



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310369

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<b>Development</b>	Windfarm development comprising of 15 wind turbines, 1 no. 110kV electrical substation and all associated development works
<b>Location</b>	In townlands of Glenard (and other townlands), County Donegal
<b>Prospective Applicant</b>	Futureenergy Glenard Designated Activity Company.
<b>Planning Authority</b>	Donegal County Council
<b>Type of Application</b>	Pre-Application Consultation under s.37B of the Planning and Development Act 2000, as amended
<b>Site Visit</b>	25/08/21
<b>Inspector</b>	Sarah Lynch

## 1.0 Pre-Application Consultation

- 1.1. The Board received a request on 28<sup>th</sup> May 2021 from the renewable energy business of Coillte CGA and ESB (Coillte Renewable Energy business unit (Coillte RE) is in the late stages of transitioning to a new stand-alone joint venture company, in conjunction with the ESB), to enter into pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended, in relation to proposed development in the townlands of up to 15 turbines, 1 no. 110kV substation and underground grid connection to existing substation at Trillick substation and all associated development including borrow pits and access roads in the townlands of Glenard, Meenyanly, Ture and Aught and other surrounding townlands on the Inishown Peninsula, Co. Donegal. In the interest of clarity the prospective applicants name has been confirmed as Futureenergy Glenard Designated Activity Company.

## 2.0 Site Location and Description

- 2.1. The site of the proposed development is located in the townlands of Glenard, Meenyanly, Ture, Aught and other surrounding townlands on the Inishown Peninsula, Co. Donegal. Buncrana is approximately 7.5km to the west, and Quigley's Point is situated approximately 5.2km to the east. The surrounding area comprises part of the Scalp Mountains upland area, which is dominated by peat bog and forestry plantations, 85ha of which will be felled as a result of the development.
- 2.2. There are a number of other existing windfarms in the area at Crockahenny and Flugland to the north-west, Some Hill to the west and Sheeragh to the west of Some Hill. There is a single 100m turbine at Glackmore immediately to the east of the site. Permission has also been granted for a wind farm at Aught immediately west.

## 3.0 Planning History

- ABP 305388-19 - Coillte have previously sought a SID determination in respect of a proposed windfarm development at Glenard and other townlands surrounding within and adjacent to the subject site. The proposed development was determined to be SID by the Board on the 9<sup>th</sup> December 2020. Since this determination a number of changes have been made to the proposed

development. These changes included the alteration to the development site boundary, the relocation of a number of turbines and the omission of turbine no. 16.

## 4.0 Applicant's Case

4.1. The prospective applicant's case can be summarised as follows:

- The proposed development will have a generating capacity of 72MW and as such falls within the threshold of the 7<sup>th</sup> Schedule for Strategic Infrastructure Development.
- The Board previously determined that the proposed development was SID, the proposed changes are minor in nature and the overall scale and character of the project as currently proposed remains the same as that previously considered to constitute SID.
- The development would be of strategic economic or social importance to the state due to significant economic contribution to the region and to the country as a whole. The development has the potential to generate a large quantity of electricity to contribute to Ireland's energy targets and significantly reduce carbon emissions from electricity generation and reduce the Country's reliance on imported fossil fuels.
- The development would contribute substantially to the fulfilment of objectives in the National Planning Framework, specifically Strategic Outcome no. 8 and policy objective no. 55.
- The proposal is in accordance with the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly by way of its ability to contribute to a low carbon environment and enable the Country to grow and develop in a sustainable manner. A number of policies listed within the RSES support this type of development.
- The development would not have a significant effect on more than one planning authority as it is situated entirely within County Donegal.

- The prospective applicant concludes that the proposed development is within the 7<sup>th</sup> schedule and satisfies two of the three criterion set out in Section 37A(2) of the Planning and Development Act 2000, as amended.

## 5.0 Consultations

- 5.1. One pre-application meeting was held with the prospective applicant on the 10<sup>th</sup> September 2021. Minutes are attached to the file. A presentation was made to the Board's representatives at the meeting, which is also attached to the file. The principal matters arising related to the need for the proposal, the planning history of the site, alternatives considered and the issues pertaining to the development in terms of local planning policy, community engagement, potential environmental impacts and the requirement for up-to-date surveys to adequately inform the NIS and EIAR. The presence of breeding Curlew within the area was raised at the meeting and the requirement for up-to-date surveys in this regard was stated. A Hen Harrier Roost is known to be present within the development site which necessitated the boundary change from that previously proposed.
- 5.2. The assessment of cumulative effects given the significant number of turbines located in the area was raised as a particular area that needed to be addressed adequately within the EIAR.
- 5.3. The prospective applicant was also reminded that the hydrological regime in this area is sensitive and unpredictable and that a full assessment of any potential impacts which may undermine the viability or stability of blanket peat and other peatland in the area must be robustly assessed.
- 5.4. The prospective applicant was also reminded of the Balz judgement and to have regard to both the current and draft wind guidelines in this regard.
- 5.5. Proposed felling of woodland was also discussed in terms the quantity and location to be felled.

## 6.0 Legislative Provisions

- 6.1. Section 2(1) of the Planning and Development Act 2000, as amended ('the Act'), defines 'strategic infrastructure' as including, *inter alia*:

*‘(a) any proposed development in respect of which a notice has been served under section 37B(4)(a)’,*

6.2. Section 37A of the Act states that:

“(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.”

6.3. The current SID thresholds are set out within the 7<sup>th</sup> Schedule of the Planning and Development Act 2000, as amended. The relevant threshold for the proposed project is *‘An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts’.*

6.4. **Environmental Impact Assessment**

6.5. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) transposes Annex I and II of the EIA Directive and sets out prescribed classes of development, for which an environmental impact assessment is required. The following classes are noted:

Part 2 Class 3 (i)

*‘Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts’.*

The proposed development site is 4.5km from the Northern Ireland boundary and it has been acknowledged that there may be potential for transboundary effects to arise. Having regard to feedback received from consultations with Northern Ireland agencies, the public notices will incorporate reference to transboundary effects and copies of the application will be issued to the relevant authorities in Northern Ireland.

## **6.6. Appropriate Assessment**

## **6.7. Designated Sites in proximity to site**

The nearest Natura 2000 sites are as follows:

- Lough Swilly SAC is located c. 2.5km west of the site (Grid Connection element of development)
- Lough Foyle SPA which is located c. 4.8km to the east of the site.
- Magheradrumman Bog SAC is located 3.8km northeast of the site

The prospective applicant has stated that an NIS has been prepared for the proposed development and will accompany any future application.

## **7.0 Planning Policy**

### **7.1. The recast Renewable Energy Directive 2018/2001/EU**

7.2. In December 2018, the recast Renewable Energy Directive 2018/2001/EU entered into force, as part of the Clean energy for all Europeans package, aimed at keeping the EU a global leader in renewables and, more broadly, helping the EU to meet its emissions reduction commitments under the Paris Agreement.

7.3. The recast directive moves the legal framework to 2030 and sets a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023, and comprises measures for the different sectors to make it happen. This includes new provisions for enabling self-consumption of renewable energy, an increased 14 % target for the share of renewable fuels in transport by 2030 and strengthened criteria for ensuring bioenergy sustainability.

7.4. Under the Regulation on the Governance of the Energy Union and Climate Action (EU) 2018/1999, EU countries are required to draft national energy and climate plans (NECPs) for 2021-2030, outlining how they will meet the new 2030 targets for renewable energy and for energy efficiency.

7.5. Most of the other elements in the new directive need to be transposed into national law by Member States by 30 June 2021, when the original renewables directive will be repealed.

7.6. **7th Environment Action Programme to 2020**

This is an EU Action Programme which aims to guide the EU into a resource efficient, green and competitive low-carbon economy.

7.7. **The Paris Agreement, 2015**

This is an agreement within the United Nations Framework Convention on Climate Change (UNFCCC) dealing with ghg emissions mitigation, adaptation, and finance starting in the year 2020, which aims to keep the global average temperature rise this century to below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius.

7.8. **National Policy**

**Ireland's Transition to a Low Carbon Energy Future, 2015-2030**

This White Paper on energy policy (Department of Communications, Energy and Natural Resources – Dec 2015) provides a complete energy policy update for Ireland. It sets out a vision to reduce ghg emissions of between 80% and 95% by 2050, compared to 1990 levels, falling to zero or below by 2100. The policy document recognises that the 2020 target of 40% renewables energy is likely to require a total of 3,500-4,000 MW of onshore renewables generation capacity, compared to the 2,500 MW available at the end of December 2014.

7.9. **Strategy for Renewable Energy, 2012 – 2020**

This Strategy reiterates the Government's position that 'the development and deployment of Ireland's abundant indigenous renewable energy resources, both onshore and offshore, clearly stands on its own merits in terms of the contribution to the economy, to the growth and jobs agenda, to environmental sustainability and to diversity of energy supply'. Strategic Goal 1 of the Strategy is to 'progressively more

renewable electricity from onshore and offshore wind power for the domestic and export markets’.

The Strategy states that further strategic deployment of onshore wind projects will develop a base of indigenous and foreign companies and create employment in the short-term in wind farm construction, possible turbine component manufacturing and servicing, the opportunity to capture international supply chain opportunities and the manufacture of niche onshore renewable energy generating equipment.

#### **7.10. National Renewable Energy Action Plan (2010)**

The National Renewable Energy Action Plan (NREAP) was submitted to the European Commission in 2010. It sets out Ireland’s approach to achieving its legally-binding targets, with a target of 40% of electricity consumption to be from renewable sources by 2020. The NREAP recognised that as Ireland moves towards achieving this target, the Irish grid increasingly has to cope with the challenges posed by large amounts of intermittent power and that EirGrid (the Irish Transmission System Operator) is involved in detailed examination of the issues and is pioneering several renewables facilitation studies, with a view to ensuring the appropriate management of the grid and stability of the electricity system during this transition.

A fourth progress report on the NREAP was submitted to the European Commission in February 2018. To meet the renewables energy target for 2020, the Action Plan states that it is expected that between 3,900 MW and 4,300 MW of wind needs to be connected.

#### **7.11. Project Ireland 2040 – National Planning Framework**

The National Planning Framework (NPF) is the Government’s high-level strategic plan shaping the future growth and development of Ireland to the year 2040. Chapter 3 of the Framework addresses ‘effective regional development’ and includes the following policy priorities for the Eastern and Midland region:

- ‘Harnessing the potential of the region in renewable energy terms across the technological spectrum from wind and solar to biomass and, where applicable, wave energy, focusing in particular on the extensive tracts of publicly-owned peat extraction areas, in order to enable a managed transition of the local economies of such areas in gaining the economic benefits of greener energy’.



Under the heading ‘Planning and Investment to Support Rural Job Creation’, the following is stated within the NPF with regards to ‘Energy Production’:

- ‘Rural areas have significantly contributed to the energy needs of the country and will continue to do so, having a strong role to play in securing a sustainable renewable energy supply. In planning Ireland’s future energy landscape and in transitioning to a low-carbon economy, the ability to diversify and adapt to new energy technologies is essential. Innovative and novel renewable solutions have been delivered in rural areas over the last number of years, particularly from solar, wind and biomass energy sources’.
- ‘In relation to peatlands, some of Ireland’s cutaway bogs are suitable to facilitate the generation of energy, most notably wind/biomass’.

National Policy Objective 55 seeks to ‘promote renewable energy generation at appropriate locations within the built and natural environment to meet objectives towards a low carbon economy by 2050’. The pretext to this Objective states that ‘development of the Wind Energy Guidelines and the Renewable Electricity Development Plan will also facilitate informed decision making in relation to onshore renewable energy infrastructure’. National Strategic Outcome 8 relating to the ‘Transition to Sustainable Energy’ states that:

‘New energy systems and transmission grids will be necessary for a more distributed, more renewables focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy’.

### **Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly 2020**

- RPO 41 - Encourage the development of the transmission and distribution grids to facilitate the development of renewable energy projects and the effective utilization of energy generated from renewable sources having regard to the future potential of the region over the lifetime of the Strategy and beyond.

- RPO 42 - Support the development of secure, reliable and safe supplies of renewable energy, in order to maximise their value, maintain inward investment, support indigenous industry and create jobs.

#### 7.12. Donegal County Development Plan 2018-2024

7.13. The overriding policy aim for the Council, as stated within the plan, is to facilitate the development of a diverse energy portfolio by the sustainable harnessing of the potential of renewable energy including wind and to facilitate the appropriate development of associated infrastructure to enable the harnessing of these energy resources and to promote and facilitate the development of Donegal as a Centre of Excellence for Renewable Energy.

### 8.0 Assessment

#### 8.1. Strategic Infrastructure

8.2. The proposed development will comprise 15 turbines with a combined generating capacity of 72MW and will include an underground grid connection from the proposed windfarm site to a substation in Trillick. The current SID thresholds are set out within the 7<sup>th</sup> Schedule of the Planning and Development Act 2000, as amended. The relevant threshold for the proposed project is *'An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts'*. Having regard to the combined generating capacity of the proposed development, I am satisfied that the development accords with Section 37A(1) of the Act.

8.3. Accordingly under Section 37A(2), the proposed development must fall within one or more of the following conditions:

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

8.4. The prospective applicant's case is that the proposal satisfies the conditions under 37A(2)(a) of the Act due to the scale of project which would generate more than 50MW.

8.5. The development would be of strategic economic or social importance to the state due to significant economic contribution to the region and to the country as a whole. The development has the potential to have a significant impact in meeting the State's

renewable energy targets, it will meet the objectives of The Climate Action Plan 2019 and it will do so in a sustainable way through the provision of 15no. turbines. It is contended that the proposed development will assist in meeting national renewable energy targets and will also result in significant reductions in carbon emissions from electricity generation and reduce the country's reliance on fossil fuels.

8.6. Having regard to the national and regional policy context and the details of the subject proposal outlined above, I am satisfied that the development would be of strategic economic importance to the State and the Region and would therefore comply with the condition set out in section 37A(2)(a) of the Act.

(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,

8.6.1. The prospective applicant states that the proposed development would contribute to the objectives of the NPF and the provisions of the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly. Having reviewed the NPF, I note the following relevant National Policy Objectives (NPOs) which aim to reduce our carbon footprint and promote renewable energy:

- NPO 54: 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;
- NPO 55: 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.

8.7. At Regional level I note that the RSES for the Northern and Western Region recognises the need to shift its reliance on using fossil fuels and natural gas as its main energy source to a more diverse range of low and zero-carbon sources and acknowledges that generating electricity from renewable sources requires onshore wind, bioenergy, solar and offshore energy.

8.8. The Strategy supports an increase in the amount of new renewable energy sources in the Region which includes the use of wind energy.

8.9. Having regard to the above, I am satisfied that the development would meet relevant national policy objectives of the NPF and would serve to fulfil the relevant regional policy objectives of the RSES for the Northern and Western Regional Assembly. The development would therefore satisfy the requirement set out in section 37A(2)(b) of the Act.

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

8.10. The site is fully contained within the area of one planning authority, Donegal County Council. It is of note that the proposed development is located c. 4.5km from the Northern Irish Border and due to the nature of the development it is acknowledged that there may be potential for transboundary effects to arise which can not be ruled out at this stage. Whilst the applicant anticipates that these impacts would not be significant it is noted that that a potential haul route is under consideration from Foyle Port and Harbour to the site. These impacts will be temporary during the construction phase of the development. The applicants are consulting with the relevant Authorities in Northern Ireland in this regard. Any such transboundary effects will be further considered as part of the SID process.

8.11. Having regard to the information submitted it is clear that the proposed development will be accommodated within the functional area of Donegal County Council. As stated within the prospective applicant's submission there are no other Planning Authority areas under the definition of the Planning and Development Act 2000, as amended, within proximity to the development site. I am therefore satisfied that the proposed development will not have a significant effect on the area of more than one planning authority.

8.12. Accordingly, I am therefore of the opinion that the proposal would not come within the scope of this requirement to be considered as complying with section 37A(2)(c) of the Act.

### 8.13. **Prescribed Bodies**

8.14. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the

prescribed bodies listed in the attached Appendix in respect of any future application for approval. This list includes the relevant bodies within Northern Ireland for the purpose of consultation with regard to the potential for transboundary effects.

## **9.0 Conclusion**

9.1. Based on the foregoing assessment, it can be concluded that the proposed development would exceed the threshold set out in the Seventh Schedule of the Planning and Development Act 2000, as amended and therefore satisfies Section 37A(1) of the Act. It can also be concluded that the development is of strategic importance by reference to the requirements of Section 37A(2)(a) and Section 37A(2)(b) of the Act. Therefore, in overall conclusion, the proposed development constitutes strategic infrastructure.

### **9.2. Environmental Impact Assessment**

9.3. The development falls within the thresholds of Schedule 5 of the Planning and Development Regulations, 2001 for the purpose of EIA, the applicant has indicated that an EIAR will be submitted with the application which is considered to be appropriate.

### **9.4. Appropriate Assessment**

The proposed development is proximate to a number of European Sites including Lough Swilly SAC, Lough Foyle SPA and Magheradrumman Bog SAC. The applicant has indicated that it is their intention to include an NIS with the application which is considered to be appropriate.

## **10.0 Recommendation**

10.1. I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 37(B)(4) of the Planning and Development Act 2000, as amended, stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development within the meaning of Section 37A of the Act for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

- 11.1. Having regard to the size, scale and location of the proposed windfarm and related development, and to the policy context, it is considered that the proposed development comprising the development of a 15 turbine windfarm with associated infrastructure and an overall output of 72 MW and associated connection to the electricity grid infrastructure on a site in the townlands of Glenard, Meenyanly, Ture and Aught on the Inishown Peninsula, Co. Donegal, constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in Section 37A(1) of the Act.
- 11.2. The proposed development is also considered to be of strategic importance by reference to the requirements of Section 37A(2)(a) and 37A(2)(b) of the Planning and Development Act 2000, as amended. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under Section 37E of the Act.

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Sarah Lynch  
Senior Planning Inspector

1<sup>st</sup> December 2021

## **Appendix 1**

The following is a list of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Act.

- Minister for Housing, Local Government and Heritage
- Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Donegal County Council
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Department of Defense
- Office of Public Works
- Loughs Agency
- Strategic Planning Directorate – Department for Infrastructure Northern Ireland
- Derry City & Strabane District Council

Further notifications should also be made, where deemed appropriate.

**Note** : The prospective applicant should be advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.