

20141028-ABP-PA0038

Strategic Infrastructure Division
An Bord Pleanála
64 Marlborough Street
Dublin 1

28.10.14

Re: Proposed "Emlagh Wind Farm" Consisting of up to 46 No. Turbines, a 110kV Electricity Substation and associated works, in multiple dispersed locations adjacent to Kells, Moynalty, Castletown, Wilkinstown, Carlanstown, and Lobinstown, Co Meath

Ref: PL17.PA0038

Dear Sir/Madam,

An Taisce has been notified by Fehily Timoney & Company on behalf of North Meath Wind Farm Limited of the above project on the 2nd October 2014, advising that all comments should be made in writing to your office on or before 1st December 2014. It is wished to submit the following:

1.0 Legal entitlement to lodge Strategic Infrastructure Application

It is submitted that the entitlement of the applicant to submit the application as a single Strategic Infrastructure project should be addressed and determined as preliminary matter. The applicant is seeking to present the proposal as having three clusters. While the map information gives a name to these three areas as being Farragara, Castletownmoor and Iscalcricocha, the actual number of landholdings on which turbine site are proposed is not identified. Even within the purported three "clusters" the actual turbine sites are disconnected from each other by landowners who are not party to the application.

The full scale and dispersed nature of the development is not communicated by the development description or in the written information in the EIS. The eastern most turbine is 17km from the westernmost. The southernmost turbine at Clongy is at the bottom of a sweeping arc extending north east and North West across a 22km sweep of undulating countryside.

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As far as we are aware this is fourth Strategic Infrastructure application for a wind energy development to have been lodged with the Board.

Only the first has been determined to date, namely that at Sragh near Doonbeg on the County Clare Coast (Ref: 03.PA0025) refused on 25th July 2013. In scale and dispersed impact the Emlagh proposal differs radically to the County Clare proposal comprising a dispersed scattering of unconnected turbine clusters across a wide area of landscape. The two other applications at Bellacorrick Co Mayo are currently with the Board having been subject to Oral Hearing earlier this year. Both of these were single clustered applications on single landholdings by Bord na Mona and Coillte respectively.

While the total MW generating capacity of the Emlagh proposal comes under the SI thresholds, the actual proposal is for a scattered distribution of disconnected sites all of which are under the Strategic Infrastructure threshold. The Board's determination of the 12th Sept. 2014 that the application qualified under Section 37A of the 2000 Act as amended 2006 was of a number of internal communications between the applicant and the Board, which was not subject to any public consultation.

It is noted that legal action has been initiated against An Bord Pleanála on the eligibility of the application as a Strategic Infrastructure proposal under the Planning and Development Acts as amended 2006, in High Court proceedings lodged on 26th November.

While the proposal is presented as a single application, the proposal requires 110kV grid connections stated to be underground between the proposed turbine sites and to the national grid at Gorman, which does not form part of the Strategic Infrastructure application. The route and environmental impact of this is not addressed in the EIS or application particulars.

An application for quarrying or housing would not be accepted if the proposal was for a number of locations of different areas or numbers in disconnected sites across a wide area. We consider that when the Strategic Infrastructure legislation was approved in 2006, that an application of this kind was never envisaged. Accordingly the eligibility of this proposal to qualify for Strategic Infrastructure under current legislation and planning guidelines and policies should be determined and resolved as preliminary matter.

2.0 Origin of Development as Export Proposal

North Meath Wind Farm Limited is a subsidiary Element Power. The current proposal originated as part of the larger "Greenwire" plan by Element Power for an interconnected network of turbine clusters in County Meath and adjoining counties for export to the UK grid, with another entity Mainstream Power pursuing a competing proposal.

The Department of Energy Communications and Natural Resources initiated a public consultation on Wind Energy Export with a submission deadline in 2013. Following collapse of the negotiations between the Irish and UK Governments earlier this year further consideration for facilitating wind energy export was abandoned. Element had in the meantime entered into financial agreement with landowners to accommodate turbine applications and is now advancing this proposal for connection into the national grid.

With the collapse of the export negotiations the Department of Energy Communications and Natural Resources has abandoned consideration of the export proposal and is now initiating assessment and consultation on the optimum location for future wind energy development in Ireland, which would include the identification and protection of strategic areas.

This means that the planning considerations, development quantum and development locations which were being advanced by Element and Mainstream are no longer applicable or relevant, to renewable energy demand and capacity up to 2020.

3.0 Cumulative Assessment with other wind energy proposals.

This application requires cumulative assessment with other proposed wind energy development.

We attach a copy of an EIS scoping document for another Strategic Infrastructure application to the Board. Element is also pursuing a pre planning consultation for this development which also originated as an export proposal which it titles the Maighne Wind Farm. It proposes up to twenty-two individual sites stretching across North County Kildare, Offaly and South County Meath for fifty-five turbines in large area of landscape between Prosperous Co Kildare, Longwood Co Meath and Edenderry Co Offaly. The same considerations raised by the Emlagh application also apply to this proposal. ENCL

There is also a current application applied for by Cregg Wind Farm Limited for the grant of a ten year planning permission for development for the construction, operation and decommissioning of a wind farm of up to six number wind turbine generators to export electricity to the national grid. Each turbine will be up to 150 metres to blade tip height with an associated crane hardstand. The works will also require the construction of an electrical substation, a meteorological mast, cabling and access tracks to each turbine and ancillary works including a temporary construction compound and site entrance access upgrades for abnormal loads, at this site at Cregg, College and Rathgillen townlands, Nobber, Co. Meath. An Environmental Impact Statement (EIS) has been prepared with respect to this planning application and will be submitted with the application documentation

4.0 National Policy and Strategy

Wind energy development comes under DoECLG Wind Energy Development Planning Guidelines, which are currently being revised. Wind energy development in Ireland is causing increasing conflict with local communities affected. Proper national strategic consideration is urgently needed to identify the most appropriate locations for further turbine development to meet the 2020 40% national renewable target, and how further post 2020 wind energy development is be linked to linked to the national requirement to achieve decarbonisation by 2050.

4.1 The 40% Renewable 2020 Target

There is a need is to identify:

- a) The current level of permitted development with viable grid connection which can be commissioned by 2020;
- b) The additional capacity need to meet the 40% target. With the quantum of development needed to meet the target identified the optimum locations can be assessed;

This application fails to demonstrate that the meeting of the 40% renewable 2020 targets requires development in the turbine locations proposed in County Meath and does not consider other more suitable locations, including in the midlands, to meet the targets. If there are any other sites less problematic in residential amenity and other impact then these should be given consideration before even entertaining the Emlagh proposal.

4.2 The National Low Carbon Roadmap

Government is committed to Low Carbon Roadmap to 2050 with consultation having already been initiated by Government Departments. This means that renewable development needs to be integrated with an overall energy demand reduction, efficiency and decarbonisation for power generation, transport and heating with of legally-binding annual targets to reduce Ireland's climate emissions arising for all these sectors as well as land use and agriculture. This will result in parallel cuts to energy imports, including the €6.5 billion euro spent annually bringing fossil fuels and biofuels into Ireland. This proposal is premature in the absence of such an overall National strategy.

4.3 Meath County Development Plan 2013-2019

The Landscape Character Assessment for the county identifies the application site area as the "North Navan Lowlands" with drumlin topography to the north. The area is identified as having "medium" capacity for wind energy. At the same time, Chapter 8 Policy EC 3 of the plan supports renewable energy including wind, solar biomass and other sources.

It is considered that when the Plan was drafted that level of dispersed wind energy development sites such as this application was never envisaged.

The current national wind energy policy and the provisions of the Meath County Development Plan never envisaged a wind energy project of the scale and dispersed nature of that proposed in this application.

This proposal which is developer-led is being put forward without any national or local policy framework to respond to an application of this scale of dispersed location impact. The effect of this proposal has already been to divide the local community between landowners benefiting from the revenue from turbine sites and others.

The proposal has not been subject to any national evaluative process to select the nationally optimum sites in terms of the impact on the environment and ecology residential amenity landscape and cultural heritage. This is inappropriate developer led rather than national and strategic based planning.

The selection process for future turbine locations needs to be based, in part, on optimum site cluster suitability, and grid connection availability. The capacity of the major State-owned land banks, those held by Bord na Mona and Coillte in particular, need to be suitably recognised in preference to farmland, areas having an adverse impact on residential amenity, locations affecting European Natura 2000 sites, areas of particular landscape sensitivity designated in development plans and sites of cultural heritage significance. Any consideration for optimum wind cluster location in Ireland needs to be based on a prior national evaluation of optimum location suitability.

5.0 Constraint Screening

A constraint guidance system should exclude EU-designated Natura 2000 sites, locations with significant residential amenity impact, sites affecting high amenity landscape designations in local authority development plans and the landscape setting of sites of cultural heritage, including significant monuments and designed landscapes.

6.0 Equitable Local Stakeholder Participation

It is an anomaly that a landowner leasing the site for a turbine base would receive very significant income, while a householder living near that site – even nearer than the landowner but without any ownership interest - would get no benefit at all. An equitable provision is required to provide local residents / communities to part-share in the annual revenue for hosting large-scale wind turbines. Such an equitable provision could be designed on radial distances from the turbine base, a provision which could be suspended where line of sight did not exist, for example.

7.0 Relevant Precedents

There is no direct planning precedent for this proposal in the scale of landscape and residential amenity impact. However two decisions of the Board deserve particular examination:

Sragh, Doonbeg, Co. Clare Coast (Ref: 03.PA0025) refused on 25 July 2013. This Strategic Infrastructure application was refused by An Bord Pleanála for 3 no. reasons relating to:

- 1) negative impact on residential amenity and tourism,
- 2) proximity to a river containing the freshwater pearl mussel,
- 3) the proposal being contrary to the Wind Energy Strategy for County Clare which identifies the appropriate scale of development for such areas to be medium 6-10 turbines and too close to existing/permitted wind farms in the area.

The second ground on residential amenity stated:

Having regard to the scale of the proposed development, its location relative to a significant number of residential properties, the settlement of Doonbeg, tourist amenities, including the Doonbeg Golf Club and Resort, it is considered that the proposed development would seriously injure the amenities of the area, by reason of visual intrusion and overbearing visual impact, and would seriously detract from the tourism resource of the area. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

The second application, which to refer is Gaybrook Co. Westmeath in May 2011 which saw An Bord Pleanála uphold the decision of Westmeath County Council to refuse permission for nine turbines (of hub height 85 metres and rotor diameter 100 metres) at Gaybrook. 6.5 km south of Mullingar and 3.5 km east of Lough Ennell (Ref: 25.237728) based on the following reason:

The site of the proposed wind farm development is located in the vicinity of Lough Ennell, in an area of good quality, small scale landscape, containing the remnants of 18/19th century demesnes of particular significance in terms of amenity, tourism and heritage. The area also contains a large number of new houses. It is the policy of the planning authority to assess any development proposals in areas of demesne landscape according to best practice guidelines for historic landscapes. It is considered that insertion of a wind farm into this landscape would constitute a dominant and obtrusive feature in the area, which would interfere with the character of the landscape which it is necessary to preserve. Furthermore, having regard to the statements in the current Westmeath County Development Plan 2008-2014, generally advocating accommodation of wind farms in the extensive cut-over peatland areas of the county and also having regard to the sensitivities of the area and its environs, it is considered that the proposed development, notwithstanding its location in an area of "medium capacity" in the Wind farm Capacity Map of the said Development Plan, would not be in accordance with the overall development objectives of the current County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

8.0 European Landscape Convention

This application highlights Ireland's failure to implement and comply with the obligations of the European Landscape Convention (ELC) which was signed into force by thirty member states of the European Council in Florence, Italy on 20 October 2000. In the convention it was noted that the **'protection, management and planning'** of landscape can aid in job creation, cultivating and maintaining local identity, achieving unity and cooperation between member states, human well-being, quality of life, and responsibility.

Furthermore the concept of 'landscape' now represents natural, rural, urban, peri-urban, outstanding, every day and blighted landscapes. Under the Planning and Development Act 2010 landscape has the same meaning as it has in Article 1 of the ELC.

Under the convention, it not enough to consider landscapes which are simply outstanding or beautiful as, unlike many past attempts to create a suitable landscape strategy, the ELC does not stick to the traditional methods of protectionism; rather, it sets a requirement to survey, record and understand the everyday landscape. It is considered that Ireland has failed to comply with the Convention. Most notably, Ireland has failed to put in place the implementation measures set out in Article 6E of the Convention:

No proper national legislation, policy or guidelines have been produced by the State to respond to the ELC. Whereas local authorities have placed certain designations on landscapes as a result of Section 10 the Planning & Development Act 2000, as amended, this very discretionary and largely fragmented across local authorities, often with the subjective influences of vested interests instead of the common good and in the interest of complying with the ELC. The provisions in the 2000 Act for Landscape Conservation Area designation have not been used. This has being highlighted by the refusal of Meath County Council to designate the Tara-Skryne Valley area as a Landscape Conservation Area, following a Heritage Council proposal.

The State has failed to set a clear methodology for how landscape should be assessed, protected and managed. With no more than vague policies, and lacking legislative tools, it is difficult to guide the process. Local authorities have varying landscape policies in Development Plans which are then systemically undermined in the cumulative sprawl of individual application consents. With the failure to comply with the ELC, An Bord Pleanála has been left with no basis to assess the impact of the proposal on the landscape.

9.0 Residential Amenity Impact

It is submitted that Chapter 11 of the EIS on human beings needs is seriously deficient in considering impact on residential dwellings and amenity in the area. This proposal has significant and varying impact of a large number of dwellings within 1km and longer distances from proposed turbine sites.

There are particular impacts on the villages of Castletown, Wilkinstown, Carlanstown, Lobinstown. There is also an impact on the eastern side of Moynalty . Unlike the general pattern of towns and villages on the European continent, ribbon development in Ireland has resulted in lack of clearly defined edges. However, even if a reduction in turbine numbers were to be made to reduce impact on these villages the extent turbine impact on ribbon development and dispersed housing would be significant

Fifty years of Irish planning policies have promoted the profligate dispersal of settlement towards single rural dwellings, and a lack of boundary definition to town and villages resulting in scattered linear road front development. Notwithstanding the fact that this pattern of development is socially, economically and environmental unsustainable, particularly with respect to oil dependence, greenhouse gas emissions, water quality, social equity, human health, and, critically, efficient Exchequer investment in infrastructure and services, it is likely that it will continue at least in the short-term. A most recent Forfas Statement on Energy confirms this, stating:

'Ireland has opted for a policy of land-use planning which has resulted in the sprawl of low-density housing developments. This approach, while socially popular, is not sustainable from an energy, environmental, climate change or quality-of-life perspective'

This significantly limits future infrastructure as well wind turbine and electricity grid development. Ireland's now fifty year-old Planning and Development Act regime has resulted in much of the national housing stock developed in a piecemeal basis on road front sites outside town and village speed limits.

The negotiation of turbine location options with landowners in this in proximity to houses and villages has generated major conflict within local communities. Landowners signing up contracts for sites are being seen to make large financial gain while adjoining landowners and residents are left with vague promises of benefit to a proposed 3.5 million euro 'community fund'. Apart from amenity impact, health concerns are being raised by concerned residents. This raises the wider need to have clear guidelines on the proximity of turbines to houses and ratios applicable to the relevant hub height.

It is submitted that the significant development of single rural dwellings has occurred in the surrounding area of the proposed site within the last few decades, which has adversely affected the areas ability to accommodate wind energy infrastructure.

10.0 Farming and Bloodstock impact.

It is noted that significant concerns are being raised by farmers and blood stock holders on landholding contiguous to proposed turbine sites but who are not part of any landowner agreements. The issue of farming and bloodstock impact is raised in Chapter 11 of the EIS, and requires significant further evaluation.

11.0 Cultural Heritage Impact

This application would have a potential impact across a wide area of landscape. There is a need to consider impact on the Bru na Boinne World Heritage Site and Buffer Area, and the Hill of Slane. The landscape setting monastic site town of Kells also requires particular consideration. It ranks among Ireland principal Early Christian sites and is part of potential future group World Heritage Site nomination.

Also requiring particular consideration is the ancient site of Mullach Aith or the Hill of Lloyd which is an archaeological complex with a large hilltop enclosure. The hill is now surmounted by the landmark the late Georgian gothic folly tower of 1791 which is a prominent landmark. The summit of the hill is a much visited local amenity which is a community park, with the local Archaeological Society facilitating controlled access to the tower.

Closer to the proposed turbine site the impact on the setting of archaeological monuments and protected structures needs to be assessed including country house demesnes. The EIS states the 114 Protected Structures are with 3km or a proposed turbine. However the impact on designed landscapes which form part of the setting of protected structures needs also to be considered such as Dowdstown House. The County Westmeath Gaybrook decision is relevant to the consideration of cultural heritage since this cited the impact on demesne landscape even though the house has been demolished.

The EIS states that 165 archaeological monuments scheduled in the RMP are with 3Km or a proposed turbine. In addition to impact on individual sites the landscape impact on groups of monument particularly along the Blackwater River Valley between Navan and Kells must also be considered

12.0 Conclusions

Any future Irish wind energy proposal needs to be plan led and not developer led. There is a need to meaningfully rather than tokenistically use the framework provided by the Strategic Environmental Assessment (SEA) Directive to identify the national capacity for location of wind energy for export turbines, and their optimum siting. This proposal is inappropriately developer led acting without any proper national and location selection strategy.

Yours sincerely,

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