



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305260-19

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<b>Development</b>	Proposed wind farm consisting of up to 12 number turbines and ancillary site works.
<b>Location</b>	Townlands of Cark, Meenadaura (Drumnahough Mountain), Carrickalangan, Treankeel, Tullytrasna and Culliagh, Co. Donegal.
<b>Planning Authority</b>	Donegal County Council
<b>Prospective Applicant</b>	SSE Renewables and Coillte CGA
<b>Type of Application</b>	SID Pre-application – whether project is or is not strategic infrastructure development.
<b>Date of Pre-Application Meetings</b>	24 <sup>th</sup> October 2019, 15 <sup>th</sup> January 2020
<b>Date of site inspection</b>	17 <sup>th</sup> October 2019
<b>Inspector</b>	Deirdre MacGabhann

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## 1.0 Introduction

- 1.1. This report relates to pre-application discussions held with SSE Renewables and Coillte CGA regarding whether or not their c.60MW wind farm of up to 12 no. turbines, including 110kV transmission substation, on lands near Drumnahough Mountain, Co. Donegal constitutes strategic infrastructure, as defined by the Planning and Development Act, 2000 (as amended).
- 1.2. This report describes the location and nature of the proposed development, the applicant's submissions, the consultations held and the legal provisions which are relevant to the proposed development. It recommends that proposed development does constitute strategic infrastructure for the reasons and considerations stated.

## 2.0 Site Location and Description

- 2.1. The c.504ha wind farm site lies in the townlands of Cark, Meenadaura (Drumnahough Mountains), Carrickalangan, Treankeel, Tullytrasna and Culliagh, County Donegal. It is situated c.13km south west of Letterkenny and 11km north west of Stranorlar in a rural upland setting in the centre of the county. The site is directly adjacent to the western slopes of Cark Mountain and c.1km west of Lough Deele. Its elevation ranges from 341m OD at Cronaglack summit at the north of the site to 235m OD at the extreme south. The site is located in peatland and Coillte forestry.
- 2.2. Meentygrannagh Bog SAC lies to the west of the site and Tullytresna Bog NHA to the south west. The majority of the site is situated within Eske freshwater pearl catchment area.

## 3.0 Proposed Development

- 3.1. The proposed development comprises the on-site construction of:
  - A preliminary layout of 12 no. wind turbines (a constraints study is underway which may result in changes to layout). Size will be determined following outcome of EIA.

- Hardstand area (work area to accommodate a crane and turbine components during construction) and access roads,
- Underground cables to connect the wind turbines to the control building/substation, to be buried in trenches running alongside access tracks,
- Either of two options for connection to the national grid, a possible loop in loop out connection to the Binbane to Letterkenny 110kV overhead line that crosses the site via a new 110kV substation, or underground connection to a previously consented substation (Lenalea),
- Borrow pits and spoil management measures,
- Meteorological mast (c.80m),
- Battery storage infrastructure, and
- Temporary construction compound (for storage of materials, canteen and welfare facilities and an area for worker and visitor parking).

3.2. Off-site components of the project include turbine component haulage route and replacement lands for felled forestry. Access to the site is proposed from the south via the existing public road, with use of the Meentycat Wind Farm tracks for turbine delivery to avoid unnecessary disruption or impacts on local roads. Output of the wind farm is anticipated to be >50MW.

## 4.0 Consultations

4.1. Two pre-application meetings were held and minutes of these are on file.

## 5.0 The Applicant's Position

5.1. Previous consent was secured for 15 no. windfarms at the site in 2009 (PA ref. 08/50687) but has expired. It was not implemented due to grid availability issues. As a result of recent grid upgrades, aligned with a new Enduring Connection Policy, a pathway is now available for the progression of the project.

5.2. The applicant considers that the development would comprise strategic infrastructure development having regard to the provisions of section 37 of the Planning and

Development Act 2000 (as amended), the associated Regulations and on the following grounds:

- Project scale – The development will consist of 12 no. turbines with an expected yield of c.60MW.
- Strategic importance: A development of this scale would contribute significantly to the fulfilment of objectives of NSS and the associated regional spatial and economic strategies,
- Electricity Transmission Infrastructure: An element of the development comprises, or is for the purposes of, electricity transmission as defined in Section 182A (9) of the Planning and Development Act, 2000 (as amended).

## 6.0 Legislative Context

### 6.1. Strategic Infrastructure Development

6.1.1. Section 37A of the Planning and Development Act 2000 (as amended) states that an application for any development specified in the Seventh Schedule of the Act, strategic infrastructure, shall be made to the Board if the development would fall within one or more of the following:

(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.

6.1.2. The Seventh Schedule lists the following as infrastructure for the purposes of 37A and 37B:

*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.*

- 6.1.3. Section 182A(1) of the Planning and Development Act, 2000 (as amended) requires, where a person (referred to as the ‘undertaker’) intends to carryout development comprising or for the purposes of electricity transmission, the undertaker shall prepare an application for approval of the development to the Board. Section 182A(9) of the Act states that the term ‘transmission’ shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999, and for the purposes of section 182A, shall also be construed as meaning the transport of electricity by means of a high voltage line (equal to or greater than 110kilovolts) or an interconnector (whether ownership of the interconnector will be vested in the undertaker or not).
- 6.1.4. Section 2(1) of the Electricity Regulation Act, 1999 defines transmission as ‘...*the transport of electricity by means of a transmission system, ... a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying of electricity from a generating station to a sub-station, from one generating station to another, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board may, from time to time, ...specify as being part of the distribution system ...*’
- 6.1.5. Electric plant is defined as ‘*any plant, apparatus or appliance used for, or for purposes connected with, the generation, transmission, distribution or supply of electricity, other than by (a) an electric line, (b) a meter..., or (c) an electrical appliance..*’

## 7.0 Relevant Cases

- 7.1. Similar cases that the Board have previously determined include:
- ABP-304023-19 – Pre-application consultation in respect of removal of 25 wind turbines on-site and replacement with 12 turbines with total output in excess of 50MW, Keadow Upper, Barnesmore, Co. Donegal. The Board decided in September 2019 that the development was strategic infrastructure.
  - ABP-304629-19 – Proposed 110kV sub-station and associated transmission grid connections (loop-in connection), Harristown, Castlejordan and Clongall, Co. Meath. The Board decided in June 2019 that the development was strategic infrastructure.

## 8.0 Planning History

- PA ref 08/50687 – Permission granted in February 2009 for the construction of a wind farm with 15 turbines with up to 3MW capacity each, total height not exceeding 135m, permanent meteorological mast, sub-station, internal site tracks and associated works at Carrickalangan, Meenadaura, Carr, Co. Donegal (the subject site). Duration extended to 29<sup>th</sup> March 2019 under PA ref. 13/51609.

## 9.0 Natural Heritage Designations

9.1. The site lies north east and west of the following natural heritage sites:

- Tullytresna Bog pNHA, site code 001870.
- River Finn SAC, site code 002301.
- Meentygrannagh Bog pNHA and SAC site code 000173.
- Cloghernagore Bog and Glenveagh National Park pNHA and SAC, site code 002047.
- Derryveagh and Glendowan Mountains SPA, site code 004039.

## 10.0 Assessment

### 10.1. Strategic Infrastructure

- 10.1.1. **Seventh Schedule.** The proposed development comprises a wind farm with an output of more than 50MW and therefore comprises a Seventh Schedule development, for the purposes of section 37A and 37B of the Act.
- 10.1.2. **Strategic importance.** The government's Climate Action Plan 2019 sets out an objective to achieve 70% of the country's electricity from renewable sources by 2030 with a significant contribution from wind energy. Consequently, the development generating a substantial quantity of electricity from a renewable supply, is of strategic importance to the State and will contribute to the attainment of this objective.
- 10.1.3. **Fulfilment of objectives.** National strategic outcome no. 8 of the National Planning Framework includes to transition to a low carbon, climate resilient economy with a

need for a more renewables-focused energy generation system which will include on-shore wind energy. National Policy Objective 55 promotes renewable energy uses at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050. The government's draft Wind Energy Guidelines issued in December 2019 set out detailed guidance on balancing the national need for transition to renewables and impacts on the natural and built environment.

10.1.4. The Border Regional Planning Guidelines 2010 to 2022, which predate the National Planning Framework, also promote a move away from fossil fuel production and promote and support an optimal mix of renewable energy generation in the region (INF P26 and INF P24).

10.1.5. The proposed development as a substantial renewable wind energy project would therefore contribute to the fulfilment of both national and regional objectives.

10.1.6. **Significant effect on the area of more than one planning authority.** The proposed development is not located in close proximity to the Border with Northern Ireland and is unlikely to have a significant effect on this jurisdiction.

10.1.7. **Electricity development.** The proposed 110kV sub-station, if pursued by the applicant, will connect the proposed development to the national transmission system. Further, it is situated in an area where there is substantial wind farm development and may, in the future, form a tie in point for other development. I consider, therefore, that the proposed sub-station component of the development would form a new node on the transmission system and would therefore comprise strategic infrastructure under section 182A(1) of the Act.

## 10.2. Planning and Environmental Considerations

10.2.1. The following matters were highlighted at the pre-application meeting:

- Development plan policy and in the absence of this, national and regional planning policy guidelines.
- Visual impact assessment to include from a community perspective.
- Sediment control measures.
- Potential impact on freshwater pearl mussel.



- Climate action section of EIAR to examine the development in the context of the government's Climate Action Plan.
- Cumulative assessment of the development in conjunction with permitted and proposed windfarm development in the area (capacity of landscape/environment to accommodate the proposed development).
- Natura Impact Statement to include comprehensive baseline information, reference to earlier studies and effects on mobile species (Merlin, Red Grouse, Hen Harrier).
- Justification for any impacts on blanket bog/peatland habitats.
- Mitigation measures for any predicted noise impacts.
- Options for turbine design.
- Biodiversity enhancement.

### 10.3. **Environmental Impact Assessment**

10.3.1. Environmental impact assessment of the proposed development, if determined by the Board to be strategic infrastructure, is mandatory by virtue of section 37E of the Planning and Development Act 2000 (as amended).

### 10.4. **Appropriate Assessment**

10.4.1. The subject site lies immediately north east and west of European sites, including sites with mobile species of conservation interest which may use the subject site as part of its wider territory. It also lies in an upland environment where there is substantial existing windfarm development. Given this sensitive location and the scale and nature of the development, an appropriate assessment screening report should be submitted to the Board with any application and, if necessary, a Natura Impact Assessment.

### 10.5. **Prescribed Bodies**

10.5.1. In view of the nature of the development and its location, as described in this report, it is recommended that the prospective applicant consult with the prescribed bodies listed in the attached appendix in respect of any future application for approval.

## 11.0 Conclusion and Recommendation

11.1.1. Having regard to the above, I am of the opinion that the proposed development comprises strategic infrastructure.

## 12.0 Reasons and Considerations

Having regard to the provisions of the Planning and Development Act, 2000 (as amended), and the nature of the proposed development which comprises a wind farm with an output in excess of 50MW and 110kV sub-station that, if pursued, will form a new node on the transmission network, it is considered that the proposed development falls within the scope of section 37A and 182A of the Act, and that a planning application should be made directly to the Board.

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Deirdre MacGabhann

Planning Inspector

19<sup>th</sup> March 2020

## **Appendix**

### **Prescribed Bodies**

Minister for the Environment, Heritage and Local Government

Minister for Communications, Marine and Natural Resources

Donegal County Council

Transport Infrastructure Ireland

Minister for Transport

An Chomhairle Ealaíon

Fáilte Ireland

An Taisce

The Heritage Council

The Northern and Western Regional Assembly

The Irish Aviation Authority

Inland Fisheries Ireland

Commission for Energy Regulation

Irish Water

Environmental Protection Agency

Health Services Executive

Minister for Community, Rural and Gaeltacht Affairs

Udaras na Gaeltachta