



An  
Bord  
Pleanála

## Inspector's Report ABP- 311323-21

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### Development

Cloghercor Wind Farm Development.  
Up to 23 wind turbines with an  
estimated capacity of 100-140 MW

### Location

1713 hectares within the townlands of  
Clogherachullion and Cloghercor,  
Derryloaghan, Derk Mor, Derk Beg,  
Cleengortin southwest Co. Donegal.

### Planning Authority

Donegal County Council

### Applicant(s)

Cloghercor Wind Farm Limited

### Type of Application

Pre-application Consultation under  
section 37B of the Planning and  
Development Act 2000, as amended

### Date of Site Inspection

7 October 2022

### Inspector

Una Crosse

## **1.0 Pre-Application Consultation**

- 1.1. The Board received a request on 7<sup>th</sup> September 2021 from Cloghercor Wind Farm Limited, a joint venture between Orsted and Future Energy (Coillte at commencement of process) to enter into pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended, in relation to proposed development of up to 19 turbines, substation, grid connection in the townlands of Clogherachullion and Cloghercor, Derryloaghan, Derk Mor, Derk Beg, Cleengortin in southwest Co. Donegal.
- 1.2. This report describes the location and nature of the proposed development, the applicant's submission, the consultations held and the legal provisions which are relevant to the proposed development. It recommends that the proposed development constitutes strategic infrastructure, and it sets out reasons and considerations to support this conclusion.
- 1.3. The prospective applicant sought closure of the pre-application process by correspondence dated 24 October 2022.

## **2.0 Site Location and Description**

The site of the proposed development is located in the townlands of Clogherachullion and Cloghercor, Derryloaghan, Derk Mor, Derk Beg, Cleengortin in southwest Co. Donegal. The site comprises an area of approximately 1,713 hectares (1,962 hectares referenced in the EIA Scoping report) of which approximately 299 hectares is commercial forestry with the remainder in third party ownership. The site adjoins and is proximate to the Gweebarra estuary along its northwestern boundary and a roadway access south of Doochary extends along the boundary of the site which connects with the R250 to the south of the site. An overhead 110kV powerline traverses the centre of the site. The nearest settlement is Lettermacaward which is c.1.8km to the east of the site boundary on the other side of the estuary. Doochary which is c2 km to the north of the site and Glenties which is approximately 3.7 km to the south. The site area rises from the western boundary adjoining the Gweebarra estuary eastwards with a number of higher ridges to the east and south of the site. There are a number of residential properties along the local road to the northwest of the site which is largely

parallel with the estuary. There are also dwellings located on the local road which links Lettermacaward with Doochary on the other side of the estuary.

### **3.0 Proposed Development**

The proposed development would comprise the following:

- Capacity for 19 wind turbines with:
  - tip height of 185m-200m
  - rotor diameter of 149m-164m; and
  - hub height of 112-135m
- Electrical output of 5-7.2MW per turbine with a total of between 95-136.8MW.
- 110kV substation
- Connection into existing 110kV line which traverses the site with new masts.
- Turbine delivery route from Killybegs Port

### **4.0 Planning History/Relevant Cases**

- 4.1. **Ref. 2050720 (ABP-3080080-20)** – Permission granted by An Bord Pleanala on appeal for a meteorological mast.

### **5.0 Applicant's Case**

- 5.1. The prospective applicant's case is outlined in a cover letter and EIA Scoping report which were received with the consultation application on 7<sup>th</sup> September 2021. The main points in respect of the proposal are summarised as follows:

- As proposed originally, the development was envisaged as comprising up to 23 turbines (which has been amended to up to 19 during the course of the process).
- The proposed development will have a generating capacity of over 100MW and as such falls within the threshold of the 7<sup>th</sup> Schedule for Strategic Infrastructure Development.
- The development would be of strategic economic or social importance to the state due to the potential to generate a large quantity of electricity to contribute to Ireland's energy targets with significant capital investment required representing

significant economic contribution to the region including provision of community development funding.

- The development would contribute substantially to the fulfilment of objectives in the National Planning Framework, specifically Strategic Outcome 54 and policy objective 55.
- The proposal is in accordance with the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly specifically supported by regional policies objectives – 4.16, 4.17, 4.18 & 4.19.
- The development would not have a significant effect on more than one planning authority as it is situated entirely within County Donegal.
- Comprehensive EIA Scoping report accompanied the pre-consultation application.
- 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.

## **6.0 Consultations**

6.1. Two pre-application meetings were held with the prospective applicant on the 8 December 2021 and 13 September 2022. Minutes are attached to the file. Presentations were made, at both meetings to the Board's representatives, which are also attached to the file.

6.2. The principal matters arising related to:

- Constraints considered in respect of the site location and context
- Matters arising in terms of local planning policy,
- Community engagement/consultation,
- Environmental scoping including scoping undertaken with stakeholders
- Requirement for robust surveys to adequately inform the NIS and EIAR.
- Presence of bird species including the Golden Eagle within the area and the requirement for comprehensive vantage surveys
- Engagement of expert ornithologists including golden eagle specialist.

- Watercourses traversing the site.
- Proposed grid connection
- Turbine Delivery Route
- Location of site within Gaeltacht area and requirements for same.
- Proposed felling of woodland
- Consideration of replant lands within the application documentation.
- Assessment of cumulative effects
- Consideration of impacts for varying turbine design options.

## 7.0 Legislative Provisions

7.1. 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)',*

7.2. 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.”

- 7.3. 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’*.

#### 7.4. **Environmental Impact Assessment**

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’*.

#### 7.5. **Appropriate Assessment**

The site is proximate to a number of Natura 2000 sites as follows:

##### **Adjacent**

- West of Ardara/Mass Road SAC (site code 000197) is located to the east and northwest of the site.

##### **Within 2-3km**

- Coolvoy Bog SAC (site code 001107) is located to the north of the site
- Gannivegil Bog SAC (site code 000142) is located to the northwest on the other side of the estuary.
- Derryveagh and Glendowan Mountains SPA (site code 004039) is located to the north and east of the site with two separate areas.
- Cloghernagore Bog and Glenveagh National Park SAC (site code 002047) also located to the north of the site.

The prospective applicant has stated that it is their intention that a Screening Report and NIS will be prepared for the proposed development and will accompany any future application.

## 8.0 Planning Policy

The following provides a number of policies which are considered to be relevant.

### 8.1. National Policy

#### 8.1.1. Climate Action Plan 2021

The plan stresses the importance of decarbonising electricity consumed, by harnessing the significant renewable energy resources. Ensuring the building of renewable rather than fossil fuel generation capacity to help meet the projected growth in electricity demand is essential. Ensuring increased levels of renewable generation will require very substantial new infrastructure, including wind and solar farms, grid reinforcement, storage developments, and interconnection.

To meet the required level of emissions reduction, by 2030 it is required to increase electricity generated from renewable sources by up to 80%.

#### 8.1.2. 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.

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'.*

National Policy Objective 54 seeks to "reduce our carbon footprint by integrating climate 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".

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: *‘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’*.

## **8.2. Regional Policy**

### **8.2.1. 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.

4.16, 4.17, 4.18 & 4.19.

## **8.3. Local Policy**

### **8.3.1. Donegal County Development Plan 2018-2024**

#### **Energy**

The overriding policy aim for the Council, as stated within the objectives and policies in section 8.2.2 and 8.2.3 in 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.

The following statement should be noted:

Judicial Review re Certain Elements of Wind Energy Policy

*By Order made on the 5th day of November, 2018, in proceedings bearing Record Number 2018/533JR between Planree Limited, Applicant and Donegal County Council, Respondent, certain provisions of the County Donegal Development Plan 2018-2024, being Section 6.5(c) and (f) of the Wind Energy standards at Part B: Appendix 3, Development Guidelines and Technical Standards and Map 8.2.1 as contained in the County Donegal Development Plan 2018-2024 as published were ordered to be deleted and/or removed from the County Donegal Development Plan 2018-2024. The Development Plan should be read in light of the Order in question pending any possible future variation of same.*

**Landscape**

In relation to landscape, the site area is located within an area designated as MSA – Moderate Scenic Amenity with the higher ground to the northeast and east of the site designated as EHSA – areas of especially high scenic amenity. There is a designated scenic view from Lettermacaward to the north east.

**Other Matters**

The site does not appear to be within the safeguarding area for Donegal Airport which is set out in Map 5.1.13 although the map is of very poor quality.

The site is within the Gaeltacht as set out in Map 11.1.

There is a wireless route to the west of the site as set out in Map 5.3.2.

## **9.0 Assessment**

### **9.1. Strategic Infrastructure**

- 9.1.1. The proposed development will comprise 19 turbines with a combined generating capacity of between 95-136.8MW and will include a grid connection from the

proposed on site substation into the existing 110kV line which traverses the site. 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.

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

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

9.2.1. 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.

9.2.2. 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 2021 and it will do so in a sustainable way through the provision of 19 turbines which will be connected to the national grid. 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.

9.2.3. 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.

9.3. ***(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,***

- 9.3.1. 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.
- 9.3.2. 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.
- 9.3.3. The Strategy supports an increase in the amount of new renewable energy sources in the Region which includes the use of wind energy.
- 9.3.4. 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.
- 9.4. ***(c) the development would have a significant effect on the area of more than one planning authority.***
- 9.4.1. The site is fully contained within the area of one planning authority, Donegal County Council. 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.

- 9.4.2. Accordingly, I am 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.

#### **9.5. Prescribed Bodies**

- 9.5.1. 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.

#### **9.6. Conclusion**

- 10.0 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.

#### **10.1. Environmental Impact Assessment**

- 10.2. 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.

#### **10.3. Appropriate Assessment**

The proposed development is proximate to a number of European Sites including the West of Ardara/Mass Road SAC (site code 000197) which is located to the east and northwest of the site with others within 2-3km. The applicant has indicated that it is their intention to include an NIS with the application which is considered to be appropriate.

## 11.0 Recommendation

- 12.0 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.

### 12.1. Reasons and Considerations

- 13.0 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 19 turbine windfarm with associated infrastructure and an overall output of between 95-136.8MW and associated connection to the electricity grid infrastructure on a site in the townlands of Clogherachullion and Cloghercor, Derryloaghan, Derk Mor, Derk Beg, Cleengortin in southwest 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.
- 13.1. 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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Una Crosse  
Senior Planning Inspector

28 October 2022

## **Appendix A:**

**Note 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 (Development Applications Unit).
- Minister for the Environment, Climate and Communications.
- Minister for Agriculture, Food and the Marine.
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Donegal County Council.
- North and West Regional Assembly.
- Transport Infrastructure Ireland.
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council
- Inland Fisheries Ireland.
- Irish Water.
- Health Service Executive.
- Commission for Regulation of Utilities.
- Office of Public Works.
- Udaras na Gaeltachta

Further notifications should also be made, where deemed appropriate.

**Note 2:** The prospective applicant is advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines all proposed mitigation measures, in the interest of convenience and ease of reference.

**Note 3:** The prospective applicant is advised to submit sufficient drawings and details, including turbine dimensions, to fully describe the nature and extent of the proposed development and to allow its potential impacts to be adequately assessed.