

**MIONTUAIRISCÍ DO CRUINNIÚ SPEISIALTA CHOMHAIRLE CHONTAE
CHILL CHAINNIGH LE REACHTÁIL AR DE LUAN, 29 MÁRTA, 2021**



**MINUTES OF SPECIAL COUNCIL MEETING HELD
ON MONDAY, 29TH MARCH, 2021 AT 3.30 P.M. VIA MS TEAMS**

Chair: Cllr. Andrew McGuinness.

Cllrs: Eamon Aylward, Tomás Breathnach, John Brennan, Martin Brett, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Fidelis Doherty, Maria Dollard, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Eugene McGuinness & Patrick O'Neill.

Officials: Colette Byrne, Tim Butler, Sean McKeown, Mary Mulholland, Martin Prendiville, Denis Malone, Fiona Deegan, Kevin Hanley, Stan Cullen & Anne Maria Walsh.

Apology: Cllr. Mary Hilda Cavanagh.

Cathaoirleach Cllr. Andrew McGuinness opened the meeting and welcomed the Elected Members and members of the public. He advised all of the protocols for online public meetings. All to mute their laptops and public not allowed to make contribution. He invited Sean McKeown, Director of Services to outline how the meeting will proceed.

Mr. Sean McKeown stated that this meeting is being held to consider the Chief Executive Report on the SID Planning Application made by Springfield Renewables Ltd. [Ref: ABP-309306-21], for the construction of 21 wind turbines and ancillary infrastructure at Castlebanny, Co. Kilkenny. As the project is a SID – it is An Bord Pleanála [ABP] that will decide on the planning application.

The Chief Executive [CE] Report is required under Section 37E of the Planning & Development Act 2000 as amended by Section 3 of the Planning & Development [Strategic Infrastructure] Act 2006.

The CE Report sets out the effects of the proposed development on the environment and on the proper planning and sustainable development of the area.

The legislation requires that the CE Report is presented to the Elected Members to give them the opportunity to express their views on the proposed development. The Elected Members can also decide to attach recommendations to the CE Report. Any recommendations must be passed by resolution of the Council in the normal way.

The CE Report, any recommendations passed by resolution and a record of the meeting is sent to ABP for their consideration of the planning application.

There are 3 documents that form part of the submission to ABP:

- (i) CE Report as circulated to Members.
- (ii) Any recommendations that the Elected Members may consider appropriate to make on the proposed development by resolution at the meeting and
- (iii) The record of the meeting as prepared by the Meetings Administrator.

The submission of these documents must be made to ABP before 8th April next. The public consultation period for the proposed development closed on Friday, 26th March, 2021.

The Council was required by the Bord to make available the application documentation for public inspection, all submissions were made directly to the Bord. The Bord must have regard to all submissions received in making its decision on the proposal.

According to the ABP website a decision on the project is due on 29th July next. The CE Report has been circulated to the Members. Denis Malone, Senior Planner will summarise the main parts of the CE Report.

Mr. Denis Malone, Senior Planner gave a Powerpoint Presentation. This Powerpoint Presentation was circulated to the Elected Members prior to the meeting. Details of the Presentation are attached to this as a record of the meeting.

Cllr. Andrew McGuinness thanked Mr. Sean McKeown and Mr. Denis Malone for their contribution and comprehensive overview of the Strategic Infrastructure Development – Castlebanny Windfarm.

In general, all Members welcomed and supported the Chief Executive Report and thanked the Chief Executive and Planning staff for their detailed consideration of this Strategic Infrastructure Development at Castlebanny, Co. Kilkenny. Members also thanked the members of the public for their engagement on the proposed development, the quality of the submissions made and in providing information to the Elected Members. They complimented the public on their involvement despite lack of normal public consultation.

Specific contributions were made as follows:

Cllr. Eamon Aylward

- Raised concerns of the height of the turbines and the scale of the development.
- Lack of public engagement – insufficient consultation, should have been in person, similar to Road Project consultation.
- Not enough consideration given to environmental issues, noise, pollution, flicker, impact on the environment.
- Impact on St. Molin's Well.
- Deficient details on watercourses, private wells, underground springs, no mention of Little Arrigle River.
- Timeline of six weeks for people to consider application is not enough – need to raise concerns in a public forum.

Cllr. Aylward proposed that An Bord Pleanála should hold an oral hearing on this development.

Cllr. Patrick O'Neill seconded the proposal.

Cllr. Patrick O'Neill:

- Public consultations lacking – should have had online consultation similar to what the Council did on the Draft Development Plan.
- Impossible for submissions to be made by public within the six weeks timeframe.
- Need to get opportunity to voice their concerns to An Bord Pleanála.
- Full, transparent consultation required.
- Requested further public consultation on the proposal to be undertaken.

Cllr. Michael Doyle

- Size and scale of development – huge amount of infrastructure, number and height of turbines.
- Impact on local area to be considered.
- Concerns – area's capacity to absorb development in this sensitive area – referred to CE Report page 6 – Parks Department and page 22 EIAR.
- CE Report acknowledges negative visual impact on landscape – welcomes and supports the issues raised in the Chief Executive's Report.
- Satisfied that Chief Executive's Report has significant concerns on size and scale of development.
- Not a proper and inclusive process.

Cllr. Joe Lyons

- Concerns on the future of rural developments in the County.
- More appropriate for off shore development.
- Impact of the development on the environment, location, water sources, private wells, springs – need to protect water supply for people.
- Disturbance to land – quarrying, opening new roadways, major upheaval of land, transporting heavy materials.
- Height of turbines – 185m.
- Need to put sensors for level of water to private houses – monitor levels.
- Who will re-supply good quality water if affected.

Cllr. Maria Dollard

- Supported need for Oral Hearing.
- Must bring people along – prior consultation.
- Referred to current plans for Wind Energy.
- Containment of water.
- Referred to Turbines T9 to T13 – adjacent to stream flowing parallel to R704 down to Mullinavat not addressed by Developer.
- Chapter 14 – Query – 3 Burrow pits, analysis/composition of dust – silica dust concerns not addressed – dangerous, carcinogenic, not good enough that there is no air quality monitors.
- Seek Report from HSE on public health risks associated with silica dust.
- Did not address the potential of lightning strikes on the turbines.
- Risk - gas pipeline near site – proper consultation would have raised the issue.
- Ornithology Report – snipe/woodcock in area, Peregrine Falcon sighted in area also.
- Surveyed two quarries further away from site, could have surveyed two nearer quarries at Gregwood and Castlegannon.
- Public not given proper consultation to voice concerns.

Cllr. Pat Dunphy

- Support Oral Hearing.
- Number and height, nothing like this in Ireland.
- ABP should be advised on current objective in Development Plan “open for consideration” for this location.
- Zoning of County Development Plan to remain as it is.

Cllr. Pat Dunphy proposed that Kilkenny County Council will retain zoning “open for consideration” on these lands relating to the Windfarm at Castlebanny in the new Development Plan for 2021-2027.

Cllr. John Brennan seconded this proposal.

Cllr. Martin Brett

- Support Oral Hearing.
- No provision for Third Party Roads, road signage, no proper outline of transport operating into/out of site.
- Funding for Council to reinstate roads.
- No road opening licence referred to.
- Developer not indicated which house is nearest to any particular mast.

Cllr. Eugene McGuinness

- Clarification on whether Kilkenny County Council received submissions and did they go directly to ABP – confusion may have arisen.
- Views of Oireachtas Members on zero omissions in new Climate Action Bill – targets for 2050 - very ambitious.
- Application needs to be scrutinised.

Cllr. Eugene McGuinness proposed that Kilkenny County Council support the Chief Executive’s Report and that the Elected Members request An Bord Pleanála to reject the development as proposed.

Cllr. Maria Dollard seconded this proposal.

Cllr. Tomás Breathnach

- Height of turbines, rotary dimensions.
- Respect for the landscape, heritage, amenity, South Leinster Way, habitats, bio-diversity.
- Impacts of unscreened views, sensitive area.
- Insufficient weighting given - receptors.
- Loss of bio-diversity – impact Woodcock/Snipe.
- Significant habitat loss – disruption during construction phase.
- Support Oral Hearing.
- Public consultation not sufficient during Covid.

Cllr. Peter Cleere

- Height of turbines – four times height of Croke Park.
- Disappointed that application goes directly to An Bord Pleanála, bypasses Local Authority – undermining local decision making.
- Need consensus not division.
- Recommended minimum set back of 2km of area from any house to any turbine.
- Should be redesigned.

Cllr. Peter Cleere proposed that the minimum distance of any turbine to any house should be 2km.

Cllr. Fidelis Doherty seconded this proposal.

Cllr. Fidelis Doherty

- Concerns – shadow flicker, noise pollution.
- Solar farms granted in the area – 4 in this area and a total of 13 in County Kilkenny.
- Solar Farms – addressing some of the energy needs in the area.
- Solar Farms do not have same impacts as a windfarm.
- Serious impacts on house/farm values.
- Abnormal heavy truck loads on roads.
- Rock blasting required – exceeds the World Health Organisation guidelines in relation to community noise.

Cllr. Fidelis Doherty proposed that any rock blasting required complies with all national/international guidelines. Cllr. John Brennan seconded this proposal.

Cllr. Joe Malone

- Not supporting size, height of turbines, scale of windfarm – 5 times higher than St. Canice's Tower, similar to tallest building in London [47 storeys].
- Gas lines in the area.
- Bird flight path affected.
- Impacts on further development in rural areas, affects on housing, schools etc. – 5 Parishes involved.
- St. Molin's Well – impact.
- Health implications – not fully addressed.
- Effects on amenities – Mountain View Golf Club impacts from operation of turbines, noise etc.

Cllr. Deirdre Cullen

- Acknowledge Government Climate Action Plan – favour renewable energy but not at any cost, must have no negative impacts on national/built heritage.
- Oral Hearing supported – give right to a hearing for those impacted the most.
- Public consultation deeply flawed – should have had online consultation similar to Council Draft Development Plan.
- Need to give opportunity to locals to voice their concerns.
- Disappointed Council is bypassed – decision with An Bord Pleanála – no guarantee ABP will take anything from this meeting into consideration.
- Hard to fathom – size, scale of windfarm.

Cllr. John Brennan

- Concerns 21 turbines, 185m height – biggest and most powerful in Ireland.
- Special area of conservation – River Arrigle/drilling in river – not satisfactorily addressed.
- Concern – impact on archaeology, St. Molin's Well.
- European Union requires Government to increase performance on climate action.
- Plenty of scope in the Wave Energy/Solar Farms.
- Lack of consultation.

Cllr. David Fitzgerald.

- Main Issue – public consultation.
- Launched carbon change/low energy – no regard given to public consultation.
- Requires Local Authority to develop and pass a Climate Action Plan.
- Little or no role in decision making on this project in our own area.
- Referred to Planning Application for Glanbia and the need to link milk production to cheese making and changes now placing restrictions in the removal of trees from many farms that diversified years ago.
- Impact of Windfarm on communities – hope ABP will listen to their concerns.

Cllr. David Fitzgerald proposed a Special Meeting to discuss the implications of Climate Change, called on Oireachtas Members to brief Members on requirements included in the recent published Bill.

Cllr. Michael Delaney

- Concerns – size, number of turbines, height, need to reduce.
- Huge infrastructure.
- Support Oral Hearing.

Cllr. John Coonan

- Lack of consultation – opportunity must be given to public.
- Scale of proposal – height – massive significance impact on the area.
- What is the role of local authority if the application goes straight to ABP?
- Need to redesign the extent and scale.
- Visual negative impacts on natural/built environment.
- Support Oral Hearing.

Cllr. Matt Doran

- Concerns of public and Local Authority must be given serious consideration, needs to be taken into account.
- ABP – will make decision.
- Supports all the other concerns voices by all the other Members.
- Other areas will face the same issues in the future.

Cllr. Ger Frisby

- Support Oral Hearing – must be held post Covid.
- Agreed with all the issues raised by the other Members.
- People need to be given some respect.
- Offshore is the way to go.
- Voices of Elected Members must be heard as they represent the public.
- People, groups, communities all affected by the proposed development.
- Largest proposed Windfarm in Ireland.

Cllr. Pat Fitzpatrick

- Difficult time for public to make submissions, lack of public consultation.
- Public have legitimate concerns.
- Number and height of turbines in excess of what is allowable in our current Development Plan.
- Support Oral Hearing.

- Area of conservation – St. Molin’s Well.
- Chapter 13, visual impacts – attack on scenic views.
- Damage to Roads – who pays?
- Off shore is the way forward.
- Should be developed in Bog of Allen where Windfarms are permissible.

Cllr. Andrew McGuinness thanked all the Members for their contributions.

Mr. Sean McKeown advised on a point of order in relation to the proposal to retain zoning in the new Development Plan. It is not appropriate to consider the proposal as it refers to adoption of Development Plan which is a different process.

Members agreed with this.

Cathaoirleach Cllr. Andrew McGuinness advised Members that he was now proceeding to deal with the proposals put forward by the individual Councillors. He advised that if any Members wishes to dissent from any resolution they must indicate by raising their hand.

1. It was proposed by Cllr Eamon Aylward, seconded by Cllr. Patrick O’Neill

“that An Bord Pleanála should hold an oral hearing on this development.”

Members all agreed. There was no Member dissenting in relation to this resolution.

2. It was proposed by Cllr. Eugene McGuinness, seconded by Cllr. Maria Dollard:

“that Kilkenny County Council support the Chief Executive’s Report and that the Elected Members request An Bord Pleanála to reject the development as proposed.”

Members all agreed. There was no Member dissenting in relation to this resolution.

3. It was proposed by Cllr. Peter Cleere, seconded by Cllr. Fidelis Doherty

“that the minimum distance of any turbine to any house should be 2km.”

Members all agreed. There was no Member dissenting in relation to this resolution.

4. It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. John Brennan:

“that any rock blasting required complies with all national/international guidelines.”

Members all agreed. There was no Member dissenting in relation to this resolution.

Cllr. Andrew McGuinness stated that he was happy to support all four proposals. He thanked all who contributed to the discussions today. He also thanked the public for their engagement.

The meeting then concluded.

CATHAOIRLEACH

DATE