Inspector's Report

ABP-311327-21

Development	Permission for one additional wind turbine (with an operational lifetime of 40 years) to an existing three wind turbine windfarm with associated site works.
Location	Shannagh, Coguish & Kilcar, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2151263
Applicant(s)	Shannagh Wind Farm Limited
Type of Application	Planning Permission
Planning Authority Decision	Refused Permission
Type of Appeal	First Party Appeal
Appellant(s)	Shannagh Wind Farm Limited
Observer(s)	None
Date of Site Inspection	23rd & 24th November 2021
Inspector	Susan Clarke

Contents

1.0 Site Location and Description

1.1. The site is located in the townlands of Shannagh and Coguish, Kilcar, County Donegal and measures 4.525ha in size. The irregularly shaped site is approximately 3.5km northeast of Carrick and 3.5km north of Kilcar, on the upper, south-eastern facing slopes of Ballaghdoo Valley at 185 metres above sea level. The land continues to rise further to the north of the site, reaching a height of 277 metres at Croaghnambraddan peak. The site is accessed via the L-1185-1 and has an access route running in a northerly direction to three existing turbines[1]. The county road is on the north side of the Ballaghdoo River and runs along a south-west to north-east axis, parallel to the valley and connecting the R263 to the valley's upper slopes. The site, as outlined in red on the planning application drawings, incorporates the majority of the site of the existing three turbines and their associated infrastructure including a substation located close to the vehicular entrance. The proposed electricity substation is to be located next to the existing substation.

The proposed turbine is to be located in a blanket peatland area where the terrain is mountainous. Peat cutting / turbary is evident between the existing turbines. The upper section of the site is blanket bog while the lower section is scrub and pasture. Sheep graze the lands. Ribbon residential development runs along the L-1185-1 to the south of the site and along the L1185, which runs parallel to the L-1185-1. The proposed turbine is located approximately 800m from the closest residential property along the L-1185-1.

2.0 Proposed Development

2.1. The proposed development consists of the following:

- Erection of a wind turbine with an overall height of 125m, a rotor diameter of 82m and hub height of 84m,
- Construction of a 20KV substation building (42.9 sq m) and associated electrical plant and equipment,

[1] I note that the documentation on file references varying hub heights and rotor diameters for the three existing turbines on site (40m to 45m hub heights and 44m to 52m rotor diameters). Having regard to the degree of deviation in dimensions referenced, I do not consider this issue to be fundamental to overall assessment of the application.

- Provision of internal windfarm underground cabling and internal grid connection (approximately 910m),
- Construction of a new access track (4m wide by 200m length), a crane hardstand area (880 sq m), and
- Associated site development and works.

The proposed turbine (a Enercon E-82) is to be located approximately 224m northeast of existing Turbine No. 1 and 179m northeast of existing Turbine No. 2 and will have a nominal power output of 2.3MW. The proposed turbine is of a typical modern design incorporating a steel tubular tower with three blades attached to the nacelle (containing the generator and other operating equipment). A transformer will be located within the bottom tower section in order to control voltage requirements. It is intended to paint the turbine an agate grey colour. The tower of the turbine will be fixed to a concrete foundation. The base will have a diameter of approximately 22 metres and a depth of 3 metres to the underside of the foundation depending on ground conditions. The volume of concrete needed for the turbine base is estimated to be 570m^3. The turbine base will also comprise of approximately 40 tonnes of reinforced steel bar. It is proposed that the excavated peat will be used to create a peat enhancement area located adjacent to the existing turbines with the aim of restoring traditional turf cutting bog back to upland blanket bog habitat. The proposed turbine will be connected to the national grid via the new 20 kV substation and using the existing grid connection route between the existing Shannagh Windfarm substation and the Kilcar ESB substation.

During the duration of the construction stage, a temporary compound will be required to house site offices, toilets, canteen facilities, parking, fuel storage tanks etc. The construction compound will be approximately 450 sq m in size and will be located on the existing Turbine No. 1 crane hardstand.

Whilst a standard five-year planning permission is being sought, the Applicant has requested an operational life of 40 years for the proposed development, after which time the proposal will be decommissioned.

2.2. First-Party Appeal Amendments

As part of the First-Party Appeal, the Appellant has proposed to reduce the size of the proposed turbine by 25m to a turbine with a hub height of 65m and rotor diameter of 70m (Enercon E-70).

Both the original scheme submitted to the Planning Authority and the alternative scheme submitted with the First-Party Appeal are assessed in this Report.

3.0 Planning Authority Decision

3.1. Decision

A Notification of the Decision to Refuse Permission was issued on 12th August 2021 for two reasons:

1. A recent successful High Court action challenging the nature of the wind energy policies adopted as part of the County Development Plan 2018-2024 (as varied) has resulted in the removal of significant parts of the wind energy policies from the Plan. Although the Council has committed to resolving this situation through the initiation of a further variation to the County Development Plan, in the interim, it has meant that there are deficiencies within the Wind Energy Policy Framework to enable the Planning Authority to carry out proper decision making on wind energy development proposals. Therefore having regard to the extent of the lacuna in Wind Energy policy, the Planning Authority considers that it is not in a position to adequately assess wind energy proposals given the dearth in current Development Plan policy and National Guidelines on the matter. Therefore in the context of the current wind energy policy lacuna, the impending publication of new Wind Energy Guidelines by the Department of Housing, Planning & Local Government, and the initiation of a wind energy variation to the County Development Plan 2018-2024 (as varied) the Planning Authority considers that it would be premature and contrary to proper planning and sustainable development to permit the current wind farm development proposal.

2. Policy NH-P-7 of the County Development Plan 2018-2024 (as varied) states that *'within areas of High Scenic Amenity and Moderate Scenic Amenity, as identified*

on Map 7.1.1, and subject to the other objectives and policies of this Plan, it is the Policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape'. Having regard to the increased size of the proposed turbine in the context of the existing turbines within Shannagh Windfarm, where long views of the site are affordable from public road networks in all directions, it is the opinion of the Planning Authority that the proposed development has the potential to result in an unwelcome intrusion on the receiving landscape, which would be contrary to the provisions of the aforementioned Policy and furthermore contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Report

The Planner's Report is consistent with the decision of the Local Authority.

The Planner's Report sets out details of the proposed development and notes Third-Party and prescribed bodies' comments made in respect of the application. Details of the planning history and the policy context relating to the proposed development are set out in the Report. It is considered that the principle of the development is acceptable. However, due to the lacuna of wind energy policy in the Donegal Development Plan pending a material variation of the said Plan, to include the updated Wind Energy Development Guidelines, the development is considered to be premature, and a refusal is recommended.

In addition, it is considered that the turbine would be overly dominant across both a local and wider landscape. It is argued that the photomontages and figures of zone of theoretical visibility demonstrate that the visual impact of the proposed turbine resulting from a hub height increase of 40m in a more elevated location than the existing turbines would dominate the vista to the east and south of the site and moreover would introduce visual impact from the western approach as well.

3.2.2. Other Technical Reports

- Executive Engineer: No objection subject to condition.
- Building Control (13th July 2021): No objection subject to condition.

3.3. Prescribed Bodies

- Irish Aviation Authority (20th July 2021): No objection subject to condition.
- An Taisce: No comments received.
- Department of Culture, Heritage and the Gaeltacht: No comments received.

3.4. Third-Party Observations

One observation was submitted to the Local Authority in respect of the application from Deirdre Nic an tSionnaigh and Antóin Mac an tSionnaigh, who live approximately 800m from the location of the proposed turbine. The key points from the Observation can be summarised as follows:

- There would be a seriously negative visual impact from the industrial scale structure, in a developing tourism destination and area of outstanding natural beauty that forms part of the highlands of the Wild Atlantic Way.
- There would be a psychological harm for those residents with views of the structure and from residents unable to enjoy walks on big trails and roads in this blanket bogland.
- There would be a significant increase in noise pollution.
- The proposal would necessitate the further unsustainable excavation of the blanket bog.
- There would be a monumental level of carbon utilised through the significant tonnage of concrete that would be poured into the foundation.
- Following the erection of the existing three turbines, there is a significant increase in waterfall into runoff streams from Shannagh/Coguish bogs and there has been subsequent intermittent flooding of people's gardens and sites

and local roads. The development would affect the residents' ability to get insurance cover.

- The project is based on capitalist greed.
- Expansion of the damaging development would aggravate current pollution levels from the site.

4.0 Planning History

DCC Reg. Ref. 03/798: Planning permission refused for five wind turbines with a hub height of 40m and a 20kv substation in October 2003.

DCC Reg. Ref. 04/1119; ABP Ref. PL 05.209476: An Bord Pleanála overturned Donegal County Council's refusal for three wind turbines with a hub height of 40m, a 20kv substation, access track, and associated works and granted permission for the development in 2005.

DCC Reg. Ref. 20/50291: Donegal County Council refused permission for two additional turbines with hub heights of 55m and tip height of 77m in June 2020 due to lacuna in wind energy policy and the removal of Upland Blanket Bog, an Annex 1 habitat, to facilitate the installation of wind turbines.

5.0 Policy Context

5.1. National Policy

5.1.1. 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 and is underpinned by the National Development Plan 2018-2027. Chapter 3 of the Framework addresses 'effective regional development' and includes the following policy priorities for the subject Northern and Western region: 'harnessing the potential of the region in renewable energy terms across the technological spectrum from wind and solar to biomass and wave 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'*.

National Policy Objective (NPO) 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 NPO 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 informing 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'.
- It also seeks to deliver 40% of our energy needs from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond.

5.1.2. National Energy and Climate Plan (NECP) 2021-2030

The NECP takes into account energy and climate policies developed to date, the levels of demographic and economic growth identified in the NPF and includes all of the climate and energy measures set out in the National Development Plan 2018-2027.

5.1.3. Climate Action Plan 2021

The Climate Action Plan 2021 provides a plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting out a path to reach net-zero emissions by no later than 2050. The Plan lists the actions needed to deliver on climate targets and sets indicative ranges of emissions reductions for each sector of the economy. Climate targets will be delivered through a set of enabling targets by 2030 including *inter alia*: Increasing the share of electricity demand generated from renewable sources to up to 80% where achievable and cost effective, without compromising security of electricity supply. The Department of the Environment, Climate and Communications (DECC) will set out a target for the total onshore capacity that should be planned for on a national and regional level.

5.1.4. Wind Energy Development Guidelines (2006)

The Wind Energy Development Guidelines 2006 provide statutory guidance for wind energy development, including consideration of environmental issues, such as noise and shadow flicker, design, siting, spatial extent and scale, cumulative effect and spacing, as well as the layout and height of wind turbines having regard to the landscape and other sensitivities. The Guidelines indicate the need for a plan-led approach to wind energy development. In December 2013, the Minister for Housing and Planning announced a public consultation process with respect to a focused review of the 2006 Guidelines and a 'preferred draft approach' to the review was announced in June 2017.

5.1.5. Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)

These interim guidelines were issued under Section 28 of the Planning and Development Act 2000, as amended. They do not currently replace or amend the Wind Energy Development Guidelines 2006, which remain in place pending the completion of ongoing review. Section 28 of the Act requires both planning authorities and An Bord Pleanála to have regard to these interim guidelines and apply any specific planning policy requirements of the interim guidelines in the performance of their functions.

The interim guidelines provide specific guidance on making, reviewing, varying and amending the wind energy policies or objectives of a Development Plan or a Local

Area Plan. A planning authority shall acknowledge and document specific national strategy relating to energy policy, indicate how the implementation of a Development Plan or a Local Area Plan over its effective period would contribute to realising overall national targets on renewable energy and climate change mitigation. Furthermore, the planning authority is required to demonstrate detailed compliance with the above in any proposal in a Development Plan or a Local Area Plan to introduce or vary a mandatory setback distance or distances for wind turbines from specified land uses or classes of land use. This approach is reaffirmed in the Departmental Circular PL5/2017.

5.1.6. Draft Wind Energy Development Guidelines 2019

The current Departmental approach is to address a number of key aspects of the 2006 Guidelines, including sound or noise, visual amenity setback, shadow flicker, consultation obligations, community dividend and grid connections. Consultation on the draft Guidelines ended in February 2020. The draft guidelines identify Specific Planning Policy Requirements (SPPR), and subject to formal adoption of the Guidelines, it is intended that these SPPRs would be applied by planning authorities and An Bord Pleanála in the performance of their functions, as well as having regard to additional matters for consideration in assessing wind energy developments. Notable changes in the draft guidelines when compared with the 2006 wind energy guidelines relate to community engagement, noise limits and minimum separation distances. I highlight that these guidelines are in draft format only.

5.2. Regional Policy

5.2.1. Regional Spatial & Economic Strategy for the Northern and Western Regional Assembly

The Regional Spatial and Economic Strategy (RSES) provides a 12-year high-level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework (NPF) and the relevant economic policies and objectives of Government. The Strategy recognises the success of the region in the provision of renewable energy from hydropower and onshore wind energy, with wind turbines a new feature in the region's landscapes.

5.3. Local Policy: Donegal County Development Plan 2018-2024

Section 8.2 of the Development Plan outlines the aim for energy development in the County, involving the facilitation of development comprising a diverse energy portfolio, including wind and other energy sources. A host of objectives and policies supporting the development of wind energy projects in the County and aimed at controlling the locations and impacts of wind energy developments are also listed within section 8.2 of the Development Plan.

Development Guidelines

Development guidelines and technical standards for wind energy developments are outlined in section 6 of Part B to Appendix 3 of the Plan, which lists additional locations where wind energy projects must not be located, including '(c) areas identified as locations where wind farm development would not be acceptable, as identified on map 8.2.1 of the Plan' and '(f) areas within a setback distance of ten times the tip height of proposed turbines from residential properties and other centres of human habitation'. A centre of human habitation is defined in the Plan to include schools, hospitals, churches, residential buildings or buildings used for public assembly.

On Foot of a High Court Order (Record Number 2018/533JR between Planree Limited and Donegal County Council) dated 5th November 2018 certain provisions of the Development Plan, comprising 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, were ordered to be deleted and/or removed from the Development Plan. The Development Plan is to be read in light of this Order pending any possible future variation of same and the planning authority intends preparing a variation to the Development Plan regarding wind energy.

Landscape Designation

Section 7.1 of the Plan categorises the landscape of the County into three areas, as illustrated in Map 7.1.1 of the Plan, including areas of 'Especially High Scenic Amenity' (EHSA), 'High Scenic Amenity' (HSA) and 'Moderate Scenic Amenity' (MSA), none of which are considered to be of low landscape value. The entirety of the appeal site is covered by the 'Moderate Scenic Amenity' designation.

Policy E-P-2 It is a policy of the Council to seek to facilitate the appropriate development of renewable energy from a variety of sources, including, hydro power, ocean energy, bioenergy, solar, wind and geo-thermal and the storage of water as a renewable kinetic energy resource, in accordance with all relevant material considerations and the proper planning and sustainable development of the area.

Policy E-P-10 states it is the policy of the Council that development proposals for wind energy shall be in accordance with the requirements of the Wind Energy Development Guidelines – Guidelines for Planning Authorities 2006 (or as maybe amended).

Policy E-P-14 states that it is the policy of the Council to support voluntary initiatives from developers/renewable energy operators for community benefits, in accordance with other policies of this plan and the proper planning and sustainable development of the area.

Policy E-P-16 states it is the policy of the Council to support the strengthening and enhancement of the capacity of existing wind farms, within the local environmental capacity including the sustainable upgrade/replacement of older turbines with newer more efficient models.

Policy E-P-20 states that it is the policy of the Council that proposals for renewable energy development will have regard to the cumulative effect of the development on the environment when considered in conjunction with other existing and permitted developments in the area.

5.4. Natural Heritage Designations

Part of the site (where the new turbine is proposed to be positioned) is located in Coguish Bog, a Proposed Natural Heritage Area (site code: 001938). Slieve League SAC (site code: 000189) is located approximately 5km southwest of the site.

5.5. EIA Screening

On the issue of environmental impact assessment screening I note that the relevant class for consideration is 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 combined output of the three existing turbines and the

proposed turbine would be 4.85MW and therefore the overall development falls below the threshold for mandatory EIA. However, an EIA Screening Report has been submitted with the application in accordance with Schedule 7 of the Planning and Development Regulations 2001 (as amended). The Report concludes that an EIAR is not required. Having regard to Section 109 (2B) of the *Planning and Development Regulations 2001* (as amended), I have completed an EIA screening (see Appendix A attached to this Report). In summary, the assessment concludes that there is no real likelihood of significant effects on the environment arising from the proposed development and as such EIA is not required in this instance.

6.0 **The Appeal**

A First-Party Appeal has been submitted by the Applicant Shannagh Wind Farm Limited against Donegal County Council's decision to refuse permission for the proposed turbine. The grounds of appeal can be summarised as follows:

- The removal of sections of the Development Plan as a result of the Planree Limited V Donegal County Council Ref. 2018/533JR ruling, has not resulted in any material deficiency in the plan nor any policy vacuum with respect to wind energy policy. There are a range of wind energy planning policies, guidelines, and objectives at local, regional and national level that provide a strong basis for assessing wind energy developments.
- The appeal site is located in an area which would be designated as "Acceptable for augmentation of/improvement to existing windfarm". Within these locations, windfarm development would be unacceptable save as augmentation of, or improvement to existing windfarm development subject to compliance with all other objectives and policies of the Plan.
- Planning permission has been granted for a number of wind farm development in Donegal notwithstanding the Planree ruling, including ABP refs. 306303, and 308419.
- The First-Party Appeal proposes an alternative turbine (Model E70) with a hub height of 65m (i.e. a 25m reduction). The revised landscape and visual assessment demonstrates that the appeal proposal can be assimilated into the

landscape without having a significant impact on the landscape. This is supported by the Landscape and Visual Statement.

- A noise assessment has been prepared by Noise and Vibration Consultants Ltd to demonstrate that the appeal proposal and revised candidate turbine can be accommodated without any significant impacts to noise.
- The proposal for use of a turbine where the rotor diameters have been reduced by 12m will have a positive impact on biodiversity.
- The conclusions reached by the planning officer in the assessment of the landscape and visual impacts are not consistent with the second reason for refusal.
- There were no observations made during the course of the application from An Taisce, the Department of Housing and Local Government, and the Irish Aviation Authority.
- The proposed turbine is modest when compared with planning applications granted for new wind farms in Donegal.
- The proposed works will not disturb or impede the existing, good quality blanket bog habitat in the northern section of the site.
- The planning officer considered that "*subject to compliance with mitigation, the proposed development will not impact unduly on surface water and hydrology*".

6.1. Planning Authority Response

Donegal County Council issued a response to An Bord Pleanála in respect of the First-Party Appeal on 1st October 2021. In summary, the Local Authority reiterated its reasons for refusal and stated that while the reduced height is welcomed, it is considered that the Board should assess the appeal on the basis of the initial submission and that any reduction in height could be a condition of the planning if the appeal is granted. It is noted that Third-Parties are precluded from knowledge of the proposed reduction in height of the turbine and subsequently precluded from further comment. Furthermore, the Board is requested to ignore the content of the final paragraph on page 22 of the Appeal, as it considered to be an erroneous comment.

6.2. **Observations**

- None.

7.0 **Assessment**

My assessment considers the planning application as lodged with the Planning Authority de novo. The proposed development has been amended by way of the Applicant's First-Party Appeal submission. Notwithstanding this, the issues that arose in the first instant are still pertinent and as such the alternative scheme has been considered as part of my assessment. In the event An Bord Pleanála considers granting permission for the alternative scheme, the Board may wish that the application should be readvertised to the public.

Having examined the application details and all other documentation on file, including the First-Party Appeal and Local Authority's Response, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Lacuna in Wind Energy Policy in the Donegal County Council Development Plan
- Visual Impact
- Noise Impact
- Habitat Loss and Biodiversity
- Traffic and Access Impacts
- Flooding
- Appropriate Assessment

Each of these issues is addressed in turn below.

7.1. **Lacuna in Wind Energy Policy in the Donegal County Council Development Plan**

Donegal in its reason for refusal refers to a successful High Court action JR Planree Limited -v- Donegal County Council [Ref. 2018/553]. By order made on 5th November 2018 certain provisions of the County Donegal Development Plan have been removed relating to wind energy. The reason for refusal states that this has resulted in

significant parts of the wind energy policy being removed from the plan. These sections being:

- Section 6.5(c) and (f) of the Wind Energy Standards at Part B of the Plan.
- Map 8.2.1 of the Development Plan which identifies areas which were deemed to be suitable/unsuitable for wind energy developments.

On this basis, Donegal County Council argued that there is a lacuna in energy policy and therefore it is premature to determine any application in the absence of a policy.

Notwithstanding this, there is a positive presumption in favour of renewable energy projects at National, Regional and Local levels. This is reflected in Section 5.0 above and in the First-Party Appeal. Whilst there is a lacuna in relation to detailed wind energy policy within the Donegal County Development Plan as a result of a legal challenge, the policy aim for the Council, as stated within the Development 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. Notwithstanding the Planree Limited ruling, there still are a number of policy objectives and statements remaining in the Donegal Development Plan which would support in more general terms, the provision of wind energy developments.

As highlighted in the Appeal there are previous decisions by An Bord Pleanála to grant permission for wind farm developments subsequent to the Planree Limited ruling including Refs. 304685, 305163, 306303 and 308419. Furthermore, the planning history of the subject site is also a relevant consideration. An Bord Pleanála has already assessed a development proposal at this location and determined that a wind farm consisting of three wind turbines was acceptable on the basis that it would not have a significant adverse impact on the landscape, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety (Ref. PL 05.209476). The proposed development relates to the provision of one additional turbine at this location, which given the presence of the existing turbines in the immediate vicinity could be considered acceptable in principle, however regard has to be had to the environmental impacts, including visual impact on the

landscape, impact on local residents and the amenities of the area including noise and shadow flicker and impacts on ecology.

Furthermore the judicial review proceedings taken by Element Power versus An Bord Pleanála 2016/920 JR [IEHC550] are also relevant to this matter. Under this application (Reg. Ref. 09 PA0041) An Bord Pleanála issued notification to refuse planning permission for a wind farm straddling the border of Kildare County Council and Meath County Council for three separate reasons; the first of which referred to the absence of any Wind Energy Strategy with a spatial dimension or wind and energy strategy at local levels for Kildare and County Meath. In its judgement the Court held that there was no provision within the Planning and Development Act 2000 which empowered the Board to reject the proposed development on the basis that it would be premature pending the adoption of National/or Local Strategies. The Courts therefore ruled that there was no such policy vacuum at national or local level to preclude the Board from granting planning permission and that this was not a relevant consideration and not a valid reason for refusing permission. This judgement in my view is directly relevant to the case currently before the Board.

In conclusion, having regard to a) the policies and objectives of the County Development Plan, b) the presence of national and local guidelines c) and the planning history of the site and the lands immediately adjacent to the subject site, d) previous decisions for wind farm developments in the County subsequent to the Planree Limited -v- Donegal County Council [Ref. 2018/553] ruling, and d) the High Court judgement in the case of JR – Element Power Ireland Limited v An Bord Pleanála , I consider that the principle of the subject development is acceptable, provided that it does not adversely impact on the environment, the amenities of the area or on local residents.

7.2. Visual Impact

Donegal County Council's second reason for refusal relates to the impact of the proposed development on the receiving landscape.

As mentioned above the site is located in an area of moderate scenic value. The development plan identifies these areas as having capacity to absorb additional development. The location of the proposed turbine is in mountainous terrain in an upland position c. 800 metres from the nearest dwelling. As mentioned above there

are three existing turbines present within the immediate vicinity of the proposed turbine.

The First-Party Appeal states that the appeal site is located in an area which would be designated as “Acceptable for augmentation of/improvement to existing windfarm”. However, as outlined above, Map 8.2.1 has been deleted from the Development Plan and as such in my view this point should not form part of the assessment.

A visual impact assessment (Environmental Report - Landscape and Visual Assessment Figures) accompanied the planning application and contains a number of photomontages taken from a number of viewpoints within the surrounding area. Details of the Zones of Theoretical Visibility (ZTV) are indicated in Figures 9.9, 9.10a and 9.11 of the document. Having regard to this assessment and having visited the site and surrounding area, I concur with the Local Authority’s reason for refusal that the initially proposed turbine with a hub height of 84m and tip height of 125m would be an unwelcome intrusion on the receiving landscape. I note that the Landscape and Visual Statement submitted with the First-Party Appeal acknowledges that the proposal is over-scaled relative to the existing turbines. In my opinion, due to the scale of the proposed turbine when viewed in the context of the existing three turbines, it would be visually dominant, obtrusive and incongruous in the landscape from an extensive range of vantage points in the area and would, therefore, be overbearing and seriously detract from the visual amenities of the wider area.

The Landscape and Visual Statement submitted with the First-Party Appeal includes photomontages of the smaller turbine (i.e. a turbine with hub height of 65m and tip height of 100m) from the same viewpoints as the photomontages prepared in respect of the initial larger proposal. The assessment concludes that the revised proposal is more appropriate and integrated with the landscape and visual setting. I agree with the assessment submitted in this regard and I am satisfied that the proposed smaller turbine (Enercon E-70) will sit more comfortably with the existing turbine layout than the originally proposed larger turbine. Whilst the turbine has a hub height c. 20m greater than the existing turbines, having regard to the separation distances between the structure and the closest dwellings, I do not consider it will have an overbearing impact. I note from Photomontage 9.2 submitted with the First-Party Appeal that a greater proportion of the proposed turbine’s blades will be visible in comparison to the existing turbines when viewed along the R263 coming from the direction of Carrick.

However, I consider this increase to be minimal. I also note that there are no designated scenic views along this road in the direction of the wind farm. In terms of views from the east and south of the site, the proposed turbine will be more visual dominate due to its size and location on a higher elevation than the existing turbines. However, due to the separation distance of the proposed turbine from dwellings positioned along the L-1185-1 and the presence of the existing turbines, I do not consider that the development will adversely impact on the character of the landscape nor will it have significant negative impacts upon the visual amenities of this exposed upland area.

7.3. Noise Impact

Section 8 of the Environmental Report (June 2021) relates to noise impacts from the proposed development. In terms of construction impacts, the Report states that the construction process associated with wind farms is not considered to be intensive. All construction work will be carried out in accordance with BS5228-1:2009 Code of practice for Noise and Vibration Control on Construction and Open Sites - Noise. The maximum predicted noise levels are estimated to exist for no more than one week. The maximum Leq 1hr noise levels at the nearest receptor with no involvement in the development is predicted at 49dBA, which is significantly below the 65dBA threshold as defined in BS5228-1:2009. Having regard to the distances between the nearest houses and the turbines (c. 800m), it is unlikely that construction impacts are likely to create significant impacts in terms of construction noise. Any construction impact will also be temporary in nature. I consider this to be acceptable.

In terms of operational noise impacts, all 49 No. houses within 1.5km of the proposed turbine (Enercon E82) were assessed at wind speeds ranging from 4 to 10 m/s. The predicted noise levels are compliant with the Wind Energy Guidelines 2006. In terms of the cumulative impact of the proposed Enercon E82 turbine and the three existing turbines (Enercon E44), the predicted noise levels range between 19.3 and 37.7dBA and as such the proposal is compliant with the Wind Energy Guidelines 2006 and WHO 2018 Recommendation for Wind Turbines. The Applicant advises that a warranty will be sought from the manufacturer of the turbine selected for the proposal in order to confirm that an assessment of noise would result in noise levels at all receptors locations being less than or equal to the noise limits set out in the noise impact assessment.

A revised noise impact assessment was submitted as part of the First-Party Appeal in respect to the smaller Enercon E70. Similar to the initial assessment all houses within 1.5km were included in the study area. The predicted noise levels are below the 35dBA set out in the draft Wind Energy Guidelines 2019 and the cumulative noise levels are predicted to be compliant with the Wind Energy Guidelines 2006 and WHO 2018 Recommendation for Wind Turbines. However, the Report confirms that substituting the larger Enercon 82 with the smaller Enercon E70 results in a higher level at receptors ranging between 0.4 and 1 dBA. Notwithstanding this, I am satisfied that the potential for impacts in terms of noise on residential receptors in the vicinity can be avoided and/or managed by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent for either the Enercon 82 or Enercon E70 and as such I do not recommend that permission be refused in relation to potential noise impacts.

7.4. Habitat Loss and Biodiversity

As outlined in Section 4.0 above, Donegal County Council refused permission for two additional turbines with hub heights of 55m and tip height of 77m in June 2020 due to lacuna in wind energy policy and the removal of Upland Blanket Bog, an Annex 1 habitat (Reg. Ref. 20/50291). The proposed two turbines were located in Coguish Bog, a Proposed Natural Heritage Area (site code: 001938). The proposal would have resulted in the loss of 0.33ha of high-quality Upland Blanket bog. The Applicant states that this habitat type has links with Annex I (7130) and is considered to be a feature of 'high' ecological importance. The Local Authority had concerns over the removal of untouched upland blanket bog to facilitate the development and as such refused permission for the development, notwithstanding the proposed restorative plans included as part of the application.

The works associated with the subject application are not located, nor will they disturb, the existing good quality blanket bog habitat on the site, which is considered to be of national importance. The new access track will be located to the south of the existing high quality blanket bog, on wet heath habitat on an area stated to measure approximately 0.032ha. The Applicant states that the habitat is common in the landholding, totalling 19.5ha. The proposal will impact 0.16% of this area. This impact is stated as being 'slight' in the Environmental Report. In addition, the development will result in the loss of 0.19ha of wet grassland habitat to allow for the installation of

the access track, turbine foundation and associated hardstanding area. This habitat is considered by the Applicant to be of 'low' ecological importance. The construction of the substation will result in the loss of 0.007ha of scrub habitat which is considered by the Applicant to be of high ecological importance. The Applicant anticipates that this area will recolonise locally post construction. Having regard to the relatively small area, I considered that the proposal is acceptable in this regard. The Habitat Enhancement Area is located east of Turbine 1. The Applicant intends that this area, which is currently grazed by sheep and turbary, will be restored to a good ecological functionality by placing the excavated peat used to construct the access track and turbine foundation, in this area. The drains in this area will be blocked to increase the water-table level.

I consider the potential impacts of the proposed development on geology, hydrogeology and slope stability are primarily associated with the construction phase. The Environmental Report states that "a peat depth probe at the location of the proposed turbine indicated a peat depth of 0.52m, confirming shallow peat soils in the area". Section 5.6.1 of the Environmental Report outlines the proposed construction measures with respect to soils, geology and hydrogeology. In terms of peat stability, I note there are no records of no landslides during the construction of the existing wind farm. I consider that there is no significant risk to peat stability as a result of the proposal.

In summary, having regard to the fact that the development will not result in the loss of Annex I habitat, I am satisfied that the potential for impacts on habitats can be avoided and/or managed by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

Section 6.0 of the Environmental Report also assesses potential impacts from the development during both the construction and operational phases on birds, bats, badgers, foxes, otters, pine martins and squirrels, shrew, hare, amphibians, reptiles and invertebrates. The Environmental Report states that there may be a healthy population of shrew in the area as there appears to be limited evidence of greater, predatory mammals including fox, pine martens or stoat on-site. Prior to construction, a qualified ecologist will survey the exact route of all infrastructure and traffic, to ensure no pygmy shrews are in the area to be disturbed. I note that the impact on birds from the proposed development is anticipated to be negligible. This is largely due to a low

bird population in the upland part of the site. Disturbance to birds present in the lower section of the site with the construction of the substation will be temporary. I note that bird monitoring is carried out on site in relation to the existing wind turbines. I have considered all the information in the Environmental Report in relation to biodiversity and I am satisfied that the potential for impacts on biodiversity can be avoided and/or managed by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

7.5. Traffic and Access Impacts

The major potential impact in traffic terms will occur during the construction period. Details of the various movements during the construction period are set out in Section 12 of the Environmental Report. It is estimated that 298 No. deliveries will be necessary during the construction of the wind turbine. The wind turbine components will be delivered to site on large articulated lorries. The haul route for the proposed turbine is stated to be Killybegs Port – R263 westwards towards Carrick for 13.9km – turn right onto the L-1185-1 for 1.6km – turn left at the site entrance. This is the same route that was used to construct the three existing wind turbines on site. It is stated that the entrance located at the L-1185-1 is sufficiently wide to allow for easier turning of delivery vehicles for the existing wind farm. I note from my site visit that there are good sightlines in both directions at the entrance to the site. I note that the Local Authority's Road Engineer had no objection to the proposed development subject to the attachment of conditions. Given that the proposed development is for a single turbine, and the construction time will be limited, I am satisfied that the potential for impacts on traffic and road infrastructure can be avoided and/or managed by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

7.6. Flooding

I note that the Third-Party observation submitted to the Local Authority raised concerns in relation to increases in waterfall into runoff streams from Shannagh/Coguish bogs and intermittent flooding of people's gardens and sites and local roads since the construction of Shannagh Wind Farm. The OPW flooding mapping does not record any instances of flooding in the area. I note from my site visit that there is a small stream on the site that is culverted under the existing access track. Increased hydraulic

loading is considered a likely, permanent, negative, imperceptible impact. The Environmental Report sets out a series of measures in respect of construction drainage measures to reduce increased runoff, water quality protection measures, and groundwater protection measures. This includes a site-specific drainage system serving the site access track and proposed area of hardstanding will be constructed and directed to silt ponds to reduce suspended sediment run-off. During the operational phase it is stated that any precipitation falling on the hardstanding area will run-off via the stilling ponds to the adjacent soil. I am satisfied that the potential for impacts on surface water and groundwater can be avoided and/or managed by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent and that the proposed development will not significantly increase the risk of flooding of neighbouring sites.

7.7. Appropriate Assessment

The closest European site to the subject site is Slieve League SAC (site code: 000189). It is located approximately 5km southwest of the site.

The qualifying interests for Slieve League SAC are: Reefs [1170], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], Northern Atlantic wet heaths with Erica tetralix [4010], European dry heaths [4030], Alpine and Boreal heaths [4060], Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430], Blanket bogs (* if active bog) [7130], Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110], Calcareous rocky slopes with chasmophytic vegetation [8210], and Siliceous rocky slopes with chasmophytic vegetation [8220].

The conservation objectives for the SAC are: To maintain the favourable conservation condition of Reefs (1170), To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts (1230), To restore the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix (4010), To restore the favourable conservation condition of Alpine and Boreal heaths (4060), To restore the favourable conservation condition of Blanket bogs (7130), To maintain the favourable conservation condition of Calcareous rocky slopes with chasmophytic vegetation (8210), and To maintain the favourable conservation condition of Siliceous rocky slopes with chasmophytic vegetation (8220).

Having regard to the foregoing and to:

- the nature and scale of the proposed development, (i.e. an additional wind turbine to a wind farm that has been operating since 2010),
- the separation distance between the subject site and SAC, and
- no loss, fragmentation disruption or disturbance to the SAC (or other European sites) or their annexed species either directly or indirectly,

I do not consider that the proposal would be likely to significantly impact the qualifying interests of Slieve League SAC. Furthermore, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European site. As such, I consider that no Appropriate Assessment issues arise. I note that a screening statement prepared by the Applicant comes to the same conclusion (i.e. Stage 2 Appropriate Assessment is not required).

8.0 **Recommendation**

I recommend that planning permission be granted, subject to the conditions outlined below.

9.0 **Reasons and Considerations**

Having regard to: (a) national policy relating to the development of sustainable energy resources, (b) the provisions of the "Wind Energy Development Guidelines" for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006, (c) the over-arching policies of the planning authority as set out in the Donegal County Development Plan, as varied, (d) the scale and nature of the proposed development, (e) the presence of existing turbines in the immediate vicinity (f) the general character of the site and topography of the surrounding area, (f) the separation distance of the proposed turbines from inhabited dwellings, (h) the range of measures set out in the documentation received including the Environmental Report, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the National and County policies in respect of wind energy, would not result in unacceptable impacts on the landscape

character or visual amenity of the general area, would not seriously injure the amenities of the area or of property in the vicinity of the site nor would not it involve the removal of Upland Blanket Bog, an Annex I habitat or significantly increase flood risk in the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. The development shall be carried and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars received by An Bord Pleanála on 7th September 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

   REASON: In the interest of clarity.

2. Prior to commencement of development, a Construction and Environmental Management Plan including the environmental, construction and ecological mitigation measures set out in the Environmental Report accompanying the application and other particulars submitted with the application shall be submitted to, and agreed in writing with the planning authority.

   REASON: In the interest of clarity and the protection of the environment during the construction and operation phases of the development.

3. The development shall have an operational lifetime of 40 years from the date of commissioning of the wind turbine. The wind turbine and related ancillary structures, including the substation, and access roadway shall be removed and the site appropriately reinstated, prior to the end of this period, unless planning

permission shall have been granted for their retention for a further specified period. Details of the reinstatement plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

REASON: To enable the impact of the development to be reassessed, having regard to the changes in technology and design during this period.

4. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with the planning authority:

(i) A Transport Management Plan, including details of the road network/haulage routes indicated in the Environmental Report including the vehicle types to be used to transport materials on and off site, and a schedule of control measures for exceptional wide and heavy delivery loads.

(ii) A condition survey of the roads and bridges along the haul routes to be carried out at the developer's expense by a suitably qualified person both before and after construction of the wind farm development. This survey shall include a schedule of required works to enable the haul routes to cater for construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority/authorities prior to commencement of development.

(iii) Detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority/authorities.

(iv) Detailed arrangements for temporary traffic arrangements/controls on roads.

(v) A programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development.

(b) All works arising from the aforementioned arrangements shall be completed at the developer's expense, within 12 months of the cessation of each road's use as a haul route for the proposed development.

REASON: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

5. The operation of the proposed development, by itself or in combination with any other permitted wind energy development, shall not result in noise levels, when measured externally at nearby noise sensitive locations, which exceed:

   (a) Between the hours of 7am and 11pm:

   I. the greater of 5 dB(A) L90,10min above background noise levels, or 45 dB(A) L90,10min, at a standardised 10m height above ground level at wind speeds of 4m/s or greater

   II. 40 dB(A) L90,10min at all other standardised 10m height above ground level wind speeds

   (b) 43 dB(A) L90,10min at all other times

   where wind speeds are measured at 10m above ground level.

   Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-rating of particular turbines. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 “Assessment of Noise with Respect to Community Response,” as amended by ISO Recommendations R 1996-1. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within six months of commissioning of the wind farm.

   REASON: In the interest of residential amenity.

6. (a) Shadow flicker arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.

(c) A report shall be prepared by a suitably qualified person in accordance with the requirements of the planning authority, indicating compliance with the above

shadow flicker requirements at dwellings. Within 12 months of commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, the planning authority.

REASON: In the interest of residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
   (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
   (b) location of areas for construction site offices and staff facilities;
   (c) details of site security fencing and hoardings;
   (d) details of on-site car parking facilities for site workers during the course of construction;
   (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
   (f) measures to obviate queuing of construction traffic on the adjoining road network;
   (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
   (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
   (i) provision of construction hours, including deliveries of materials to the site;
   (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
   (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; and

(l) off-site disposal of construction/demolition waste.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

REASON: In the interest of amenities and safety.

8. The wind turbine including mast and blades shall be finished externally in a light grey matt colour.

   REASON: In the interest of visual amenity.

9. The developer shall review usage by birds of the wind farm site and document bird casualties through an annual monitoring programme, which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This programme shall be developed in consultation with the Department of Arts, Heritage and the Gaeltacht, and shall cover the entire period of the operation of the wind farm.

   REASON: To ensure appropriate monitoring of the impact of the development on the fauna of the area.

10. (i) Cables within the site shall be laid underground.
    (ii) The wind turbine shall be geared to ensure that the blades rotate in the same direction as the existing turbines on-site.
    (iii) Transformer associated with the turbine and mast shall be located either within the turbine mast structure or at ground level beside the mast.

    REASON: In the interest of visual amenity and for clarification purposes.

11. Prior to the commencement of development, the developer shall agree a protocol for assessing any impact on radio or television or other telecommunications reception in the area. In the event of interference occurring, the developer shall remedy such interference according to a

methodology to be agreed in writing with the planning authority, following consultation with other relevant authorities and prior to commissioning the turbines.

REASON: In the interest of residential amenity.

12. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Subsequently, the developer shall inform the planning authority of the coordinates of the as constructed position of the turbine and the highest point of the turbine to the top of the blade spin.

REASON: In the interest of air traffic safety.

13. On full or partial decommissioning of the turbine or if the turbine ceases operation for a period of more than one year, it shall be removed and all decommissioned structures shall be removed within three months of decommissioning.

REASON: To ensure satisfactory reinstatement of the site upon cessation of the project.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these

requirements, the matter shall be referred to An Bord Pleanála for determination.

REASON: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

    Reason: To ensure satisfactory reinstatement of the site.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

    REASON: In the interest of road safety and the proper planning and sustainable development of the area.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area

of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Susan Clarke
Planning Inspector

14th December 2021

Appendix 1: EIA Screening Determination

EIA - Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference		311327-21
Development Summary		Five Year Permission for one additional wind turbine with an operational lifetime of 40 years, to an existing wind farm, with associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and Screening Report for AA was submitted with the application.
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Donegal County Development Plan 2018-2024.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises an extension to an existing wind farm with the addition of one wind turbine. Having regard to the presence of the three existing wind turbines, it is not considered that the proposed development is out of character with the area.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal will involve the construction of a wind turbine and access track on peat lands. Such changes in land use and form are not considered to be out of character with the pattern of development having regard to the existing wind turbines.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of a wind farm development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant.	No

1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuel and other substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and with the implementation of appropriate construction measures can be satisfactorily mitigated. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other substances and will give rise to waste for disposal. It is proposed that the excavated peat will be used to create a peat enhancement area located adjacent to the existing turbines with the aim of restoring traditional turf cutting bog back to upland blanket bog habitat. Noise and dust emissions during construction are likely. However, such construction impacts would be local and temporary in nature. No operational waste is anticipated.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Potential for construction activity to give rise to contamination of land or water from releases of pollutants onto the ground. However such impacts are not considered significant and with the implementation of construction measures can be satisfactorily mitigated. No significant emissions during operation are anticipated.	No

1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature and their impacts will be suitably mitigated by the operation of a Construction Environmental Management Plan. Noise impacts and electromagnetic interference during operational phase are not anticipated to be significant.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Potential noise and shadow flicker from the operation of the turbine. Surface water runoff during construction and operation will be managed on site and discharged to groundwater via soakaways. Potential dust and noise pollution during construction, including construction related traffic. These impacts are not considered to be significant. No significant operational impacts anticipated.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	None. The site is not at risk of flooding. There are no SEVESO/COMAH sites in the vicinity of this location.	No
1.10 Will the project affect the social environment (population, employment)	No	Extension to the existing wind farm with the addition of one turbine would not impact on population and would provide a low level of employment.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	The proposed development relates to an extension to an existing wind farm. However, it is not anticipated that it would have any additional cumulative effects on the environment to those listed above.	No

2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: 1. European site (SAC/ SPA/pSAC/pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	Yes	Part of the site (where the new turbine is proposed to be positioned) is located in Coguish Bog, a Proposed Natural Heritage Area (site code: 001938). No Annex I habitat will be lost as a result of the development. Slieve League SAC (site code: 000189) is located approximately 5km southwest of the site. No Appropriate Assessment issues arise (see Section 7.7 of the attached Inspector's Report).	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	Bird population in the upland part of the site where the turbine is proposed is recorded as being low. Disturbance to birds present in the lower section of the site with the construction of the substation will be temporary. Bats, foxes, badgers, otters were not recorded using the site. Overall, potential effects in terms of flora and fauna are considered not to be significant.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	While there are no known monuments or other archaeological features on the subject site, archaeological testing will be undertaken in advance of construction.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such features arise in this location. Annex I habitat will not be lost as a result of the development.	No

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	There is a small stream on the site that is culverted under the existing access track. Increased hydraulic loading is not considered significant. The Environmental Report sets out a series of measures in respect of construction drainage measures to reduce increased runoff, water quality protection measures, and groundwater protection measures.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No such risks identified.	No
2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local rural road network. No significant contribution to traffic congestion is anticipated.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are no such adjoining land uses.	No

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	Yes	There is an existing wind farm on site, however the proposed development and other minor developments in the vicinity would not give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	**EIAR Not Required**
Real likelihood of significant effects on the environment.	No		No

D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of Class 3(i) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001 (as amended),
- the existing development and history of the site;
- the pattern of development in the surrounding area;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended) with the exception of Coguish Bog, a Proposed Natural Heritage Area (site code: 001938),

- the guidance set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and;
- the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment.
- It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an EIA report would therefore not be required.

Inspector: _____ Susan Clarke **Date: 14th December 2021**