noted.

### **GROUP 3 SUBMISSIONS**

**NO. 16, 19, 33, 40, 41, 43, 45, 46, 49**

These submissions are all in favour of the proposed variation because it is considered that wind farms negatively impact on natural heritage (plant, animals, biodiversity and protected areas / species etc) and built heritage (archaeology, architecture etc).

Submission No. 46 considers that the variation does not go far enough in recognising species that nest, feed and breed in areas of AONB / ASA or travel along corridors.

#### **Manager's response**

Noted

### **GROUP 4 SUBMISSIONS**

**NO. 20, 22, 25, 44**

These submissions are all in favour of the proposed variation but do not state why.

#### **Manager's response**

Noted

**GROUP 5 SUBMISSIONS****NO. 24, 26, 29, 30, 31, 34, 35, 37, 40**

These submissions relate to 'set backs' from residences, to the assessment of noise and shadow flicker and to the '10 X rotor diameter' rule and the following issues are raised:

- 1) The 'rule' was introduced when wind turbines were in the region of 65m in height. As they now can be much larger, the distance from houses should be based on the height of the mast and the distance should be in the region of 1200-1300m.
- 2) Wind turbines should be at least 1000m for any residence – anything less would give rise to noise and shadow flicker impacts.
- 3) The proposed varied Wicklow Wind Energy Strategy may conflict with the revised Wind Energy Guidelines which state '*there should be a minimum separation of 500m between any commercial scale wind turbine and the nearest property*'.
- 4) Wicklow County Council should consider providing for a set back distance (and detailed assessment of noise and shadow flicker on all residences) of 500m when the height of the turbine is 50m, of 1000m when the height of the turbine is 100m, of 1500m when the height of the turbine is 150m and at least 2000m when the height of the turbine is over 150m. This would be in line Senators John Kelly and John Whelan's Wind Turbine Bill.
- 5) It is submitted that when monitoring for sound and shadow flicker, the terrain should be considered and an independent noise assessor should be employed by the Council's planning department to survey each potential site.
- 6) The taking into account of noise and shadow flicker when assessing application is welcomed.
- 7) The '10 X rotor diameter' rule is insufficient and the separation distance between dwellings and turbines should be more in the region of 3km, particularly having regard to the distances travelled by infrasound (5km or greater).
- 8) Proximity to wind farms has been shown to effect property values and this should be incorporated into the proposed variation.
- 9) The examples used in the variation to explain the '10 X rotor diameter' rule are outdated as they do not reflect the current size of turbines.

**Manager's response**

The '10X rotor diameter rule' does not relate to 'set back' from residences, but to the distance within which impacts are required to be assessed in detail. The rule is designed such that the larger the wind turbine the larger the distance within which impacts have to be assessed.

Neither the existing nor the proposed varied WES provides for defined 'set back' and therefore this point is not strictly relevant to the proposed variation.

The existing Ministerial Wind Energy Guidelines do not recommend the use of defined set backs. The proposed revisions to these Guidelines (published in 2014) have for the first time proposed this as a possible measure. These proposed revisions to the guidelines are however only at consultation stage and it is not known if and when this measure will be adopted. The Manager is aware of the proposed revisions to the Wind Energy Guidelines, which were published for public consultation before the proposed variation was published. If the proposed revisions to the Guidelines are made in the future, these would supplement the Wind Energy Strategy of the County.

As part of Wicklow County Council executive's assessment of the proposed revisions to the Wind Energy Guidelines, officials crafted a map of the County showing how much of the County would be available for wind energy development were a 500m radius from all dwellings effectively sterilised. The resulting map (which also excluded Natura 2000 sites as a given) showed very few exploitable sites remaining and those that were of adequate size, already had permission for wind farms. Were this exercise expanded to 1,000m or 2,000m (or 3km – 5km as suggested), there would be no sites available for wind developments in the County. The application of a 3km or 5km set back in County Wicklow would essentially eliminate the possibility of any wind farm development in the County, is without rational basis, and could be challenged on the basis that this is purely a blanket measure to prevent any turbines being constructed, rather than a rational set of principles to control them.

The '10 X rotor diameter' rule for the assessment of shadow flicker impacts is that suggested in the current and proposed revised Wind Energy Guidelines, which were drawn up by experts in this field, and states '*at distances greater than 10 rotor diameters, the potential for shadow flicker is extremely low and accordingly this distance should determine a study area for the purposes of modelling the impact of potential shadow flicker*' (Section 5.12.2). Therefore this measure is considered appropriate.

The proposed variation also makes provision for this rule to be applied in the assessment of noise impacts. Having regard to the provisions of the Ministerial Guidelines, in particular the proposed revisions thereto which have recently been published, it is not considered that a '10 X rotor diameter' rule is appropriate for the assessment of noise impacts.

The existing and proposed Wicklow WES clearly specifies that with respect to noise, the guidance provided by the Minister shall be taken into consideration in the assessment of applications.

It is assumed that the suggested impact on property values relates to noise and shadow flicker impacts. These are already required to be addressed in any application.

**GROUP 6 SUBMISSIONS**  
**NO. 16, 30, 33, 38, 45, 46, 50**

These submissions bring up additional issues not raised in the preceeding groups:

- 1) The variation is supported because it is considered that the construction of wind farms would bring additional heavy vehicles onto rural roads thereby causing traffic hazards.
- 2) Psycho-social health and well-being should be included as an important aspect to considering any wind farm development.
- 3) The Wicklow Wind Energy Strategy should be reviewed at quarterly intervals to reflect the growing pace of developments in this ever expanding industry.
- 4) The rationale for wind energy development, namely to reduce fossil fuel dependency, is questionable given new technologies that are being explored to deal with carbon emissions.
- 5) The proposed revised WES, particularly the removal of the 'cells' is easier to understand.
- 6) The requirement of wind farm applicants to take into account future revisions of the Wind Energy Guidelines is welcomed.
- 7) The Wicklow Wind Energy Strategy should require evidence of permission to conduct surveys at properties within 10 X rotor diameter, compulsory consultation with local communities and the offering of financial stake in projects to local communities.
- 8) The economic viability of large scale wind energy generation has not been proven and the

Government has been misled by sectoral interests.

**Manager's response**

- 1) The proposed variation does not include any amendments to the method in which traffic impacts are assessed for wind farm applications. All applications for permission in the County are assessed in accordance with the standards set out in the County Development Plan and various road design guidelines produced by road agencies such as the NTA and the NRA, e.g. 'Design Manual for Roads and Bridges' (NRA). It is considered that the application of these standards ensures that traffic hazards are not created by any development types in the County.
- 2) Psycho-social health and well-being are already considered insofar as they are affected by noise and shadow flicker disturbance.
- 3) It would not be possible to review the WES every 3 months as the process for reviewing an element of a County Development Plan is set out in statute and involves a process much longer than 3 months. Furthermore, given the rate of wind applications in Wicklow over the last 20 years (12 applications over 20 years and only 1 application in the last 8 years), a quarterly review would appear unnecessary.
- 4) It is national policy to increase renewable energy sources, including wind, in accordance with EU targets. The consideration of other technologies is outside the scope of this strategy.
- 5) Noted
- 6) Noted
- 7) While there may be merit in these suggestions, these actions are not currently required by statute and could in fact be unlawful.
- 8) It is national policy to increase renewable energy sources, including wind, in accordance with EU targets. The consideration of the logic of Government and EU policy is outside the scope of this strategy.

## INDIVIDUAL SUBMISSIONS

**No. 22**

### **Irish Wind Energy Association**

#### **1) General**

- (a) The IWEA welcomes Wicklow County Council's positive support for renewables and wind energy in particular. 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.
- (b) The IWEA supports proper planning and sustainable development and recognises that development of wind energy projects must afford clear protection to residents while enabling Ireland to develop our huge natural clean energy renewable resources and meet our 2020 targets.
- (c) While the IWEA welcomes all of the policies and objectives of the County Wicklow Wind Energy Strategy in the manner in which they seek to demonstrate Wicklow County Council's recognition of the importance of renewable energy, it has grave concerns regarding the impact the new proposed variations will have on Wicklow's ability to contribute towards the national renewable energy targets. The IWEA wish to remind Wicklow County Council of Ireland's need to support renewable energy in order to meet its EU commitments.
- (d) The expansion of the Irish wind industry will be an extremely positive economic development for Wicklow County Council and can result in greater grid security and stability, job creation, local authority rates, development contributions and a reduction in green house gases.

#### **2) Proposed Variation 4.1**

- (a) The proposed variation contradicts an original statement in the Wicklow CDP 2010 – 2016 Volume 2 'Wind Strategy' Appendix 1 "*The fact that any area is located in a particular landscape zone or is subject to views or prospects would not in itself render the area unsuitable to wind farms. However, where an area is particularly sensitive and vulnerable in these regards, it must be considered less favourable to exploitation and more difficult to develop given the constraints that would be faced in the siting and design of any development*". It is put forward that the existing wording of the WES offers wind energy developers the opportunity to address and potential landscape impacts during the EIA process. However, the proposed revised wording within the variation will prohibit and stunt wind energy growth in County Wicklow.
- (b) The revised designations have more than halved Wicklow's suitable area for wind energy development. It is contended that this is at odds with a statement in the SEA screening report: "*by reducing the area of the County where the development of wind turbines would be considered favourably, there may be a reduction in the ability to exploit renewable energy sources thereby maintaining dependency on non renewable fuel sources, with the resulting potential adverse impacts on landscape, due to fossil fuel extraction*".
- (c) It is contended that the proposed variations contravene the Sustainable Energy Authority of Ireland (SEAI) Methodological Guidance for Local Authority Renewable Energy Strategies (LARES). Section 3.4.2.3 of this guidance document suggests, inter alia, that the development of plans and planning guidelines contain positive policies and objectives relating to Renewable Energy (RE) and renewable projects within the local authority area in relation to: "*The identification of key locations where RE could be deemed acceptable in principle, subject to criteria such as design and landscape planning, natural heritage, environmental and amenity considerations – maps showing suitable areas could be incorporated into the CDP*".
- (d) It is considered that proposed variation 4.1 counteracts Objective WE1 of the County Development Plan "*To encourage the development of wind energy in accordance with the County Wicklow Wind Strategy and in particular to allow wind energy exploitation in most locations in the County subject to: consideration of any designated nature conservation areas (SACs, NHAs, SPAs etc) and any associated buffers impacts on visual, residential and recreational amenity impacts on 'material assets' such as towns, infrastructure and heritage sites consideration of land cover and land uses on or adjacent to*

*the site consideration of grid connection issues best practice in the design and siting of wind turbines, and all ancillary works including access roads and overhead cables.*

- (e) The result being that Wicklow County Council are failing to meaningfully guide renewable energy developments to appropriate areas of the County.

### **3) Proposed Variation 4.2**

- (a) The IWEA welcomes the variation as during the EIA process, all listed views and prospects are taken into consideration. However it is requested that Wicklow County Council do not prohibit appropriate development that in their opinion contravenes Objective VP1.

### **4) Proposed Variation 4.3**

The IWEA has strong concerns regarding the proposed assessment of noise on all residences within a minimum distance of 10 rotor diameters, as no national policy requests assessment within this range and the IWEA considers that Wicklow County Council should refrain from imposing such revised conditions in light of the ongoing Department of the Environment proposed revisions to the Wind Energy Guidelines.

### **5) Conclusions**

- (a) The IWEA are deeply concerned to that Wicklow County Council is proposing to:
- Disregard National Policy in the treatment of Wind Energy Development in the County
  - Significantly reduce "Most Favoured" and "Less Favoured" areas for the development of renewable wind energy.

It is submitted that these variations will significantly reduce any potential for future wind energy development in County Wicklow – it is questioned whether this is the intention of the proposed variation.

- (b) If the proposed variations are adopted which are without substance, evidence or need, they will have a significant impact on the development of wind energy projects and the delivery of Ireland renewable energy targets.

### **Managers Response**

- 1) Noted
- 2) It is not considered that the proposed variation would necessarily contradict the statement highlighted, or significantly reduce the area of the County deemed suitable for wind energy developments. It is assumed this concern arises out of the belief that the proposed changes to the 'traffic light' map (such that more of the County would be now in the 'red' or 'orange' areas), would potentially reduce the number of grants of permission, particularly in areas designated as being of 'Outstanding Natural Beauty'. There appears to be a general misunderstanding that a 'red' designation implies a total ban. This is not the case. The 'traffic light' map is a guidance document only and the development of wind farms in areas designated as 'Not Favoured' or 'Less Favoured' is not ruled out. Each application will be assessed on a case by case basis against a range of factors, not this map alone.
- 3) With respect to the protection of listed views and prospects, these are already explicitly protected in the County Development Plan, and Wicklow County Council will continue to implement this objective whether or not the WES is varied as proposed.

**VP1** *To protect listed views and prospects from development that would either obstruct the views / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.*

Therefore if a proposed wind farm development were to conflict with the objective permission may be

refused. The proposition from the IWEA that '*Wicklow County Council do not prohibit appropriate development that in their opinion contravenes Objective VP1*' is therefore clearly untenable.

- 4) Agreed. It is considered that the noise assessment methodology recommended in the national guidelines is more appropriate to utilise.
- 5) Noted

### **No. 30**

#### **Manor Kilbride Residents Against Wind Farm Developments**

- 1) The group welcomes Variation 4.1, particularly the re-designation of all AONB as 'Not Favoured', as it gives due regard to the integrity of the landscape and the environment. However, the group is concerned with the use of the word 'generally' in the description of the policy for 'Not Favoured' areas.
- 2) The group considers that proposed Variation 4.3 may contravene the proposed new DoE guidelines – that "*there should be a minimum separation of 500m between any commercial scale wind turbine and the nearest property*". The group makes reference to two studies carried out in relation to set back distances and noise disturbance arising from the provision of wind turbines and it is submitted proposes that Wicklow County Council consider a set back distance (and detailed assessment of noise and shadow flicker on all residences) of 500m when the height of the turbine is 50m, of 1000m when the height of the turbine is 100m, of 1500m when the height of the turbine is 150m and at least 2000m when the height of the turbine is over 150m. This would be in line Senators John Kelly and John Whelan's Wind Turbine Bill.
- 3) It is submitted that when monitoring for sound and shadow flicker, the terrain should be considered and an independent noise assessor should be employed by the Council's planning department to survey each potential site.

#### **Managers Response**

- 1) The points raised are noted:
  - The proposed variation would result in all areas that are in the landscape zone 'Areas of Outstanding Natural Beauty' being identified as 'Not Favoured' in the Wind Energy Strategy
  - It is considered that the word 'generally' should be maintained as this is a high level, broad brush strategy that has not involved a detailed assessment of every potential wind development site. It is possible that there may be suitable sites within the 'Not Favoured' areas and the possibility of developing such sites must remain open if Wicklow is to contribute its share to the national renewable energy targets.
- 2) All of the issues raised are already addressed in Group 5 submissions above.
- 3) The proponents of any wind energy development will be required to carry out detailed noise and shadow flicker assessment, which will address terrain issue. The staff of the Council has the skills and training to evaluate such assessments.

**No. 47****South Wicklow Wind Action Group**

The South Wicklow Wind Action Group (SWWAG) makes the following observations in relation the proposed variation:

**1) Overview of the proposed variation**

It is SWWAG's opinion that the time period allowed for making a submission was totally inadequate given the complexity of the issues under consideration and therefore prejudices the public's rights under the Public Consultation (Aarhus Convention) Directive.

**2) Proposed Variation 4.1**

SWWAG welcomes the proposed variation and in particular the proposals to re-designate all AONBs as 'Not Favoured'. However, SWWAG has serious concerns regarding the proposal to designate all landscape areas 'Area of Special Amenity' as 'Less Favoured' as this takes no account of the relative merits, visual attractiveness and amenity value of particular ASAs. In this regard reference is made that the areas of elevated ground located between Aughrim and Tinahely, lying both to the south and north of the R747 and the entire valley from Woodenbridge to Kilgavan Gap, which SWWAG considers is an area of highest order visual amenity and requests that no industrial scale wind energy developments be countenanced anywhere in this area. It is requested that these areas be designated 'Not Favoured'.

**3) Proposed Variation 4.3**

SWWAG considers that the proposal to define the extent of the area over which assessments of noise and shadow flickers must be carried out (by reference to turbine blade diameter) falls far short of what is required to protect residential amenity. In particular:

- the 10X multiplier is insufficient in that it ignores the exponentially increasing negative visual and auditory impacts of increasing turbine height. Minimum set back distance are suggested in the submission
- the proposed methodology where 'one size fits all' is to be applied to all environments, including quiet areas, without any consideration of background noise level, is in conflict with the consolidated EU directive 2011/92/EU. SWWAG submits that local communities will not accept a wind turbine noise limit that does not adequately measure the actual level of wind turbine noise experienced and which is wholly unrelated to their pre-existing noise environment.

**Managers Response**

- 1) The Planning and Development Act (as amended) provides for timeframes for public consultation for variation to a Development Plan. It must be assumed that this Act of the Oireachtas is consistent with Ireland's obligations under the Aarhus Convention. While the Planning Act does allow for the public consultation period to be extended, the members of Wicklow County Council made it clear that they wanted this proposed variation progressed rapidly. In that context, the public consultation period followed the minimum require timeframe set out in the Act.
- 2) All applications for wind farm developments are and will continue to be assessed on their merits having regard to a range of factors including landscape sensitivity, views and prospects, impacts on natural and built heritage, ground conditions etc as set out in Section 3 of the WES and not on the 'traffic light' map alone. The designation of an area as 'More Favoured' or 'Less Favoured' such as the area from Woodenbridge to the Kilgavan Gap described, does not imply that the protection of visual amenity is not relevant in such areas.  
There would be no particular rationale for expanding the 'Not Favoured' area into this corridor, as this area is not subject to any environmental or landscape designations that would render the entire area completely unsuitable for wind farm development.
- 3) With respect to the 'shadow flicker' and noise issues raised in this submission, these are already addressed in this report under the 'Group 5' submissions.

**Proposed Variation 4.1:** Changes to the strategy map ('traffic light' map)

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The proposed new Map No. 5 provides recognition of the importance placed on the landscape category 'Area of Outstanding Natural Beauty' by expanding this area into the 'Not Favoured' category. This does not strictly preclude wind turbine development on these lands but merely highlights the importance of the landscape designation in these sensitive areas, thus informing members of the public and any potential wind turbine developer that any application to be submitted must take due cognisance of the importance of these lands in terms of the scale, design and layout of any proposal.

It appears that insufficient consideration has been given by many of those making submissions to the fact that the 'traffic light' map is high level and only indicative and that each application will be assessed against a range of factors, not just this map. There appears to be a general misunderstanding that a 'green' designation means 'no restrictions', and a red designation implies a total ban.

All applications for wind farm developments are assessed on their merits having regard to a range of factors including landscape sensitivity, views and prospects, impacts on natural and built heritage, ground conditions etc as set out in Section 3 of the WES and not on the 'traffic light' map alone.

With respect to issues raised relating to negative impacts of wind farms on:

- the tourism and recreational potential of the County;
- natural environment, including protected species and areas;
- built and cultural heritage, such as archaeology;
- traffic safety, particularly on rural roads;

it appears that these submissions have made the assumption that the proposed variation would reduce the level of wind farm development in Wicklow generally and that this will enhance the protection of the sensitivities listed above.

However, both the existing and proposed revised WES would offer the same protection to these sensitivities, as the policies and objectives of the County Development Plan relating to these issues will continue to apply in the assessment of all applications, whether or not the proposed variation is made. There is no suggestion or evidence put forward that the existing WES (or the provisions of previous County Development Plans that did not include a specific Wind Energy Strategy) has given rise to detrimental impacts on these factors. Therefore it is not logical to assume that the proposed varied WES would increase this protection.

**However, having considered the wishes of the members who put forward this proposed variation and submissions made during the consultation period for the variation, the Manager has no objections to Proposed Variation 4.1.**

#### **Proposed Variation 4.2:** Views and prospects

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With respect to the protection of views and prospects, the proposal to make reference to same in the WES is not absolutely necessary as it is already a clearly stated policy of the Council in the County Development Plan i.e.

**VP1** To protect listed views and prospects from development that would either obstruct the views / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

**However, having considered the wishes of the members who put forward this proposed variation and submissions made during the consultation period for the variation, the Manager has no objections to Proposed Variation 4.2.**

#### **Proposed Variation 4.3:** Noise / shadow flicker

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This variation is concerned with shadow flicker and noise. The Manager recommends that the variation should be adopted with respect to shadow flicker, as this conforms to government guidelines.

However, with respect to noise impacts, the Department of the Environment, Community and Local Government have recently commissioned experts in this field, *Marshall Day Acoustics*, to prepare a study on wind noise and this study inputted to the proposed revised Wind Energy Guidelines. The proposed revised Guidelines state:

*'The relationship between distance from a wind turbine or wind farm and noise effects is significantly variable and a direct correlation between separation distance and wind turbine generated sound levels is not clear. This is due to a variety of factors which are not directly related to distance but which can affect the transmission of sound, including*

- *topography (hills have a major impact on sound propagation)*
- *ground cover types; and*
- *wind speed and direction.*

***'Because of the lack of correlation between the separation distance and wind turbine sound levels, the use of a defined setback of turbines from noise sensitive properties to control noise impacts is not considered appropriate'.***

The proposed revised guidelines go on to state:

*'The use of an absolute noise limit is considered the most appropriate method to control noise impacts from wind energy development in proximity to noise sensitive properties and in areas of special amenity value'.*

*'For the purposes of these draft guidelines, noise sensitive properties are defined as dwelling houses, including those which have planning permission but are not yet built, and other buildings for long term residential use such as nursing/retirement homes.*

*'The definition also includes hospitals, schools and places of worship. It may also include areas of special amenity value (and for which a quiet environment is desirable) the preservation of which is included as an objective in a development or local area plan'.*

*'A noise limit of 40dBA attributable to one or more wind turbines should be applied in order to restrict noise from wind turbines at noise sensitive properties.*

*'This limit is an outdoor limit, which should not be exceeded at noise sensitive properties at any wind speed within the operational range of any turbine (i.e. from cut-in until maximum rated power level is reached).*

*The limit applies to the combined sound level of all turbines in the area, irrespective of which wind farm development they may be associated with.*

*'The limit will apply irrespective of time of day or night.*

*'The outdoor limit of 40dBA takes into account World Health Organisation findings in relation to night time noise and the review of international practice undertaken by Marshall Day Acoustics. The Marshall Day review indicates that 40dBA is commonly used in different countries as an absolute limit. Furthermore it may be considered to be in the lower end of the range of limits applied internationally, thus indicating a somewhat more stringent limit on wind energy development sound production than is generally the case'.*

The existing and proposed Wicklow WES clearly specify that with respect to noise, the guidance provided by the Minister shall be taken into consideration in the assessment of applications.

Therefore it is not considered appropriate to apply a '10 X rotor diameter' rule for the assessment of noise impacts, and this element of the proposed variation is not recommended.

**The Manager thus recommends Proposed Variation 4.3 be adopted with the following deletions:**

*All applications for wind turbines with a rotor diameter of 50m or less shall include a detailed assessment of ~~noise and shadow flicker~~ impacts on all residences within 500m from any turbine. Applications providing for a rotor diameter in excess of 50m shall include a detailed assessment of ~~noise and shadow flicker~~ on all residences within a minimum radius of 10 times the diameter of the rotor e.g. a wind turbine with a rotor diameter of 65m will be required to carry out an assessment of impacts on all residences within a minimum 650m radius of any turbine.*

## **Conclusion**

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Having considered the views of the members and submissions made during the consultation period for the variation, and on the basis of the foregoing, the Manager has no objections to the proposed Variations 4.1, 4.2 and 4.3 (subject to the deletions recommended above) and any changes consequent.

**PART 4 STRATEGIC ENVIRONMENTAL ASSESSMENT / APPROPRIATE ASSESSMENT**

This section of the report addresses any submissions made in relation to the Strategic Environmental Assessment and Appropriate Assessment and provides an assessment of any modifications to the proposed variation that have been recommended by the Manager of foot of submission received, if any.

<b>No. 2</b>
<b>Department of Arts, Heritage and the Gaeltacht</b>
<p>This submission relates to the Specific Conservation Objectives for Natura 2000 sites utilised in the Appropriate Assessment screening report. It is pointed out that 'site specific conservation objectives', as opposed to generic conservation objectives are now available for some sites. Each conservation objective is defined by a list of attributes and targets and accompanied by supporting documents. When these are not available for a site it is recommended that when carrying out an Appropriate Assessment that the Local Authority look at detailed conservation objectives for other sites which have the same qualifying interests.</p> <p>It is now advised that any reports quoting conservation objectives should give the version number of date, This will allow statutory consultees and others assessing reports to be confident that the correct and most up to date version of the conservation objectives are used at the time of writing any report.</p>
<b>Manager's Response</b>
<p>Noted. The most up to date information on Natura sites, sourced from <a href="http://www.npws.ie">www.npws.ie</a>, has now been referenced and the Appropriate Assessment screening document has been amended to incorporate 'site specific conservation objectives' where they exist. The conclusion of the screening document remains unaltered.</p>

<b>No. 7</b>
<b>Environmental Protection Agency</b>
<p>The EPA notes the Wicklow County Council's position with respect to SEA and refers to the submission made by the EPA with respect to that process. The submission further states that it is a matter for the Planning Authority to determine whether or not any future proposed amendments/variations would be likely to have significant effects on the environment.</p>
<b>Manager's response</b>
<p>The proposed variation was screened for SEA prior to publication. This screening process involved consultation with various environmental bodies, such as the EPA. The findings of this exercise, which took into account the inputs of the EPA, were set out in a separate SEA document published with the proposed variation. The issues raised by the EPA in that process are detailed in that report.</p> <p>As no new issues are now raised during this consultation period, there is nothing new for the Manager to address at this stage.</p>