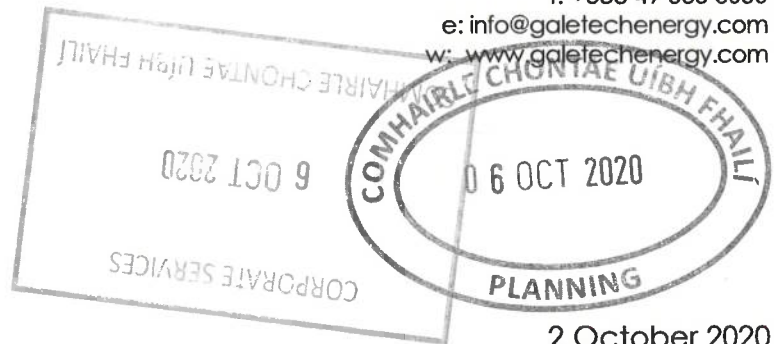




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Forward Planning Section
Offaly County Council
Áras an Chontae
Charleville Road
Tullamore
Co. Offaly



2 October 2020

To whom it may concern,

Re: Draft Offaly County Development Plan 2021-2027

Executive Summary

On behalf of our client, Mr. Columb Kane, we wish to make the following submission to the *Draft Offaly County Development Plan 2021-2027* ('the Draft Plan').

Our Client requests that lands within his ownership, illustrated at **Annex 1**, located c. 2km north-east of the village of Clara are designated as an 'Area Open for Consideration for Wind Energy Development' for the following reasons:-

- 1) The subject lands are assessed to have a wind speed in excess of 7.5m/s and are located within close proximity to multiple possible points of connection to the national electricity grid;
- 2) The subject lands are located in an area of low landscape sensitivity;
- 3) The subject lands are not designated for nature conservation, are not assessed to be of high amenity value and the development of the lands would not significantly interfere with any scenic view, prospect or amenity route;
- 4) The absence of any overwhelming environmental constraints; and
- 5) A high degree of compliance with the draft Revised Wind Energy Development Guidelines 2019 particularly in terms of available separation distances to dwellings, noise and shadow flicker limits and grid connection availability.

Our Client also wishes to express concern regarding the content of Policy CAEP-35(c) which proposes a 2 kilometre (km) separation distance between wind turbines and the settlement boundaries of towns and villages. The Planning Authority has offered no rationale or justification for the selection of this arbitrary figure or for the inclusion of this policy. This policy provision would exclude the possibility of delivering a small scale wind energy development on our Client's lands despite it adhering to each of the key selection criteria set out in the Draft WES.

Introduction

Our Client currently owns a landholding of c. 44 hectares in the townland of Ballicknahee, Co. Offaly; the extent of which is illustrated at **Annex 1**. As Offaly County Council ('the Planning Authority') will be aware, a planning application for the development of 2 no. wind turbines was lodged by our Client in March 2020¹.

¹ Planning Register Reference 20/70 (An Bord Pleanála ABP-307647-20)

The Planning Authority refused to grant planning permission on the basis that the proposed development was located outside of a designated wind energy development area, would materially contravene the policies and objectives of the county development plan and would, therefore, be contrary to the proper planning and sustainable development of the area. A first party appeal against this decision was lodged with An Bord Pleanála and is currently awaiting decision.

In the first party appeal, it was demonstrated that the key determining criteria set out in the current *Wind Energy Strategy for County Offaly 2014* (Offaly County Council, 2014) ('the current WES') for the selection of wind energy development areas had been inconsistently applied, and that land in the ownership of our Client was, in fact, fully in accordance with those criteria and should, therefore, have been designated as suitable for a wind energy development.

Having evaluated the key criteria contained within the *Draft County Wind Energy Strategy* ('the Draft WES') for determining the suitability of lands for wind energy developments, our Client is once again disappointed that the Planning Authority has failed to uniformly apply the determining criteria and to recognise the evident suitability of the lands for such development identified at **Annex 1**.

Our Client welcomes the overarching objective of the Planning Authority, as expressed at Objective CAEO-02 of the Draft Plan, to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner. Our Client also acknowledges the need to balance the provision of renewable energy developments at appropriate locations to ensure the proper planning and sustainable development of the county.

However, our Client submits that the lands within his ownership adhere to each of the key selection criteria set out within the Draft WES, as set out below.

Suitable Wind Energy Development Area Identification Process

The Draft WES, at Section 5, sets out a stepwise "*sieve mapping analysis*" in order to identify the most suitable locations for wind energy development. The Draft WES utilises 3 no. steps and assesses the county in terms of:-

- 1) Existing Wind Speeds and accessibility to electricity transmission and distribution grids;
- 2) Evaluation of the landscape and its sensitivity to wind energy developments; and
- 3) Evaluation of land having regard to the built and natural environment, archaeological and amenity designations and existing settlements within the county.

Each of these steps are addressed in turn below.

Existing Wind Speeds and accessibility to electricity transmission and distribution grids

Map No. 2 of the Draft WES illustrates areas which are assessed to have a wind speed of greater than 7.5 metres per second (m/s) at 100m above ground level, according to the Sustainable Energy Authority of Ireland (SEAI) Wind Atlas 2013 (SEAI, 2013). The lands within the ownership of our Client, and indeed the vast majority of County Offaly, fall within this category and are therefore suitable and viable for wind energy development.

One of the significant advantages of our Client's lands is its strategic location with regards to the multiple options for connecting to the national electricity grid. Most notably is the location of the Clara 38kV substation located approximately 1.6km to the southwest. In addition to the Clara 38kV substation, there are a number of other potential electricity substations conveniently located within 10km of the subject lands which could also be reasonably selected to facilitate connection of the proposed development to the national grid including:-

- Srah 38kV substation located c. 8.8km to the southeast;
- Moate 38kV substation located c. 9.4km to the northwest; and
- Thornsberry 110kV substation located c. 9.7km to the southeast.

Therefore, given the close proximity of the subject lands to a multitude of grid connection options, the subject lands have a demonstrated ability to accommodate a wind energy development which, in combination with the substantial wind resource at the subject site, clearly demonstrates that they accord fully to the requirements of Step 1, and are suitable for a wind energy development.

Evaluation of the landscape and its sensitivity to wind energy developments

The second step in the Draft WES's evaluation of suitable wind energy development locations is to assess the sensitivity of the landscape to wind energy developments. Map No. 3 of the Draft WES illustrates divides the county into areas of high, medium and low landscape sensitivity having regard to their overall sensitivity to different types of development. Section 5.2.1 of the Draft WES states that "... 'High Landscape Sensitivity Areas' have not been included in 'Areas Open for Consideration for Wind Energy Developments' in Map 10: Wind Energy Designations." It is reasonable to conclude, therefore, that areas of medium and low sensitivity are likely to be suitable for such developments, subject to compliance with all other determining criteria.

The subject lands, and all lands surrounding the site, are assessed to be of low sensitivity. It is noted that Woodfield Bog pNHA (proposed Natural Heritage Area) has been identified as an area of high landscape sensitivity with certain adjoining lands been classified as medium sensitivity. However, despite the relative proximity of the subject lands to the pNHA (c. 1km), the Planning Authority has classified the subject lands as being of low sensitivity and are, therefore, a wholly appropriate location for the development of a wind energy project.

The appropriateness of the subject lands is reinforced by Table 4.19 of the Draft Plan where it is stated, with regards to low landscape sensitivity areas, that "These areas

in general can absorb quite effectively appropriately designed and located development in all categories (including: telecommunication masts and wind energy installations...."

Evidently, by the Planning Authority's own criteria, the subject lands are an appropriate location for a wind energy development and should, therefore, be designated as an area open for consideration for wind energy developments.

Evaluation of land having regard to the built and natural environment, archaeological and amenity designations and existing settlements within the county

The final step of the Draft WES's evaluation of potentially suitable sites for wind energy development predominately involves an assessment of lands having regard to the natural environment and amenity designations. Map Nos. 4, 5 and 6 illustrate the locations of European and National Designated Sites, Areas of High Amenity and Protected Views respectively. Having reviewed each of the relevant maps:-

- 1) The subject lands or their immediate environs are not designated for nature conservation, either at European or national level;
- 2) The subject lands, nor their immediate environs, are not assessed to be of high amenity value; and
- 3) A wind energy development on the subject lands would not significantly interact with any scenic view, prospect or amenity route.

Our Client therefore submits that, on the basis of the criteria presented in the Draft WES, there are no overwhelming environmental constraints associated with the subject lands which would preclude a wind energy development at this location.

Field Analysis and Desktop Survey

The Draft WES proceeds to identify 12 no. potential wind energy areas (see Map No. 7) purportedly on the basis of the evaluation carried out at Section 5 of the Draft WES. However, having regard to the "sieve mapping analysis" previously undertaken, it is difficult to understand why the lands under the ownership of our Client have been omitted from further evaluation in light of the obvious suitability of these lands. Put simply, there is no reason whatsoever for the omission of the subject lands from this field analysis and desktop survey nor has any rationale for same been advanced by the Planning Authority.

Moreover, many of the potential wind energy areas identified at Map No. 7 are substantially more constrained than the subject lands; which clearly undermines the Draft WES and demonstrates that the environmental sensitivity analysis undertaken is not underpinned by a coherent evidence base. It is evident that, with the objective application of the Planning Authority's own criteria, the subject lands adhere to and demonstrate compliance with each, and every, determining criteria and have suitability to accommodate a wind energy development.

Draft Revised Wind Energy Development Guidelines 2019



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The *Draft Revised Wind Energy Development Guidelines 2019* (Department of Housing, Planning and Local Government, 2019) ('the 2019 Draft Guidelines') were published in December 2019 and provide an update of the *Wind Energy Development Guidelines for Planning Authorities 2006* (Department of Environment, Heritage and Local Government, 2006) ('the 2006 Guidelines'). The 2019 Draft Guidelines provide updates to a number of key aspects associated with the development and delivery of wind energy developments including, *inter alia*, more restrictive noise limits, the implementation of specified visual amenity setback requirements and the elimination of shadow flicker. The subject lands, and any development proposed on the lands, would therefore be required to adhere to the requirements set out in the 2019 Guidelines, or any future revisions, following their adoption.

The subject lands are evaluated as being suitable for the provision of a wind energy development which would be capable of complying with all aspects of the 2019 Draft Guidelines. In particular, it is noted that there are areas within the subject lands which are in excess of 800m from an existing dwelling which, in addition to adhering to the requisite setback requirements, would enable a development to comply with stringent noise limits while the installation of technological measures would ensure the elimination of shadow flicker at residential dwellings.

In addition to the recommended re-evaluation of the subject lands, our Client submits that a full re-examination of the entire county should be commenced by the Planning Authority, having regard to the specific criteria set out in the Draft 2019 Guidelines, to ensure that all suitable lands are identified and designated, where appropriate, as being Open for Consideration for Wind Energy Developments. This re-examination is crucial where, as in the case of our Client's lands, areas which exhibit a high degree of compliance with national policy have been excluded from the Draft WES without any clear rationale or justification.

Conclusion

Section 7 of the Draft WES sets out that the selection of 'Areas Open for Consideration for Wind Energy Development' (see Map No. 10) based on an evaluation of viable wind speeds, an absence of environmental constraints, the absence of significant population density and being of a sufficient size to accommodate commercial wind farms. The preceding sections of this submission have clearly demonstrated that the subject lands, in the ownership of our Client, are wholly appropriate for wind energy development.

Moreover, our Client submits that Section 7 of the Draft WES incorporates a flaw with the approach undertaken. The Planning Authority states that the areas identified as being open for consideration for wind energy developments "...are of a sufficient size to accommodate commercial wind farms..." The Planning Authority's decision to prepare this Draft WES focussing solely on "commercial wind farms" disregards the substantial contribution to the generation of renewable electricity which can be made by small scale developments. Such niche wind energy developments can

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provide a valuable contribution to the cumulative delivery of national renewable energy production targets and abatement of greenhouse gases.

The recently published Programme for Government commits to an average 7% per annum reduction in overall greenhouse gas emissions from 2021 to 2030 (a 51% reduction over the decade) and to achieving net zero emissions by 2050. This is one of the most ambitious decarbonisation pathways anywhere in the world. The Programme for Government also recommits to the 70% renewable energy target by 2030 and to putting this target on a statutory footing. According to the latest EPA projections, a 70% contribution of renewable energy in electricity generation by 2030 will require an approximate tripling of the 2018 renewable generation capacity, while rapidly phasing out coal and peat use. The delivery of small-scale developments can play a key role in reaching these electricity generation targets while very significantly ameliorating any perceived environmental and amenity criticisms that larger schemes can typically attract.

Having regard to the above, our Client submits that the Planning Authority has not offered any reasoned explanation or evidence for the exclusion of the subject lands, as illustrated at **Annex 1**, from the designated 'Areas Open for Consideration for Wind Energy Developments'. The exclusion of the subject lands is unwarranted having regard to their suitability to accommodate such development and the pressing urgency of delivering on binding national renewable energy targets. Therefore, our Client respectfully requests that the subject lands be included as an 'Area Open for Consideration for Wind Energy Developments'.

Kind Regards,

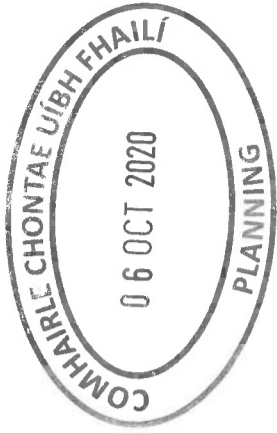
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**Annex 1 –
Lands within the Ownership of Mr. Columb Kane**



Legend:
Ownership Boundary



Date:	Rev.:	Description:	Drawn By:

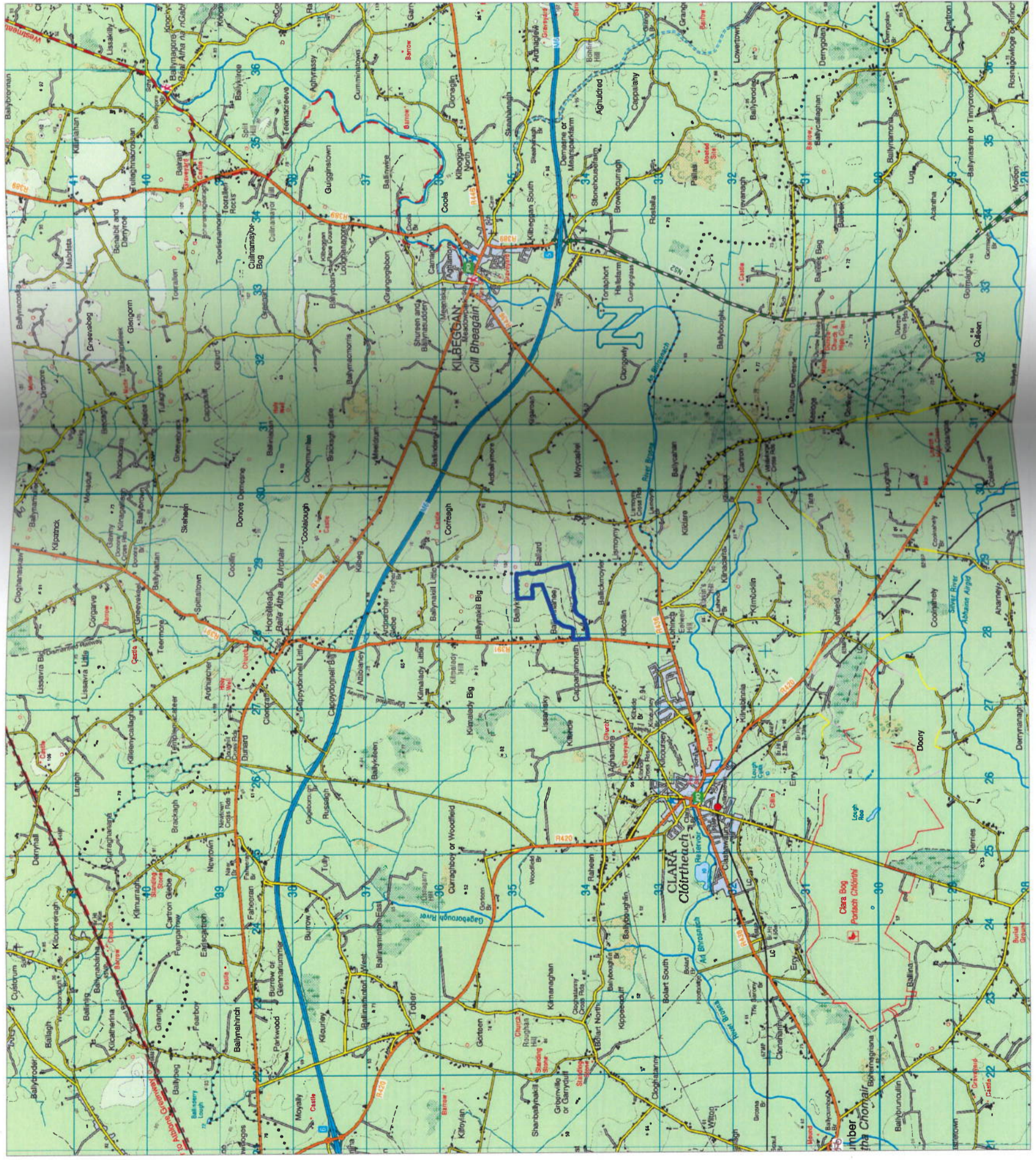


Client:
Columb Kane
Windmill Hill

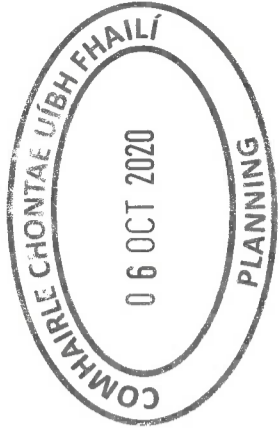
Site Location Map (Discovery Map)

Drawing No.:	WIMH001_PAS-LOC-1.02	Revision No.:	0
Scale:	(A1) 1:30,000	Date:	25/09/2020
Drawn By:	C.M.P	Checked By:	J.B
		Confirmed By:	S.C

OSI License: EN 0062820, OS Map Ref. Nos. OY 3177C



Legend:
Ownership Boundary



Date	Rev	Description	Drawn By



Client:		Columb Kane	
Job Title:		Windmill Hill	
Drawing Title:		Site Location Map	
Drawing No.:	WMH001_PAS-LOC-1.01	Revision No.:	0
Scale:	(A1) 1:2,500	Date:	25/09/2020
Drawn By:	C.M.P	Checked By:	J.B
		Confirmed By:	S.C

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