

An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
DV01 V902



15<sup>th</sup> June 2017

Our Ref:  
Your Ref:

160502  
05.PC0228

**Re: Proposed Wind Farm at Meenbog, Lismullyduff and surrounding townlands, Co. Donegal  
Strategic Infrastructure Development (SID) Determination**

Dear Mr. Somers,

I refer to the previous meetings pre-application consultation meetings held in relation to this project on the 28<sup>th</sup> of April and 18<sup>th</sup> of May, 2017, between the Board and the design team of the proposed wind farm development at Meenbog, Lismullyduff and surrounding townlands, Co. Donegal.

**Comments on Issued Written Records of Meetings:**

On behalf of our clients, Planree Ltd., we wish to acknowledge receipt of the written record of these previous meetings that have issued from the Board. In relation to the minutes of the two previous meetings we note the following clarifications for the attention of the Board:

Meeting II Minutes, 28<sup>th</sup> April 2017

- In the first bullet point under the heading of "Donegal County Council Record", relating to Lough Mourne, relating to the discussion of the proposed public water supply, the design team's comment/response to this issue was that the infrastructure proposed within the upstream catchment of the raw water intake would be minimised and would therefore not be significant.
- In the third bullet point under the same heading reference is made in the minutes to the applicant saying that it would avoid laying cables on water mains. In this regard we wish to point out that underground electrical cables will run along roads with water mains in them, however, appropriate separation distances will be provided and should a water main have to be crossed by a cable that an appropriate means/methodology will be employed.

Meeting III Minutes, 18<sup>th</sup> May 2017

- In relation to the overhead line and underground cable options for grid connection (first bullet point at the top of page 3 of the circulated minutes), the prospective applicant had clarified that the emerging preferred option at this stage was to lodge an application for a 19 turbine layout centred on the western portion of the site around Carrickaduff Hill. The prospective applicant also noted that while the overhead line option for grid connection may address some issues in relation to the amount of works required along the relevant/affected public roads between the eastern and western clusters of proposed turbines, that it remained the preference to utilise an underground cable along the N15 to facilitate the grid connection. However, should the 19 turbine layout be pursued, it would negate the need to



run cables along the public local road network in the vicinity which was built on bog ramparts.

#### **Formal Request to Issue SID Determination**

In light of the comprehensive studies that have been carried out and discussions that have taken place with the Board and other stakeholders in relation to the project, the prospective applicant now wishes to formally close the pre-application consultation process and request that the Board carry out its SID determination under the provisions of Section 37B(4) of the Planning and Development Act, 2000, as amended.

In this regard, two wind farm layouts have been presented to the Board through the pre-application consultation process under the current proposal.

- Following consultations the initial proposal brought forward to the Board during the pre-application consultation phase was a 36 turbine layout, in two clusters (Lissmullyduff to the East and Carrickaduff Hill to the West) as shown in Figure 1.
- In response to the recent County Development Plan (CDP) variation adopted by Donegal County Council, an alternative proposal was presented to the Board providing a 19 turbine layout centred on the western portion of the site – Carrickaduff Hill (as shown in Figure 2). This 19 turbine layout has been developed to satisfy the set-back distances specified under the new variation of the CDP.

On the basis of the submitted details and discussions that have taken place we request that An Bord Pleanála determines whether the provision of a 19 – 36 turbine project at this location constitutes Strategic Infrastructure Development under the provisions of the Planning and Development Act, 2000 (as amended). The minimum number of turbines proposed (19) at this location will have a generating capacity in excess of 50MW and the project will therefore remain above the relevant threshold for SID development.

The current project team has previously undertaken the SID application process with An Bord Pleanála for the development of a wind farm at this location and is therefore familiar with the relevant procedures. In relation to application documentation (similar to the previous SID application on this site -PA0040) it is intended to submit the following:

- Required Application forms, notices and drawings etc.;
- Environmental Impact Assessment Report(EIAR)/Environmental Impact Statement (EIS) – assessing all the relevant criteria (Population and Human Health, Biodiversity (with particular attention to protected species and habitats), Land, Soil, Water Air, Climate, Material Assets, Cultural Heritage and the Landscape including an assessment of any potential cumulative effects, and interactions.
- Natura Impact Statement (NIS).

As presented in our previous discussions with the Board the proposed development will represent a wind farm scheme comprising 19 to 36 no. turbines and all associated ancillary infrastructure, as indicated on the enclosed Figures 1 and 2.

#### **SID Determination Criteria**

In order to be considered as Strategic Infrastructure Development, any project must satisfy the thresholds established in the 7<sup>th</sup> Schedule of the Planning and Development Act, 2000, as amended, and also satisfy one or more of the three criteria set out in section 37A(2).

The relevant threshold established in the 7<sup>th</sup> Schedule for the current project is *"An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total power output greater than 50MW"*. The proposed development has now been

confirmed as having 19 - 36 turbines, and therefore the minimum number of proposed turbines (19) will have a minimum output well in excess of 50MW. The proposal will therefore exceed the generating capacity thresholds specified in the 7<sup>th</sup> Schedule.

Under Section 37A(2) of the Act the project must satisfy one or more of the following criteria:

1. **The development must be of strategic economic or social importance to the State or the Region in which it would be situate;**
2. **The development would contribute substantially to the fulfillment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in force in respect of the area in which it would be situate;**
3. **The development would have a significant effect on the area of more than one planning authority.**

The consideration of the project in the context of these criteria is set out below:

1. **The development must be of strategic economic or social importance to the State or the Region in which it would be situate;**

Due to the scale of the proposal the project is of strategic economic and social importance to the border region and the state. The capital investment required for a project of the scale proposed, when combined with the commercial rates, contributions, community gain proposals and infrastructure improvements associated with the operation of the proposed development will cumulatively represent a significant economic contribution to the Region and the State as a whole.

The proposed development represents a capital investment in the region of €85 - 150 million to construct the project, which on its own represents a significant investment in this area and region. The generating capacity of the proposed development constitutes will constitute a significant portion of the entire Gate 3 allocation capacity for County Donegal. County Donegal's Gate 3 allocation represents 9% of the national Gate 3 target.

The proposed wind farm has the potential to generate equivalent electricity to cater for over 29,000 average households or over 50% of households in County Donegal. Accordingly, the proposal is of strategic economic and social importance to the State and Region.

The project will therefore assist in meeting national renewable energy targets and will also result in significant reductions in carbon emissions from electricity generation and reduce the Country's reliance on imported fossil fuels.

2. **The development would contribute substantially to the fulfillment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in force in respect of the area in which it would be situate;**

The proposal will significantly contribute towards meeting sustainable energy targets and objectives at County, Regional and National level. The Border Regional Authority Planning Guidelines 2010-2022 (BRAPG) recognise the potential for wind energy development. It acknowledges that the Region benefits from interconnection to the Northern Ireland electricity Grid and further integration of the grids north and south is planned, although the transmission network in the north west requires reinforcement "if the significant un-tapped wind energy potential in this part of the Region is to be realised" (Section 1.14.5 of the guidelines refer).



Section 5.5 of the BRAPG discusses renewable energy in the border region and states the following:

*"The development of more sustainable, competitive, diverse and secure supplies of renewable energy generation to support economic and social development is a key priority for the Region. Considerable potential exists for the exploitation of renewable energy generation, particularly wind (including off shore), wave and tidal energy, along the western seaboard. Significant dividends can accrue from developing an appropriate renewable energy mix, such as combinations of wind, wave and tidal, to ensure consistency of supply."*

The guidelines go on to state that they strongly support the national targets for renewable energy and reducing energy consumption, and that they seek to contribute to achieving these targets through the development of sustainable energy policies and practices. In relation to wind energy Section 5.5.1 of the BRAPG states:

*"The Border Region is ideally located to make significant contributions, through wind energy, to the revised targets for renewable energy generation (RES-S) of 40% with resulting economic benefits"*.

The BRAPG includes objective INF08 which states that in relation to renewable energy it is a strategic objective to:

*"Develop a balanced portfolio of renewable technologies and support Gate 3 projects and associated infrastructure including small renewable and low carbon projects, subject to relevant environmental assessments"*

The BRAPGs are therefore extremely supportive of renewable energy and of meeting national policy targets. The proposed development will contribute to the fulfillment of objectives stated in the regional guidelines and furthermore is compliant with the provisions of the County Donegal Development Plan, under which the location of the site is subject to designation as an "Area Open to Consideration" for the provision of wind turbines.

**3. The development would have a significant effect on the area of more than one planning authority.**

The third criterion set out in Section 37A(2), that the development would have a "significant effect" on the area of more than one Planning Authority. "Planning Authority" is defined within the Planning and Development Act as either:

- (a) In the case of a county, exclusive of any borough or urban district therein the council of the county,
- (b) In the case of a county or other borough, the corporation of the borough, and
- (c) In the case of an urban district, the county of the urban district.

The proposal is located within the functional area of Donegal County Council and there are no other Planning Authority areas under the definition of the Planning and Development Act 2000 (as amended) within proximity to the subject site. Therefore, it is considered that the proposal will not have a significant effect on the area of more than one planning authority.

It is noted that the proposed development is located in proximity to the Northern Irish border and due to the nature of the proposal (provision of wind farm consisting of 19 - 36 no. turbines) there is the potential for transboundary effects to arise which cannot be ruled out at this stage. In this regard and in order to fully inform the preparation of the EIS, the



relevant statutory bodies in Northern Ireland have been consulted as part of the scoping exercise for the project.

While it is acknowledged that there is potential for transboundary effects to arise from the proposed development, it is considered that the constraints-led design process that has been undertaken (and informed by the previous application at this location -PA0040), in combination with the implementation of the mitigation measures that will be incorporated into the EIS, will minimise any potential transboundary effects to the extent that they will not be categorised as "Significant". In this regard, and in the absence of a definition of the term "significant effect" beyond the criteria established in Schedule 7 of the Planning and Development Regulations 2001 (as amended), the design team has interpreted the term "Significant Effect" as being similar to "Significant Impact" as set out in the EPA EIS guidance documents (2002/2003). The EPA guidance documents categorises a significant impact as *"An impact which by its character, magnitude, duration or intensity alters a sensitive aspect of the environment"*.

While it is acknowledged that the potential for effects on a transboundary state to arise in relation to the current proposal cannot be ruled out at this stage, for the reasons outlined above it is not anticipated that these effects will be significant. Although the design team is confident that the proposed development is not *"likely to have significant effects on the environment"* of a transboundary state, it is acknowledged that this can only be accurately determined following completion of the Environmental Impact Assessment (EIA) which will be carried out as part of the consideration of any future planning application. Furthermore, it is acknowledged that the transboundary matter will be considered by the Board as part of the current SID determination process, which will in turn guide the application methodology.


As the proposed development exceeds the relevant thresholds set out in the 7<sup>th</sup> Schedule and satisfies the criteria set out in section 37A(2) of the Planning and Development Act 2000, (as amended) it is contended that the project does constitute Strategic Infrastructure Development, as such we look forward to the determination of the Board in this regard.

#### Conclusion

As set out above, on behalf of our client we wish to formally close the pre-application consultation phase of this project and are requesting that the Board issue its formal determination as to whether the proposed development constitutes an SID project under the provisions of the Planning and Development Act, 2000 (as amended).

We trust the above is in order and look forward to hearing from the Board in due course.

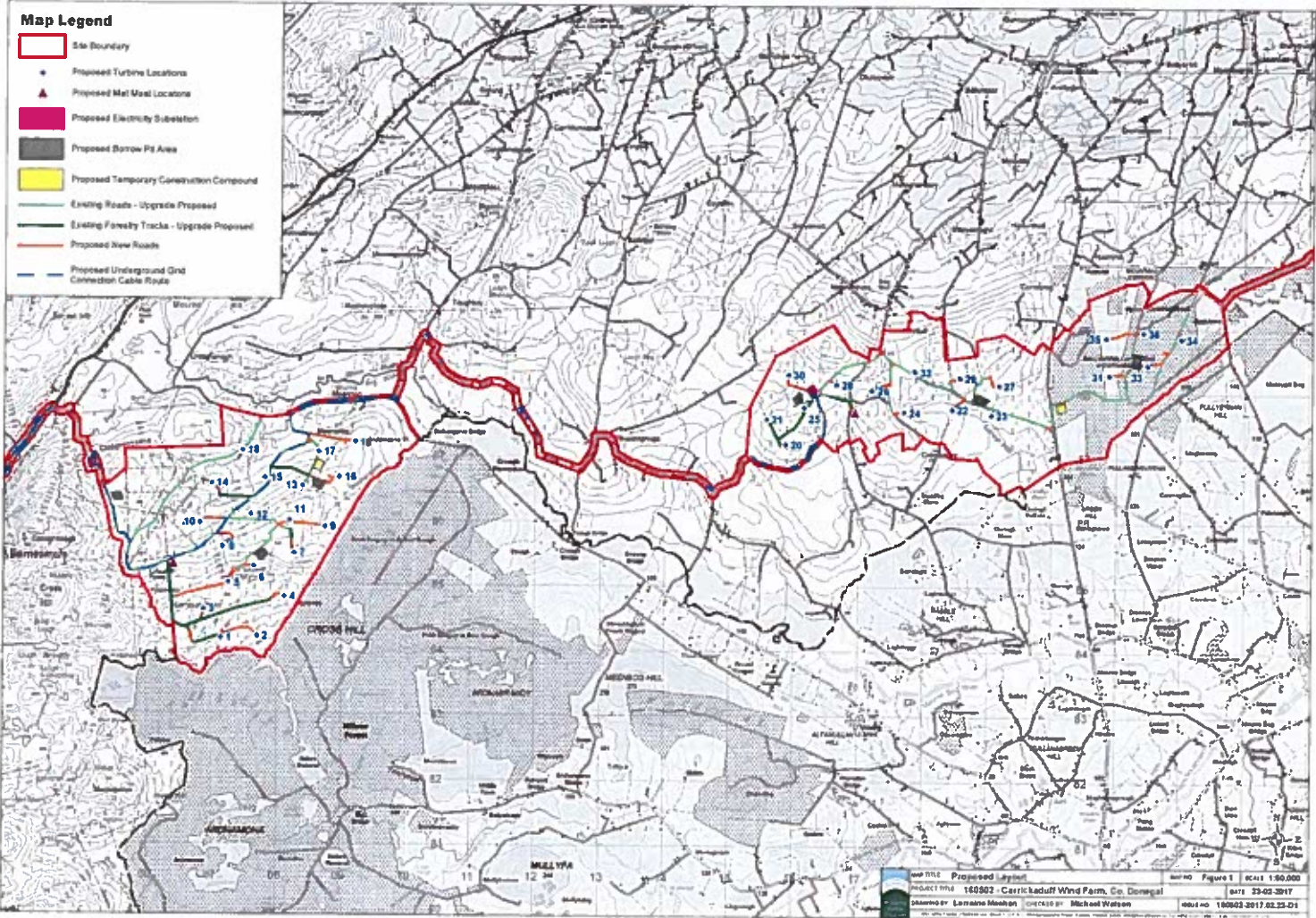
Yours sincerely,

  
J. Green, B.A., M.R.U.P., M.I.P.I.  
Senior Planner  
McCarthy Keville O'Sullivan Ltd.

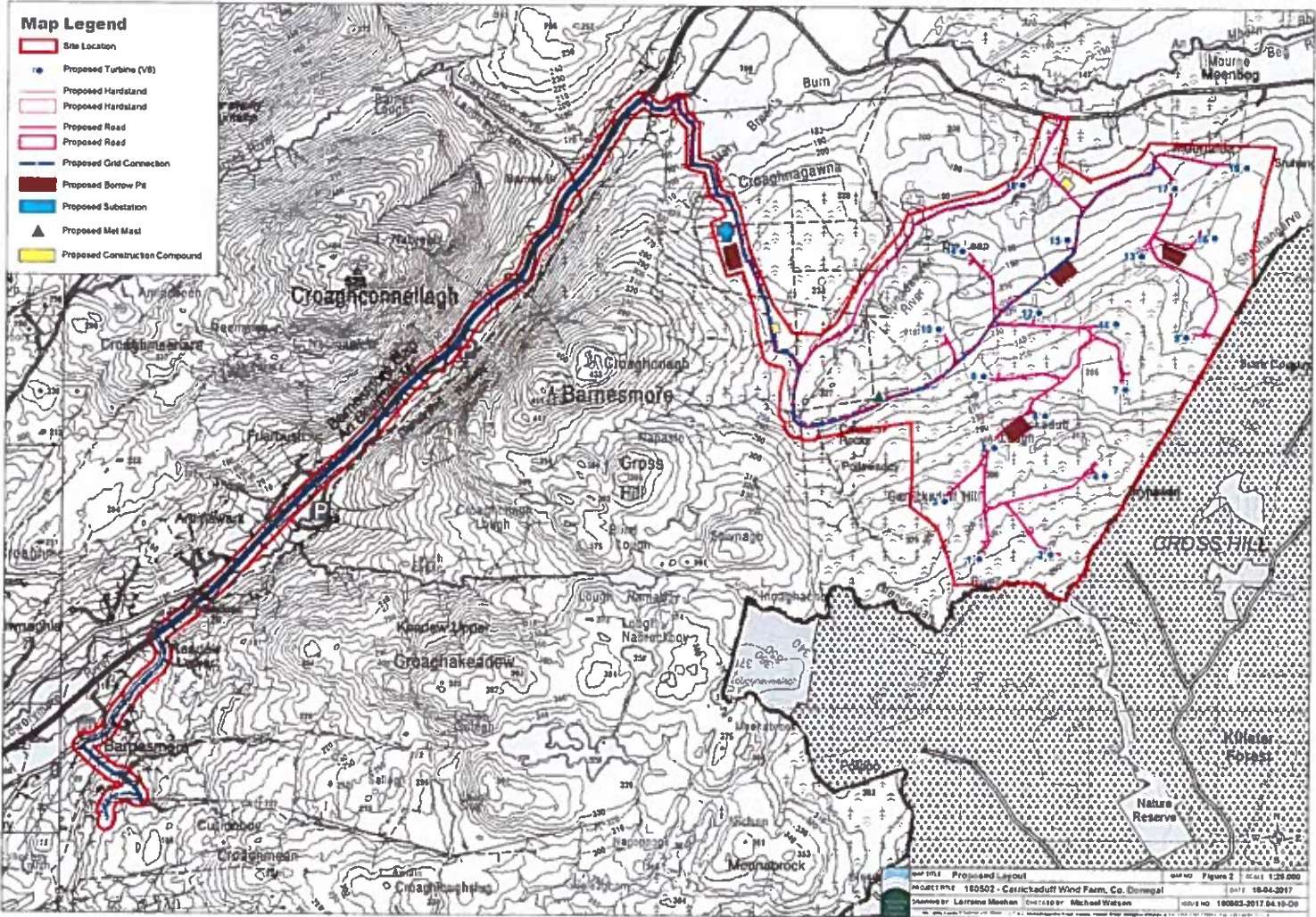
Encl. – Figure's 1 and 2



**AN BORD PLEANÁLA**  
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**20 JUN 2017**  
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