An Bord Pleanála

Inspector's Report

Appeal Reference:	PL05.246265
Development:	Ten year permission for a single turbine extension to a permitted two turbine windfarm (Ref: 240394 & 244481) at Crockbrack Hill, Carrowbeg, Meenletterbale and Ballymagaraghy, Moville, Lifford P.O., Co. Donegal.

Planning Application

Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	15/51683
Applicants:	Declan Clarke
Type of Application:	Permission
Planning Authority Decision:	Refuse permission

Planning Appeal

Appellants:	(i) Declan Clarke (ii) The Inishowen Wind Energy Awareness
Type of Appeal:	First and third parties
Observer(s):	(i) George Brennan and others (ii) An Taisce
Date of Site Inspection:	23rd May 2016

Inspector:	Donal Donnelly
Appendices:	Maps, photos, etc.

1.0 SITE LOCATION AND DESCRIPTION

1.1 The appeal site is located in the townlands of Ballymagaraghy, Carrowbeg and Meenletterbale at the north-eastern end of the Inishowen Peninsula in northern Co. Donegal. Moville is approximately 7km south of the site and Carndonagh is 14km to the east.

1.2 The surrounding area comprises a coastal and upland landscape with forestry plantations, blanket bog and agricultural foothills. The site is located on Crockbrack Hill (193m OD), which forms the north-western side of Long Glen. Long Glen continues for a distance of approximately 5km down to Kinnagoe Bay. The local road providing access to the site on the north-eastern side of the glen forms part of the Wild Atlantic Way tourist route. Linear residential development occurs mostly along the northern side of this road.

1.3 The stated area of the site is 24.2 hectares and this includes the area of the 2 no. turbines permitted under Ref: PL05A.240394 (as amended by PL05E.244481). The site is an irregular shape to reflect the "L" shaped layout of the permitted and proposed turbines, together with access road and control buildings.

1.4 At the time of my site visit, the access road had been constructed to the permitted turbines and the tower and nacelle of Turbine 1 were erected. The as-built structure is approximately 80m in height. The base of this turbine is at a height of approximately 185m OD and Turbine 2 is at a level of c. 170m OD. Construction works were ongoing at Turbine 1 and the rotor blades and hub were positioned within the construction compound. The foundations and base of Turbine 2 were also in place.

2.0 PROPOSED DEVELOPMENT

2.1 A 10 year planning permission is sought for a single turbine extension to a two turbine windfarm permitted under Ref: PL05.240394, as amended by PL05.244481.

2.2 The proposed turbine will have a tip height of 119.33m, hub height of 78.33m and rotor diameter of 82m, which is the same as the permitted turbines, as amended under PL05.244481. The proposed turbine will increase the capacity of the wind farm to approximately 7.05 MW.

2.3 The proposed development also includes a new control building located adjacent a permitted control building; a new access road (c. 400m in length) off the permitted access road; hardstandings; continued use of a permitted rock borrow pit; underground cabling; and all ancillary site works.

2.4 The proposed turbine will be located to the east/ north-east of the permitted turbines at an elevation of 176m OD. The structure will be approximately

900m from the coastline and as close as 600m to the North Inishowen Coast Special Area of Conservation.

2.5 The proposed turbine will utilise the same grid connection as the permitted wind farm, which is a combined underground/ overhead medium voltage connection to the ESB substation to the north of Moville. Construction of the grid connection commenced in December 2015.

2.6 The planning application includes an Environmental Impact Statement and Appropriate Assessment Screening Report.

3.0 ENVIRONMENTAL IMPACT STATEMENT

3.1 The Environmental Impact Statement submitted in support of the application is presented in three volumes. Volume I of the EIS includes a non-technical summary, Volume II comprises the main report and Volume III contains appendices.

3.2 Volume II provides an introduction, which includes an outline of global, EU, national and local policy; the need for the proposal; alternatives considered; and scoping. This is followed by assessment chapters on Landscape and Visual Impact; Human Beings; Noise; Traffic & Transport; Geology & Hydrogeology; Hydrology; Air & Climate; Archaeology & Cultural Heritage; Flora & Fauna; Avian Ecology; Material Assets; Electro-Magnetic Effects; and Interaction of the Foregoing.

3.3 The assessment chapters relevant to this appeal are summarised from the Non-Technical Summary as follows:

Landscape & Visual Impact

3.4 The proposed turbine will be located in an area "Open for Consideration" for wind energy development and in proximity to an "Area of Especially High Scenic Amenity".

3.5 Photomontages and Zone of Theoretical Visibility Mapping have been prepared to assess the visibility and effects of the proposed development within a 20km radius of the site.

3.6 It is stated that the highest landscape and visual effects will occur within 0-6km of the site and mostly from roads to the west and north-west. There will be some opportunities from upland areas to the south-east to view the turbine and coastline within the same viewpoint.

3.7 Within 6-12km, it is stated that the 3 no. turbines will appear as one windfarm where three structures may give a more balanced composition than two. Visibility of the turbines will also occur outside of the 12km distance along short stretches of public road and elevated areas to the south-east and north-west.

3.8 In terms of cumulative impact, it is considered in the EIS that most places with a view of the permitted two turbines will also have views of the proposed turbine. Views of the single proposed turbine will be limited to narrow bands along the slopes of elevated areas to the east, south-east and north-west and along a band to the east and north within the sea. It is noted that the blade tips would be partially visible from Kinnagoe Beach but would be partly screened by intervening vegetation.

3.9 Mitigation measures have been considered with respect to the colour, siting, design and layout of the turbines, and the design of site access roads.

3.10 In terms of residual effects, the third turbine will be most apparent where it is viewed closer to the coastline.

Human beings

3.11 The closest third party house is 600m from the turbine and there are 22 dwellings within 1km.

3.12 Impacts and mitigation on human beings are outlined in the EIS in terms of noise, electromagnetic interference, moving shadows, land use, tourism, reflected light, traffic and cultural heritage.

3.13 Predicted noise during the operational phase at the nearest residence and the effects of shadow flicker will be within limits set within guidelines. It is noted that turbines can be programmed to switch off when shadow flicker could become an issue. Semi-matt paint will reduce the potential for reflected light.

3.14 Only a small percentage of the overall site will be developed for the windfarm and the agricultural land use can continue during the operational phase. With respect to impact on tourism, it is noted that the site is located close to the Wild Atlantic Way and other designated routes and walks. It is considered that the turbine will not have a significant additional impact.

3.15 The greatest impact of traffic will be during the construction phase when concrete is being poured for foundations (45 loads per turbine in one day). Movement of oversized loads will take place during off-peak hours.

3.16 There are no recorded archaeological sites within the site boundary. An archaeologist will be employed to monitor earthworks during the construction phase.

Flora, fauna & mammels

3.17 The nearest designated site is the North Inishowen Coast SAC located c. 0.5km to the north of the site. The conclusion of an Appropriate Assessment Screening Report accompanying the planning application is that the

proposed development will not adversely impact on the conservation interests of any European site and its surroundings.

3.18 It is stated in the EIS that a mosaic of wet heath and blanket bog occurs in the more elevated parts of the site; however, no habitats, plants or mammals of high conservation concern were identified during the course of a field survey.

3.19 The EIS concludes that the residual ecological impact will be minor in significance and at the local level following implementation of mitigation measures.

Birds

3.20 It is stated that despite the high number of wintering wildfowl at sites in the surroundings, there were few records of geese or swans interacting with the site. The site is therefore determined to have a low value to birds of conservation concern throughout the year and the impact of the proposed development on the local bird population will be negligible. The risk of collision between turbines and sensitive bird species is also considered low.

Surface water

3.21 Siltation and nutrient enrichment of streams may occur from access road construction and other earthwork activities. However, no stream crossings are required for the proposed turbine and suitable mitigation measures will be undertaken in accordance with best practice. It is concluded that the proposed extension to the wind farm will not result in any adverse impact on freshwater ecology.

Air & climate

3.22 It is considered that the wind farm development will have a positive impact on climate through avoidance of greenhouse gas emissions. In addition, it is stated that carbon payback will be achieved within 15 months. No mitigation measure are considered necessary.

4.0 PLANNING AUTHORITY'S DECISION

4.1 Donegal County Council issued notification of decision to refuse planning permission for four reasons.

4.2 Under the first reason, it is considered that the proposed development, sited in a landscape of particular natural amenity and visual sensitivity, and together with the cumulative impact of permitted turbines, would form a strident, discordant, obtrusive and incongruous artificial and inorganic physical development of excessive scale.

4.3 The second reason states that the proposed development is located to the east of a designated view/ prospect and would constitute discordant and

incongruous intrusion upon the natural landscape and designated view/ prospect.

4.4 Within the third reason, it is stated that the proposal would be injurious to and visually detract from the amenity of an identified “discovery point” on the Wild Atlantic Way.

4.5 Finally, the fourth reason for refusal states that the subject site and proposed development is sited in an intrusive and prominent position within a natural, rural and coastal environment of striking and particular visual and scenic amenity, cultural and heritage significance.

5.0 TECHNICAL REPORTS

5.1 The recommendation to refuse permission, as outlined within the final Planning Report, reflects the decision issued by the Planning Authority.

5.2 The Planning Authority carried out an Environmental Impact Assessment to consider the likely effects of the proposed development on the environment. The process has had regard to the EIS submitted with the planning application, as well as other supporting documentation.

5.3 In terms of the Landscape and Visual Impact Assessment of the proposed additional turbine, the Planning Authority considers that the host landscape is one of visual sensitivity and distinct rural character that is informed by its proximity to the north Inishown coast. It is stated that the landscape has a unique character which does not lend itself to physical development of scale. The landscape is also on the Wild Atlantic Way and Inishown 100 scenic route, in proximity to beaches at Tremore and Kinnegoe and within the viewshed of a designated view and prospect. It is therefore considered that a third turbine is adversely material to the host environment.

5.4 The Planning Authority states that the pattern of successive applications seeks to increase the scale and number of turbines and that it is critical to consider the cumulative introduction of 3 no. turbines of very significant scale into a sensitive rural and coastal environment.

5.5 The proposed turbine is sited on lands that are stated to be more elevated and exposed than the permitted turbines and in closer proximity to the coast. It is considered to be more visually obtrusive, discordant and incongruous and cumulatively results in a wind farm development that is imposed on the landscape and dominates same, particularly when viewed from the east.

5.6 Reference is made to Figure 3.20 of the visuals submitted with the application wherein the Planning Authority considers that the proposed turbine reads as detached, severed and standing alone. It is the Planning Authority’s opinion that the proposed development is a material upscaling that increases scale, capacity and output; encroaches closer to the coast; and triggers a mandatory EIS. In all respects, the Planning Authority

considers that the development should be considered 'de-novo' without prejudice from planning history.

5.7 With respect to impact on human beings, it is the opinion of the Planning Authority that the suggestion in the EIS that the turbines in an area of such rich natural amenity would of itself be a tourist attraction is seriously flawed. On the contrary, it is considered that the turbines will be a seriously unwelcome intrusion on the natural environment, serving only to have an adverse impact on same.

5.8 The Planning Authority notes the EIS findings with respect to noise, traffic and transport, geology and hydrogeology, hydrology, air and climate, archaeology and cultural heritage, flora and fauna, avian ecology, material assets, electro-magnetic effects. These are considered acceptable.

5.9 The issue of project splitting was raised and the Planning Authority is satisfied that the grid connection is dealt with adequately in the EIS and that the proposed development will not result in a direct or indirect impact on the environment other than the visual and tourism concerns identified.

6.0 APPEAL GROUNDS

6.1 First and third party appeals have been lodged against the Council's decision on behalf of the applicant and on behalf of the Inishowen Wind Energy Awareness Group. The applicant requests that the Council's decision is overturned and the third party considers that additional reasons for refusal should be added to the Council's decision.

6.2 The grounds of appeal and main points raised in each submission are summarised as follows:

First party

- Proposed additional turbine is specifically supported in the wind energy policies of the Development Plan, which state that *"it is a policy of the Council to permit proposals to extend existing or permitted windfarms."* Site is also within an area "open for consideration" for wind energy developments.
- Wind farm extension will use the same grid connection as the permitted wind farm – ESB commenced construction on this grid connection in December 2015.
- EIS indicates that an additional turbine would not result in adverse impacts on the receiving environment.
- There are no third party dwellings within 500m of the turbines ensuring avoidance of noise and shadow flicker impacts.

- Board stated within the decision to grant permission for the original turbines that the proposal would not have any adverse impacts on the ecology of the area, and specifically bird species.

- Visual Impact Assessment states that both the proposed and permitted turbines will be perceived as the one development and the 3rd turbine will help to balance the interrelationship between turbines.

- Planning application includes a further Appropriate Assessment screening report which establishes that no significant adverse effects on European sites associated with the construction and operation of the wind farm are foreseen.

- Planning Authority would appear to consider that the landscape in which the site is located should be afforded a higher status than that which it is designated for in the Development Plan (open for consideration for wind energy developments).

- Landscape and Crockbrack Hill has been materially changed by the permissions granted for two turbines and this fact cannot be ignored when considering a planning application for extension of the wind farm by a single turbine.

- Landscape is not free of development as suggested by the Planning Authority – permission exists for 2 no. turbines and construction has commenced.

- LVIA states that the additional turbine will be integrated with the permitted development due to the close proximity, same dimensions and technical specification.

- Landscape and visual consultants prepared a response to the Council's reasons for refusal wherein it is stated with respect to the first reason that the single turbine combined with the two permitted turbines results in a wind farm which complies with the recommended scale, layout and relationship to topography, as set out in the planning guidelines.

- Second reason: Photomontages show that the 3rd turbine is recognisable and seen in conjunction with the permitted wind farm – additional change is seen as moderate but not significant. Conclusion of Planning Authority that the proposed turbine is in the centre view of a designated view and prospect cannot be supported.

- Third reason: Photomontage 8 shows the visibility of the proposed turbine from the Wild Atlantic Way Discovery Point – blade tip will be screened by intervening vegetation. Discovery Point would face opposite direction to wind farm in any case.

- Proposed turbine would be potentially cumulatively visible for 4km of the Wild Atlantic Way; however, there is no significant difference in landscape or visual effects between a two and three turbine wind farm.

- Fourth reason: Additional visibility of third turbine will be limited to narrow bands along the slopes of elevated areas and Kinnagoe Beach – due to small increase, the impact on recognised routes is not considered significant.

6.3 A report prepared by Aecom Landscape Architects notes that the visual assessment seeks to assess the additional impact of the third turbine rather than the proposed turbine alone, or indeed the cumulative impact of 3 no. turbines.

6.4 It is concluded that the visibility of the proposal will be similar to the visibility of the permitted development at Crockbrack Hill. Furthermore, reference is made to the guidelines which acknowledge that rural character can be maintained provided the scale and layout of a wind farm is appropriate. It is considered that the single turbine combined with the two permitted turbines will result in a wind farm that complies with the recommended scale, layout and relationship to topography.

Third party

- Exemption for sub-threshold development is now nullified by the current planning application – overall project with 7.05MW capacity makes the project one which was above the threshold that requires EIA.

- The Board is required under EU law to regularise the permissions on this site, as the development envisaged by the developer is for a development that required EIA and which was not undertaken.

- Board must find that the turbine developments on this site do not comply with the requirements of EU law.

7.0 RESPONSES TO APPEAL

Second Party

7.1 The Planning Authority responded to the third party appeal by referring to its earlier assessment wherein it is considered that the LVI, as submitted, is restricted and limited in its scope and does not account for the assessment of cumulative impact of the permitted and proposed development in the context of the wider receiving environment/ landscape.

7.2 It is also submitted that the “open for consideration” for wind energy development designation does not arbitrarily provide in a ‘carte blanche’ manner for such development and is specifically qualified as being subject to detailed assessment and the relevant Development Plan policies.

7.3 The Planning Authority considers that the proposed development constitutes a material intensification of the development in terms of its scale, output and impact on the coastal landscape. It is also considered that a grant of

permission would set an undesirable precedent for the incremental growth of the facility in a visually sensitive landscape.

7.4 In response to the first party appeal, the Planning Authority notes that the EIA has been carried out giving full consideration to the EIS and all submissions and observations. It was concluded that the Planner's Report contains a fair and reasonable assessment of the likely significant effects of the development on the environment and this was adopted as the assessment of the Planning Authority.

First party

7.5 The applicant states that the third party appellant is correct that the Local Authority confirmed that the grid connection for the permitted windfarm is exempted development. Works on the grid connection commenced in 2015 and it is now substantially completed.

7.6 It is considered by the applicant that the issue of the current application for an additional turbine is unrelated to the development works which have commenced on site in accordance with permissions and declarations.

8.0 OBSERVATIONS

8.1 Two observations on the appeal were received by the Board. The main points raised in each submission are summarised as follows:

George Brennan and others, Mossy Glen

- Development will be only 500m away from the Wild Atlantic Way and will cause additional problems to local amenities, people and property.
- Proposal will increase the detrimental visual impact to scenic routes that lead to Kinnagoe Bay from Moville, Greencastle and Culdaff directions.
- Wild Atlantic Way is portrayed and advertised to tourists as an area of unspoilt natural beauty – proposal will overpower and take away from the grandeur of adjacent cliffs and coastal views.
- Visiting tourists will be overwhelmed at the sight of a 119m high man-made feature and outbuilding.
- Addition of the 3rd turbine will cause considerably more visual impact on the Inishowen 100 route and the Wild Atlantic Way route from Greencastle through Glenagiveny towards Brew Head, the entrance to the scenic viewpoint of Kinnogoe Bay.
- Proposal is contrary to tourism policy TOU-P-3: *"not to permit development proposals which would detract from the visual quality/ amenity on either the approach roads to, or views to be had from significant tourist attractions."*

- True visual impact of permitted turbines will not be known until they are erected and running.

An Taisce

- Board is requested to uphold the Council's decision to refuse permission.
- Refers to Development Plan Policy E-P-11, the Wind Energy Guidelines, the first reason for refusal and the nearby designated view/ prospect.

9.0 PLANNING HISTORY

Donegal County Council Reg. Ref: 12/70002 (PL05A.240394)

9.1 On 13th December 2012, the Board overturned the Council's decision and granted a 10 year permission for the construction of a wind farm consisting of 2 no. turbines with tip height of up to 116 metres, site substation, upgrading of existing agricultural entrance, construction of new access roads, hardstandings, rock borrow pit, underground cabling and all ancillary site works.

9.2 Under its Reasons and Considerations, the Board noted that the proposed development is located outside of any Area of Especially High Scenic Amenity and would not negatively impact upon "areas defined as views and prospects". It was also considered that the objectives of Policy NRD 33 were in conflict with the planning authority's objectives on wind energy and were not clearly stated, insofar as the proposed development is concerned. The Donegal County Development Plan 2012-2018 had been adopted by the Planning Authority since lodgement of the appeal and the Board noted that the site was now in an "Area Open to Consideration" for windfarm development.

Donegal County Council Reg. Ref: 14/50014 (PL05E.243207)

9.3 The Board overturned the Council's decision and granted permission for amendment to PL05A.240394 to increase the hub height of the 2 no. permitted wind turbines from 69m to 85m. The rotor diameter was amended at appeal stage from 94m to 71m.

Donegal County Council Reg. Ref: 14/51367 (PL05E.244481)

9.4 The Board upheld the Council's decision to grant permission for amendment to PL05A.240394 to include an increase of the overall tip height of the 2 no. permitted wind turbines from 116 metres to 119.33 metres, comprising an increase of hub height from 69m, as permitted, to 78.33m and a reduction in the rotor diameter from 94 metres, as permitted, to 82m.

10.0 DEVELOPMENT PLAN

County Donegal Development Plan, 2012-2018

10.1 The appeal site is within an area that is *"open for consideration"* for wind energy development. These areas were identified having regard to a range of factors, including wind energy potential, existing and proposed grid connections, natural heritage designations, landscape sensitivity, road infrastructure, etc.

10.2 The Council's policies for wind energy are set out in Section 7.2.3 of the Development Plan (Policies E-P-9 to E-P-21).

10.3 It is the policy of the Council (E-P-11) to *"(1) facilitate the development of appropriate wind energy proposals in the "Area Open to Consideration" as identified on the Wind Energy Map No. 9, and (2) Not favourably consider wind energy proposals in those areas identified "Not favoured" on the Wind Energy Map No. 9. Wind energy proposals should accord with Sections 6.3 – 6.9 of the Wind Energy, Development Guidelines, Guidelines for Planning Authorities, 2006 and with Chapter 10, section 10.6 (Wind Energy – Development Guidelines and Technical Standards)."*

10.4 Under E-P-16, it is Council policy *"…to support the clustering of wind farms within the vicinity of existing or proposed grid connections and existing operational and approved windfarms to achieve economies of scale and to minimise the spatial extent of environmental impacts."*

10.5 It is also a policy (E-P-18) *"…to permit proposals to extend existing or permitted wind farms. Where such proposals can satisfy the Planning Authority that they are in accordance with the Wind Energy Guidelines 2006 (DoEHLG) and the potential cumulative impacts of further on-site construction upon, landscapes, habitats, soil stability and environmental habitats do not result in significant environmental damage."*

10.6 The appeal site is within East Inishowen Mountains & Valleys (Draft) Landscape Area and comprises Atlantic Blanket Bog.

10.7 The site not within an Area of Especially High Scenic Amenity. The closest such area is to the east at the north-eastern end of the peninsula where there is also a view/ prospect in the direction of the appeal site.

10.8 Policy NH-P-14 relates to the preservation of views and prospects of special amenity value and interest.

11.0 NATIONAL GUIDELINES

Wind Farm Development: Guidelines for Planning Authorities, 2006

11.1 These Guidelines offer advice on the treatment of planning applications for wind energy development.

11.2 Chapter 4 sets out information on the required content of planning applications and Environmental Impact Assessments for wind farm developments. It is suggested that an integrated planning application should be submitted which combines grid interconnection with the wind farm development. The planning authority will require, inter alia, information on any cumulative effects due to other projects, including effects on natural heritage and visual effects.

11.3 An EIA is required for wind farms exceeding 5 no. turbines and/ or with a greater output than 5MW. It is stated that the planning and design of a wind farm should be guided by the information collected within an EIA, which will include avoidance and reductive measures and the consideration of alternatives.

11.4 Chapter 5 addresses the environmental implications of wind farm developments and in particular the impact on designated sites, habitat and species. It is considered that in cases where developments that are likely to have an adverse impact on SACs, SPAs, etc., permission should only be granted where there are no alternatives or where there is an overriding reason in favour. With regards to habitat, it is noted that uplands are particularly vulnerable due to high rain fall and a short growing season. The bird species considered most at risk are raptors, swans, geese, divers, breeding waders and waterfowl, with migratory birds and local bird movements also important. The impact on other species, particularly those listed for protection, needs also to be assessed.

11.5 Underlying ground conditions/ geology is a critical factor when assessing wind farm developments. Information submitted with an application should include an assessment of the geology of the locality; a geo-technical assessment of overburden and bedrock; a landslide and slope stability risk assessment considering the effect of storage of excavated material; location of the site in relation to designated areas; and any potential impacts on groundwater. It is recommended that a statement from a geologist, hydro-geologist or a soil mechanic engineer should accompany applications in upland areas.

11.6 The two distinct noise sources from wind turbines are aerodynamic noise and mechanical noise. It is considered that noise is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500 metres. A lower fixed limit of 45 dB(A) above background noise level is considered appropriate to provide protection at noise sensitive locations and in low noise environments, a daytime range of 35-40 dB(A) is recommended. It is also stated that any

existing turbines should not be considered as part of the prevailing background noise.

11.7 Chapter 6 looks at the aesthetic considerations of wind farms and in particular their siting and design in the landscape. The first section of this chapter looks at the siting, spatial extent and scale, cumulative effect, spacing, layout and height of wind turbines and the second part considers how these principles can be applied to different landscapes, as well as offering guidance on associated development.

11.8 Recommendations regarding possible conditions to be attached to permissions for wind farms are detailed within Chapter 7 of the Guidelines. Appendices to the document include information on Landscape Sensitivity Analysis and Landscape Impact Assessment, as well as best practice for wind energy development in peatlands.

12.0 ASSESSMENT

12.1 Background

12.1.1 A ten year planning permission is sought for a single turbine extension to a permitted two turbine wind farm in north-eastern Inishowen, Co. Donegal.

12.1.2 Permission was granted by the Board under Ref: PL05A.240394 (as amended by PL05E.244481) for 2 no. 119.33m high turbines comprising hub height of 78.33m and rotor diameter of 94m. These turbines are 380m apart and roughly parallel to the coastline, which is situated approximately 1.3km to the north-east. Access is from the local road to the south-east of the site that continues down Long Glen to Kinnagoe Bay. At the time of my site visit, the gravel access road to Turbines 1 & 2 was constructed, Turbine 1 had been erected up to hub level and the foundations for Turbine 2 and base of the structure had been laid.

12.1.3 The proposed turbine, together with the permitted structures, will form an “L” shaped layout. A new access road will be constructed at a right angle from the location of Turbine 1 for a distance of approximately 413m. The proposed turbine will sit closer to the shoreline, set back a distance of approximately 950m. The elevation of the proposed turbine at 176m OD is between the levels of the permitted turbines

12.1.4 Donegal County Council issued notification of decision to refuse permission for the proposed turbine for reasons relating to its cumulative visual impact within a sensitive landscape and in proximity to designated views and tourist routes. A first party appeal against the Council’s decision has been submitted on behalf of the applicant and a third party appeal has also been submitted on the grounds that the Council’s decision should have included additional reasons for refusal.

12.1.5 The planning application is accompanied by an Environmental Impact Statement and an Appropriate Assessment Screening Report. The site is located as close as 420m from the North Inishowen Coast Special Area of Conservation (SAC).

12.1.6 Having considered the contents of the planning application, grounds of appeal, observations and other consultation, planning history, site context and findings from my site inspection, I consider that this appeal should be assessed under the following:

- Development principle;
- Environmental Impact Assessment;
- Appropriate Assessment;
- Siting, design and visual impact;
- Project splitting;
- Conclusion.

12.2 Development Principle

12.2.1 It is a priority at both national and European level to increase the use of renewable energy sources to supply our energy requirements. The Government has set a target of 40% electricity consumption from renewable resources by 2020[1]. The build rate for on-shore wind farms must increase from an average of 180 MW per year to at least 250 MW per year if the 2020 renewable electricity target is to be achieved. The proposed development will increase generation at this wind farm to approximately 7.05 MW of energy per annum, and this will contribute to the renewable energy targets.

12.2.2 Donegal County Council will facilitate the development of appropriately located on and offshore wind energy proposals in accordance with its Wind Energy Strategy. Under Development Plan Policy E-P-11, development of appropriate wind energy proposals will be facilitated in the "Areas Open to Consideration" as illustrated on Wind Energy Map No. 9 and not favourably considered outside of these areas.

12.2.3 The appeal site is located in an Area Open to Consideration for wind energy development. These areas are designated having regard to factors such as wind energy potential, existing/ proposed grid connections, natural heritage designations and landscape sensitivity, and adequate road infrastructure. The proposal would therefore be acceptable in principle and in compliance with national policy regarding the development of sustainable energy resources.

[1] The all island fuel mix currently stands at 8.34% for the production of electricity from renewables.

12.2.4 Due consideration should also be given to Development Plan Policy E-P-16 which seeks "*…to support the clustering of wind farms within the vicinity of existing or proposed grid connections and existing operational and approved windfarms to achieve economies of scale and to minimise the spatial extent of environmental impacts."* Furthermore, Policy E-P-18 aims *"…to permit proposals to extend existing or permitted wind farms. Where such proposals can satisfy the Planning Authority that they are in accordance with the Wind Energy Guidelines 2006 (DoEHLG) and the potential cumulative impacts of further on-site construction upon, landscapes, habitats, soil stability and environmental habitats do not result in significant environmental damage."*

12.2.5 The proposal will see the extension of a permitted wind farm with grid connection under construction and where precedent for this type of development has been established. Notwithstanding, any additional turbine of this scale should be assessed having regard to its aesthetic appearance in terms of siting and design and the development guidelines and technical standards of the Development Plan. This is addressed in the following sections, together with the overall impact of the proposal on its surroundings.

12.3 Environmental Impact Assessment

12.3.1 Section 172(1) of the Planning and Development Act, 2000 (as amended) requires that an EIA must be carried out by the Board in respect of an application for consent for a proposed development of a class specified in Schedule 5 of the Planning and Development Regulations, 2001 which exceeds a quantity, area or other limit specified in that schedule. The proposed wind turbine, taken together with the permitted 2 no. turbines at this site, will generate approximately 7.05 MW of power, and this is in excess of the 5 MW total output for which EIA is required under Part 2 (3)(i) of Schedule 5.

12.3.2 Section 172(1G) of the Act sets out a number of items that the Board must consider in carrying out an EIA, including the EIS, any further information submitted by the applicant, or submissions or observations made in relation to environmental effects. The Environmental Impact Assessment must also identify, describe and assess in an appropriate manner, in light of each individual case and in accordance with Articles 4 to 11 of the EIA Directive, the direct and indirect effects of a proposed development on human beings, flora and fauna; soil, water, air, climate and the landscape; material assets and the cultural heritage; and the interaction between these factors.

Compliance with Article 94 of the Planning and Development Regulations, 2001 (as amended)

12.3.3 The planning application is accompanied by an EIS which includes a non-technical summary, main report and annexes, and figures and visuals.

12.3.4 Having regard to Article 94(a) of the Regulations, I am satisfied that the EIS adequately describes the proposed development to include information on the siting, design and size of the site and wind turbine. Avoidance, remedy and reduction of significant adverse impacts are outlined for each factor, as well as the data required to identify and assess the main effects. The applicant has also carried out an assessment of the main alternatives for extending the wind farm over a standalone site.

12.3.5 With respect to Article 94(b) and Paragraph 2 of Schedule 6 of the Regulations, I consider that the relevant information has been provided to describe the main characteristics of the construction and operational phases; production processes and expected residues and emissions. Furthermore, the aspects of the environment likely to be significantly affected by the proposed development are set out, together with a description of the likely significant effects, and description of the forecasting methods and any difficulties encountered.

12.3.6 Finally, as required under Article 94(c), the EIS provides a summary in non-technical language of the information provided under Article 94 (a) & (b).

12.3.7 Overall, and having regard to Article 111, I consider that the EIS and supplementary information received by the Board in connection with the appeal complies with Article 94 and that the EIS is therefore adequate.

Likely significant effects arising from the proposed development

12.3.8 Volume 2 of the EIS sets out an assessment of the impact on environmental aspects associated with the proposed development. Section 3 above identifies and describes the main likely significant effects arising from the proposed development and regard should also be had to this section of the report. The likely significant effects are identified as follows:

Landscape and Visual Impact

12.3.9 A number of visuals have been provided to assist the landscape and visual assessment of the proposed turbine. These include “zone of theoretical visibility mapping” of proposed and permitted turbines, together with photomontages and wireframe diagrams take for ten different locations.

12.3.10 The visual effects of the proposed turbine will be similar to the permitted development in that they will occur mainly within the Principal Visual Zone (0-6km) and Secondary Visual Zone (6-12km). Areas experiencing additional visibility due to the introduction of the third turbine will be limited to narrow bands along the slopes of elevated areas to the east, south-east and north-west, and at Kinnagoe Beach.

12.3.11 The majority of views within the Principal Visual Zone will be from several roads to the west and north-west. There will be few opportunities in these

directions within a 2.5km radius to view the turbine and coastline in the same viewpoint. Fewer roads and therefore viewing opportunities are available to the east of the site; however, this landscape is more elevated and scenic and there are designated views/ prospects and Areas of Especially High Scenic Amenity. Furthermore, the local road to the east forms a scenic driving section of the Wild Atlantic Way.

12.3.12 Photomontages V1 & V2 and V9 & V10 are of particular relevance to the visual impact assessment of the proposed turbine, as they have been prepared within the Principal Visual Zone, in proximity to the Development Plan views/ prospects VP1 & VP2 and along the Wild Atlantic Way. It would appear from Development Plan Map 8 that the two views and prospects from the eastern side of Glenagivney through Mossy Glen and down to Kinnagoe Bay (VP1 & VP2) are likely to be most affected by the additional turbine.

12.3.13 These viewpoints and elevated areas to the south-east will experience the wind farm appearing closer to the coastline as a result of the additional turbine. This may be exacerbated by the intervening topography which in this case comprises a glen, when viewed from the south-east. Levels fall from the location of Photomontage View No. 2, which is taken approximately 2km from the turbine at the 140m contour, down to the 70m contour within the intervening drop. The full height of the turbine will be visible from the 176m contour up to 295m OD.

12.3.14 Photomontage V2 appears to lessen the visual impact of the additional turbine by concealing the base of the structure behind an existing electricity pole. Furthermore, the photomontage also “crops” out the scenic part of the panorama to the right (Crockduff Headland) by zooming in on the turbines themselves. Whilst this may give a more accurate representation of the scale of the turbines, it does not illustrate fully the context for this important scenic viewshed.

12.3.15 Within the Secondary Visual Zone there is availability of continuous open or intermittent views of the turbines along roads. The introduction of a third turbine can have the effect of balancing the inter-relationship in terms of their distance to each other and their general arrangement on the hill. However, this is more likely from directions where they appear equally spaced. Scenic views at locations more parallel to the coastline would see an additional and separate turbine from the north-west and south-east. The visual impact of the permitted turbines is mitigated by their set back from the coastline and appearance in close proximity to one another within parallel coastal views to the west/ north-west and east/ south-east. The proposed turbine will appear apart from the permitted turbines from these views and in particular from VP2 and the Area of Especially High Scenic Amenity to the east thereof.

12.3.16 The wind farm is not situated within the Area of Especially High Scenic Amenity. However, scenic amenity in terms of views over a wider area can often extend beyond the boundaries of such areas. Therefore, a coastline or a more distant backdrop that can be seen within the designated Area of Especially High Scenic Amenity can also form part of the scenic amenity of that area. Photomontage 10 is taken from approximately 4km to the east of

the proposed turbine within the Area of Especially High Scenic Amenity and near the Inishown Head looped walk. The degree of separation between the turbines would become less pronounced the further one moves away from the wind farm from this distance. However, an additional turbine may have the effect of confirming the presence of a wind farm. It would also be the case that a third turbine may give a more balanced appearance.

12.3.17 In terms of residual effects, there will be long term impacts from significant to slight depending on distance from the wind turbine. It is likely that within the 3km radius, the additional wind turbine will have significant visual effects. However, the turbine would be viewed in the contexts of the permitted turbines and from most views they will be seen as a group. The proposed turbine does have the effect of bringing the wind farm closer to the coast and within certain shorter distance views parallel to the coast, the proposed structure may appear separate from the permitted structures. There are positive and negative cumulative effects in terms of the balancing and broadening of the wind farm towards the coast.

12.3.18 Overall, the view of the turbine from elevated areas to the south-east is described as being of moderate adverse impact, i.e. out of scale, visually obtrusive, diminishment of setting and adverse effect on landscape of recognised quality. It should also be recognised that this is not a remote area in relative terms, with passing tourist traffic and a population within the Small Area to the east of 210 (11 persons per sq.km.). The proposed turbine will, however, be adjacent to two permitted turbines and the visual impact on the landscape of the additional turbine will not be as significant as newly constructed single or twin turbines.

Human beings

12.3.19 There is potential for significant effects on the environment arising from the proposed wind farm development on human beings in terms of health and safety; socio-economics; recreation, amenity and tourism; and moving shadows.

12.3.20 There are 48 houses within 1km of the permitted and proposed turbines, with 21 of these within 1km of Turbine 3. The closest dwelling to the proposed turbine is at a distance of 600m.

12.3.21 Avoidance and reductive measures during the construction phase include adherence to health and safety guidelines. No further mitigation measures are proposed during the operational phase other than health and safety compliance and maintenance checks.

12.3.22 The impact on residential amenity will be low having regard to the distance of the wind farm site to the nearest dwellings. The nearest dwelling is 600m from the turbine and this is sufficiently distant to ameliorate any impacts associated with shadow flicker. The proposal would also appear to comply with noise limits; this is assessed in more detail below.

12.3.23 The effects of traffic during the construction phase of the project will bring about a slight negative impact on human beings; however, the duration of these effects will be short term.

12.3.24 There will be moderate positive effects in terms of employment during the construction phase of the project. Indirectly, the construction phase will increase demand for local goods and services.

12.3.25 The visual impact of the proposed development could have an adverse impact on tourism, particularly on nearby driving and walking routes. I would consider this to be a moderate negative effect.

Noise

12.3.26 Potential noise sources include plant operations during construction; winning of rock from the rock borrow pit; construction traffic; and the operation of the turbines.

12.3.27 The highest predicted noise level from the operation of the turbine is 47.4 dB(A) at the nearest house (owned by the applicant), and the next highest is 36.4 dB(A). A predicted noise level of 47.6 dB(A) also occurs at the applicant's dwelling for the three turbines and the next highest is 38.6 dB(A).

12.3.28 The proposed turbine increases noise levels from 0.2 dB(A) to 3.9 dB(A) and this is within the limits set by the Board's noise condition attached to PL05E.244481.

12.3.29 The nearest house to the borrow pit is at a distance of 400m and the predicted noise of 37.02 dB(A) will be audible but not loud. The noise from the construction site will be kept below the limits for quarrying activities.

12.3.30 Mitigation measures during the construction phase will be implemented in relation to control working hours; compliance with standards; minimisation of equipment noise; supervision of construction activity; and implementation of speed limits. The Board's decision also includes a condition requiring the submission of a noise monitoring programme.

12.3.31 It is predicted that the low frequency noise from the proposed turbine will have a negligible impact on all residences in the locality.

Traffic and transport

12.3.32 The delivery of oversized turbine parts will take place along a dedicated haul route from the Port of Derry. Traffic control will be provided when transporting these loads during off peak hours (before 6am) and a dummy run will be carried out to ensure the route is satisfactory.

12.3.33 Parking facilities will be provided on site for construction traffic and most of the aggregate will be sourced on site and this will minimise the transport of construction materials. Concrete will also be delivered along the dedicated haul route.

12.3.34 A number of junctions will require temporary widening to facilitate over-sized loads and other temporary road modifications will include removal of bollards, lamp posts and other street furniture. Road boundaries and fixtures will be reinstated following commissioning of the wind farm.

12.3.35 There will be an increase of traffic during the construction phase with an estimated 20 vehicles using local roads. This is not expected to create any traffic problems. Concrete foundation pours will give rise to the greatest impact during the construction stage; however, this is completed in one day for each turbine.

12.3.36 It is predicted that once the site is in operation, the permitted turbines and the turbine extension will not generate any adverse impacts on traffic in the vicinity.

Geology & hydrogeology

12.3.37 Potential impacts on geology and hydrogeology could arise from peat instability; rock instability; road and foundation construction; the borrow pit; erosion of peat; removal of overburden/ peat during road construction; use of hydrocarbons on site; and indirect impacts on local quarries for construction materials.

12.3.38 There is a thin layer of peat on the site and the slopes around the site are generally less than 12 degrees. The likelihood of a construction-related landslide in considered to be very low according to the Landscape Hazard Probability Matrix in the EIS.

12.3.39 The risk of rock toppling or instability is considered to be negligible, particularly at the location of Turbine 3. Conventional methods will be used for road construction within the site. Roads will be constructed over a length of 1,780m to all three turbines and this will involve the removal of 1,420 m^3 of peat/ topsoil. Peat will also be cleared from the turbine base and crainage areas.

12.3.40 The borrow pit will measure 48m x 48m and the average depth will be 2.5m. Rock will be won using a rock breaker and a small crusher may be employed. The total volume of stone that may be imported for the proposed turbine is 606 m^3 and the expected volume to be taken from the borrow pit is 1,200 m^3, as well as 2,800 m^3 for the permitted wind turbines.

12.3.41 Roads and turbines have been located to avoid steeper slopes and the residual risks can be managed following implementation of mitigation measures to include avoidance of peat stockpiling, underground cabling to follow roads as far as possible, appropriate spill control arrangements, and monitoring by suitably qualified persons.

12.3.42 Following implementation of these measures, it is considered that the proposed development will not have a significant impact on geology or hydrogeology. Monitoring of works will be carried out by the project engineer and geotechnical engineer.

Hydrology

12.3.43 The southern part of the site drains to Long Glen and Kinnagoe Bay and the west side drains towards Tremore Bay. The site also drains to the east, including the area around Turbine 3. Drainage on site is controlled by man-made field boundary drains, bog drains and forestry drains.

12.3.44 The main potential hydrological impact is an increase in runoff from a rainstorm event, increasing the peak flow to streams draining the site. Potential impacts during the construction phase would include increased sedimentation of streams/ drains, potential spillage of oil/ diesel and release of cement to watercourses. The risk of flooding at the site is negligible.

12.3.45 In terms of mitigation, the site drains into a section of coastal water designated as a SAC and therefore particular measures are required to protect water quality. It is proposed to utilised over-the-edge drainage from roads and hardstanding to maintain the existing flow regime within the site; no collection of run-off and treatment in settlement ponds is proposed.

12.3.46 Other proposed mitigation measures include best practice to minimise release of sediment laden run-off; diversion of clean surface water around earthworks; minimisation of stripped vegetation; installation of sediment traps and check dams where roads cross existing drainage channels; use of aggregate for road construction; dewatering of foundation excavation to temporary silt traps (if required); careful storage and handling of hydrocarbons; prohibition of release of cement to watercourses; and monitoring of construction activities by suitably qualified persons.

12.3.47 It is envisaged that there will be no residual impact on hydrology or surface water quality following implementation of mitigation and avoidance measures.

Air and climate

12.3.48 The proposed development will displace traditional electricity generation and generate clean electricity to meet the needs of 600 homes. This also reduces polluting emissions and removes the need to import oil.

12.3.49 The production of renewable energy without the release of toxins is seen as a significant positive effect that will help to reduce reliance on fossil fuels.

12.3.50 The impact during construction on air and climate would be negligible, local and short term.

Archaeology & Cultural Heritage

12.3.51 There are no recorded sites within the boundary of the site, although several sites are located within the more immediate vicinity. The closest is a megalithic court tomb located c. 200m east of the site boundary.

12.3.52 It is not anticipated that these or any other recorded sites or monuments will be adversely impacted upon by the proposed works. However, the areas of

proposed invasive ground works have preservation potential of previously unidentified archaeological remains.

12.3.53 A schedule of archaeological investigations will be put in place during development works and the construction phase will be monitored. Any archaeological remains will be identified and the preservation of such remains will be provided for either in situ or by record.

Flora & Fauna

12.3.54 The site boundary is located as close as 420m from the North Inishowen Coast SAC. The nearest SPA is Trawbreaga Bay SPA located approximately 13km to the west. An Appropriate Assessment Screening Report accompanies the planning application to assess the potential impacts on European sites in the surroundings. Appropriate Assessment Screening is included in Section 12.4 of this report.

12.3.55 The site supports upland blanket bog and wet heath and the dominant plant species include Ling Heath and Purple Moor-grass. No rare or protected plant species were recorded within the study area. The habitat is considered to be of local importance and Blanket Bog and Wet Heath are listed on Annex I of the EU Habitats Directive.

12.3.56 Irish Hare and Fox were the only mammal species recorded within the site. There is an absence of potential bat roosts. No rare or threatened mammal species have been confirmed on site.

12.3.57 The proposal will involve the direct loss of habitat where the turbine base and associated infrastructure are placed. Indirect impacts could include hydrological impacts, pollution of watercourses, habitat fragmentation, disturbance and changes in habitat management.

12.3.58 Mitigation by avoidance has led to the current design which is considered to have the least ecological impact. Mitigation by reduction will see works being confined as much as possible. A Construction and Environmental Management Plan will be drawn up to include details of the means by which EIS mitigation measures are to be adhered to; an agreed protocol for ecological monitoring; and measures to ensure non-native species are not introduced.

12.3.59 There are sensitive aquatic receptors downstream. The mitigations measures outlined in the Hydrology section above are intended to ensure that impacts on downstream water quality and aquatic ecology are avoided or reduced to an imperceptible level.

12.3.60 In terms of residual impact, it is considered that the proposed development will have a local minor negative impact on the heath and bog habitat that occurs throughout the site. Impacts on other ecological receptors will be imperceptible and of no significance.

Avian Ecology

12.3.61 A walkover survey found that the meadow pipit was the only species of high conservation concern dependent on the wet heath/ blanket bog component of the site.

12.3.62 The wind farm is not within any sites designated for nature conservation but is between the Lough Foyle SPA and the Trawbreaga Bay SPA. However, only very low numbers of water birds were recorded passing through the wind farm site. The Greylag Goose was not recorded within the site despite the concerns of the NPWS.

12.3.63 Raptors were occasionally recorded flying over the site but none were found to be breeding or dependent on habitat within the site.

12.3.64 Meadow pipit (red listed) and a number of other amber listed species were recorded during surveys but these species are not considered to be overly sensitive to wind farm development. Overall, the site is considered to be of low importance to bird species of conservation concern.

12.3.65 Potential impacts include direct habitat loss and displacement, disturbance and avoidance and mortality due to turbine collision. These impacts are deemed to be minor negative and not likely to be significant although the turbines may result in displacement of birds from the immediate surroundings. The risk of cumulative impacts remains negligible due to the low level of bird activity confirmed for the site.

12.3.66 Mitigation measures are outlined to include construction outside of breeding season; any planting to consist of native species; implementation of Ecological Management Plan; and undergrounding of onsite cables. The residual impact is considered to be negligible on the local bird population.

Material assets

12.3.67 Potential positive impacts may include reduction of harmful emissions; effective use of an exposed site used for low intensity agriculture; increased income; and benefits for the local electricity grid network.

12.3.68 Negative impacts could occur in terms of the turbines becoming an unwelcome intrusion on the landscape with resultant impacts on tourism.

Electro-Magnetic Effects

12.3.69 The proposed wind farm extension is unlikely to cause electromagnetic interference and the developer is usually obliged to enter into an agreement to rectify any deterioration of TV and radio reception as a result of the wind farm.

Grid connection

12.3.70 The EIS does not contain an assessment of how each of the factors are impacted upon by the grid connection, as this formed part of the initial

development of 2 no. turbines. This is addressed in further detail under Section 12.6 below.

Summary of interactions

12.3.71 Positive and negative interacting impacts are summarised in the following table:

	Phase	Landscape	Noise	Human beings	Traffic	Soils & geology	Hydrology	Climate	Cultural Heritage	Ecology	Avian	Material Assets	Electro. Interference
Landscape	C			-					N				
	O			N					N				
Noise	C			-						-	-		
	O			-						N	N		
Human beings	C												
	O												
Traffic	C	-	-	-				-		-			
	O												
Soils & geology	C		N		+		-	-					
	O												
Hydrology	C			-		-				-			
	O												
Climate	C												
	O			+		+	+			+	+		
Cultural Heritage	C												
	O												
Ecology	C	-				-	-				-		
	O	N				N	N				N		
Avian	C												
	O												
Material Assets	C				-	+							
	O			+									
Electro. Interference	C												
	O			-								-	

C: Construction Phase
O: Operational Phase
N: Neutral interacting impact
+: Positive interacting impact
-: Negative interacting impact

12.4 Appropriate Assessment

12.4.1 The EU Habitats Directive (92/43/EEC) requires competent authorities to review planning applications and consents that have the potential to impact on European designated sites, i.e. Special Protection Areas (SPA's) and Special Areas of Conservation (SAC's). To assist this process, the applicant has prepared an Appropriate Assessment Screening Report for the proposed windfarm extension.

Stage 1: Screening

12.4.2 The first stage of the Appropriate Assessment process is the screening exercise where it should be decided if the effects of a development on a European site are likely and whether or not the effects are significant in light

of the Conservation Objectives for the site. It should also be determined if there are cumulative effects with other projects. The precautionary principle should apply if there are significant effects that cannot be excluded, or where the likelihood is uncertain.

12.4.3 The first step of this stage is to identify all European sites which could potentially be affected using the Source-Pathway-Receptor model.

12.4.4 There are three SAC's within 15km of the appeal site, the closest of which is the North Inishown Coast SAC (Site code: 002012) located approximately 420m from the site boundary and 620m from the location of the proposed turbine. Magilligan SAC (Site code 0068) is 8km east of the site in Co. Derry and Magheradrumman Bog SAC (Site code: 0168) is approximately 9.2km to the south-west.

12.4.5 There are 2 SPA's within 15km of the appeal site; Trawbreaga Bay SPA (Site code: 004034), which is approximately 13km to the west, and Lough Foyle SPA (Site code: 004087) located 13.8km south-west in Co. Donegal and 9km south-east in Co. Derry.

12.4.6 Having regard to the nature and scale of the proposed development, and the source-pathway-receptor risk assessment principle, impact pathways may occur via surface water, groundwater and air. The European sites that could potentially be affected by the proposed development, and which would occur within the sphere of influence of the project site, are the North Inishown Coast SAC, the Trawbreaga Bay SPA and Lough Foyle SPA.

12.4.7 The second step is to identify the conservation objectives for each of these SAC's. The conservation objectives of the North Inishown Coast SAC (Site code: 00002012) are as follows:

- *To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide;*
- *To maintain the favourable conservation condition of Perennial vegetation of stony banks;*
- *To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts;*
- *To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes');*
- *To restore the favourable conservation condition of Machairs in North Inishowen Coast SAC;*
- *To maintain the favourable conservation condition of Narrow-mouthed Whorl Snail;*
- *To maintain the favourable conservation condition of Otter.*

12.4.8 For the Trawbreaga Bay SPA (Site code: 004034), the conservation objectives are:

- *To maintain the favourable conservation condition of Barnacle Goose;*
- *To maintain the favourable conservation condition of Light-bellied Brent Goose;*
- *To maintain the favourable conservation condition of Chough;*
- *To maintain the favourable conservation condition of the wetland habitat in Trawbreaga Bay SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.*

12.4.9 The conservation objective for the Lough Foyle SPA is to maintain the favourable conservation condition of the following birds:

- *Great Crested Grebe Podiceps cristatus;*
- *Bewick's Swan Cygnus columbianus bewickii;*
- *Whooper Swan Cygnus Cygnus;*
- *Greylag Goose Anser anser;*
- *Light-bellied Brent Goose Branta bernicla hrota;*
- *Shelduck Tadorna tadorna;*
- *Wigeon Anas Penelope;*
- *Teal Anas crecca;*
- *Mallard Anas platyrhynchos;*
- *Eider Somateria mollissima;*
- *Red-breasted Merganser Mergus serrator;*
- *Oystercatcher Haematopus ostralegus;*
- *Golden Plover Pluvialis apricaria;*
- *Lapwing Vanellus vanellus;*
- *Knot Calidris canutus;*
- *Dunlin Calidris alpina alpine;*
- *Bar-tailed Godwit Limosa lapponica;*
- *Curlew Numenius arquata;*

- *Redshank Tringa tetanus;*
- *Black-headed Gull Chroicocephalus ridibundus;*
- *Common Gull Larus canus;*
- *Herring Gull Larus argentatus.*

12.4.10 It is also a conservation for the Lough Foyle SPA *"to maintain the favourable conservation condition of the wetland habitat in Lough Foyle SPA as a resource for the regularly occurring waterbirds that utilise it…"*

12.4.11 Step 3 of the screening process is to identify the potential (a) likely and (b) significant effects (direct or indirect) of the project alone on the European site **solely** within the context of the site's conservation objectives in light of best scientific knowledge in the field.

12.4.12 There would be some drainage from the site that would provide a hydrological linkage between the proposed wind farm site and the North Inishowen Coast SAC. Furthermore, there are bird species occurring within the SPA sites located to the east and west of the appeal site that may use flight paths in proximity.

12.4.13 In terms of the potential for significant effects on the North Inishowen Coast SAC, there are activities during the construction phase of the project that could give rise to deterioration of water quality downstream. However, there is an absence of any significant watercourse draining from the site and the potential for release of suspended solids during excavation and construction is low. Appropriate measures will also be incorporated into the design of the project to avoid any risk of pollution.

12.4.14 The appeal site is not situated in a direct line between the Trawbreaga Bay SPA and the Lough Foyle SPA. An assessment of the site contained within the EIS concluded that the site was of low value to waders and waterfowl and that there was no evidence of regular flights of water birds passing through the site. Waterfowl tend to use flightpaths along lateral watercourses rather than crossings over hilly terrain. No disturbance impacts during construction and operational phases are foreseen in view of the distance of the appeal site to these SPA's.

12.4.15 The fourth step of the Screening stage is to identify the potential (a) likely and (b) significant effects (direct or indirect) of the project in combination with other plans or projects on the European site **solely** within the context of the site's conservation objectives in light of best scientific knowledge in the field.

12.4.16 There are no other operating wind farms within 2km of the appeal site. The in combination impacts of the proposed turbine would therefore be limited to the 2 no. permitted turbines on site. The permitted turbines are located further away from the North Inishowen Coast SAC than the proposed turbine.

12.4.17 The fifth step of the Screening stage is evaluate the potential effects identified above using the source-pathway-receptor model.

12.4.18 There is potential for pollution and sedimentation of the surrounding drainage network from excavation works associated with the proposed turbine and access road construction. Over-the-edge drainage from roads and hardstanding is proposed to maintain the existing flow regime within the site and no collection of run-off and treatment in settlement ponds is proposed.

12.4.19 Bird surveys conducted as part of the EIS have confirmed that the site is of low value to water birds. In addition, the site does not sit in the direct flight path between these European sites.

12.4.20 It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites No's: 002012, 004034 and 004087, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.5 Siting, Design and Visual Impact

12.5.1 Within its reasons for refusal, Donegal County Council refers to the proposed turbine being located within a rural location and coastal environment; on a locally prominent peak; within a landscape of particular natural amenity and visual sensitivity; on an open and unenclosed location; within a panorama of the North Inishown Coastline from a designated view/ prospect; in proximity to an identified 'discovery point' and 'scenic driving section' on the Wild Atlantic Way; and in an area of tourist attraction and diversified rural tourist related business. It is considered that the cumulative impact of the proposed and permitted turbines would result in a strident, obtrusive and incongruous artificial physical development of excessive scale, which would be contrary to Development Plan Policies NH-P-10, NH-P-12, NH-P-14, TOU-P-3 and NH-P-6.

12.5.2 The applicant's agents submit in the first party appeal that the proposed turbine combined with the two permitted turbines will result in a wind farm that complies with the recommended scale, layout and relationship to the surrounding topography. It is considered that the third turbine will help to balance the relationship between the turbines and that the landscape has already been materially changed by the permissions granted. The Landscape and Visual Impact Assessment states that the additional turbine will be integrated with the permitted development due to the close proximity, same dimensions and technical specification. Reference is made to photomontages to demonstrate that the third turbine is not within the centre point of a designated view and that only a blade tip can be seen from the Wild Atlantic Way discovery point. It is recognised that the turbine will be

potentially cumulatively visible for 4km of the Wild Atlantic Way but that there will be no significant difference in the landscape or visual effects between a two and three turbine wind farm. The impact on recognised routes is not therefore considered to be significant.

12.5.3 From the outset it should be emphasized that the proposed turbine extension is within an *Area Open to Consideration* for wind energy development. However, there is no doubting that this is a scenic coastal landscape, which is confirmed by the presence of protected views/ prospects, scenic driving routes and designated Areas of Especially High Scenic Amenity, all within 3km of the proposed turbine. Although the site is not located within an Area of Especially High Scenic Amenity, which broadly equates to "Not Favoured Areas" for wind energy development, it is nonetheless recognised in the Wind Energy Guidelines that *"where a wind energy development is close to and visible from an area of high sensitivity, it should be designed to achieve similar standards as viewed from key viewpoints in that area."*

12.5.4 Chapter 6: Aesthetic Considerations of the Wind Energy Guidelines considers the siting, spatial extent and scale, cumulative effect, spacing, layout and height of turbines. As noted in the Guidelines, while many issues in relation to wind energy development can be assessed in quantitative terms, aesthetic considerations are more subjective and qualitative.

12.5.5 With respect to spatial extent and scale, the Guidelines differentiate between turbines viewed at close proximity in a spatially enclosed area and those on open moorland. The former will be regarded as large and the latter will seem as small. Turbine height is also considered critical in landscapes of relatively small scale, or comprising features and structures such as houses, and where issues of visual dominance and balance may arise. Turbines that are too high relative to the scale of a hill can result in spatial dominance.

12.5.6 The Guidelines outline landscape character types and appropriate siting and design guidance for wind energy developments. The appeal site and surrounding area from which it is visible from would have hilly and flat farmland and coastal characteristics. The spatial extent for hilly and flat farmland landscapes should be generally limited to small wind energy developments, with medium height turbines typically preferred. Coastal type landscapes should have turbines set back from the water with clusters being acceptable on promontories.

12.5.7 My main issue with the proposed turbine relates to its additional visual impact when viewed at varying distances from the east, i.e. the more scenic approach. I would have less concerns regarding the impact of the turbine when viewed from distances of 4km and greater, other than the fact that the grouping of turbines will be brought closer to the coastline. However, I consider that the dominance of the proposed turbine will become more evident as one progresses westward and down-gradient along a scenic driving section of the Wild Atlantic Way. At distances of 2km and closer, there will be more apparent spatial separation between the permitted turbines and the proposed turbine and this will impact on the north-westward protected view/ prospect over Mossy Glen. As noted in the EIA above (para.

12.3.14), the most significant photomontage does not display the scenic landmark at the coastline. It is stated in the Guidelines that *"the landscape depicted in the photomontage should represent the most open view possible in the direction of the wind energy development. Care should be taken so as not to place an object such as vegetation or structures between the wind energy development site and the camera."* In my opinion, a wider photomontage at this location would illustrate that the permitted turbines are outside the line of site of the scenic coastline but that the third turbine brings the wind farm into the viewshed of the protected view/ prospect.

12.5.8 In addition to the above, the height of the proposed turbine within hilly and flat coastal farmland, particular within the spatially enclosed area at distances within 2km to the east, will give rise to visual dominance in a landscape of relatively small scale. In my opinion, the third turbine will be viewed in closer proximity to existing dwellings and field systems when seen from the east and moreover a turbine of 119m will appear too high at an elevation of 176m and on a hill with summit of 193m.

12.5.9 Having regard to the above, I consider that the proposed additional wind turbine located in closer proximity to the coastline and more prominently positioned in relation to the glen and its inhabitants to the south-east, will form an obtrusive feature that will appear out of scale within this landscape. The permitted turbines on the other hand appear to be set further away from both the coastline and the foot of the glen. The proposal will also have the cumulate effect of increasing twin turbines into a grouping.

12.6 Project splitting

12.6.1 Planning permission was granted by the Board for 2 no. wind turbines at this location in December 2012. This permission was amended by a subsequent permission granted in June 2015 allowing for minor changes to the overall hub height and diameter of the turbines.

12.6.2 The grid connection for the permitted turbines was declared by Donegal County Council to be exempted development and the applicant's agent stated in response to the third party appeal that *"… works had commenced some time ago in 2015 on the installation of the grid connection infrastructure which is now substantially completed."*

12.6.3 I refer to the judgement issued in the O'Grianna & Ors V An Bord Pleanála judicial review where it was held that the grid connection could not be separated from the balance of a wind farm project. The O'Grianna v An Bord Pleanála judgement was issued December 2014 after the Board's decision on the parent permission. The parent permission was not accompanied by an EIS, as the size and scale of the proposal was such that it was sub-threshold in regards to EIA (2 no. turbines with aggregate output of 4MW).

12.6.4 The proposed development is for a single turbine that will bring the total output of the permitted and proposed turbines at this wind farm to 7.05 MW. The turbines are of identical specification and would have an output of 2.35 MW each. The third turbine therefore brings the wind farm above the threshold for EIA (5MW).

12.6.5 The applicant has now submitted an EIS with the planning application for the single turbine. An assessment has been carried out on the combined environmental impact of the 3 no. turbines and reference is also made to the impact of the single turbine.

12.6.6 A third party appeal has been submitted on behalf of the Inishowen Wind Energy Awareness Group. Reference is made to the Planning Authority's determination that the grid connection from the permitted turbines to the substation at Moville is development that is exempted development. The appellant submits that this exemption is nullified by the current application, which clarifies the development as a 3 turbine windfarm that is above the threshold for EIA. Thus, it is considered that the application de-exempts the exemption. The appellant submits that the Board is required under EU law to regularise the permissions on site, as the development envisaged by the developer is for a development which required EIA, which was not undertaken.

12.6.7 At this point it should be highlighted that an EIS has been submitted with the planning application for the additional turbine which includes an assessment of the permitted turbines. The issue of project splitting for the purposes of avoiding EIA does not therefore arise.

12.6.8 The EIS also refers to the grid connection under the description of the proposed development. It is noted that the allocated capacity of the connection to the national grid will be increased for the output of the proposed third turbine. The windfarm will be connected to the Moville 38/20kV substation partly using medium voltage overhead powerline and partly using underground cabling. Mapping of the grid connection route is included in the EIS.

12.6.9 In my opinion, it would not be possible to revisit every proposed wind farm extension that brings the output of a windfarm above the threshold for EIA. The 2 no. permitted turbines and the grid connection are consented projects and the proposal for an additional turbine is a separate development, albeit one where an in-combination/ cumulative EIS has been submitted. I would be satisfied that the EIS submitted with the current application includes an assessment of all built and consented plans and projects for the purposes of the assessment of the overall cumulative effect of the project, in combination with these plans and projects, on the environment.

12.6.10 If the Board is minded to consider that the EIS should have included an assessment of the impact of the grid connection, with regards to each of the assessment factors contained therein, this may be fulfilled by way of a further information request.

12.7 Conclusion

12.7.1 The proposed development for a single turbine extension of a two turbine windfarm brings the total output to 7.05 MW which is above the threshold for EIA. The applicant has submitted an EIS which assesses the in-combination/ cumulative impacts of the permitted and proposed developments.

12.7.2 I consider that the proposed additional turbine, located in closer proximity to the coast and in a sensitive scenic landscape, would give rise to an adverse cumulative and individual impact when viewed from protected views/ prospects and tourist routes in the immediate vicinity. The additional turbine will form a strident and obtrusive feature on a prominent hill and will be incongruous with the small scale nature of the surrounding landscape and its features.

RECOMMENDATION

I have read the submissions on file, visited the site and paid due regard to proposed mitigation measures in the EIS and Appropriate Assessment Screening Report, together with the provisions of the Donegal County Development Plan, 2012-2018 and the Wind Farm Development: Guidelines for Planning Authorities, 2006. I conclude that the development of this site for a single turbine extension of a permitted two turbine wind farm is not acceptable having regard to the increased visual impact. I recommend that permission be refused for the reasons and consideration set out below:

REASONS AND CONSIDERATIONS

1. The appeal site is located in a scenic coastal area in close proximity to an Area of Especially High Scenic Amenity, as set out in the current Donegal County Development Plan, where the policy is to safeguard the natural landscape qualities and the environmental habitats of the county. The site is also located in close proximity to a number of designated views and prospects identified for protection in the said plan. It is considered that the proposed development would represent a highly visible and incongruous feature in the landscape at this location and in particular from the aforementioned Area of Especially High Scenic Amenity and the designated views and prospects. The proposed development would, therefore, interfere with the character of the landscape, which it is considered necessary to preserve, and would be contrary to the proper planning and sustainable development of the area.

2. It is a policy of the Council (TOU-P-3) *"…not to permit development proposals which would detract from the visual quality/amenity on either the approach roads to, or the views to be had from significant tourism attractions."* The proposed

development is located in close proximity and in clear sight of a scenic driving section of the Wild Atlantic Way, which is considered to be a significant tourist resource both locally and nationally. Having regard to the scale of the proposed turbine and its visual prominence in closer proximity to the coastline than permitted turbines at this location, it is considered that the proposed development would seriously injure the amenities of the area, by reason of visual intrusion and overbearing visual impact within a spatially enclosed landscape to the east and a more open landscape to the west. The proposed development would therefore detract from the tourism resource and would be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Inspector

10th June 2016