

Wind Energy Guidelines and Peat

A photograph of a wind turbine in a field of yellow and red flowers under a cloudy sky. The turbine is a tall, slender tower with three blades, positioned in the middle ground. The foreground is filled with dense, low-lying vegetation, including many bright yellow flowers and some taller, reddish-brown stalks. The background shows a flat landscape leading to a body of water under a grey, overcast sky.

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Format of Presentation

- Brief run through approach to Wind Energy Development in the Guidelines
- Advice in regard to wind energy and peatlands
- Changes in legislation since Guidelines which impact on the status of s28 Guidelines and on the assessment of wind energy projects

Wind Energy Guidelines

- The Wind Energy Development Guidelines were prepared under Section 28 of the Planning and Development Act 2000 and following public consultation were published in June 2006
- Planning authorities must “have regard to” such guidelines in the performance of their functions eg plan making and development management
- The provisions of s28 of 2000 P&D Act in regard to planning guidelines have been strengthened by the s20 of 2010 Planning and Development Act .
- I will come back to this later in context of other relevant changes in the 2010 Planning and Development Act

Guidelines and Development Plan

- Recommended a plan led approach to the development of wind energy consistent with proper planning and sustainable development
- Adoption of Wind Energy Strategies in development plans
- Included a methodology for preparing and mapping Wind Strategies
- A Sieve analysis of key environmental, technical and economic criteria
- End product should be a Wind Energy Strategy
 - which mapped areas suitable in principle or not for wind energy development subject to environmental, landscape, heritage, and design considerations.
- Survey in Dept in June 2010 showed that at least 70% of County DPs have prepared wind strategies > majority of which are mapped

Wind Energy Guidelines and Development Management

The Guidelines highlight general considerations in the assessment of all planning applications for wind energy

Considerations of relevance in context of peat are the following

- Importance of EIA and AA
- Ground conditions and Geology—
- Peat Stability
- Impacts on sites designated under Habitats Directive

Wind Energy Guidelines and EIA

- EIA – mandatory for planning applications over 5 turbines and above 5 megawatts
- Mandatory below these limits if development is likely to have significant effects on environment (Schedule 7 of Planning and Development Regulations 2001)
- EIA must ensure that negative impacts on environment are avoided or mitigated-particularly important in sensitive areas such as peatlands
- Guidelines highlight need for site specific geo-technical investigations as part of EIA in particular on peatland.

Ground Conditions

- The geo technical assessment is necessary to
- establish the nature of the underlying geology
- Slope stability and risk assessment
- An assessment of potential for bog burst or landslide hazard
- Any mitigating measures that might be necessary
- identify optimum location for turbines and proposed borrow pit sites
- Guidelines also emphasised
- need professional advice from geotechnical engineers / geologists and hydro-geologists in preparing such geo technical surveys
- the importance of input from hydro-geologists or engineers with knowledge of soil mechanics on upland sites

Appendix 4- Wind Energy and Peatlands

- Appendix 4 consists of best practise guidance on construction of wind energy development in peatland areas in order to
 - reduce impacts
 - minimise habitat disturbance and loss
 - avoid hydrological disruption and risk of erosion

Best Practise Guidance (1)

1. Thorough ground investigation incl detailed evaluation of nature of the peat where depth of peat is greater than 50cm
2. Avoid construction on wet areas , flushes and easily eroded soils
3. Avoid excavation of drains where possible
4. If drains unavoidable ensure that silt traps are constructed
5. Avoid blocking drains
6. Where blasting is proposed in or near peatland area possible effect on peat stability must be assessed.
7. Avoid stock grazing on disturbed peat until local peatland vegetation has recovered

Best Practise Guidance (2)

- Further detailed guidance is given on
 - Construction of access tracks/ roads in peatland areas eg roads must be capable of taking required vehicle loadings with regard to overall site stability
 - Construction of foundations for turbine towers- advice is to carry out a geotechnical analysis for each turbine base which looks at method of excavation and placing and storing of excavated material to avoid slope or site instability
 - Installation of high voltage cables – inter with turbine access roads to minimise ecological impact
 - Key focus is site stability and reduction of significant impact on habitats

Wind Energy and Designated habitats

- Where peatlands (raised bogs, blanket bogs) have been designated under EU Habitats Directive as Special Areas of Conservation (SACs) guidelines point out that consideration of wind energy development in these locations must be subject to appropriate assessment under the Habitats Directive (EU Natural Habitats Regs (1997)
- Appropriate assessment in this context is a detailed scientific assessment of the potential 'in' and 'ex situ' and cumulative impacts of a development on a designated site
- Permission cannot be granted where the assessment indicates that the project is likely to have an adverse effect on integrity of a designated site **except**
 - No alternatives **and**
 - Imperative reasons of overriding public interest (IROPI)
- 2010 Planning & Development Act has now enshrined in primary legislation the requirements under the Habitats Directive in place since 1997
- Section will be commenced when implementing regulations are finalised.

Planning Act 2010 - changes to s28 - Planning Guidelines

- Considered that term “have regard to” needed to be strengthened to ensure that development plans and the assessment of planning applications was consistent with advice in s28 planning guidelines
- S 20 of 2010 Act has provided that planning authorities not only must ‘have regard to’ s 28 Guidelines but also must include a statement in Development Plans indicating
 1. How plan has implemented relevant s28 Guidelines and
 2. If not implemented -must detail reasons why not
- Should ensure that there is an open and transparent adoption of relevant guidance from s28 Guidelines into DPs and into the development management process –
- This section commenced on 5th October

Planning Act 2010 – Development Management

- **Retention permission**
 - **There is no provision for a** retention application if the development would have required
 - (a) EIA,
 - (b) determination for EIA,
 - (c) AA
- **Default permission** – doesn't apply to applications which require an EIS or AA.
- Both sections due to commence in Nov.
- **Power to extend the appropriate period** – If development has not started, EIA and / or AA must have been carried out (if required) before the permission was granted
- (Commenced 19th August 2010)

Planning Act 2010 – Development Management

- The Seventh Schedule of Principal Act which list the projects for which strategic consent procedures to the Board apply has been amended to lower the threshold at which windfarms come in under the provisions of Strategic Infrastructure Act 2006
- Now provides that
 - Windfarm > 25 turbines or output >50 megawatts must be dealt with under the provision of S I Act 2006
 - was 50 turbines or output >100 megawatts under the Planning Act 2000 as amended
- Commenced on 5th October.

Conclusions

- The brief review of Guidelines I hope illustrates that environmental considerations were a key input into the general assessment of wind energy
- In addition every effort was made to ensure the advice in Guidelines in regard to development applications on sensitive sites in particular on peatlands was, up to date, technically sound and robust
- Confident that the changes in 2010 Act will-
 - provide the legislative support necessary to ensure that the recommendations in the Wind Energy Guidelines are applied both at plan and project level
 - ensure rigorous environmental assessment of all plans and projects at the earliest stage in process.