

**MIONTUAIRISCÍ DE CHRUINNIÚ SPEISIALTA DE CHOMHAIRLE
CONTAE CHILL CHAINNIGH A TIONÓLADH DÉ LUAIN, 27 FEABHRA,
2023 AG 4.00 P.M. I SEOMRA NA COMHAIRLE, HALLA AN CHONTAE,
SRÁID EOIN & TRÍ FHOIRNE MS**



**MINUTES OF SPECIAL MEETING OF KILKENNY COUNTY COUNCIL
HELD ON MONDAY, 27TH FEBRUARY, 2023 AT 4.00 P.M. IN THE COUNCIL
CHAMBER, COUNTY HALL, JOHN STREET & VIA MS TEAMS**

Chair: Cllr. Pat Fitzpatrick.

Elected Members: Cllrs. Eamon Aylward, Tomás Breathnach, John Brennan, Mary Hilda Cavanagh, John Coonan, Deirdre Cullen, Michael Delaney, Fidelis Doherty, Matt Doran, Pat Dunphy, Ger Frisby, Joe Lyons, Andrew McGuinness & Eugene McGuinness.

Officials: Sean McKeown, Tim Butler, Martin Prendiville, Fiona Deegan, & Anne Maria Walsh.

Apologies: Mary Mulholland and Denis Malone.

Cathaoirleach Cllr. Pat Fitzpatrick opened the meeting and welcomed all Members. He advised that the Interim Chief Executive's Report dated 21st February, 2023 has been circulated. He invited Mr. Sean McKeown, Interim Chief Executive to present his report and outline the role of the Councillors in relation to this planning application which has been submitted directly to An Bord Pleanála (ABP).

Mr. Sean McKeown referred to his Report (CE Report) which was circulated with an Information Note for Elected Members. He set out the following for the information of the Members.

Applicant:	White Hill Wind Farm Limited, submitted by Galetch Energy Services. <i>Planning Ref: ABP 315 365-22.</i>
Location:	Co. Kilkenny: Coolcullen, Cloneen, and Coan East and Co. Carlow: Ridge, Knocknabranagh and Knockbaun, Baunreagh, and Agharue.
Development:	7 turbines each with a tip height of 185m; 3 turbines in Co. Kilkenny, 4 in Co. Carlow. Overall output of 50.4MW.
Rationale:	The size of the Development meets the minimum requirements of the Strategic Infrastructure Development (SID) Act and An Bord Pleanála (ABP) is therefore the decision maker for the application.
Legislative Framework & Role of Elected Members:	The Planning Authority (<i>Kilkenny County Council</i>) shall within 10 weeks from the making of the application to ABP, prepare and submit to ABP a report setting out the views of the Council (<i>having regard in particular to the matters specified in section 34(2) of the SID Act</i>). The Council shall, before submission to ABP, first issue a Planning Report to the Elected Members of Kilkenny County Council to seek the views of the Members. The Members may, by resolution, decide to attach recommendations specified in the resolution (<i>together with the Meetings Administrator's record</i>) to the Council's report to ABP. This report is due with ABP by 8 th March, 2023. A Special Council Meeting has been agreed for 27 th February 2023 to consider the application. Following consideration, Kilkenny County Council will accordingly submit a report from their respective Interim Chief Executive, together with the Special Council Meeting resolution and Meeting's Administrator's Minutes to ABP for consideration.

Submissions:	All third party submissions and observations are made directly to ABP, including submissions from the public and prescribed authorities. The Council's report includes referral responses from internal sections only. It does not consider third party submissions.
Policy Status:	<p>Kilkenny City and County Development Plan 2021-2027 (CDP), came into effect on 15th October 2021. The Minister's Draft Direction issued on 15th October, 2021 considered the CDP was inconsistent with Ministerial Guidelines relating to Renewable Energy and Climate Change and failed to identify renewable energy targets in megawatts and that the CDP significantly reduced the extent of the areas indicated as 'acceptable in principle' as being necessary to achieve climate change targets. Following invitation for submissions the Chief Executive's Report on the Minister's Draft Direction was submitted to the Minister on 10th December, 2021.</p> <p>Pending the final Direction from the Minister, Section 11.4 - Kilkenny Targets, Section 11.5.1 - Current status and targets, and Figure 11.4 - Wind Strategy areas of the CDP have not come into effect.</p> <p>A request to the Minister on 12th August 2022 has to date not received a reply/update on the timeframe for the final Direction.</p> <p>As Sections 11.4 and 11.5.1 in Chapter 11 of the CDP are subject to the Ministerial Direction and have been suspended, including the wind energy strategy map, the Council must instead rely on the Ministerial Guidelines on Wind Energy first published in 2006 and as amended in 2017 for policy guidance.</p> <p>The Kilkenny County Development Plan 2014-2021 has expired and cannot be considered.</p>

He advised that the scale of the proposed development under the legislation is a Strategic Infrastructure Development (SID) and therefore the decision is made by An Bord Pleanala (ABP.)

Section 37A of the Planning & Development Acts provides that the CE Report must give a view of the effects of the proposed development on the environment and on proper planning and sustainable development.

The CE's Report must be submitted to ABP by 8th March..

He proceeded to summarise the content of the CE Report and advised that Mr. Malone will give more detail on the rationale behind the overall view and conclusion contained in the Report.

Mr. McKeown stated that the purpose of this special meeting is to give Elected Members an opportunity to give their views on the development. Views expressed by Elected Members at this special meeting will be attached to the CE report. Elected Members may by resolution seek to attach recommendations on the development for consideration by ABP. Any recommendations must be passed by resolution of the Elected Members.

He stated that there are therefore 2 documents that form part of the Council's submission to ABP:

- (i) Interim CE Report as circulated to the Elected Members – it stands as circulated.
- (ii) Meeting Administrator's Record or Minute of this special meeting with any resolutions passed by the Elected Members on the proposed development.

Mr. McKeown advised that the legislation requires that the CE Report refers to the following:

- City & County Development Plan.
- Section 28 Policy Guidelines – Guidelines issued in 2006 and amended in 2017.
- Any special amenity area that might be impacted.
- Any European sites.
- Government policy – including on climate action and renewable energy targets.

He referred Members to the CE Report as circulated and in particular to the section on the overall View and Conclusion (Part VIII). He stated that the CE Report raises concerns about the overall scale of the project, the number and height of turbines and their visual impact on the environment. The CE Report concludes that the Landscape Visual Impact Assessment as presented by the developer is not sufficiently robust and there is the potential for shadow flicker to adversely impact on residential amenity. He advised that he is recommending to ABP that the development should be redesigned.

He referred to the CE Report which is divided into 8 Parts and he summarised briefly each Part as follows and advised that Mr. Malone will give more detail on each Part:

- Part I** Explains purpose of the Report.
- Part II** Summarises site location and description of the project.
Proposed development comprises 7 turbines of 185m in height – 3 in Kilkenny and 4 in Carlow. Combined output will be in excess of 50MW. 3 turbines in KK to be located in townlands of Coolcullen, Cloneen and Coan East.
- Part III** Deals with internal referrals received from relevant sections of Kilkenny County Council - Parks Department, Environment Section and Roads.
- Part IV** Various national, regional and local Policy documents that the CE Report must consider:
National – NPF and Climate Action Plan targets, national targets on Green Houses Gases and renewable energy wind energy guidelines.
Regional – RSES. Wind Energy Guidelines 2006 & Interim Guidelines 2017.
Kilkenny City & County Development Plan – 2021-2027 and Ministerial Direction on our wind strategy.
He stated that the Minister’s Direction did not specifically mention this geographic area under consideration.
- Part V** Environmental Reports – review of NIS and EIAR submitted by applicants.
- Part VI** Deals with Conditions, Community Gain and Bonds. A range of conditions are set out in the report that should be attached to a permission should ABP decide to grant planning for the development.
- Part VII** Deals specifically with the Landscape and Visual Impact Assessment. The Report sets out more detail on the reservations about the assessment undertaken.
- Part VIII** Provides Overall Considered View.

He reiterated that the Report concludes that the Planning Authority has concerns about the overall scale of development, the number and height of the turbines and their visual impact.

he said that the CE Report concludes that the:

- Landscape Visual Impact Assessment is not sufficiently robust.
- There is potential for shadow flicker to adversely impact on residential amenity.
- The development should therefore be redesigned.

Mr. McKeown asked Mr. Malone to elaborate in more detail in particular to the rationale for the conclusion in the CE Report.

Mr. Denis Malone gave a PowerPoint Presentation [*copy attached*]. He gave a detailed overview on the following:

- Description of Development.
- Location of Development.
- Preparation of Interim Chief Executive Report.
- Site Location and Area.
- Internal Referrals.
- National, Regional and Local Policies.
- Kilkenny City and County Development Plan 2021-2027.
- Environmental Reports and specific items in EIAR.
- Conditions, Community Gain and Bonds.
- Overall considered view of the Planning Authority.

Cathaoirleach Cllr. Pat Fitzpatrick thanked Mr. Sean McKeown and Mr. Denis Malone for the detailed overview of the planning application and the content of the Interim Chief Executive's Report.

It was proposed by Cllrs. Andrew McGuinness, seconded by Cllr. Tomás Breathnach and agreed that the meeting be adjourned for ten minutes to allow Members to consider the Interim Chief Executive's Report and the PowerPoint Presentation.

Meeting resumed at 4.50 p.m.

Cllr. Andrew McGuinness on behalf of all Members thanked Mr. Sean McKeown and Mr. Denis Malone for their presentations to the meeting and for outlining the concerns of the Planning Authority and he stated that it is the Members' view that the planning application should be rejected outright.

Contributions were received from Cllrs. Andrew McGuinness, Mary Hilda Cavanagh, Tomás Breathnach, Pat Fitzpatrick, John Brennan and Maria Dollard on behalf of all Members.

The concerns raised by the Members were as follows:

- Recommend to An Bord Pleanála that the application be refused.
- Meaningful consultation with local community very inadequate, very below par.
- Strategic Infrastructure Developments - By-Pass Local Authorities, pretend there is local democracy.
- Windfarms start small and appears to grow especially on borders of counties.
- Other forms of renewable energy should be prioritised – solar and water/offshore.
- Agree with the concerns of the Interim Chief Executive that the project should be re-designed.
- Concerns of the people living in those communities.
- No guarantee on Community Fund - being used as a carrot to the Communities.
- Scale and height of turbines, set back distances, foundations for turbines.
- Images omitted from the planning application.
- Regional consultation with adjoining Local Authorities
- Development in Special Area of Conservation in North East Kilkenny/Castlecomer.
- Impact on roads and landscape.
- Impact on value of properties.
- Communities are required to search for information themselves.
- Failure of Government to adopt Wind Guidelines.
- Require An Bord Pleanála to have an oral hearing for communities to voice their concerns.
- Adherence to conditions attached to a permission should be strictly enforced.

Cathaoirleach Cllr. Pat Fitzpatrick thanked all the Members for their contributions on this proposed Windfarm Development at Coolcullen, Cloneen and Coon East in County Kilkenny.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Mary Hilda Cavanagh and agreed by all that:

“We, the Elected Members recommend that based on the concerns included in the Report of the Interim Chief Executive of Kilkenny County Council, recommend that An Bord Pleanála refuse permission for Planning Application ABP 315 365-22 due to the following:

- *The Elected Members have concerns in relation to the scale of the project in terms of the number and height of the proposed turbines and how the sensitivities of the landscape have been addressed in the Landscape Visual Impact Assessment (LVIA) contained in the EIAR.*
- *The Elected Member’s view is that the LVIA has not adequately addressed the full extent of the visual impact of the proposed wind farm and the cumulative visual impact when taken together with existing, permitted and proposed wind farms in the area.*

If this is not addressed the Elected Members are of the opinion that significant landscape effects could result from the proposed development which in turn would lead to an unacceptable impact on residential amenity to properties.

- *The Elected Members are concerned that the EIAR indicates that there is potential for cumulative shadow flicker effects, in particular relating to Turbine No. 7, which is located at Coolcullen, County Kilkenny. This is of significant concern to the Elected Members also as the potential adverse impacts on residential amenity have not been adequately taken into account.”*

The Cathaoirleach requested confirmation from all Members present that all agreed with the resolution proposed. All in attendance agreed. There was no dissenting voice.

That concluded the business of the meeting.

CATHAOIRLEACH

DATE