



An
Bord
Pleanála

Inspector's Report ABP-304023-19

Development	Removal of existing 25no. wind turbines and replacement with 12no. wind turbines of c.5MW each, with a combined output exceeding 50MW
Location	Keadow Upper, Barnesmore, Co. Donegal
Planning Authority	Donegal County Council
Applicant(s)	Scottish Power Renewables (UK) Ltd
Type of Application	Pre-SID Consultation
Date of Site Inspection	22/07/19
Inspector	John Desmond

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1.0 Site Location and Description

- 1.1. The site is located in southeast county Donegal, c.9km east-northeast of Donegal town and adjacent the boundary with Northern Ireland at County Fermanagh
- 1.2. The site is elevated, reaching up to 398m OD and is contained within the boundary of Barnesmore Bog NHA (site code 002375; Peatland [4] being the Feature of Interest).
- 1.3. The site area is estimated to be in the region of 425ha, with the applicant's contiguous landholding extending south and west over a similar area. The prospective application site is entirely under raised bog, apart from a number of lakes and the existing wind farm infrastructure, comprising relatively narrow access tracks, 25no. wind turbines, temporary control centre (with portacabins etc) and associated hardstandings. On the day of inspection there was significant activity on site, including the operation of a large digger along the tracks to T22-T25.
- 1.4. The site has indirect access to the N15 (Sligo – Derry/Londonderry Road) via a narrow county road of unfavourable horizontal and vertical alignment and bounded by one-off residential properties at a number of locations.
- 1.5. There is extensive wind energy development to the south and east, within County Donegal and within County Fermanagh to the east.

2.0 Proposed Development

- 2.1. It is proposed to remove the existing 25no. 16m tip height wind turbines (combined total output stated as 15MW) and replace them with up to 13no. turbines (number clarified in submission of July 2019), each having an output of c.5MW, with a total combined output therefore estimated to be in the region of 60MW.

3.0 Applicant's Case

- 3.1. The prospective applicant made three submissions in 2019: the initial pre-application submission of March; a scoping document submitted June; and a clarification response received July. The following is a summary of the applicant's case made over those three submissions. The signed records for the two pre-application

consultation meetings held 26th June and 24th July 2019 should be consulted for further details.

- 3.2. The prospective applicant submits that the prospective proposed development of 13no. turbines each with 4.10MW to 5.80MW output and total output ranging from 53.3MW to 75.4MW, would fall within the scope of 7th Schedule of the Planning and Development Act 2000 (as amended): being a wind farm of in excess 50MW total output, based

'An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output of greater than 50 megawatts.'

- 3.3. The prospective applicant addressed the requirements of s.37A(2)(a)-(c) as follows:

S.37A(2)(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

It is submitted that the proposed development will represent a significant economic contribution to the local, regional and state economies, worth in excess of €100m regionally and to the tune of tens of millions to the local rural economy. It would also make a meaningful contribution to achieving Ireland's renewable energy targets and meet the objectives of Ireland's draft '*National Energy and Climate Plan 2021-2030*' (final version due to be submitted to the European Commission by end December 2019) in a sustainable way through repowering an existing operational wind farm, and contribute positively to de-carbonisation of the Irish electricity network (an issue of strategic social importance) in accordance with the *Climate Action Plan 2019* (Government of Ireland, June 2019) which sets a target of 70% renewable electricity production by 2030. It is also consistent with RESS 2018 support of renewable electricity projects, SEAI's *Wind Energy Roadmap to 2050* which recognises the significant contribution repowering will make to the national grid.

The prospective applicant concludes that the proposed development would comply with condition s.37A(2)(a).

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional

spatial and economic strategy in force in respect of the area or areas in which it would be situated,

The applicant considers the proposal would meet key objectives of the National Planning Framework - NPO 54 to '*Reduce our carbon footprint by integrating climate change action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions*' and NPO 55 to '*Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050*'.

The proposal will contribute significantly to achieving the objectives of the Regional Planning Guidelines for the Border Region (the Regional Spatial and Economic Strategy for the region is still outstanding), which (chapter 4) identifies renewable energy as a growth area, highlights (chapter 5) renewable energy infrastructure as a priority investment area, supports national targets for renewable energy and aims to develop an integrated regional energy strategy on renewable energy generation.

It notes that the draft RSES for the Northern and Western Regional Assembly, which shall be consistent with the NPF and the economic policies and objectives of the Government, recognises the region as open to renewable energy ideas and recognises the required transition from fossil fuels to renewables as an imperative.

The prospective applicant concludes that the proposal would accord with s.37A(2)(b).

(c) the development would have a significant effect on the area of more than one planning authority.

Although contained wholly within Donegal County Council, the prospective applicant considers there to be potential for transboundary significant effects to arise due to the location of the proposed repowered wind farm adjacent to the boundary with Derry and Strabane District Council, which it accepts will need to be fully considered and addressed within the SID application process given the proximity.

The final submission does not conclude that the proposed development would fall within the scope of s.37A(2)(c).

4.0 Planning History

The prospective applicant detailed the extensive planning history for similar approved wind energy developments within the vicinity, including for Northern Ireland, in table 3.1 of the report received in June, clarified in the submission of July (table 2.1). The following decision of the Board is also relevant and was alerted to the prospective applicant.

PA0040 – Permission **REFUSED** by the Board (23/03/16) for 49no. 156.5m tip-height wind turbines on a site to the north (c.0.5km to the east at nearest point) on grounds that the Board was not satisfied, based on deficiencies in surveys carried out and information submitted, that the proposed development would not have a significant adverse effect on the ecological environment and would not adversely affect the integrity of certain European sites in view of those sites' conservation objectives. Development Plan.

5.0 Natural Heritage Designations

Barnesmore Bog Natural Heritage Area site code 002375. The site is contained within the NHA boundary.

Cashelnavean Bog NHA site code 000122 – c.3.3km to the north.

Lough Hill Bog NHA site code 002452 – c.5km to the northeast.

Meenagarranroe Bog NHA site code 002437– c.6km to the northeast.

River Finn SAC site code 002301 – From c.7km to the north-northwest and extending north and eastwards into Northern Ireland, and also 6.4km to the northeast and 7km to the southeast. The SAC is connected with (and forms part of the same river system as) River Foyle and Tributaries SAC site code UK0030320 in Northern Ireland. The site overlaps with Owendoo and Cloghervaddy Bogs pNHA 002046, c.7.5km to north-northwest.

Croaghonagh Bog SAC site code 000129 – c.2.8km to the north-northeast.

Overlaps with Croaghonagh Bog pNHA (less extensive in area) situated c.4km to north.

Lough Nageage SAC site code 002135 - c.14.5km to the east-southeast.

Lough Derg (Donegal) SPA site code 004057– c7km to southeast. Lough Derg (Donegal) pNHA site code 000162 overlaps the SPA (slightly more extensive) and River Finn SAC 002301.

Dunragh Lough/Pettigo Plateau SAC site code 001125 - c.4.2km to the south. The site is also pNHA of same code.

Pettigo Plateau Nature Reserve SPAC site code 004099 - c. 6.3km to the south.

Lough Fad Bog NHA site code 001159 – c. 10.5km to the south.

Tamur Bog SAC site code 001992– c.12.3km to the south. The site is also a pNHA of same code.

Donegal Bay SPA site code 004151 – c.11.1km to the southwest.

Donegal Bay (Murvagh) SAC site code 000133 – c.11.1km to the southwest. The site is also pNHA of same code.

Lough Eske and Ardnamona SAC site code 000163 – c.3.1km to the west. The site is also pNHA (same code) but markedly different boundary c.4.3km to the west.

Meeaguse/Ardbane Bog SAC site code 000172 – c.12km to the west. The site is also pNHA of same code but with more extensive boundary.

Meeaguse Scragh SAC site code 001180– c.11.8km to the west-northwest. It is also a pNHA of same code and boundary.

Lough Nillan Bog SPA site code 004110, Lough Nillan Bog (Carrickatlieve) SAC – c.14.1km to the west-northwest. It is also a pNHA of same code and boundary.

6.0 Legislative Provisions

Planning and Development Act 2000, as amended

Seventh Schedule

Infrastructure Developments for the Purposes of Sections 37A and 37B

Energy Infrastructure

1.— *Development comprising or for the purposes of any of the following:*

- An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts.

S.37A

(1) 'An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.'

(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority.

7.0 Assessment

7.1. Compliance with the Seventh Schedule

- 7.1.1. Based on the information submitted, the proposed development is for a wind farm of output exceeding 50MW. Whilst the proposed would entail the removal of the existing 25no. wind turbines and their replacement with 13no. larger wind turbines, I do not consider it necessary to subtract the output of the existing turbines to calculate the net additional output arising as the proposed wind turbines would constitute a separate development in their own right. The applicant confirmed in its

submission of July 2019 that each turbine would have an output of between 4.10 MW to 5.80MW, with a total output ranging from 53.3MW to 75.4MW and would therefore meet the 50MW threshold of the Seventh Schedule development and therefore fall within the scope of SID.

7.2. Section 37A(2)(a) – Strategic Economic or Social Importance to the State or Region

7.2.1. The prospective applicant submits that the proposal satisfies the conditions under 37A(2)(a) in that it would make a meaningful contribution to meeting Ireland’s renewable energy and greenhouse gas reduction targets, including under the Climate Action Plan 2019; and would be worth in excess of €100m to the regional economy and tens of millions to the local rural economy. I am satisfied that the development would comply with condition s.37A(2)(a).

7.3. Section 37A(2)(b) - fulfilment of objectives in the National Planning Framework or in any regional spatial and economic strategy

7.3.1. It is submitted that the proposed development would help fulfil National Policy Objectives under the National Planning Framework: NPO 54 to *‘Reduce our carbon footprint by integrating climate change action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions’*; and NPO 55 to *‘Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050’*. I am satisfied that the development would comply with condition s.37A(2)(b).

7.4. Section 37A(2)(c) - significant effect on the area of more than one planning authority.

7.4.1. The site is fully contained within County Donegal Planning Authority; however, the pre-application site boundary abuts the boundary with Derry and Strabane District County Council within Northern Ireland. As submitted by the prospective applicant, there would be potential for significant effects on a number of environmental factors

(e.g. landscape and visual), including on the integrity of European sites within Northern Ireland in view of those sites' conservation objectives. It is not clear from the legislation whether potential for significant effects on planning authorities located outside the State fall within the scope of s.37A(2)(c). The Board may decide that it is not necessary to determine this point given that the conditions under (a) and (b) are met in this case. Regardless, the potential for significant effects will be subject of transboundary arrangements for consideration of environmental assessments.

7.5. Conclusion

- 7.5.1. On the basis of the above, it is my opinion that the proposed development would exceed the threshold set out in the Seventh Schedule of the Strategic Infrastructure Act, 2006, as amended by the Planning and Development (Amendment) Act, 2010 as the prospective development of 13no. replacement turbines, with a power output of c.53.3MW to 75.4MW, would exceed the 50MW threshold specified under the Schedule. It is also my opinion that the development falls within the parameters of sections 37A(2)(a) and (b) of the Planning and Development Act 2000 as amended by the SI Act, 2006.

8.0 Recommendation

- 8.1.1. In view of the above, it is therefore recommended that the Board determine that the development in question constitutes strategic infrastructure development as defined by section 2(1) of the Planning and Development Act 2000, as amended by section 6 of the Planning and Development (Strategic Infrastructure) Act 2006 and that the prospective applicant be informed accordingly

John Desmond
Senior Planning Inspector

04 September 2019