

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMC/SC

**Minutes of Special Council Meeting held on 26 October 2020 at 6.00pm via
Microsoft Teams**

In the Chair: Councillor L Devlin

In attendance:

(Councillors)

Councillor T Andrews	Councillor P Brown
Councillor R Burgess	Councillor P Byrne
Councillor C Casey	Councillor W Clarke
Councillor D Curran	Councillor S Doran
Councillor C Enright	Councillor A Finnegan
Councillor H Gallagher	Councillor M Gibbons
Councillor O Hanlon	Councillor G Hanna
Councillor V Harte	Councillor R Howell
Councillor M Larkin	Councillor A Lewis
Councillor O Magennis	Councillor G Malone
Councillor C Mason	Councillor D McAteer
Councillor L McEvoy	Councillor H McKee
Councillor K McKeivitt	Councillor A McMurray
Councillor R Mulgrew	Councillor D Murphy
Councillor K Owen	Councillor G O'Hare
Councillor Ó Muirí	Councillor H Reilly
Councillor M Ruane	Councillor M Savage
Councillor G Sharvin	Councillor G Stokes
Councillor D Taylor	Councillor J Tinnelly
Councillor J Trainor	Councillor W Walker

(Officials)

Mrs M Ward, Chief Executive
Mr C Mallon, Director of Enterprise Regeneration &
Tourism
Mr A McKay, Chief Planning Officer
Mr F O'Connor, Legal Advisor
Mrs N Largey, Legal Advisor
Miss S Taggart, Democratic Services Manager
Ms L O'Hare, Democratic Services Officer

Also in attendance:

Representing ABO Wind

Ms Tamasin Frazer
Mr Thomas Bell

Representing Mourne AONB Against Windfarms

Mr Connaire McGreevy
Mr Dawson Stelfox

SC/15/2020

APOLOGIES AND CHAIRPERSON'S REMARKS

No apologies were received.

The Chairperson outlined the procedure for the evening advising there would be presentations heard from the Chief Planning Officer, ABO Wind and Mournes AONB Against Windfarms. Following each presentation, Members would be given the opportunity to ask questions with an opportunity also given to the presenters to rebut any factual inaccuracies. She asked Members to refrain from making any proposals until the meeting reached item 8 on the agenda which gave everyone the opportunity to have their say and be involved in the process.

SC/16/2020

DECLARATIONS OF INTEREST

Councillor Burgess asked whether members of the Planning Committee needed to declare an interest.

Mrs Largey clarified that the planning decision maker was DfI and Members were not acting as decision makers, therefore Planning Committee members were entitled to take part and vote if deemed necessary. Members' role was to decide on the consultation response as a corporate body and were not bound in the same way as they would be if sitting on the Planning Committee. She also clarified that there were no conflict of interest for Planning Committee members taking part in the meeting this evening.

Mrs Largey advised an objection had been raised in relation to the Council's obligations under legislation which required special protection of fauna under the Nature and Conservation and Amenity Lands Order 1985. She confirmed the provisions did not apply in this regard as members were meeting to decide if Council wished to make a corporate response in respect of the planning application. Mrs Largey advised that, although Members did not need to respond, her advice would be to make some form of response, otherwise it may be seen there were no objections or indeed that Council supported the application.

Councillor Tinnelly asked due to the fact this was a Departmental decision to be made and they were looking for a yes or no corporate response from the Council, how it would affect the Department's decision making if Council were unable to provide such a response.

Mrs Largey advised that Council was a statutory consultee in respect of the application which, as recognised in legislation, would mean that the Council district, where the regionally significant application would be placed within, would have a significant view which should be taken into account. The Department would need to take due regard for any view held by the Council on the matter.

SC/17/2020

**REPORT FROM MR C MALLON – GRUGANDOO WIND FARM
PLANNING APPLICATION**

Mr McKay updated Members highlighting this was the third time the application had been tabled before Council and the proposal had been revised with a reduced number of 8 turbines and the height of the turbines being increased. The key concerns were with the scale, size and sighting of the turbines, within the Mourne special countryside area, which was a sensitive upland landscape, however planners did recognise the benefits that would come from a development as outlined. The recommendation in the report was a response be returned to DfI indicating Council's opposition to the planning application.

A discussion took place with the following points raised by Members:

- Disagreed with a response being derived using the details set out in both presentations as each would be providing a biased view on the application.
- More detailed extensive updated report was required.
- Site visits previously had been very informative.
- Application was fundamentally unacceptable due to its location, size and impact it would have within such a sensitive landscape.
- Contradiction within the report in relation to benefits provided considering the current climate emergency.
- Climate emergency had not been declared in 2017, and the situation had extensively changed since then.
- We were the only Council in Ireland that did not use windfarms to help raise much needed revenue.
- Had a report been prepared to highlight what the potential impact on tourism would be?
- The height of the turbines proposed would be equivalent to 8 London Eyes placed in the Mourne, would this not alter the distance from the turbines to the residential areas?

Mrs Largey provided advice to the meeting regarding the consultation response, while not dismissing any points made regarding climate change etc, she reminded Members that any representation on the planning application needed to be made with on the basis to planning policy, unless there were material considerations otherwise. There was a statutory requirement on a planning authority to make decisions on planning policy.

Mr McKay responded with the following points:

- A similar report was acceptable in 2017 and very little has changed in relation to the proposal since then.
- Policies against which planning applications were assessed had not changed.
- Council had not undertaken independent studies on potential impact on tourism, the proposal had been assessed against the policy.
- This was a landscape with the highest possible designation attached to it of which there were only 4 in Northern Ireland, therefore the proposal had the potential to impact across the entire AONB and on the tourism asset attached to the area.

In response to a request for clarification from Mr Bell from AOB Wind, Mrs Largey responded saying the protocol was that she would answer questions from Members. It

was up to Members if they wish to seek advice on issues raised after the presentation, and it was a matter of judgement on how Members wish to respond as a statutory consultee.

SC/18/2020 PRESENTATION FROM ABO WIND

Ms Frazer and Mr Bell gave a presentation on behalf of ABO Wind (copy of presentation appended to these minutes)

Members raised the following issues:

- Had consultation taken place with Planning officials regarding the need for a trans-boundary notification given that the turbines would be visible and impact on the landscape character on the Tain Way in Co Louth.
- How was the grid connection to be achieved without massive investment and destruction to the environment?
- What was determining factor in choosing the proposed site?
- Should renewable regeneration alternatives for that may have had less impact on the environment i.e. offshore turbines been investigated?
- What impact had the revised scheme had on the landscape considering the turbines would be taller?
- What discussions had been had with Planning Officers?
- What was the Mourne Heritage Trust response to the consultation process?
- The view from Carlingford Co Louth, why was there no graphics included to show this?
- What was the classification that merited upland?

Representatives from the group responded to queries as follows:

- The issue regarding a trans-boundary notification was not something that had been raised at previous meetings. Louth Co Council were consulted as part of the application and no objections had been raised, ABO Wind continue to consult with them going forward.
- The process of obtaining grid connection would be secured once planning had been approved. An application had been submitted to NIE and they dictate how and where the application would connect to. During ongoing talks with NIE it was understood this would be from the Monkshill Road substation.
- In terms of site selection, this project had been ongoing for 10 years and was very detailed with regard site selection taking into account a number of factors i.e wind speed, topography and logistics.
- Onshore wind was one of the most advanced technologies, easily deployed and cheapest and therefore was preferable to use.
- A revised visual scheme could be provided to Members, the key impact from the AONB still remained sub-30% which was the figure provided at the 2017 presentation also.
- AOB only develop onshore wind, don't develop any offshore.
- There were initial discussions had in the lead up to submitting the 2015 application with various consultees but nothing directly with Council Planners.

- The Mourne Heritage Trust were not a statutory consultee. They were engaged with however no view was forthcoming on support or objection to the site.
- Topographical survey was carried out to determine lower and uplands.
- Viewpoints that had been provided in the presentation which could be forwarded separately to Members.

SC/19/2020

PRESENTATION FROM MOURNE AONB WIND

Mr McGreevy and Mr Stelfox gave a presentation on behalf of Mourne AONB Wind (copy of presentation appended to these minutes)

Members raised the following issues:

- The statistics provided in the Failte Ireland report were from 8 and 13 years ago, in today's context would those figures change given the climate crisis currently being faced?
- Would the AONB be against a different renewable energy project in a similar area?
- What would the group envisage as the long-lasting impact on the community with regards those for and against the project?
- Did the proposal meet the criteria of an upland?
- What would the sensitivity be of such a windfarm for the Mournes?
- Was there an acceptable number of turbines that the group would accept?
- If there was one main objection to be chosen what would it be?
- How big of a damaging impact would the proposal have on the potential of further developing hill walking in the Western Mournes?
- What would the group suggest as an alternative energy to try help the climate emergency currently being faced?

Representatives from the group responded to the queries as follows:

- When looking at somewhere such as Scotland, the policy had shifted and moved to off-shore instead of in-shore wind farms due to the negative impact on tourism and long term sustainable businesses for upland areas.
- Group came together in opposition to windfarms in the Mournes, any other potential proposals would be looked at by the group.
- A lot of work was required to heal the community, which was hugely divided against the development, nearly 3000 objections have gone in, approaching 76% of the community opposed, with 85% of the consultation response received through the local GAA being opposed.
- The visual impact assessment submitted was not objective or reasonable and ludicrous to think it would not have an impact. The Mournes was a premier landscape in NI and the view of DAERA was that the impact is totally unacceptable.
- The siting of the selected sites had been designated as high sensitivity which was the highest level possible. It was an open upland environment.
- The group was opposed to wind turbines in total, with the acceptable number of turbines being zero.

- The main objection would be the visual impact which would prove detriment to the other main users of the mountain areas.
- Numbers of walkers went up from 28% to 63% during lockdown, 51% have said they plan to continue walking. There had been an increase in local economic growth due to farmers charging for parking, more demand for accommodation, outdoor activities, hospitality etc this would all be affected if the turbines were allowed to go ahead.
- A mix of on shore/off shore winds, solar, water, tidal power should be investigated further rather than concentrating on one type of energy.

Councillor Byrne stated Members were not proposing to put a wind farm in an ANOB, they were listening and scrutinising a proposal in front of them from ABO Wind, to make a decision as a consultation response.

Councillor Clarke advised he had submitted a proposal and therefore should have been brought in before Councillor Byrne. The Chairperson reminded Councillor Clarke that she had asked Members within her opening remarks to refrain from making any proposals during the previous presentations and question and answers sessions.

Councillor Byrne confirmed he had waited until the meeting had reached item 8, as outlined by the Chairperson at the beginning of the meeting, to make his proposal

Councillor Byrne proposed with Councillor McAteer seconding that Council write to the Minister for Infrastructure, Nichola Mallon seeking clarity on whether the planning application warranted a public inquiry, and if so, request that the Minister established a public inquiry and that Council did not take a formal decision on the planning application.

Councillor Gibbons proposed, seconded by Councillor Tinnelly, that Council, having taken into consideration the planning policy statement from Council's Planning Department and Chief Planning Officer, respond to DfI as consultees with confidence and without contradiction that Council was opposed to the renewed planning application.

Following clarification received from Councillor Byrne on his proposal, Councillor Clarke proposed an amendment that Council write to the Minister for Infrastructure, Nichola Mallon calling on her to hold an independent public inquiry.

Councillor Gibbons requested an amendment to Councillor Byrne's proposal stating that Council send a clear message to DfI regarding recommendations from the planning department to refuse the application by having a recorded vote for transparency.

Councillor Byrne stated he could not accept Councillor Gibbons' amendment as he was not happy with the report in front of Members, not happy with Council declaring a climate emergency and not having extensive discussions and site visits regarding the application. He stated the PAC should robustly interrogate all the information on both sides and they can provide a steer for the Minister for Infrastructure to make a decision.

Councillor Reilly spoke in support of Councillor Gibbons' proposal raising concerns that Council was giving out a very weak message by not making a decision and carrying out their statutory function. Councillor Tinnelly concurred with Councillor Reilly's comments.

In response to points raised from Councillor McMurray and Councillor Hanna, Ms Largey responded that if Members supported the proposal, officers would be able to record the discussions that had taken place, any issues raised in favour or against the proposal, and the reasons why Council took the view that a more detailed public inquiry was required. This would be used to frame the response to DfI by highlighting the issues that had arisen. The only cost to Council would be officer time in terms of preparing or representing Council at the public inquiry.

Councillor Byrne accepted Councillor Clarke's amendment and the Chairperson put Councillor Byrne's amended proposal as follows: **"that Council write to the Minister for Infrastructure, Nichola Mallon calling on her to hold an independent public inquiry and that Council did not take a formal decision on the planning application"** to a recorded vote, as requested by Councillor Reilly, the results of which were as follows: (copy appended to these minutes)

FOR: 35
AGAINST: 3
ABSTENTIONS: 1

The proposal was carried.

Councillor Gibbons expressed his disappointment at the decision to go to a public inquiry and sending a mixed message to the Department, he believed Council had offloaded responsibility and the hard decisions that needed to be made with respect to the application.

Agreed: On the proposal of Councillor Byrne, seconded by Councillor McAteer, it was agreed that Council write to the Minister for Infrastructure, Nichola Mallon calling on her to hold an independent public inquiry and that Council did not take a formal decision on the planning application.

There being no further business, the meeting concluded at 20:35pm.

For adoption at Meeting of Newry, Mourne and Down District Council to be held on Monday 7th December 2020.

Signed:

Chairperson

Chief Executive

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

DATE: 26/10/2020 VENUE: Teams Meeting MEETING: Council

SUBJECT OF VOTE: Cllr Byrne's proposal

COUNCILLOR	FOR	AGAINST	ABSTAIN	ABSENT
T Andrews	1			
P Brown	2			
R Burgess	3			
P Byrne	4			
C Casey	5			
W Clarke	6			
D Curran	7			
L Devlin	8			
S Doran	9			
C Enright			1	
A Finnegan	10			
H Gallagher	11			
M Gibbons		1		
O Hanlon	12			
G Hanna	13			
V Harte	14			
R Howell	15			
M Larkin	16			
A Lewis	17			
O Magennis	18			
G Malone				X
C Mason	19			
D McAteer	20			
L McEvoy	21			
H McKee	22			
K McKevitt	23			
A McMurray	24			
R Mulgrew	25			
D Murphy	26			
G O'Hare	27			
B Ó Muirí				X
K Owen	28			
H Reilly		2		
M Ruane	29			
M Savage	30			
G Sharvin	31			
G Stokes	32			
D Taylor	33			
J Tinnelly		3		
J Trainor	34			
B Walker	35			
TOTALS	35	3	1	2