

STRABOY ORAL HEARING WIND FARM APPLICATION

Glenties Co. Donegal

REF. PL 05B.240166

PA 11/30127

17TH OCTOBER 2012

EVIDENCE OF ERNAN O'DONNELL

Check against delivery

INTRODUCTION

1. Good morning Inspector, Ladies and Gentlemen. My name is Ernan O'Donnell and I am Chairman of the Glenties Wind Farm Information Group on whose behalf and my own behalf I address this hearing. Notwithstanding the location of much of the development site and its environs within a Gaeltacht area we have chosen to address the hearing in the State's second language as an accommodation to all our visitors.
2. May I, before I begin, welcome you all to Glenties.
3. I was born in Glenties and my family roots in this area go back hundreds of years. I hold the culture and heritage of our area to be of immense value, and rich diversity. I am proud of the community from which I come. As a community we are proud of our area and our achievements in continuing to build a versatile community, which nurtures all its inhabitants. I find it disappointing that the developers of this project, in their first party response to our appeal, choose to hold up the town of Glenties and its surrounding communities to what we see as ridicule and denigration. I wish the Bord to be aware that, contrary to the statements made, this is a vibrant community, with a vibrant culture. We have recently had the addition of a new health centre to the town to go along with our secondary school, our primary school and our pre-school, not to mention our Care of the Aged facilities. I am pleased to note that many young couples, with roots in the area, have chosen to return to live and rear their young families here.

THE EIA AND THE EIS

4. In our written appeals to the Bord we have made much comment on the role played by Donegal County Council in the handling of this application, and the manner in which a decision to grant permission was made. I have been informed that An Bord Pleanála must determine any application under appeal as if the application had been made to it in the first instance. An Bord should also have regard to what happened before with the planning authority in its handling of the original application.
5. I am asking An Bord Pleanála to give careful consideration to the evidence, which we will present in the course of our submissions here. We are a small community with few resources. We have been obliged to seek professional help at considerable expense and to bring experts to this hearing in support of our contentions. Of particular point here, is our contention that this application is fatally flawed in its failure to meet the terms of the EIA Directive 85/337 as amended. Thus, any grant of permission by An Bord in these circumstances would be unsafe and in contravention of the provisions of the planning acts and the EIA Directive.
6. The Aarhus Convention is an important instrument designed to improve transparency, and to further strengthen the effectiveness of public participation in environmental decision-making. It is designed to provide for public participation, the right to information, and the right to participate in decision making. The Convention highlights the value of participation in environmental decision-making. The amended EIA Directive 2011/92/EU has been interpreted by the Irish courts recently as having the scope and objectivity to enable planning authorities to have the necessary information to enable them to consider the likely impacts on the environment.

7. My understanding, as a citizen, is that the point of these Directives, Conventions, and Planning Acts is that members of the public can access information when considering plans and projects that may effect the environment. In the case of this application, as expert testimony will show, the legal provisions regarding the Environmental Impact Statement (and other information to be provided) have not been met by the applicants. Clearly, these failings must also impact upon the Environmental Impact Assessment carried out by the planning authority, and, indeed, must hamper An Bord in considering this appeal, as if the application had been made to it in the first instance.

8. Volume 2 of the applicants' EIS Appendix B fails to provide the hazard analysis for the peat regeneration areas as identified in the table of contents. The stability of the site, and in particular the vast volumes of peat to be stored in those areas close to residential dwellings, is of a major concern to this community. Expert testimony will address these matters at this hearing.

9. The developers have not complied with the Habitats Directive 92/43 EC in relation to the likely impacts of this development on the Fresh Water Pearl Mussel. In response to a further information request submitted by the Local Authority, the applicants have simply taken part of a previous report on the Owenea River and Finn River (both SACs) relevant to a section of river six kilometres upstream of the Straboy site. This report was prepared under Article 17 of the Habitats Directive in 2007 when Ireland submitted its first baseline assessments of conservation status for all 59 habitats and c.100 species that occur in Ireland.

10: The applicants have failed to consider the effect of the increased run off from the Straboy development on the alteration of flows on this waterway. The risk of sediment has not been properly explored.

11. As part of the Water Framework Directive the status of all waterways has been recently evaluated with a view to publishing a management plan. The status of the Owenea River was found to be below the acceptable standard and was marked for improvement. The applicants have not established or demonstrated a scientific basis for their conclusion that the Straboy development will not impact on protected species or the water quality status of these waterways. Ireland is currently being taken to the European Court for its failure to comply with the Habitats Directive on the protection of the habitat of the Fresh Water Pearl Mussel, in accordance with the criteria outlined in the European Communities Environmental Objectives (Fresh Water Pearl Mussel) Regulations 2009.

12. Mr Lorcan O'Toole and Mr Joseph Brennan will give evidence concerning the Golden Eagle, Red Grouse, and avifauna generally. The applicants have failed to properly evaluate the impact this proposed development may have on these species, and a breeding bird survey has not been carried out.

13. An hydrologist and a geologist will both give evidence and provide assessments of the impact on peat and the proposals for peat disposal and peat stability.

TOURISM

14. Mr Michael McGeehan will give evidence on the impact on tourism of the proposed development. I note with some amusement the contention of the applicants on page 16.4.1 that:

“... both the wind industry and tourism have a common interest in securing the sustainable use of scarce resources and in that sense are mutually supportive”.

I will leave it to Mr. McGeehan to address this subject. I must point out that in support of their contention that industrialized development in a rural wilderness landscape will not impact on tourists coming to the area, the applicants have relied on reports from 2002 and 2003, when wind farms were a concept as little understood, or known about, by the citizens as the IMF!

15. A 2007 survey by the Irish Tourist Board found that 77% of tourists coming to Ireland did so because of its natural and unspoilt environment. The importance of tourism in County Donegal and in Glenties as a mainstay to the local economy cannot be overstated.
16. In 1996 the UK Countryside Commission, a government landscape watchdog body, warned that England's countryside was in danger of becoming a wind farm wilderness. We feel that this is a very relevant concern to this part of Donegal. Few voices doubt the importance of a wild and unindustrialized landscape as a material asset. Those who care for the environment see clearly the need to preserve wilderness areas in order to protect our fragile ecosystems and to enrich human life through spiritual and poetic inspiration.
17. It is disappointing that there are a few who dismiss landscape as a secondary concern and perhaps see concerns about tourism, art and natural beauty as mere rural romanticism. To quote the American landscape artist Rockwell Kent:

“I have travelled much of the world but only in Donegal has man touched the hem of God”.

Maybe he was referring to our hills, so often noted in song and story.

18. The Glenties area, and many of the town lands affected by the proposed development has seen the emergence of many poets, musicians and writers; a rich vein of cultural tapestry that has greatly enhanced and enriched our National Culture, and our appreciation and understanding of our language and our people. John Doherty, the travelling fiddler, singer, story teller and tinsmith was often heard to remark that Glenties was his favourite town, where the people had the greatest welcome for a musician and the greatest appreciation for his music. This, from a man whom many regard as having reached the pinnacle of fiddle playing. His tunes, stories, and style are still carried on in the Glenties area by, for example, the Campbell brothers Vincie and Jimmy, and Jimmy's son Peter.

19. John Stephen McGroarty, a relative of my mother, whose own mother was from the Glenties area, wrote a number of books and collections of poems. Some of his poems concerned this area.

Donal MacDiarmada was a songwriter whose songs are still sung locally and heard nationally on radio and cd.

The writings of James Patrick Craig, who attended Derryloughan primary school and whose mother was from Straboy, are to be found in the Morris Collection. Among his writings were *Modern Irish*, published in 1896; *Modern Irish Composition*, published in 1901; and *Modern Irish Grammar*, published in 1900.

Aindrias O'Baoill was born and reared in Carabet on the northwest edge of the site. Who, who have read his books and stories, could ever forget *An Dlí* ?

20. One of our better-known authors was Patrick McGill, who wrote of his people and their circumstances of the time. This venue hosts the annual Patrick McGill Summer School.

Also worth mentioning is the playwright Brian Friel, whose mother was from Glenties. He spent summers in the area and his play *Dancing at Lughnasa* is set here. Among Brian Friel's many happy memories are taking the Fintown train and the characters he met here. These memories, as a boy in this landscape and this community, would influence his life as an artist many years later.

21. It is disappointing that so few see poetry, song, dance, casual music sessions and conversation as no longer fitting in with the talk of turbines, pylons and other such enterprises that threaten our core identity and the things that make us whole as a community.

22. A local resident Dominic Boyle has asked me to read these few comments into the record:

“I was born in 1930 in Stracastle, Glenties. I have lived all my life here, working in forestry for 36 years, and farming all my life. Both of these occupations can help preserve and maintain the place I live in, and leave it intact for the people coming after me. I would like it to be left as I found it, and pass on what was passed on to me. Young families with children, couples with roots in the area that have moved here, will not remain if this development, and developments like it, are allowed to happen. Our community is already split apart from these intrusions in our lives and I am sorry to see the environment that we live in being left to decay in this way. Our countryside and our people is what we have.”

DWELLINGS

23. The applicants state in their first party response that there are a number of dwellings located to the south of the proposed site. The fact is, there are many detached dwellings here along the R250, the most heavily populated road into Glenties.

NOISE

24. Dr Chris Hanning and Mr. Dick Bowdler will give evidence concerning noise created by turbines and the likely impacts on human health. All I will note here is that it is Mr Bowdler’s conclusion that the applicants have not conducted a proper noise assessment, as they are required to do.
25. In a letter from Mr Rabbitte to Ms Anne Marie McDermott, the Minister has advised that a targeted review of the wind energy guidelines will commence shortly, and report on the manner in which the guidelines address key issues of community concern such as noise proximity, and visual amenity. This review is to report by mid 2013.

ALTNAGAPPLE

26. The applicants make reference to predicted carbon savings arising from the development. However it appears that the applicants have miscalculated and the figures the applicants have provided are those provided for another application at Altnagapple. An Bord Pleanála (PL05B.235691) refused permission for the Altnagapple development of 13 turbines in 2010. The figures provided by the applicants for carbon savings simply cannot match the number of turbines in this application.
27. It is my contention that the grounds of refusal given by An Bord for the Altnagapple development are relevant here. That is, the applicants have failed to have regard to:
- a. The flora and fauna of the area;
 - b. The risk of land slippage;
 - c. The consequential risk of pollution of water courses;
 - d. The endangerment of public safety and public health.

These failings must be contrary to the proper planning and sustainability of the area. Likewise An Bord found at Altnagapple that the limited extent of survey information contained in the EIS was not satisfactory and so could not establish that potentially significant negative impacts on the environment would not occur. It is the responsibility of the applicants to supply this information and to establish that significant impacts will not occur. Mitigation measures must be proposed for such risks and surely this can only be done in a meaningful way if the accurate and adequate information is available at the outset.

COUNTY DONEGAL

28. Of the 2000 MW currently supplied to the National Grid from wind farms in Ireland, 260 MW are generated in Co Donegal from 28 wind farms. In addition, 154 MW are contracted to be generated from wind farms in the county over the next few years. I think it is reasonable to suggest that Donegal has the highest total of wind farms of any county in Ireland and that this county is also characterized by its wilderness and the very high amenity value of its landscape.
29. The future prospects for the development of the county are largely grounded in the tourism industry. So consideration must be given to the need to carefully evaluate the appropriateness of any future wind farms being sited in the county; especially in areas like Straboy where the high amenity value of the landscape is crucial to its development as a tourist destination.

SEA DIRECTIVE

30. The applicants note the wind energy strategy document of Donegal County Council. However, areas not favoured for wind energy development have been identified due to significant environmental heritage and landscape constraints.
31. Among these areas are the habitats of the Fresh Water Pearl Mussel, where the concerns are the risks of increased run off and of suspended solids and peaty discharge entering these waters.
32. The attempts of Donegal County Council to provide for the sustainable development of a diverse and renewable energy portfolio are somewhat undermined by the inclusion of some 2363 town lands in the county as open for consideration. What seems obvious is the inadequate strategic environmental assessment that has been done at local level. In a letter to the Council at the consultation stage, the Department of the Environment raised the concern that this re-zoning of areas as open to consideration, or suitable for wind farm developments, was not evidence based.

33. The SEA Directive 2001/42/EC provides for the assessment of effects of certain plans and programs on the environment, and places responsibility for sustainable development and the protection of the environment on member states.
34. Article 174 of the Treaty provides that community policy on the environment is to contribute to the preservation, protection and improvement of the quality of the environment. The protection of human health, and the prudent and rational utilization of natural resource, are to be based on the precautionary principle.
35. The Donegal County Development plan was recently amended and removed the restraints on wind farm developments previously in place. Previously, a set back distance from residential dwellings was given as 500 m and developments were to be at a set back distance of 150 m from rivers, streams, and lakes. The position now adopted is that no prescriptive set back distances are provided. This provision has been criticized by the Department of Environment as not evidence based.
36. In conclusion we submit that the SEA Directive has not been properly applied in the adoption of this policy, which is frequently referred to in the applicants' first party response in support of this development.

CONCLUSION

37. The proposed development at Straboy has been subject to an EIS, which concludes that there will be no significant impacts on the environment, or on residential amenity, or on natural heritage. It is our contention, to be supported by expert testimony, that this EIS is fundamentally flawed in failing to adequately assess the effects of the proposed development on the environment, as required by the EIS Directive as amended.

38. In the absence of appropriate assessment, and for all the reasons set out above,
An Bord Pleanála is asked to refuse the grant of permission for this
development.

39. Thank you for your time and consideration.

ENDS

Check against delivery