An Bord Pleanála

Inspector's Report

ABP-316025-23

Development	Wind Energy Development including 19 turbines and all associated works.
Location	townlands of Clogherachullion, Cloghercor, Derryloaghan, Aghayeevoge, Cashelreagh Glebe, Darney, Drumard, and Drumnacross Co. Donegal
Planning Authority	Donegal County Council
Applicant(s)	Cloghercor Wind Farm Limited
Type of Application	Application under provisions of Section 37E of the Planning and Development Act 2000, as amended
Prescribed Bodies	1. Dept. of Housing, Local Government and Heritage 2. Northern & Western Regional Assembly 3. Transport Infrastructure Ireland
Observer(s)	1. Adrian Gallagher 2. Alison Goligher 3. Andreas Trautmann 4. Andrew Devennie 5. Ann Marie and John Maguire 6. Anne Brennan 7. Breezy Kelly 8. Brendan Devenney 9. Brian and Sharon Kirby 10. Caroline Keenan-Jackson

11. Carolyn Robinson
12. Cathy and Peter Meek
13. Ciaran Campbell
14. Ciarán Mac Daibhéid
15. Cllr. Anthony Molloy
16. Colette Molloy
17. Colmcille Climbing Club
18. Cormac and Ruth McPolin
19. Cumann Iascaireachta Gaoth Beara
20. Daniel Devenney and others
21. Daniel J Sharkey
22. Daniel Mc Geehan
23. Dennis Golden
24. Donal Brennan
25. Dr Daniel Devenney
26. Dr. Andrea Redmond
27. Dr. Catherine Histon & Prof. Ezio Vaccari
28. Dr. Padraig O Baoighill
29. Dr. Siobhan Sharkey
30. Eddie and Margaret McGinley
31. Environmental Trust Ireland
32. Eoin Brennan
33. Ethna Mc Loone
34. Finn Valley Wind Action
35. Gerd and Helga Albers
36. Golden Eagle Trust
37. Grace McGeehan
38. Graffy Environmental Group
39. Gweebarra Conservation Group
40. Helena Devenney
41. Inishowen Wind Energy Awareness Group
42. Irish Peatland Conservation Council
43. Irish Wildlife Trust

44. James Deveney
45. James Gallagher
46. John and Breege Melley
47. Joseph Coll
48. Josheph Brennan
49. Kevin Devenney
50. Kevin Wier
51. Louis and Joan Hanlon
52. Maciej Szczepanski and others
53. Marian Devenney
54. Mary Kelly
55. Mary Mc Devitt
56. Mary McDonald
57. Michael and Louise Melley
58. Michael Boyle
59. Michael Devine
60. Michael McGeehan
61. Michael Quinn
62. Moira Miller
63. Moira O'Donnell
64. Mountaineering Ireland
65. Niall Craig
66. Nicola Jackson
67. Patricia Sharkey
68. Patrick Devenney
69. Patrick J. Mc Loone
70. Paul and Violet McHugh
71. Pauline and Alan Butler
72. Peter Sweetman
73. Richard Tobin and Heidi Nguyen
74. Robert Ryan
75. Robin Newport
76. Scarlet Fahy

77. Shamus Kelly
78. Shane Brennan
79. Shaun Melley
80. Suzanne and Martin Bonner
81. Taru Burstall and David Finlay
82. The McLoone Family
83. Vincent Devenney
84. William and Kim Cunningham
85. William Robinson.

Date of Site Inspection	20th November 2023
Inspector	Tomás Bradley

Contents

1.0 Introduction

Under the provisions of Section 37E of the Planning and Development Act 2000, as amended (PDA), Cloghercor Wind Farm Limited (the applicant) have applied to An Bord Pleanála (the Board) for approval for a wind energy development including 19 turbines and all associated works in the townlands of Clogherachullion, Cloghercor, Derryloaghan, Aghayeevoge, Cashelreagh Glebe, Darney, Drumard, and Drumnacross Co. Donegal. The local authority for the area is Donegal County Council (DCC).

Pursuant to Section 37B of the PDA the Board issued a Direction on the 1st of November 2022 (Ref: ABP-311323-21) that the proposed windfarm would fall within the scope of Sections 37A and 182A of the PDA, and that a planning application should be made directly to the Board.

For information, a timeline of the planning application is set out below.

Table 1: Timeline of the Planning Application	
Lodgement of planning application	March 2023
Close of submissions on planning application	April 2023
Submissions circulated to applicant (for information)	June 2023
Direction on oral hearing	November 2023
Applicant requested to respond to submissions	November 2023
Applicant requests extension of time to respond to submissions	November 2023
Applicants responds to submissions received	January 2024

Based on the detail of the information received from the applicant in January 2024 and the conclusions of this report it was not considered necessary, in the interest of expediency, to circulate the response to observers for further comment.

This report concludes with a recommendation that the Board refuse to approve the proposed development on the basis of reasons and considerations primarily related to:

- the principle of development,
- landscape and visual amenity, and
- ornithology.

2.0 Site Location and Description

The location of the proposed development can be described across three sites that relate to particular elements of the proposed development that occur there.

- Wind Farm Site
- Biodiversity Enhancement Site
- Turbine Delivery Route Sites

2.1. Wind Farm Site

The site in which the primary development of the wind farm will be located is approximately 2,198 hectares (ha) and is located in the townlands of Cloghercor, Clogherachullion and Derryloaghan, Co. Donegal which is approximately 2.5 kilometres (km) north-east of Lettermacaward and 4 km north of Glenties (as the crow flies).

It occupies the western side of an upland area between the Gweebarra River to the west and the R250 Regional Road. The site is access by local roads, namely the L6483 and L6363. The upland area is defined by several peaks including Gaffaretcor (292 m Ordnance Datum (OD)), Gafarretmoyle (301 m OD) and Croaghleheen (308 m OD).

As stated, the site is at the western side of this upland area which rises from the Gweebarra River. The lands are largely in commercial forestry at present underlain by peat. There are several water features running off the upland area and toward the Gweebarra River. There are also a number of loughs at the site also.

Average peat depths across most of the site are generally less than 2m but with some localised deeper pockets of up to 2.6 and 2.7 metres (m) at Turbine 6 and 12, respectively. The peat is mainly underlain by granite bedrock and some of the turbines would be located within areas where the peat depth is very shallow. Site gradients across the site vary between 0.8 degree (T18) to 9.6 degrees (T2). It is noted that there is no recent history of landslides or peat slippages in the area.

There is an electricity transmission line, the Ardnagappary to Tievebrack 110 kilovolt (kV) Circuit traversing the southern portion of the site. The lands adjoining the site are not densely population but there are residential dwellings located on the roads

adjoining the site. It is understood the closest residential dwelling is 925 m from any proposed wind turbine.

There are no specific natural heritage designations in respect to the subject. The Gweebarra River, immediately west of the site, is part of the West Of Ardara/Maas Road Special Area of Conservation (SAC) (Site Code: 00197). The river is also part of the West Of Ardara/Maas Road proposed Natural Heritage Areas (pNHA). Glenveagh National Park is approximately 4 km north-east of the site.

In terms of built heritage, there are no specific designations in respect of the subject site. There is no specific flood data in respect of the proposed site noted on mapping prepared by the Office of Public Works (OPW). Donegal Airport, approximately 19 km to the north and is the only airport or registered aerodrome in proximity to the site

2.2. Biodiversity Enhancement Site

Biodiversity Enhancement Lands will encompass approximately 252 ha of land to the south-west of and adjacent to the wind farm site. It currently farmed or in forestry. The southern boundary stretches south from the L6363 along a ridge to Derkbeg Hill (332 m OD) and as a far as Derkmore Lough. the lands incorporate parts of Lough Doo and Lough Smuttan. The northern boundary stretches south to the Gweebarra River.

2.3. Turbine Delivery Route Sites

The sites, which host secondary development required to facilitate the delivery of wind turbines, are located at several locations between the port of Killybegs, Co. Donegal and the site - along the N56 National Secondary Road and R262 Regional Road. The applicant refers to this as the Turbine Deliver Route (TDR)

In the townland of Aghayeevoge, approximately 4.5 km (in road distance) north of Killybegs Port the site relates to lands of a residential dwelling adjoining a bend N56. It is at a T-junction with the L5465 where there is a grass verge, hedging, electrical infrastructure and some cabinets and signage.

In the townland of Cashelreagh Glebe, approximately 9 km (in road distance) from Killybegs Port the site relates to agricultural lands opposite residential dwellings adjoining a bend N56. There is a grass verge, post and wire fencing with a gate and some signage.

In the townland of Darney, approximately 4.5 km (in road distance) from Killybegs Port the site relates to agricultural lands adjoining a bend N56. There is a hedgerow abutting the road.

In the townland of Drumard, approximately 21 km (in road distance) from Killybegs Port the site relates to lands of a lands on the outskirts of Frosses Village at a bend on the R262. There is currently a crash barrier and signage at this location as well as electrical infrastructure. There is a residential dwelling to the south.

In the townland of Drumnacross, approximately 35 km (in road distance) from Killybegs Port the site relates to lands of a lands east of the R262. The site covers an area in grassland with extensive rush cover. There is currently a post and wire fencing with a gate at this location. There is a residential dwelling, commercial premises and school opposite the site.

It is noted that not all works along the proposed TDR are included in the current planning application, but all works along the route are assessed as part of the EIAR. Road widening of the L6363 and L6483 between the R250 and the site entrance, and advance works in the townland of Tullycumber will be subject to a separate consenting process.

In respect of all these turbine delivery sites. There are no specific natural heritage designations. In terms of built heritage, there are no specific designations. There is no specific flood data noted on mapping prepared by the OPW.

3.0 Proposed Development

3.1. Development Description

The proposed development consists of:

- Erection of 19 no. wind turbines with an overall blade tip height range from 185 m to 200 m, a rotor diameter range from 149 m to 164 m, a hub height range from 112 m to 125 m, and all associated foundations and hard-standing areas in respect of each turbine;
- Construction of new site entrance with access onto the L6483 local road for the construction phase (operational phase maintenance traffic only), and utilisation of a permitted forest entrance (Ref. 1951040) to the L6483 as a second entrance to the wind farm for the construction phase;
- Improvements and temporary modifications to 4 no. locations adjacent to the public road to facilitate delivery of abnormal loads and turbine delivery on the R262 and N56 in the townlands of Drumard, Darney, Cashelreagh Glebe and Aghayeevoge, Co. Donegal;
- Construction of an area of temporary hard standing to function as a blade transfer area to facilitate turbine delivery, with associated access to and from the public road R262, in the townland of Drumnacross;
- Construction of 2 no. temporary construction compounds with associated temporary site offices, parking areas and security fencing;
- Installation of 1 no. permanent meteorological mast with a height of 100 m;
- 4 no. borrow pits;
- Construction of new internal site access roads and upgrade of existing site roads, to include passing bays and all associated drainage;
- Construction of drainage and sediment control systems;
- Construction of 1 no. permanent 110kV electrical substation including:
    - 1 no. EirGrid control building containing worker welfare facilities and equipment store;
    - 1 no. Independent Power Producer (IPP) control building containing HV switch room, site offices, kitchen facilities, storeroom and toilet amenities.
    - All electrical plant and infrastructure and grid ancillary services equipment;
    - Parking;
    - Lighting;

    - Security Fencing;
    - Wastewater holding tank;
    - Rainwater harvesting equipment;
    - All associated infrastructure and services including site works and signage;
- All associated underground electrical and communications cabling connecting the wind turbines to the proposed wind farm substation;
- All works associated with the connection of the proposed wind farm to the national electricity grid, which will be via a loop-in 110 kV underground cable connection (approximately 4.1 km cable length in underground trenches along approximately 3.36 km of site road) to the existing 110kV overhead line in the townland of Cloghercor, Co. Donegal, with 2 no. new 16 m and 21 m high steel lattice end masts at each interface;
- Removal of 13 no. existing wooden polesets and 1 no. steel lattice angle mast between the 2 no. proposed new interface end masts;
- 2 no. watercourse (stream) crossings on the grid connection route;
- All related site works and ancillary development including berms, landscaping, fencing and soil excavation;
- Forestry felling to facilitate construction and operation of the proposed development and any onsite forestry replanting;
- Development of a permanent public car park with seating/picnic tables at the end of the construction phase of the development with a new entrance on the L6483;
- Permanent recreational facilities including marked walking trails along the site access roads, and associated recreation and amenity signage; and
- A 10-year planning permission and 35-year operational life from the date of commissioning of the entire wind farm is being sought.

This application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). The appropriate period sought for the proposed development is 10 years and it is requested that the operational period of will be 35 years. Once commenced, it is expected that the construction phase will take approximately 24 months.

The proposed development is not specific on the wind turbine specification and does not name any specific manufacturers (aside from assessing certain topics in the EIAR). The applicant has opted for an envelope approach.

3.2. Development Need

The applicant has put forward a statement of need in its planning application particulars which centres on the current energy crisis and climate emergency. There is a target to achieve up to 80% of electricity from renewable sources by 2030 in the Climate Action Plan 2023. The proposed development will have an electrical output of between 95-136.8 Megawatt (MW) and provide up to 3% additional wind energy. The proposed development will improve security of supply through the reduction of energy importation.

3.3. Documents supporting the Proposed Development

The following documents were submitted to the Board in the first instance in support of the proposed development:

- Planning Application Documentation
  - Planning Cover Letter
  - Planning Application Form
  - Site Notice
  - Newspaper Notice
  - EIAR Portal Confirmation (2023033)
  - Letters of Consent from Relevant Landowners
  - Confirmation of SID determination
  - Schedule of Prescribed Bodies and copy of Notification Letters
  - Confirmation Planning Application Fee
- Planning Application Drawings
- EIAR
  - Volume 1- EIAR Non-Technical Summary (NTS)
  - Volume 2- EIAR Main Body
  - Volume 3- EIAR Appendices
  - Volume 4- Photomontages
- NIS
- Mitigation Measures Document
- Planning Statement

4.0 Planning History

A review of the DCC Planning Portal and the Board's case files was carried out in January 2024 to collate any relevant, recent (within 10 years) planning history for the site – key histories are set out in the section. Section 4.3 of the EIAR (along with appendices 4-1, 4-2 and 4-3) which is not reiterated here, also provided a detailed planning history and is noted and considered in all cumulative and in-combination assessments below.

4.1. Subject Site

ABP-308008-20 (DCC Ref: 20/50720) - In March 2021, the Board, on appeal, granted permission with conditions for the erection of a temporary meteorological mast for a period of five years in the townlands of Clogherachullion and Cloghercor.

DCC Ref: 19/51040 - In August 2019, DCC, granted planning permission with conditions for the construction of a forest access road entrance in the townland of Clogherachullion.

4.2. Other Wind Farms

ABP 05B.240166 (DCC Ref: 11/30127) - In February 2012, the Board, on appeal, refused planning permission for a wind farm (25 wind turbines) at a site directly adjacent to the subject site (area directly south of the Biodiversity Enhancement Site). The site was located in the townland of Straboy, Meenalargan, Loughcrillen, Mulnamin Beg, Derk Beg and Derryloughan Townlands, Glenties, Co. Donegal.

ABP-312385-22 (DCC Ref: 2151990) – In December 2023, the Board, on appeal refused planning permission for a wind farm (8 wind turbines) at a site approximately 6 km east of the subject site. The site was located in the townland of Graffy, Meenamanragh, Dalraghan More, Glenties, Meenagrubby, Tievebrack Banganboy, Stracashel, Drumconcoose, Drumnalough, Lugaveen, Glenties, Co. Donegal.

ABP-315071-22 (DCC Ref: 11/30127) – In November 2022, the Board, on appeal, refused planning permission for a wind farm (3 wind turbines) at a site approximately 7 km south-east of the subject site. The site was located in the townland of Massloughderryduff, Lackaghatermon, Ardara, Co. Donegal.

ABP-308806-20 – In August 2022, the Board granted permission with conditions for a wind farm (12 wind turbines) at a site approximately 16 km west of the subject site. The site was located in the townland of Tooslenagh, Treankeel, Aughkeely, County Donegal.

4.3. Other Infrastructure Developments

Ref: ABP-301801-18 - In January 2019, the Board, on appeal, granted permission with revised conditions for a new watermain as part of improvements to the regional water supply scheme in the townland of Kincrum, Lettermacaward, Cleengort, Derryloughan and Doochary.

Ref: PL05E.248131 - In September 2017, the Board, on appeal, granted permission with revised conditions for a water reservoir as part of improvements to the regional water supply scheme in the townland Derryloughan.

4.4. Other Developments

There are numerous planning applications around the site in respect of residential and small/medium commercial/agricultural developments which is to be expected in a such a rural location. These are all noted and considered in the assessment below.

5.0 Policy Context

5.1. National and Regional

At a high level, the Board should note several national and regional level policies and guidance which will be relied on in in the assessment below. These include:

- Department of the Environment, Climate and Communications (DECC) (2023) *Climate Action Plan 2023*
- Department of Housing, Local Government and Heritage (DHLGH) (2021) Project Ireland 2040: *National Development Plan*
- DHLGH (2019) *Project Ireland 2040: National Planning Framework*
- Department of Communications, Energy and Natural Resources (DCENR) (2015) *White Paper on Energy – Irelands Transition to a Low Carbon future 2015-2030*

These are all directly and indirectly supportive of renewable energy projects which extends to wind energy. It is noted a more detailed setting out of national and regional policy is contained in Section 4.4 of the EIAR should it be required by the Board.

In addition this report has considered the development guidelines for wind farms which set out a range of considerations for considering such an application:

- DHLGH (2019) *Draft Wind Energy Guidelines* (WEGS2019)
- Department of the Environment, Heritage, and Local Government (DEHLG) (2006) *Wind Energy Guidelines* (WEGS2006)

5.2. Regional

In 2020 the Northern & Western Regional Assembly (NWRA) published thee *Regional Spatial and Economic Strategy for the Northern and Western Region 2020 – 2032* (RSES). The following regional policy objectives are noted.

Table 2a: Policies and Objective of the RSES	
Regional Policy Objective	**Detail**
RPO 4.18 Renewable Energy and Low Carbon Future	Support the development of secure, reliable and safe supplies of renewable energy, to maximise their value, maintain the inward investment, support indigenous industry and create jobs.
RPO 5.2 Landscape	(a) Protect manage and conserve the quality, character and distinctiveness of our Landscapes and seascapes. (b) The Assembly supports co-operation and co-ordination between Local Authorities in determining landscape character along their borders. A targeted review should be undertaken to ensure consistency in classification and policy in adjoining areas of similar character. The NWRA will assist in collaboration and coordination.

	(c) Following the completion of the National Landscape Character Assessment, and any associated statutory Guidelines, the Regional Assembly shall prepare a Regional Landscape Character Assessment to promote improved landscape management and designation.
RPO 5.13 **Built, Architectural and Archaeological Heritage**	Protect, enhance and harness the potential of the region's cultural and heritage assets
RPO 5.22 **Peatlands**	To protect and conserve our designated peatlands and bogs for reasons of biodiversity, ecosystem services, carbon sinks, areas of habitat importance, amenity and landscape value.
RPO 8.3 **Electrical Grid Network**	The Assembly support the necessary integration of the transmission network requirements to allow linkages with renewable energy proposals at all levels to the electricity transmission grid in a sustainable and timely manner.

5.3. County

Specifically (and most pertinently for the assessment below), the Donegal County Development Plan 2018-2024 (DCDP) came into effect on 5th June 2018 and is the relevant plan for the subject site. The DCDP was varied (Variation 2) in 2023 to purposely incorporate a Wind Energy Policy Framework.

The Board should note that it is understood this plan will expire in June 2024, unless it is extended. DCC are in the process of preparing a new plan for the period 2024-2030. The development plan process is currently at draft stage. Should the decision of the Board for this planning application go beyond the appropriate period for the current plan or come at a time when a new plan has been adopted – then this report and its recommendation should be reviewed to ensure the policies of the plan that were applied to the assessment below are appropriate.

As noted, the DCDP was varied (Variation 2) in 2023 to purposely incorporate a Wind Energy Policy Framework. This follows a legal judgement in which certain provisions of the DCDP relating to wind energy standards including Map 8.2.1 – Wind Energy were ordered to be deleted and/or removed. The variation incorporating a ministerial direction issued under Section 31 of the PDA was adopted in 2023 which identifies areas for wind energy development, as well as a new policy framework relating to same. The designations specific to the site are discussed below and are the current understanding of the status of the plan.

5.3.1. Zoning Objective

There is no specific land-use zoning objective for the site. The suitability of the site for wind farm development is set out below in Section 5.3.2.

5.3.2. Specific Objectives in respect of Wind Energy

Section 8.2 of the DCDP relates to Energy. It is the overall aim to:

"facilitate the development of a diverse energy portfolio by the sustainable harnessing of the potential of renewable energy including ocean energy, bioenergy, solar, wind and geothermal, along with the sustainable use of oil and gas, and other emerging energy sources in accordance with National Energy policy and guidance. It is also an aim 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.

Map 8.2.1 entitled 'Wind Energy' designates areas[1] considered suitable or unsuitable for wind energy development. It identifies three areas, namely (a) Acceptable In Principle, (b) Open to Consideration and (c) Not Normally Permissible.

The proposed development is located in an area designated Not Normally Permissible. In respect of such site it states:

Arising from this process and in accordance with Policy E-P-12 and Map 8.2.1, the Plan identifies the following policy area designations as the means of determining the principle of the acceptability or otherwise of proposed wind farm developments

…..

(c) Not Normally Permissible

On foot of this determination, and in-line with national guidelines, it follows that most windfarm developments will not normally be permissible. This should apply in particular to such proposals on previously undeveloped sites, inclusive of sites with a lapsed unimplemented permission (and where substantive works have not been undertaken). Notwithstanding, and having regard to previous planning assessments and decisions and the subsequent investment incurred, it is the position of Donegal County Council that a more balanced approach is required when dealing with windfarm proposals in these areas where, crucially, there is an already existing strong planning history. This refers to the following categories: Existing Windfarms; Developments Under Construction; Developments Where Permissions Have Lapsed But Where Substantial Works Have Been Completed; and Sites With a Live Permission but not yet started. For such sites, it is considered reasonable to allow for the consideration of proposals for the augmentation, upgrade and improvement of such developments in accordance with the details set out in Policy E-P-12 below.

The objectives and policies contained in this Section of the Plan set out a broad framework against which all windfarm proposals shall be considered. However, individual windfarm

[1] These areas have been identified using a step-by-step sieve mapping analysis as a basis for constructing the map, by carrying out a comprehensive analysis of the environmental sensitivities and the wind energy potential of the County (in accordance with the Draft Wind Energy Development Guidelines 2019) subject to amendments made by resolution of the Council (refer to Section 28 Statement).

proposals are likely to give rise to additional issues covered by other provisions in the Plan and thus proposals shall also be subject to compliance with all other pertaining objectives and policies contained in this Plan.

Within each of the wind energy area designations on Map 8.2.1, and along the interface between the designations, there may be small areas that do not fully meet the intent of the designation. Such anomalies shall be considered individually and in the context of all other objectives and policies contained within this Plan, should an application for development be submitted in these. The onus shall be on the applicant to make the case that the site does not meet the characteristics of the designation within which it is located, but ultimately it shall be a matter for the Planning Authority to adjudicate on such matters.

The objectives and policies related to wind energy are set out below.

Table 2b: Policies and Objective of the DCDP	
Policy/Objective	**Detail**
E-O-1	To develop sustainably a diverse and secure renewable energy supply portfolio to meet demands and capitalize on the County's competitive locational advantage.
E-O-5	To ensure that wind energy developments meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2006, or any subsequent related Guidelines (or as may be amended).
E-O-6	To ensure that wind energy developments do not adversely impact upon the existing residential amenities of residential properties, and other centres of human habitation (as defined at Para. 6.6, 'Wind Energy', Appendix 3, Development Guidelines and Technical Standards, Part B, Objectives and Policies of the Plan).
E-O-7	To secure the maximum potential from the wind energy resources of the planning authority's area commensurate with supporting development that is consistent with proper planning and sustainable development.
E-P-10:	It is a 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 may be amended).
E-P-12:	It is a policy of the Council that the principle of the acceptability or otherwise of proposed wind farm developments shall be generally determined in accordance with the three areas identified in Map 8.2.1 'Wind Energy' and the specific biodiversity related requirements detailed below: 1. Areas in Map 8.2.1 Wind Energy: a) Acceptable In Principle - Wind energy development shall be generally acceptable in these areas. b) Open to Consideration - Wind energy development shall be generally open to consideration in these areas. **c) <u>Not Normally Permissible - (i) Windfarm development proposals on previously undeveloped sites, inclusive of sites with a lapsed un-implemented permission (and where substantive works have not been undertaken) will not normally be permissible. (ii) The augmentation, upgrade and improvements of existing windfarms; windfarm developments under construction; developments where permission has lapsed but substantial works have been completed, or on sites with an extant planning permission will be open to consideration where such proposals shall be generally confined to the planning unit of the existing development.</u>** 2. Specific Biodiversity Related Requirements: a) Loss of functionally linked habitat - Developers of wind energy proposals on greenfield sites shall undertake a preconstruction appraisal of habitats. Should habitats suitable for supporting Special Conservation Interest bird species be present, developers will be required to undertake pre-construction bird surveys to confirm whether the site supports a significant proportion of bird populations (typically taken to be 1% of the population of a SPA, at time of designation). Depending on whether qualifying birds represent breeding or overwintering species, surveys will need to be undertaken in the breeding season or overwintering period (October to March). If a site represents functionally linked habitat, avoidance / mitigation measures will be required and the proposal will need to be supported by a bespoke Appropriate Assessment. b) Mortality due to collision with operational wind turbines - Wind energy development proposals shall demonstrate that they can be delivered without resulting in adverse effects on the integrity of European sites. Vantage point surveys will be required to establish a) the overall use of the development site by Special Conservation Interest birds and b) more detailed usage by Special Conservation Interest birds of the turbine swept area taking account of specifications such as turbine height, blade length, nacelle (blade hub) rotation

	speed and the number of turbines. Mitigation measures may need to be delivered to ensure that any residual risks are appropriately avoided or reduced. c) Disturbance displacement - To avoid potential permanent disturbance displacement impacts on Special Conservation Interest bird species, Donegal County Council will generally not support wind energy proposals within 1km of Special Protection Areas unless clear evidence from the applicant or scheme promoter can demonstrate no adverse effect on site integrity will arise. d) Water quality - Any wind energy developments within 1 km of sensitive SPAs / SACs shall ensure that potential adverse impacts on the European sites due to water quality impacts are assessed and, where required, mitigated. Possible assessments and mitigation measures include, but are not limited to, water quality and ecological baseline studies, run-off / leachate modelling, delivery of construction Environmental Management Plans (CEMPs) and Water Management Plans (WMPs) and compliance with industry good practice
E-P-14	It is a policy of the Council to support voluntary initiatives from developers/renewable energy operators for local community benefits, in accordance with other policies of this Plan and the proper planning and sustainable development of the area. (Examples could include; shared ownership of development proposals, financial dividends, the development of improved local infrastructure, the donation of land for community use, such as playing fields, the development or refurbishment of local community facilities, the creation of rights of way/cycle, walking and bridleways, educational tours and promotional days).
E-P-16	**It is a policy of the Council to: (a) only grant planning permission for new wind measuring masts in areas designated as 'Acceptable in Principle' or 'Open to Consideration'.**
E-P-17	It is a policy of the Council to ensure that all roads associated with the development of wind farms are maintained or repaired at the developer's expense to the satisfaction of the Council.
E-P-18	It is a policy of the Council that potential impacts on natural, built and cultural heritage including impacts on archaeological monuments and watercourses are assessed as part of renewable development proposals. Where such impacts are identified, mitigation measures such as buffer zones, separation distances and access arrangements should be employed as appropriate.
E-P-20	It is the policy of the Council that all 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.
E-P-21	It is the policy of the Council that all applications for renewable energy projects will ensure that details of the proposed grid connection and all associated infrastructure are considered in the Environmental Impact Statement (EIS) and Natura Impact Statement as may be required.
E-P-22	It is a policy of the Council to ensure that the proponents of wind energy projects have: a) Meaningfully and properly consulted with the local community and facilitated public participation in developing their proposals; and b) Demonstrated how the proposed development will be of enduring economic benefit to the communities concerned, through a form of community investment/ownership, benefit or dividend, or similar. All Applications of this nature shall be accompanied by a 'Community Report' in accordance with the Wind Energy Guidelines 2021, and shall form an essential component of any application subject to 22A of the Planning and Development Act 2000 (as amended)
E-P-23	**It is a policy of the Council that wind farm developments:** **(i.) Must not be located within:** **(a.) the zone of visual influence of Glenveagh National Park;** **(ii.) Must not be located within the following areas, subject to the possible exceptions set out in Policy E-P-12(1)(c)(ii):** **(b) the Gweebarra River Basin;** (c) areas contained within 'Especially High Scenic Amenity' on Map 7.1.2 'Scenic Amenity'; (d) Freshwater Pearl Mussel Catchments; and (e) St. John's Point.
E-P-25	It is a policy of the Council to require the preparation and effective implementation of Environmental Management Plans (EMPs) to manage the construction, operation, maintenance and decommissioning of windfarms, and to ensure that the decommissioning, post-operational restoration and restoration of habitats of redundant windfarm developments is achievable and practical once a wind energy development ceases
E-P-26	It is the policy of the Council that all applications for wind farm development located on peatland and bog, including the re-powering and augmentation projects, shall be accompanied by a 'Peat Stability Risk Assessment Report'.
Development Guidelines	6.1 Wind energy proposals shall be screened for Environmental Impact Assessment and Appropriate Assessment of the potential impacts of the proposal on the host environment. Where a development does not require an EIA then an Environmental Report should be prepared. 6.2 The following should also be considered in the preparation of wind energy proposals: • Geological assessment of the locality. • Geotechnical assessment of the overburden and bedrock. • Assessment of local and migratory flora and fauna. • A Peat Stability Assessment to determine the possibility of a bog burst or landslide. • Assessment of potential visual impacts. 6.3 No fencing should occur on any part of the site except for around ancillary developments such as substations.

	6.4	All grid cable connections within the site should be undergrounded.

Emphasis added

5.3.3. Specific Policies in respect of Natural and Built Heritage

Chapter 7: Natural and Built Heritage of the DCDP considers a range of policy objectives to protect and conserve all sites designated or proposed for designation this includes biodiversity, designated sites for ecology, architectural and archaeology. It also considers non-designated sites features of local value including trees, stone walls and hedgerows. These are all noted.

5.3.4. Specific Policies in respect of Landscape and Tourism

The landscape policies are centred on categorised into three layers of value. These are illustrated on Map 7.1.1 of the DCDP. These are classified as areas of 'Especially High Scenic Amenity' (EHSA), areas of 'High Scenic Amenity' (HSA) and areas of 'Moderate Scenic Amenity' (MSA). None of the landscapes in Donegal have been classified as Low Value.

The proposed site is located primarily in an area of MSA with the higher elevated areas of the site in an area of EHSA. Such areas have the following definitions:

- **MSA** – have the capacity to absorb additional development that is suitably located, sited and designed subject to compliance with all other objectives and policies of the Plan.
- **EHSA** – have extremely limited capacity to assimilate additional development.

In addition Policy NH-P-13 of the DCDP seeks to protect views and prospects identified on Map 7.1.1. In that respect there is a protected view and prospect located at the Gweebarra Bridge look generally north-east up the river channel.

The following policies should be considered with respect to the above:

Table 3: Policies and Objective of the DCDP	
Policy/Objective	**Detail**
NH-P-7	Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', 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.
NH-P-6	It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered.
NH-P-13	It is a policy of the Council to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'.

NH-P-15	It is a policy of the Council to safeguard prominent skylines and ridgelines from inappropriate development.
TOU-P-5	It is a policy of the Council not to permit development which would materially detract from visual and scenic amenities along the route of the Wild Atlantic Way.

5.3.5. Draft Donegal County Development 2024-2030

DCC has prepared a Draft Donegal County Development Plan 2024-2030. This plan is not in effect and in the context of this report is not considered. However, the Board should seek an update on its status prior to any decision being taken in case it does come into effect in the intervening period. As it stands, the draft plan maintains its current wind energy designation but in terms of landscape the site has been elevated to an area of EHSA.

6.0 Legal Context

6.1. Environmental Impact Assessment

Annex I to Directive 2011/92/EU as amended by Directive 2014/52/EU requires as mandatory the preparation of an EIA for all projects listed therein. Projects listed in Annex II to the Directive are not automatically subjected to EIA. Member States can decide to subject them to an assessment on a case-by-case basis or according to thresholds and/or criteria (for example size, location, sensitive ecological areas and potential impact).

The European Union (Planning and Development) (EIA) Regulations 2018 (S.I. No. 296/2018) amended the PDA and the PDR in order to transpose into Irish Law the provisions of Directive 2014/52/EU.

In Ireland, Schedule 5 (Part 1 and Part 2) of the PDR, transposes Annex I and Annex II of the amended EIA Directive. Schedule 7 sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment, under three headings: characteristics of the proposed development; location of the proposed development; types and characteristics of potential impacts.

Screening is the term used to describe the process for determining whether a proposed development requires an EIA by reference to mandatory classes of development and legislative threshold requirements or by reference to the type and scale of the proposed development and the significance or the environmental sensitivity of the receiving baseline environment set out in Schedule 7.

The following class in Schedule 5 of the PDR is noted:

Part 2 Class 3 (i)

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

The applicant in this instance has submitted an EIAR.

6.2. Appropriate Assessment

Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (‘the Habitats Directive’) is European Community legislation aimed at nature conservation. The Habitats Directive requires that where a plan or project is likely to

have a significant effect on a European site(s), (and where the plan or project is not directly connected with or necessary to the nature conservation management of the European site), the plan or project will be subject to AA to identify any implications for the European site(s) in view of the site's Conservation Objectives The Habitats Directive is transposed into Irish law by Part XAB of the PDA, and the PDR.

Case law of the European Court of Justice (ECJ) has determined that AA is required if likely significant effects cannot be excluded on the basis of objective information. Case law has also clarified that measures intended to avoid or reduce harmful effects on European sites, must not be considered when determining whether it is necessary to carry out an AA.

The applicant in this instance has submitted an NIS.

7.0 Submissions

7.1. Planning Authority

- The planning authority considers the proposed development consistent with the NPF, RSES and relevant wind energy guidelines In respect of the DCDP, the submission provides an overview of the wind energy policy framework and the variation in respect of same.
- DCC identifies the sites as being within an area 'Not Normally Permissible' for wind farms and therefore, the proposed development would materially contravene Policy E-P-12 of the DCDP.
- DCC also advise that the proposed development is located within the Gweebarra River Basin, (a habitat for Freshwater Pearl Mussels (FWPM)) and, therefore, it would materially contravene policy E-P-23 also.
- The development site is located on land designated as being of EHSA, HSA and MSA landscape areas. Policy E-P-23 specifically precludes wind farm developments within EHSA areas. Therefore the proposed development would materially contravene this provision within E-P-23.
- DCC in considering the designated view from the Gweebarra Bridge, considers that the proposed development will have a hugely detrimental visual impact on it and not be consistent with Policy NH-P-13 of the DCDP.
- DCC is also concerned with tourism objectives of the DCDP and specifically TOU-O-3, TOU-O-4 and TOU-O-5 which protect in particular the Wild Atlantic Way which runs to the west at Gweebarra Bridge. DCC consider there to be a significant impact in this respect.
- The proposed development was considered by the elected members of DCC at a council meeting on the 29th of May 2023 at which it is reported that there was universal opposition to it. The members raised the following additional issues:
    - Impact to Natura 2000 Sites: There is concern about the impact to the Derryveagh and Glendowan Mountains SPA and its qualifying interests. In addition there is general concern about the golden eagles at the location of the wind farm. They also raise the Ardara/Maas Road SAC, Coolvoy Bog

SAC, Gannivegil Bog SAC and River Finn SAC and request the Board to specifically assess impacts to same.

- Landslide/Peat Stability: The elected members raise the similarities between the landscape at the proposed site and that of a previous SID development at Meenbog Wind Farm. The members seek to avoid a repeat of the Meenbog peat slippage event which had detrimental impacts on the FWPM of the Gweebarra River and the planned extraction of water for a public water supply in the Rosses area.
- Transport: There is general concern about the capacity of the local roads to deliver the component parts of the wind farm during the construction phase given their length.

7.2. Prescribed Bodies

1. DHLGH
2. NWRA
3. Transport Infrastructure Ireland

7.2.1. Department of Housing, Local Government and Heritage

7.2.1.1. *Archaeology*

- The Department has reviewed the EIAR and is broadly in agreement with the findings in relation to archaeology and cultural heritage. It is recommended Condition C5 and C6 as set out in the OPR Practice Notice be attached to any approval should it be given.

7.2.1.2. *Nature Conservation*

- Golden Eagle
  - The proposed wind farm is located entirely within the home range of a Golden Eagle breeding pair, a red-listed bird of conservation concern. The pair successfully nested in 2020 and each year since, representing a significant reintroduction effort in Ireland.
  - The Department expresses concern that the wind farm's construction and presence could disturb the nesting eagle pair, leading to a potential failure to nest successfully or abandonment of the territory.

- The Gweebarra River Valley serves as a crucial commuting route and habitat connectivity for Golden Eagles and other birds, linking Glenveagh to the Bluestack Mountains.
- Golden Eagles, especially breeding pairs, are highly sensitive to disturbance, and construction-related disruptions could have a significant negative impact on the population.
- Mitigation measures include changes in wind farm design, positioning turbines within forestry, and a habitat management plan. However, the long-term impact on eagle populations due to forestry management is not addressed.
- The wind farm design claims to reduce collision risk for Golden Eagles, but the long-term effects on the population growth rate are uncertain, and the lack of plans for future forestry management raises concerns. Studies from Scotland are cited, suggesting that Golden Eagles tend to avoid operational wind farms, challenging the idea of habituation to turbine structures.
- The survival of the national Golden Eagle population is linked to the productivity rate of the five Donegal productive home ranges, emphasizing their importance in maintaining a viable population.
- A habitat management plan is proposed to compensate for potential displacement impacts, covering 252 ha. However, the plan's adequacy is questioned, given the larger indicative home range of around 90 km2.
- Overall, the concerns revolve around the potential adverse effects of the wind farm on the Golden Eagle population and the need for comprehensive and sustainable mitigation measures.

- Whooper Swans
  - Surveys indicate the presence of 60 Whooper Swans with flight lines crossing wind turbine sites during spring and autumn migration, suggesting the site is on a regular migration route.
  - The Whooper Swan is of international importance, listed in Annex 1 of the Birds Directive, and Article 4(2) mandates protective measures for regularly occurring migratory species in their breeding, moulting, wintering areas, and migration routes.

- The Icelandic breeding population of Whooper Swans overwinters in Britain and Ireland, with the highest densities in lowland areas. Their large size makes them susceptible to flying accidents, a major cause of death.
- The EIAR proposes no mitigation measures for Whooper Swans at the wind farm site, predicting a collision risk of 0.16-0.23 per year. Monitoring involves carcass searches during migration periods, with search frequency to be reviewed annually based on survey data.

- Bats
  - Wind turbines have been identified as causing bat fatalities through direct collisions or barotrauma, with specific concerns for eight bat species, including Leisler's bats, common pipistrelle, and soprano pipistrelle, in the studied site.
  - The Department acknowledges mitigation measures for high and medium-risk turbine locations but expresses doubts about the proven effectiveness of proposed measures, such as buffer zones and carcass searches.
  - Research highlights a lack of studies evaluating the impact of retaining buffer zones on bat populations, and there are concerns that cleared keyhole buffer zones in Scotland might inadvertently create foraging patches, potentially acting as an ecological trap for bats.
- Haul Routes
  - The transportation plan involves crossing multiple bridges to reach the proposed site.
  - Concerns are raised about the lack of assessment regarding the impact of bridge maintenance on protected species such as bats, dippers, and grey wagtails that use the bridges for roosting and breeding.
  - The absence of an assessment for potential cumulative impacts on protected species along haul routes and the turbine delivery route is highlighted.
- Water Quality/Peat Slippage Risk
  - Most turbines are located on blanket peat, with five watercourses draining from the proposed site into the Gweebarra salmonid River.
  - The Peat Stability Risk Assessment indicates "high" and "moderately high" landslide susceptibility in certain areas.

- The Department underscores the inadequacy of dilution over distance as a mitigation technique, citing the Meenbog Peat Slippage's impact on distant areas (>60km), indicating potential risks to water quality and habitat deterioration for Salmon in the River Finn SAC and the River Foyle and Tributaries SAC.

- Forestry
  - The proposed wind farm covers nearly 2000 ha, primarily situated in a commercial conifer plantation on blanket bog, with some open peatland, owned by Coillte and third parties.
  - Turbines are planned within the conifer forestry to mitigate ecological impact, but the Department expresses uncertainty about future management plans for the plantation, as none are provided in the application. The lack of such information hinders accurate identification and evaluation of cumulative impacts and potential loss of future plantation.
  - The Forestry Felling Report does not address the planned management of the forestry beyond what's required for turbine and wind farm infrastructure, and critical details such as the height of turbines relative to existing trees and future plans for those trees are not presented, posing significant concerns for impact mitigation.

7.2.2. Northern & Western Regional Assembly

- The NWRA sets out the relevant policies of RSES and initiatives it is involved in in respect of renewable energy strategies. The NWRA states that some areas of the country contribute more in terms of renewable energy than others and this needs to be acknowledged.
- Repowering existing projects will play a significant role in boosting overall renewable energy output in the region, with a focus on prominent sites in the Northern & Western Region.
- It is unclear to the NWRA whether the issue of grid capacity in the north-west region is addressed or not in the planning statement. This issue is clearly identified by EirGrid in its publication Shaping our Electricity Future.
- The NWRA describes the process of the making of the variation of the DCDP and the fact that the Gweebarra Basin was specifically identified in policy for

safeguarding. This safeguarding is based on impacts to the national park, WAW and certain habitats. The Minister agreed with this safeguarding.

- It is the NWRA conclusion that the proposed development is not supported in policy, particularly the DCDP but also the RSES and is contrary to RPO 5.2 and RPO 5.13 of the RSES

7.2.3. Transport Infrastructure Ireland

- Transport Infrastructure Ireland raises issues in relation to the proposed turbine haul routes and certain requirements there to ensure the safeguarding of the strategic function of the national road network.

7.3. Observations

There are 85 no. observations in respect of this file. The observers are:

1. Adrian Gallagher
2. Alison Goligher
3. Andreas Trautmann
4. Andrew Devennie
5. Ann Marie and John Maguire
6. Anne Brennan
7. Breezy Kelly
8. Brendan Devenney
9. Brian and Sharon Kirby
10. Caroline Keenan-Jackson
11. Carolyn Robinson
12. Cathy and Peter Meek
13. Ciaran Campbell
14. Ciarán Mac Daibhéid
15. Cllr. Anthony Molloy
16. Colette Molloy
17. Colmcille Climbing Club
18. Cormac and Ruth McPolin
19. Cumann Iascaireachta Gaoth Beara
20. Daniel Devenney and others
21. Daniel J Sharkey
22. Daniel Mc Geehan
23. Dennis Golden
24. Donal Brennan
25. Dr Daniel Devenney
26. Dr. Andrea Redmond
27. Dr. Catherine Histon & Prof. Ezio Vaccari
28. Dr. Padraig O Baoighill
29. Dr. Siobhan Sharkey
30. Eddie and Margaret McGinley
31. Environmental Trust Ireland
32. Eoin Brennan
33. Ethna Mc Loone
34. Finn Valley Wind Action
35. Gerd and Helga Albers
36. Golden Eagle Trust
37. Grace McGeehan
38. Graffy Environmental Group
39. Gweebarra Conservation Group
40. Helena Devenney
41. Inishowen Wind Energy Awareness Group
42. Irish Peatland Conservation Council

43. Irish Wildlife Trust
44. James Deveney
45. James Gallagher
46. John and Breege Melley
47. Joseph Coll
48. Josheph Brennan
49. Kevin Devenney
50. Kevin Wier
51. Louis and Joan Hanlon
52. Maciej Szczepanski and others
53. Marian Devenney
54. Mary Kelly
55. Mary Mc Devitt
56. Mary McDonald
57. Michael and Louise Melley
58. Michael Boyle
59. Michael Devine
60. Michael McGeehan
61. Michael Quinn
62. Moira Miller
63. Moira O'Donnell
64. Mountaineering Ireland
65. Niall Craig
66. Nicola Jackson
67. Patricia Sharkey
68. Patrick Devenney
69. Patrick J. Mc Loone
70. Paul and Violet McHugh
71. Pauline and Alan Butler
72. Peter Sweetman
73. Richard Tobin and Heidi Nguyen
74. Robert Ryan
75. Robin Newport
76. Scarlet Fahy
77. Shamus Kelly
78. Shane Brennan
79. Shaun Melley
80. Suzanne and Martin Bonner
81. Taru Burstall and David Finlay
82. The McLoone Family
83. Vincent Devenney
84. William and Kim Cunningham
85. William Robinson

The observation are summarised thematically below due to the overlapping issues of many submissions. Many submissions have an overarching statement that state they do not oppose such renewable energy projects in principle; however, such projects need to demonstrate that they do not have an adverse impact on the environment and are in compliance with the relevant provisions of the DCDP. The submissions may be summarised as follows.

7.3.1. Policy, Planning and Development Context

- Observers are dissatisfied that they have to endure another planning application for wind farm development that was refused permission on appeal by the Board in 2013 (Straboy Wind Farm (PL 05B.240166)). There is widespread local opposition to this planning application including 6,000

signatures to an online petition. The observation by Gweebarra Conservation Group has 600 signatures also.

- There is no legitimate reason for proceeding with a planning application on a site in the Gweebarra River Basin which is contrary to the DCDP and related Ministerial Directions which consider the site specifically. The proposed development is material contravention of multiple policy objectives of the DCDP.
- There is little assessment of reasonable alternatives provided and why this site is more suitable than others in the area. It is not considered that this site is suitable based on policy and the environmental impacts to the site.
- The Wind Energy Guidelines 2006 does not provide sufficient basis to deal with issues associated with wind farms and in particular health issues. This deficient guidelines has been highlighted in a number of Inspector's Reports in the past including at Straboy Wind Farm (PL 05B.240166).

7.3.2. Development Description

- The submissions seek more clarity and certainty in respect of the proposed development, currently there is no definition of, *inter alia,* turbine dimensions, foundation requirements, excavations. Many raise the Derryadd legal judgement (Sweetman v An Bord Pleanála ([2021] IEHC 390) in this respect.
- The need for the meteorological mast on the site is not provided. It need is queried given the existing mast on the site and the public information that is available on the wind atlases. A submission queries whether this will lead to a second phase of the wind farm in time.
- There is concern about applicant's intended use of concrete from the Donegal area given the manufacturing standard and the fact that several turbines have collapsed in the county.
- The application for an appropriate construction period of 10 years is too long and would result in the community being significantly impacted by construction activity over a long period. The operational phase of 35 years is also considered too long.
- The use of vertical transporters along the parts of the turbine haul route, particularly the local road leading to the site is queried. Many observers do not consider these feasible or practical and the applicant has not described the

works that will be required along these routes sufficiently and has understated the environmental impact.

7.3.3. Population and Human Health

- The proposed development does not generate any long term employment for the area. Any jobs that are created are not based locally. At construction stage it is likely that the contractors will not be local either.
- Certain villages in proximity have a high rural deprivation rate and tourism is considered the primary industry that improve this. However, the wind farm will hinder tourism and not make any significant contribution locally. Tourism of the wider area will also be impacted, including Glenties and Ardara, which are not given sufficient consideration. Several tourism related business, particularly those in hospitality and accommodation will be significantly impacted.
- The Community Benefit Fund is not considered sufficient in the context of the environmental impacts that the site and adjoining lands and properties will have to endure.
- The assessment provided by the applicant omits several homes and properties in the area. The 800 m setback is not a sufficient distance from these homes and properties. In certain locations wind turbines are just over the recommended ‘four times the tip height’. The proposed development will impact the amenity and value of existing properties.
- There is no consideration given to the health impact of overhead electricity circuits, bisphenols, uranium (local deposits at site) which wash off the proposed wind turbines.
- There is a concern about psychological health impact to surrounding receptors. There are several requests to consider mental health.
- The proposed development will impact on agriculture and farming practices in the area and may displace and discourage the use of land for such practices which sustain many in the community.

7.3.4. Biodiversity

- There is a significant volume of observations concerned with biodiversity and the various flora and fauna which utilise the site and surrounding environment

including, *inter alia,* golden eagles, FWPM, otters, salmon and trout, pine martins, bats, red deer and river bryophytes (mosses and liverworts). The planning particulars understate the impact the biodiversity.

- The widening of the L6363 will have a significant impact on the Stranacashel River, which is a tributary of the Owenea, which is in the FWPM catchment. This has not been given sufficient consideration by the applicant.
- The land identified for biodiversity enhancement are existing biodiversity areas. There is no certainty provided that would result in these areas being enhanced and it unclear whether they need to be enhanced in any case.
- The introduction of an amenity walkway and carpark will result in further impact to the biodiversity of the area. It introduces more human interference to the site which is not required. It is not expected that it would be used for recreational walking given the multitude of other routes in the area with no turbines.
- Lough Aneane More and Aneane Beg are trout lakes and will be significantly impacted as they are downgradient of Turbine 6 and Turbine 11. The planning particulars understate this impact.
- The AA Screening exercise screened out certain European sites which should have been screened in. A Zone of Influence of 15km for wind farm sites is insufficient and is not an appropriate test for Natura 2000 sites or AA. Certain species, and in particular otters, were not properly assessed.
- The fact that the barnacle goose was recorded flying over the site must be interpreted that the proposed development will have an effect on that specific species.

7.3.5. Land, Soils and Geology, Hydrology and Hydrogeology

- There is general issue raised with the geology of the site including issues of underlying karst and a complex geological fault system. There are also known aggregates in the bedrocks. The documentation provided by the applicant is inconsistent and underestimating the issues which could result in instability, potential landslip and contaminants running off into watercourses.
- There is concern about the use of borrow pits which results in significant excavation, blasting and associated construction phase impacts. It is asserted

that the applicant has not been specific in terms of how much material will be excavated either.

- There are designated geological sites which may be impacted including Pollnapaste Caves, Lough Finn Lateral Moraine. The planning application has not given sufficient consideration to this issue. There is also an interaction with landscape and visual impact to these sites also.
- There will be a direct impact on sources of potable water including Lettermacaward Water Treatment Plant which has ongoing problems and disruptions. The impact to water supply is understated.
- There will be a continual loss of peat due to the drainage of the site for the proposed wind farm. It is also considered that measures for the storge of peat is not sufficient and will result in its loss and displacement. It is considered that peat should be conserved at this location in line with the DCDP and maintained as a carbon sink.
- The proposed development will have significant impact on certain water bodies and would contravene the Water Framework Directive. The recommendations of IFI in a submission in relation to the surface water flows during construction have not been addressed in the design.
- The everchanging volumes of rain are consequential for the assessment of the development and are generating small rivers and springs and has an impact on aquatic biodiversity and other wildlife which use such watercourses.

7.3.6. Shadow Flicker, Noise and Vibration, Light

- Several properties would receive an unacceptable impact form shadow flicker. The modelling provided by the applicant is not consider sufficient or objective.
- The proposed development will result in excessive light pollution at night including the aviation warning lights atop the wind turbines.
- The proposed development will result in unacceptable noise impact including low frequency noise and infrasound.

7.3.7. Landscape and Visual Impact

- There will be a significant impact on the Gweebarra River Valley and Glenveagh National Park. The impact assessment in this respect is

understated and does not fully comprehend the sensitivity of the landscape at this location.

- The unspoilt nature of the site should be preserved, particularly the upper ridges to the west side of the site which provide the character of the area and could provide an opportunity to great a hiking route at the site if left unspoilt.
- The proposed development, which is industrial in nature, would not assimilate into the landscape and the established landscape pattern. The existence of a forestry plantation in parts of this site is not a sufficient justification for a renewable energy project.
- There will be a significant visual impact on several areas of Donegal in particular along the WAW but also including *inter alia* Aghla Mountain, Lough Finn ridgelines, Doosh Mountains, Errigal, Slieve Snaght, Bluestack Mountains, Glengesh Pass, Glen Head and even the Arrannmore Islands. The applicant failed to assess any viewpoints from these locations and only assess viewpoints adjacent to public roads which is not fully representative of the ways people use the landscape in this part of Donegal.
- The proposed development while in a moderate area of landscape sensitivity would have a significant indirect impact on the areas of EHSA and HSA which are in close proximity to the site.
- The methodology applied to the landscape mapping, in particularly the ZTV, and photomontages underplays the potential impacts by choosing a smaller study area. An area of 45 km should have been studied given the height of the turbines as per Scottish Natural Heritage guidance. The photomontages omit steel lattice towers.

7.3.8. Air Quality & Climate

- The EIAR does not consider the fact that wind energy needs to be backed up with conventional fossil fuel power generation due to the intermittency of the wind. This cannot be overcome by the notion of a European super grid. A submission calls for the carrying out of a ‘Net Present Carbon Value Evaluation’.
- The proposed development is unlikely to directly power domestic homes in the area and instead is likely to be consumed by data centres which have high

consumption and will purchase the wind farm output to greenwash their image.

- There is no assessment of the climate impact of input materials required to construct the proposed development and associated release of carbon from the peat lands that must be excavated to develop the turbine foundations.

7.3.9. Cultural Heritage

- The Cultural Heritage Report does not address the significant features of local interest in the Gweebarra River Valley which has been lived in for centuries. The proposed wind farm will materially alter the general heritage and cultural values of the valley through such a modern intervention.

7.3.10. Traffic and Transportation

- The proposed development intends on using an access which received planning permission on the basis it would serve the forestry operations. It is considered it is not designed for a wind farm and abnormal loads required to deliver the turbines. Several submissions consider using the extant permission for the access point, the widening of certain roads for turbine delivery as ‘project splitting’.
- The local roads approaching the site are not cable of carrying the abnormal loads set out in the planning application in terms of width, weight and capacity. There is little assessment of the impact along these roads as well as historic bridges. Other measures such as one-way systems have not been fully assessed and would have a significant impact on local residents.

7.3.11. Major Accidents and Natural Disasters

- In light of events at Meenbog Wind Farm in which there was a peat slide, it is considered this section provided by the applicants is wholly inadequate and there is arrange of potential impacts not considered including: turbine collapse or fire, severe weather and landslide.

7.3.12. Cumulative

- There are 150 wind turbines within 20 km of the site, all on peat land. There are currently four planning applications before the Board for wind farms within

10 km of the site. The cumulative negative effects on the environment have not been fully considered.

- Coillte have been submitting applications for felling licences in this location over the past 3 years. These have been rejected by the Forestry Appeals Commission based on their cumulative effects.
- There is no reference to the Lettermacaward Water Treatment Plant, particularly in the NIS, which is located adjacent to the site and within the Zone of Contribution. This project includes water abstraction and will be an important source of potable water for the area.

7.3.13. Mitigation Measures

- Engineered mitigation measures will not prevent significant negative effects on the environment.
- Several submissions do not trust the applicant to adhere to the mitigation measures it sets out. They are 'cut and paste' and not specific for the site.
- The mitigation measures do not comply with the decision of the Courts of Justice of the European Union
- The mitigation measures for otters are based on National Roads Authority guidance which is irrelevant for a wind farm.

7.3.14. Other Matters

- The wind farm has resulted in the community having to endure trespassing, intimidation, illegal parking, unapproved photography of property and persons, and low flying aircraft. This was particularly acute during the COVID Pandemic.
- Several errors in the planning particulars, which act to confuse the public, are raised including use of the townland name Cleengortin; use incorrect townland names on photomontages; referencing of the number of turbines (19 or 23) in the proposed development. All these errors relate to the pre-application consultation file Ref: PC05E.311323.
- There is no battery storage proposed as part of the proposed development. Therefore, wider grid reinforcements are required to integrate the windfarm on the electricity system. Little information has been provided in the regard.

- It is considered that the consultation and engagement was not sufficient or extensive in respect of the wind farm.
- The planning application needs to be subject to the same scrutiny as it would were it a single rural dwelling which are often refused for a myriad of minute reasons.

7.3.15. Tuairimí i nGaeilge / Observations in Irish

• Tá an suíomh suite sa Ghaeltacht. Rinne roinnt breathnóirí aighneacht i nGaeilge. Tá na saincheisteanna comhshaoil a ardaíodh sna haighneachtaí seo nóta agus ionchorpraithe sna hailt roimhe seo.	• The site is located in the Gaeltacht and several observers made a submission in Irish. The environmental issues raised in these submissions have been noted and incorporated in previous sections/grounds.
• Níl aon Ráiteas Tionchair Teanga sna doiciméid iarratais. Is dualgas é seo d'Acht na dTeangacha Oifigiúla.	• There is no Language Impact Statement in the application documents. This is a requirement of the Official Languages Act.

7.4. Response to Third Party Submissions

The applicant responded to the observations outlined above by submission dated the 17th of January 2024. The submission considers the following issues which are grouped under a variety of headings similar to those of the EIAR chapters:

7.4.1. Description of the Proposed Development

- In relation to the large size of the wind turbines, it is stated that wind farm development has progressed over the past decade to produce larger turbines when compared to the early wind farm developments located across Ireland. This is a result of technological advances. What is now proposed is considered industry standard.
- Regarding the potential requirement for grid reinforcements, it is stated that this is a matter for EirGrid, the transmission system operator. However, the Applicant has sought to minimise the requirement for immediate grid

reinforcements by tying into existing overhead power infrastructure that runs through the site.

- The EIAR omitted a planning application (Ref: 2151846) for a 16-bed tourist facility. The Shallogan More Timber Processing Facility, previously labelled "no longer operational," applied for a change to a tourist facility in September 2021, gaining approval in January 2022. Located 1.2 km south of the proposed wind farm site, it falls outside the setback buffer distance outlined in Section 2.6 of the report.
- Section 2.1.1 of Chapter 2 (Description of the Proposed Project) of the submitted EIAR states that “the land use/activities on the site of the proposed wind farm are primarily commercial forestry, with some areas of open peatland that is extensively grazed”. The use of the word “extensively” in this context refers to the low levels of grazing, by sheep or deer, on site i.e. the opposite of intensive grazing.
- Derelict properties were fully considered in the EIAR assessment, mentioned in Section 5.3.1 of Chapter 5. The report assumes all receptors within 2 km of the wind farm site, including derelict ones, are sensitive and potentially renovatable for habitation.
- A concern was raised about the proposed wind farm potentially violating human rights under Article 8 ECHR. The response clarifies that the planning system allows for proportionate interference, and the project's assessment aligns with best practice guidelines, considering the local community. Setback distances comply with the 2006 and 2019 (Draft) Wind Energy Development Guidelines, as detailed in the report's Sections 2.5 and 2.6.
- Reference is made to issues in respect of the EIAR submitted by the applicant and whether the detail therein is robust and complete with regard to *inter alia* carbon offset, climate targets and the requirement for onshore wind, cumulative impacts, decommissioning and maintenance, forestry. Observers seek confirmation that that the relevant section in the EIAR is valid and correct.

7.4.2. Consideration of Reasonable Alternatives

- Reference is made to several issues and confirmation that the relevant section in the EIAR is valid and correct, including site suitability and the site screening process by promoters of the proposed development.

7.4.3. Policy Planning & Development Context

- It is clarified that the entire wind farm site does not fall within an EHSA area according to Map 7.1.1. Instead, most of the wind farm site is in fact located in an area classified as having MSA. It is the western and eastern strips of the site that overlap with lands classified as EHSA. However, none of the proposed turbines fall within the EHSA zone.
- The submissions reiterated the key points in the LVIA. In summary, it is considered the proposed development is appropriately sited in a robust forested plateau in a broad landscape context that can absorb the scale and nature of wind energy development.
- In respect of the Wild Atlantic Way (WAW) the proposed development will not result in significant visual impacts at amenity and heritage features within the study area and does not contradict local and regional policies and objectives associated with the WAW.
- It is considered that the proposed development is in compliance with Policy NH-P-13 of the DCDP (based on the LVIA), ecological objectives in Project 2040 and the Habitats Act (based on the NIS),
- In respect of E-P-12 of the DCDP and the designation ‘not normally permissible’, it is considered that this is not an absolute prohibition on wind development on such lands. Instead, the wording implies that at least, in special circumstances, a case could be made as to why a specific wind project at a specific location on such lands should be permissible, and those circumstances as set out under Variation No. 2 of the DCDP do not appear exhaustive. It is noted that the proposed development does not sit squarely within the exceptions set out under Variation No. 2 and may be interpreted as a material contravention to the CDP. However, it is argued that the zoning designation, “Not Normally Permissible’ is not absolute nor does it state ‘Not Permissible’. For further reasoning in this regard please refer to the submitted Planning Statement which demonstrates that the proposed development is in strong compliance with international, national, regional, and local level policy.

- The proposed development has been comprehensively assessed with respect to the Zone of Visual Influence (ZVI) of Glenveagh National Park, FWPW catchments, areas of very high scenic amenity, St. John's Point and Gweebarra River Basin with the outcome of these assessments provided in the specialist chapters (Chapter 6, 13, and 15) of the submitted EIAR. The proposed development presents no significant long-term effect on water quality, of the Gweebarra River, due to mitigation measures outlined in Chapter 9 of the submitted EIAR and detailed in the CEMP (Appendix 2-2). The issues raised in relation to the FWPM catchments and ornithology are addressed under Sections 2.7 and 2.8 of this report, respectively.
- A submission has been made notifying the Board of the individual's intention to seek planning permission for a house at a site within 500m of a proposed wind turbine. In response, a review of planning application data available on MyPlan.ie indicates that there has been no formal planning application submitted to DCC for a house at the approximate location near Eircode F94F2HF.
- The proposed development is fully compliant with all Wind Energy Guidelines for residential set back and Transport Infrastructure Ireland Standards.

7.4.4. Population and Human Health

- This section addresses concerns related to Population and Human Health, covering topics such as employment, tourism, property values, depopulation, Irish language, privacy, and health effects.
- One submission questioned the local employment impact, but the report mentions that 96 to 139 persons will be directly employed during the peak construction period, with additional indirect employment expected. Long-term jobs are estimated at 2-3 during the operational phase.
- Tourism concerns (34 submissions) were addressed, with the report stating a long-term positive effect due to proposed amenities like walking trails. Construction impacts were recognized, with a short-term, slight, negative effect on the local population anticipated.
- Property devaluation (27 submissions) was addressed, citing studies that found no evidence of negative impact from wind farms on house prices. No

significant studies support concerns about depopulation (5 submissions), and the report anticipates no negative impact on the Irish language.

- Privacy concerns about a CCTV camera and data security were noted. The Community Benefit Fund's value was clarified, with a fund of €500,000 per year for the first 15 years, as per government policy. Positive impacts on the community, including the creation of a Near Neighbour scheme, were highlighted.
- Health effects, including a Health Impact Assessment, were discussed, and studies found no direct pathological effects on human health associated with wind farms. Concerns about chemicals, uranium, radon, and concrete were addressed, emphasizing compliance with regulations and standards. Animal health impacts were deemed unlikely, and setbacks adhered to government guidelines. Risks of accidents, fires, turbine blade falls, and peat stability were addressed through assessments and safety measures.

7.4.5. Biodiversity Flora & Fauna

Several concerns and critiques are responded to including

- Local Area Definition: The submission criticizes the definition of the local area mapped in Figure 6.3, suggesting that it should extend beyond the western bank of the Gweebarra River. The EIAR justifies the use of a geographic scale for evaluation, including international, national, county, and local levels. The local area is defined as a geographically coherent unit, and its size is comparable to similar projects. The local area mapped in Figure 6.3 is not the study area for ecological assessments and does not restrict the spatial scale of surveys.
- Peatland Habitats: A submission criticizes the evaluation of peatland habitats and potential impacts, especially concerning the removal of open peatland habitats. The EIAR uses the National Roads Authority evaluation scheme criteria and classifies the removal of open peatland habitats as a very slight negative impact at the county scale. The construction will remove around 8.7 ha of open peatland habitats, mainly fragmented patches within the forestry plantation. The impact is assessed at the county and national scales.

- Plant Species: A submission lists 61 plant species around the proposed wind plant site, including three notable species: Field Gentian, Frog Orchid, and Heath Cudweed. The EIAR provides information on the distribution and status of these species, noting that Field Gentian and Frog Orchid are near-threatened but not protected, while Heath Cudweed is endangered and protected. The submission mentions protected species under the Flora (Protection) Order 2022, but the EIAR clarifies that the recorded species are not protected.
- Bryophytes: Three submissions claim that the EIAR failed to mention Irish Bryophytes (mosses and liverworts). The EIAR counters this claim, stating that bryophytes were surveyed as part of the infrastructure buffer survey, listing various recorded species that are not red-listed or protected.
- FWPM: Nine submissions express concerns about potential impacts on FWPM populations. The EIAR clarifies that none of the turbine sites or areas within the wind farm site drains to the Owenea River catchment. AA considered all Qualifying Interests within 15 km, and as there were no impact pathways, the FWPM Qualifying Interest was screened out.
- Butterflies and Other Invertebrates: Aquatic invertebrates and habitats were assessed in the EIAR. The assessment of other invertebrate species was not required due to the absence of scarce/rare habitat features. The Silver-washed Fritillary, although not generally associated with peatland habitats, could potentially benefit from the wind farm development by creating additional suitable habitat.
- Fish: In response to questions about the timing of the fisheries survey and its appropriateness for recording eels and salmon spawning. It is stated surveys were conducted during optimal windows to avoid disturbance during migration and spawning. The study area was defined based on potential project impact, and selected survey sites represented overall aquatic ecology. Mitigation measures for runoff and sediment in lakes were outlined in the EIAR.
- Amphibians, Reptiles, and Mammals: The focus of surveys was on proposed infrastructure locations. Evaluations were based on available information, and the Red Squirrel population was assessed as of county importance due to the extent of potential habitat in Donegal.

- Meenmore West Natural Heritage Area: The wind farm infrastructure is over 1 km from the nearest point of the Meenmore West Natural Heritage Area, in a separate river catchment area, and poses no potential for impacts on the Natural Heritage Area.

In summary, the applicant defends its methodology in the EIAR/NIS, referencing established evaluation schemes, and provides detailed responses to the specific concerns raised in the submissions. The overall submission suggests a comprehensive effort is provided in the planning application to address environmental impact considerations of the proposed development.

7.4.6. Ornithology

Golden Eagle

- Golden Eagle Population: The wind farm site encompasses only one Golden Eagle pair's indicative home range, with nesting sites located outside the site. In 2021 and 2022, other Golden Eagle pairs were observed near the site's periphery, but not within it. Forestry management plans, though not part of the proposed development, involve felling and thinning operations over specific years. Golden Eagles tend to avoid hunting in closed-canopy forestry, but clear-felled areas might attract them for hunting. However, the impact on collision risk was not considered significant due to the birds' avoidance of closed-canopy forestry.
- Forestry Management and Collision Risk: Forestry management operations may alter collision risk at turbine locations, but this wasn't factored into the collision risk model. Clear-felling may momentarily increase risk, but long-term predictions remain unaffected. However, avoidance of closed-canopy forestry by Golden Eagles wasn't considered in the risk model design.
- Effects on Golden Eagle Nests: Forestry operations near the 2020 nest site could disturb occupancy, but guidelines aim to minimize disruptions. The 2021 and 2022 nest sites are further from forestry plantations, reducing the likelihood of disturbance.
- Nest Disturbance and Commuting Routes: Disturbances near nest sites were observed but unrelated to wind farm construction. Golden Eagle commuting

routes near the wind farm site were assessed based on vantage point surveys and topography.

- Golden Eagle Population Model: A population model accounted for collision risk, productivity, and other factors, providing a precautionary assessment of impacts on the Golden Eagle population. Assumptions regarding sex ratio and flight activity were consistent with standard practice.
- Data Presentation and Construction Mitigation: Data presentation methods accounted for survey effort and biases. Construction phase mitigation measures aim to prevent breeding habitat disturbance.
- Natura Impact Statement: The Golden Eagle is not a qualifying interest in Special Protection Areas (SPAs), so its mention in the Natura Impact Statement is minimal.
- The submission discusses various bird species and their presence or absence in the vicinity of the proposed wind farm site, as well as the impact assessment conducted on these species. It mentions the absence of Whooper Swans in initial surveys but predicts a negligible collision risk increase to the wintering population. Ospreys, while recorded in the area, do not breed there and are not considered a significant interest. Various bird species listed by the Gweebarra Conservation Group are examined in relation to breeding habitats and distribution patterns. Notable species like Black-throated Diver, Dunlin, Barn Owl, and Ring Ouzel were recorded but not in the wind farm site surveys. The significance of these species and their habitats is discussed.
- Concerns raised about survey methods, such as the timing and presence of a dog, are addressed, with explanations provided for the rationale behind survey protocols. Discrepancies regarding the timing of summer bird surveys are clarified, and the inclusion of certain species like Barnacle Geese and Curlews in the collision risk assessment is discussed. Issues regarding the presence and impact of species like Canada Geese, Golden Plovers, Hen Harriers, and Merlins are examined, with mitigation measures outlined where necessary. Criticisms regarding the treatment of flight activity along the Gweebarra Estuary and the use of specific guidance documents are addressed.

- Concerns about haul routes and potential impacts on the integrity of bridges which host species like Dippers and Grey Wagtails are discussed, with assurances provided regarding the absence of required bridge upgrades for the proposed development. Finally, the claim that a second met mast would pose a risk to bird populations is refuted, citing a lack of published evidence supporting such claims. Overall, the submission addresses various submissions and concerns regarding bird species and their habitats in the context of the proposed development, providing explanations and clarifications where necessary.

7.4.7. Lands Soils & Geology

The applicant sets out a response in relation to observations on this topic, reiterating and referencing detail set out in relevant planning documentation submitted – in particular the EIAR. This includes:

- Soil and peat stability and destruction of peatlands;
- Potential pollution of the aquifer;
- Completion of site investigation works; and
- Presence of geological features

7.4.8. Hydrology & Hydrogeology

The applicant sets out a response in relation to observations on this topic, reiterating and referencing detail set out in relevant planning documentation submitted – in particular the EIAR. This includes:

- Water supply augmentation;
- Surface water runoff and potential water quality and pollution
- Implications of altered hydrology
- Pollution caused by road widening.
- Settlement ponds
- Groundwater contamination
- Water sampling
- Flood risk; and
- Survey methodology.

7.4.9. Shadow Flicker

The applicant sets out a response in relation to observations on this topic, reiterating and referencing detail set out in relevant planning documentation submitted – in particular the EIAR. This includes:

- Exclusion of certain receptors from the assessment (road users and non-sensitive receptors);
- Software used for the assessment and study area; and
- Mitigation measures

7.4.10. Noise & Vibration

The applicant sets out a response in relation to observations on this topic, reiterating and referencing detail set out in relevant planning documentation submitted – in particular the EIAR. This includes:

Background Noise Survey;

- Low Frequency Noise and Infrasound;
- Noise modelling and predictions;
- Vibration; and
- Health effect

7.4.11. Landscape & Visual Impact

The applicant sets out a response in relation to observations on this topic, reiterating and referencing detail set out in relevant planning documentation submitted – in particular the EIAR. This includes:

- Impacts on local community receptors within the Gweebarra Valley;
- The height of the proposed turbines and the potential for the proposed turbines to be viewed throughout the wider Donegal landscape, especially from elevated Mountain top summits;
- Impact of the “flashing turbine lights” on the night sky;
- Concerns in relation to the impact of the development on the receiving landscape – “concerned the project will destroy pristine natural landscape” and the proposed development will “detract from the natural beauty of the area”. Concerns are also outlined in relation to the landscape designations in the surrounds of the site”; and

- The impact of the proposed development on linear receptors such as hiking trails and scenic driving routes (Wild Atlantic Way).

7.4.12. Air Quality and Climate

The applicant sets out a response in relation to observations on this topic, reiterating and referencing detail set out in relevant planning documentation submitted – in particular the EIAR. This includes:

- General submissions on the carbon emissions to be produced on the construction and decommissioning of the proposed development;
- Use of peatlands for construction of wind farms which are natural carbon sinks; and
- Dust from the transport of materials.

7.4.13. Archaeology & Cultural Heritage

The applicant sets out a response in relation to observations on this topic, reiterating and referencing detail set out in relevant planning documentation submitted – in particular the EIAR. This includes:

- Potential impacts on protected structures;
- Extent of the definition of cultural heritage;
- Perceived gaps in the assessment; and
- Impact on the Irish language and Gaeltacht

7.4.14. Traffic & Transportation

The applicant sets out a response in relation to observations on this topic, reiterating and referencing detail set out in relevant planning documentation submitted – in particular the EIAR. This includes:

- Traffic volumes;
- Potential pollution from construction traffic;
- Excavation and transport of materials
- The Turbine Delivery Route (TDR) and haul route;
- Impact on the road network; and
- Compliance with road policy and guidance

7.4.15. Schedule of Mitigation

The submission sets out information in relation to mitigation measures regarding suspended solids with reference to the EIAR/NIS.

7.4.16. Community Engagement

This section sets out the consultation process of the proposed development it is several design iterations. It also discusses the inclusion of Irish in the submitted documentation. It is noted A dual language (English and Irish) Community Liaison Officer (CLO) was appointed to the project.

7.4.17. EIAR Issues

This section provides information refuting concerns in relation to the structure of the EIAR and its accessibility, background of ecologists and scientists, cumulative effects, clerical errors related to townlands, pylons, inhabited houses, aggregate sourcing, details of turbine model and size and foundation size, wastewater alarm systems, ownership of Cloghercor Wind Farm, consideration of alternatives, piling, mapping, and the submissions of Inland Fisheries Ireland.

8.0 Assessment

Having regard to the requirements of the PDA, this assessment is divided into three main parts:

- Planning Assessment
- EIA
- AA

Each assessment has had regard to all submissions made by parties to the planning application. There is an inevitable overlap between the assessments with certain matters falling into the planning assessment, EIA and AA. In the interest of brevity, matters are not repeated but the Board should have regard to all sections when deliberating and reaching its conclusions in respect of the planning application.

8.1. Planning Assessment

The submissions raised a plethora of issues in respect of the proposed development and while all have merit, others are inconsequential to the overall assessment. To avoid confusing the assessment, the most significant issues arising from the proposed development are the following:

- Principle of Development
- Landscape and Visual
- Ornithology (Golden Eagle)

Certain matters are also addressed under 'Other Issues'. All other matters raised in submissions are considers under the relevant topic in the EIA and AA sections as required.

8.1.1. Principle of the Development

The DCDP has specific policies for wind energy as summarised in Section 5.2 of this report. In Map 8.2.1 Wind Energy of the DCDP, the subject site is designated 'Not Normally Permissible'. It is a Policy E-P-12 of the DCC that the principle of the acceptability or otherwise of proposed wind farm developments shall be generally determined in accordance with the three areas identified in Map 8.2.1. In other words, wind farms should not normally be approved on the subject site and therefore, the proposed development is not acceptable in principle.

There may be concern among the Board about such broad-brush designations and whether they are appropriate or not at specific sites such as in this instance. However, DCC have explicitly stated that these areas were identified for this designation ‘on foot of a comprehensive analysis of the environmental sensitivities and the wind energy potential of the county’. The Board is reminded that DCC has also provided these designations in a bespoke and focused variation to DCDP in which wind energy was the only subject of concern.

In addition the Gweebarra River Basin in which the site is located is a specific focus of the policy measures introduced by way of variation to the DCDP. Specific measures under E-P-23 were introduced specially to prohibit wind farms in and safeguard the Gweebarra River Basin. The planning authority for the area, DCC, in its submission are clear that the proposed development is a material contravention of E-P-23. Its submission provides information on the Ministerial Direction related to the Variation 2 of the DCDP and explains that while E-P-23 was amended it was not removed and the protection of the Gweebarra River Basin is extant.

The Board will be aware that the making of policy for development plans is matter for the local authority and its elected members – it is a democratic process. It is the prerogative of DCC to designate areas for wind energy as they consider appropriate and there is a multitude of considerations in doing so. It is noted that in adopting the variation in respect of wind energy, both the Office of the Planning Regulator and the relevant Minister would have considered the consequence of such designations fully. There were a number of amendments to the variation based on a Ministerial Direction, however, safeguarding of the Gweebarra River Valley remained unchanged. It is also worth noting the submission of the NWRA also, who, having a responsibility for planning policy in this region, are of the conclusion that the proposed development is not supported in policy, particularly the DCDP but also the RSES.

Of course it is important to look at renewable energy developments in a wider context and a detailed sectoral roadmap has been set out in the Climate Action Plan 2021 that includes an aim to increase the proportion of renewable electricity up to 80% by 2030. It is recognised that this will require very substantial new infrastructure including wind farms. A wind farm with a potential installed capacity of c. 95-136.8 MW complies with an overarching aim of the Climate Action Plan and will contribute

to the provision of 12 GW of renewable energy capacity over the period 2021 to 2030. The proposed development would of course be consistent with the National Planning Framework and wider climate and energy provisions at regional and local level. This results in a need to balance climate and energy targets and the spatial policy constraints set out at local level.

The applicant is alert to the wind energy designation and its implications for the proposed development. The Planning Statement accompanying the planning application provides a justification for the Board should it be minded to give approval for the proposed development – however, the applicant is cognisant the Board may need to consider this a material contravention of the DCDP. This conclusion that this is a material contravention is agreed with.

The Board will be aware of the legislative powers they hold under the PDA to materially contravene the DCDP, if they wish to pursue such an course of action. However, it is not considered that the principle of development can be justified in this instance and a refusal is warranted for all the reasons set out in this report. However, the Board may seek to strike a balance between the landscape, visual and biodiversity impact (on which the designation is largely based) and the wind farm which will deliver on certain climate and energy requirements.

While the proposed development will deliver a nominal electrical output, in a wider national sense, if not developed, its significance will not materially affect such energy and climate targets in of itself. On that basis, it is recommended that before deciding to undertake a material contravention, the Board should satisfy itself that this site is reasonably required to achieve such targets and that it cannot reasonably be achieved elsewhere. The submissions of the applicant has not provided such a qualification.

In conclusion and notwithstanding the wide policy supporting renewable energy development at a national, regional and local level, the proposed development of a wind farm on lands designated ‘Not Normally Permissible’ under Policy E-P-12 and in the ‘Gweebarra River Basin’ under Policy E-P-23 of the DCDP would not be acceptable in principle. It would not be in accordance with the proper planning and sustainable development and would materially contravene this provision of the DCDP.

Several considerations in respect of the principle development are detailed further in subsections below for context.

8.1.1.1. *'Not Normally Permissible' Designation*

The first issue considered is the term 'normally' in the wind energy designation 'not normally permissible'. The applicant is of view that this term is not absolute and provides for a case to be made why the proposed development could be permissible. It is accepted that this provides an opening to consider 'abnormal' developments in certain circumstances.

In considering the explanatory text for 'Not Normally Permissible' under Policy E-P-12, the DCDP is clear that the exception should apply in particular on previously developed sites only. This is an undeveloped site, there is no planning history for a wind farm evident. A planning history is the only abnormal circumstance, as it were, which the DCDP makes exception and for which a more balanced approach is required when considering the designation. The explanatory text considers this criteria crucial for such an exception.

It is noted that there is a planning history in respect of meteorological equipment at the site. This is noted in Section 4.1 of this report. It could be argued that this provides the basis for a strong planning history given the intention of meteorological equipment to measure wind speeds for a prospective wind farm. However, it is not considered that this planning history meets the specific criteria of Policy E-P-12 (1) (c) of the DCDP given it is not strictly a wind farm and is temporary in nature.

It is not considered that any exception arises under E-P-12 for the proposed development.

8.1.1.2. *'Anomalies' at Interfaces of Designations*

Another textual clause in Section 8.2.1 of the DCDP worth considering is whether the sites falls into an area along '*the interface between the designations….. that do not fully meet the intent of the designation*'. The DCDP refers to these as 'anomalies' and places the onus on the applicant to justify the proposed development.

While the site is in close proximity to the interface with an area 'Open To Consideration' - approximately 700 m west. On review of Map 8.2.1, the designation

interface is clearly defined along the L1783. In addition the Gweebarra River Basin is excluded through Policy E-P-23 (ii) (b) specifically.

The designation would, based on Policy E-P-23 (ii) (b), appear reasonably deliberate and no such anomaly occurs at this location.

8.1.1.3. *Characteristics of the Designation*

The applicant provides an argument in the Planning Statement as to why the designation at the subject site may be incorrect and does not meet the characteristics of the designation within which it is located. However, it is reasonable to say that the area to which the site relates was well deliberated by DCC in adopting the variation and its intention, whether incorrect or unevidenced in the view of the applicant, was entirely deliberate.

The applicant's argument as to why the designation is incorrect is largely based on the landscape character and related landscape designation, as the site is in a MSA area. Such MSA areas 'have the capacity to absorb additional development that is suitably located, sited and designed'. There is a rebuttal of the DCC reasoning for the designation contained in the Planning Statement also.

While this is all noted, the landscape designation must be considered in conjunction with the Protected View from the Gweebarra Bridge (NH-P-13) which is also along the Wild Atlantic Way (WAW) (TOU-P-5) a key tourist asset for the county. More specifically, it is the policy of DCC to not locate wind farms within the Gweebarra River Basin (E-P-23 (ii) (b)). The fact that the upper elevations of the site are consider areas of EHSA under NH-P-6 is also a material consideration when coupled with NH-P-15 which is the protection of prominent skylines and ridgelines. These considerations raises the significance of the landscape, notwithstanding the elementary MSA area designation for the majority of the site. The landscape and visual impact of the proposed development are considered further below in Section 8.1.2.

It is considered, in this instance, that the wind farm designation is reasonable and based on a number of landscape and visual polices and not just the designation of the area of MSA alone.

8.1.1.4. *Gweebarra River Basin Designation*

The term ‘river basin’ and what it encompasses also requires consideration. In this report, based on several definitions, it is understood to mean the area of land from which all the water flows into a particular river. In this instance, the site is being drained by a network of named and unnamed streams and lakes which are located in it and feed the Gweebarra River. It is accepted the site makes up the Gweebarra River Basin.

8.1.1.5. *Past Designation*

The applicant’s reference to the former designation of the site, prior to the introduction of Variation 2 of the DCDP is noted. However, this consideration, in short, is irrelevant. The Board must consider the most current version of the plan which in this instance is read with all relevant variations to it.

8.1.1.6. *Future Designation*

DCC has prepared a *Draft Donegal County Development Plan 2024-2030*. This plan is not in effect and in the context of this report is not considered. However, the Board should seek an update on its status prior to any decision being taken in case it does come into effect in the intervening period. As it stands, the draft plan maintains its current wind energy designation but in terms of landscape the site has been elevated to an areas of EHSA.

8.1.1.7. *Meteorological Mast Designation*

Separately but specifically, the DCDP has a policy under E-P-16 to only grant planning permission for new wind measuring masts in areas designated as ‘Acceptable in Principle’ or ‘Open to Consideration’. The applicant proposes to install a permanent meteorological mast with a height of 100m (for all intents and purposes this is a ‘wind measuring mast’) in an area considered ‘Not Normally Permissible’ in Map 8.2.1 Wind Energy of the DCDP.

The proposed development of a meteorological mast, in of itself, on lands designated ‘Not Normally Permissible’ under Policy E-P-12 of the DCDP would not be acceptable in principle under Policy E-P-16. It would not be in accordance with the proper planning and sustainable development and would materially contravene this provision of the DCDP.

It is noted that several observers question to need for meteorological masts on site and states that they lay the basis for further wind farms to be developed. The metrological mast is an operational requirement for a wind farm – this is accepted. Whether it leads to further development is moot point and any further development would be subject to the planning system as it arises.

8.1.2. Landscape and Visual Amenity

The landscape and visual impact of the proposed development is a significant topic raised by the applicant, the local authority and majority of observers to the file. The Board will note an assessment of the environmental effects of the proposed development in terms of landscape and visual impacts in Section 8.3. It is not intended to repeat that assessment in this section and instead focus on the relevant policy; however, this section should be read in conjunction with Section 8.3 in order to inform the Board's decision.

The proposed development is not considered consistent with policies NH-P-6, NH-P-13, NH-P-15, E-P-23 (i) (a) and TOU-P-5 of the DCDP. The site of the proposed development is located in an area which is designated as an MSA and EHSA and within a Protected View along the WAW which features the view from Gweebarra Bridge up the Gweebarra River Basin to the site. The proposed development, by reason of its height, scale and siting below a prominent ridge would be visually obtrusive and would interfere with the character of the landscape with specific scenic amenity designations, which it is necessary to preserve. It is also within a zone of visual influence of Glenveagh National Park. The proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

8.1.2.1. NH-P-6 and NH-P-15

The applicant is of the view, based on the Landscape and Visual Impact Assessment (LVIA) of the EIAR states that the proposed development would not dominate the existing landscape, where "it is considered that the wind farm is of a notable scale but appropriately sited in a broad-scale landscape context and will not give rise to any significant residual landscape effects, visual effects or cumulative effects'.

The landscape and visual policy at this site has several elements to it. These are described in Section 5.2.4 of this report. The MSA area in which the majority of

development is proposed is noted. However, it cannot be noted in isolation and it needs to be coupled with the adjacent EHSA area on the upper elevations of the site and along the adjacent Gweebarra River. When viewing the site from a distance at the south and west and reading the landscape as a whole – the proposed development would inevitably impact the EHSA given the height of the wind turbines. It acknowledged that a reader of the landscape will not distinguish the demarcation between MSA and EHSA areas which is entirely a construct of policy.

It is also appreciated that the prevailing land use is commercial forestry and this may detract from the quality of the landscape when viewing the site at a distance. However, it would be incorrect to suggest that the existence of commercial forestry alone could justify a wind farm. Again, other elements such as EHSA need to be considered.

The consideration of the location of the EHSA is important. It occupies the upper elevations of the site incorporating the ridgeline behind the site to the east and the Gweebarra River to the west if viewed from the south and west. The ridgeline comprises hilltops summits including Croaghleheen (385m AOD), Cloghercor South (301m), Gaffartemor (270m AOD) and Derkbeg Hill (332m AOD). The Gweebarra River has its own riverine character. It is the policy of DCC under NH-P-6 to protect areas identified as EHSAs and NH-P-15 to safeguard prominent skylines and ridgelines from inappropriate development. These proposed development would not be consistent with said policies, NH-P-6 and NH-P-15.

8.1.2.2. *NH-P-13 and TOU-P-5*

The policies in the previous section are important because one the primary locations at which one might take in views to the site and the skyline and ridgelines beyond is the Gweebarra Bridge which is a Protected View and afforded its own protection under policy NH-P-13 of the DCDP. A significant majority of the wind turbines will be visible at this location. The impact is evidenced in the LVIA which includes a Zone of Theoretical Visibility (ZTV) and Photomontages (Viewpoint 20) from this location.

The viewpoint is also along the WAW which the DCDP has identified as key tourist asset. It is a policy of the DCC under TOU-P-5 not to permit development which would materially detract from visual and scenic amenities along the route of the WAW. The DCDP consider the protection of the landscape resource which

underpins the WAW a key planning challenge. While it is not considered that the wind farm would inhibit the promotion or functioning of the WAW in of itself, if considering the Protected View as a visual and scenic amenities along the WAW then it is reasonable to conclude that there would be a material detraction from same. On this basis it is considered the proposed development would not be consistent with Policy NH-P-13 and Policy TOU-P-5.

8.1.2.3. *E-P-23 (i) (a)*

Another landscape and visual related Policy E-P-23 (i) (a) of the DCDP is that the proposed development must not be located within the zone of visual influence of Glenveagh National Park. This National Park covers a significant expanse of Co. Donegal stretching from Lough Beagh to Lough Barra to Lough Fad which is approximately 4 km north-east of the site.

This policy is explicit and the only contextual criteria provided by DCC to quantify the impact that its implementation should not be interpreted as relating to lands with limited physical or visual connection to the park and that the onus is on the applicant to demonstrate the extent of the potential impact on the National Park.

Based on the applicant's ZTV, the proposed development will be within the zone of influence of the de facto Glenveagh National Park. It has both a physical and visual connection depending on the location within the national park, which as noted is expansive. The visual influence will range from 1-4 wind turbines to 17-19 wind turbines depending on location.

The policy is not very helpfully written and does not provide any material criteria to undertake an assessment. Regardless, it is considered the applicant has not sufficiently demonstrated the extent of the potential impact, except for the general ZTV and information on selected viewpoints VP2 and VP4 in or near the national park. It should be noted that VP2, which is 12.5 km north of the site in the national park is considered to have a moderate-slight significance of visual effect. It is noted that the applicant considers that 'aesthetically, the stacked view of turbines rotating along the distant ridges is not ideal as it generates a sense of visual clutter and visual irritation'. Regardless it is considered the proposed development would not be consistent with Policy DCDP (E-P-23 (i) (a)).

Were the Board minded to grant permission for the proposed development, it is recommended that an assessment of the impacts on the national park be sought as Further Information from the applicant. However, on the basis of the conclusion in respect of the Principle of Development, it was not sought in the context of this report[2].

8.1.2.4. Other Elements

The remaining elements of the proposed development – the electricity substation, grid connection, access tracks, hardstanding and meteorological mast – are located within the MSA area. These will be absorbed sensitively into the landscape and will not materially detract the Protected View of WAW. Neither would they interfere with the EHSA and its ridgeline and skyline at this location. Unlike the wind turbines, the height of the elements can be successfully integrated into the landscape features such as the topography and in particular the forestry.

8.1.3. Ornithology (Golden Eagle)

The ornithological impact of the proposed development is a significant topic raised by the applicant, the DHLGH and majority of observers to the file. The Board will note a comprehensive assessment of the environmental effects of the proposed development in terms of ornithological impacts under Section 8.2 and 8.3. It is not intended to repeat that assessment in this section and instead focus on salient points and conclusion on the proper planning and sustainable development; however, this section should be read in conjunction with Section 8.2 and 8.3 in order to inform the Board's decision.

The Golden Eagle is of international importance, a red listed Bird of Conservation Concern, listed in Annex 1 of the Birds Directive. The proposed development is within the home range of a Golden Eagle breeding pair who have raised a chick in 2020. The DHLGH have significant concern in respect of the impact to this species due to the disturbance as a result of the construction and operation phase of the proposed development. There is also potential for the species to avoid the site

[2] As per the Development Management Guidelines (DEHLG, 2007), "*requests for further information….. should not be sought where there is a fundamental objection to the proposed development on other grounds; applicants should not have to suffer unnecessary delay or expense if a refusal is likely*".

entirely. Both these impacts may result in the eagle pair failing to nest successfully and have a detrimental impact for the wider success of the species.

The Golden Eagle Project reintroduced Golden Eagles into the wild in Ireland, starting in 2001. Significant resources were dedicated to this project. By 2017, three pairs of Golden Eagles successfully raised chicks. In Donegal, five breeding territories produced and fledged wild chicks. In 2018, two pairs bred successfully, raising two chicks and one chick, respectively. The territory of the pair around the wind farm site represents 20% of the known national occupied breeding Golden Eagle territories. The breeding pair related to the site are one of only five known breeding pairs at a national level. The distribution of the species is predominantly in County Donegal.

One of the nesting sites that has been used by the local pair of Golden Eagles is adjacent to the wind farm site. The EIAR acknowledges that the breeding pair of this species is likely to be vulnerable to disturbance at the construction stage of the proposed development, given the proximity of the nesting locations utilised by this pair to the site. The scale of construction and nature of operation is significant for a wind farm. Construction and/or operational disturbance could cause nesting failure by the local pair of Golden Eagles, if they attempt to occupy this nest site, or another site close to the proposed development.

A key mitigation proposed by the applicant is if nesting Golden Eagles are found during the construction period is that no construction work will take place within 1.5 km of the nest site. If nesting Golden Eagles are found during the operational period, public access to any recreational trails and access tracks within 1 km of the nest site will be closed and access to these sections of the wind farm for operational purposes will be restricted as far as possible. While it may be that successful implementation of the mitigation measures will prevent disturbance to active Golden Eagle nests, it is, on balance, thought that these mitigation measures may be belated and not be deployed in time or simply unimplementable in a practical sense during a critical phase of construction. As the applicant in its documents states, there is a significant risk that if nesting Golden Eagles are displaced by construction phase activities or the presence of turbines, the mitigation measures will not reduce this very significant impact.

The predicted collision risk for the Cloghercor Wind Farm suggests around 1-2 Golden Eagle fatalities over the wind farm's lifespan. Population modelling indicates that despite this additional mortality, the Irish Golden Eagle population will continue to grow, albeit at a slower pace. The delay in reaching a favourable population condition is estimated to be around two to five years in the worst-case collision risk scenario, or six to ten years if the collision risk is doubled as a precaution. However, this delay is not considered significant. Evidence from Scotland suggests that the 99% avoidance rate used for Golden Eagle collision risk modelling may overestimate the actual risk, implying that the predicted impacts on the Irish Golden Eagle population are likely exaggerated. Regardless, the DHLGH state that recent studies from Scotland dismiss the theory the Golden Eagles become habituated to wind farms and typically avoid areas with wind turbines[3]. Therefore it would seem that the risk of collision may just be mitigated by avoidance – but such avoidance due to disturbance of the habits of the golden eagle could be detrimental for the pair currently utilising the site and surrounds. While it is accepted the wind farm design may reduce collision risk for Golden Eagles, the long-term effects on the population growth rate are uncertain, and the lack of plans for future forestry management raises concerns as well as the successful implementation of the Golden Eagle Habitat Management Plan. While the land identified for biodiversity enhancement are well reasoned there is no certainty that measures proposed would result in successful habitat areas for red grouse and Irish hare.

The site of the proposed development is located within an area of significant ornithological value of national importance, as evidenced by the applicant's bird surveys in support of the application. It is considered that the nature and scale the proposed development would result in a significant risk of disturbance and displacement for the (reintroduced) Annex I bird species Golden Eagle of international importance present at this location. On the basis of the information submitted in support of the application and specifically within the EIAR in respect of the Golden Eagle, it is considered that potential risk at a national level, of disturbances to the aforementioned Annex I species have not been adequately addressed in the form of scientific evidence and conclusions. The proposed

[3] Fielding, A.H., Anderson, D., Benn, S., Dennis, R., Geary, M., Weston, E. and Whitfield, D.P. (2022), Responses of dispersing GPS-tagged Golden Eagles (Aquila chrysaetos) to multiple wind farms across Scotland. Ibis, 164: 102-117. https://doi.org/10.1111/ibi.12996

development would, thus, have significant adverse impacts at a national level on the ornithological importance of the area by way of disturbance and displacement of the Golden Eagle, a protected bird of international importance, a red listed Bird of Conservation Concern, listed in Annex 1 of the Birds Directive and one of five known breeding pairs at a national level and would, therefore, be contrary to the proper planning and sustainable development of the area.

8.1.4. Other Issues

8.1.4.1. *Principle of the Recreational Facility*

A recreational facility will be developed at the wind farm site as part of the proposed development, which is intended to provide a further benefit to the local community and the wider area. Walking trails of varying levels of difficultly are included within the plan for the site in addition to supporting infrastructure to enhance the experience for users. These include a viewing area to enjoy the Gweebarra vista, car parking, signage and seating areas.

This is a well-intentioned provision to complement the primary development of the wind farm and would be suitable within such a forested site generally. However, its principle is queried due to the two issues.

Firstly, there wider concerns about its suitability in the context of the ornithological value of the site and in particular the mitigation measures to close the recreation facility should nesting sites be found in proximity to it. Aside from the practicability of such a measures it does raise the wider issue of whether public should be accessing such a site in the first instance. Perhaps it should simply be left to wildlife.

Second, it is queried whether the supporting road infrastructure on the L6483 and L6363 is appropriate for access to the recreational facility given they are particularly narrow local roads – typically not more than 3.1 m, unmarked and with grass verges, ditches or dykes on both sides. Locally they would be described as a ‘bohereen’.

Such a road might be practicable for a short duration, but when approaching from Doochary (R252) to the north one would travel for approximately 6.5 km on such a local road. From Lettermacaward/Glenties (R250) to the south, one would travel for approximately 4.5 km on such a local road. While there is currently a low volume of traffic on the L6483, given the limited passing opportunities along the road an

increase of 11 movements to the development per day could give rise to conflict and creation of a traffic hazard.

It is noted that the 11 movements is based on traffic information from similar sites. It is considered that this potentially could be an underestimation and the number of movements would depend on the success or otherwise of the facility. It also does not factor in local traffic which utilises the route.

Therefore, the principle of the recreational facility itself is not the primary concern (although this is caveated due to the impact to ornithology), it is the principle of the access to the facility. The location of the car park in principle is poorly sited in this context given it is most difficult to access. Other locations closer to the regional road network would be more suitable unless significant investment were undertaken to improve the local road network at this location and provide passing bays.

It is stated in Chapter 16 Traffic and Transport of the EIAR that not all works along the proposed TDR are included in the current planning application, (albeit all works are assessed as part of this EIAR). This includes road widening of the L6363 and L6483 between the R250 in certain locations. From a review of *Appendix 2-1 – Turbine Delivery Route Assessment Drawings* of the EIAR, it is not considered that this future planning application, in its current form, would address the access issues described above given its limited interventions on the road for turbine deliveries only.

Having regard to the established road network in the vicinity of the proposed recreational facility, it is considered that the use of the L6363 and L6483 as access roads to the recreational facility, would give rise to conflict and creation of a traffic hazard for users and therefore would be contrary to the proper planning and sustainable development of the area.

8.1.4.2. *Compliance with the Wind Energy Guidelines*

The proposed development has been designed in accordance with the WEGS2006, there are no turbines located within 500m of a residential property. The draft WEGS2019 recommend a minimum setback distance of four times the tip height (800m) from a wind turbine to the curtilage of any residential property and the proposed development has achieved this also. The closest sensitive receptor is located 925 m from the nearest proposed turbine location.

Several observers allude that several receptors have been omitted from the mapping in the EIAR. The applicant, in response to submissions, has detailed the individual receptors raised. It is satisfied that all relevant receptors are included. Reasonably, it has excluded expired permissions, potential future permissions and non-habitable dwellings. This is acceptable.

The other key considerations of the guidelines relate to noise and shadow flicker which are addressed individually under their respective headings in Section 8.2. In summary, it is concluded that the relevant limits as set out in the WEGS2006 and draft WEGS2019 have been met and the impacts are acceptable.

Many observers consider the WEGS2006 insufficient and cannot provide a robust basis to assess the proposed development in particular in respect of human health. They refer to a separate file and previous report by an Inspector on neighbouring Straboy Wind Farm (PL 05B.240166) which was decided in 2013 which highlights this human health deficiency. The observers should note that both policy and legislation has progressed in the intermediate decade and in 2014 a key amendment to EIA Directive (2011/92/EU) under EIA Directive (2014/52/EU) ensured risks to human health formed a key topic for EIA projects. As set out in Section 8.2 I am satisfied the applicant has addressed human health and its interrelated issues such as noise and shadow flicker and the studies undertaken have demonstrated that the impact on residential amenity in terms of noise and shadow flicker would be acceptable.,

8.1.4.3. *Wind Turbine Specification*

Many observers to the file raise issue with clarity and certainty in respect of the turbine model and manufacturer and consider lack of same hinders their ability to understand the proposed development and the actual impacts they may experience will not be known until the turbine model is agreed post consent. This issue arising as a result of the so called Derryadd case (Sweetman v An Bord Pleanála ([2021] IEHC 390) with many submissions citing it.

Section 2.6.2 of the EIAR sets out the detail in terms of wind turbine technology. The applicant has not specified its intended turbine model and instead opted for a design envelope. No specific turbine model or manufacturer is committed to, although it is

noted under certain topics, certain manufacturer models are used. It is noted the Drawing 17098-2027 Turbine Details presents typical details.

It sets out minimum and maximum dimensions. Notwithstanding submissions of observers, each topic within this EIAR has assessed the full range of various types and sizes of turbines within the above-mentioned envelope to ensure all scenarios within the proposed range have been assessed. The exact combination of rotor diameter and hub height will be dictated by the final selection of the turbine make and model at turbine selection stage/pre-construction. At this stage, new turbine models or variants may be available, due to advancements in technology, which were not on the market at the pre-planning / EIAR stage, but which will fit within the assessed turbine envelope.

The Board, if minded to grant approval, may wish to consider this issue further and take certain advises on the status of the Derryadd case (Sweetman v An Bord Pleanála ([2021] IEHC 390). Further specificity on the precise turbine model may be required.

8.1.4.4. *Flood Risk*

A Flood Risk Assessment (FRA) is included in Appendix 2-8 of the EIAR and is considered in the context of the topic of hydrology and hydrogeology below. It concluded that the risk of flooding to the proposed development will be minimal, and that the development will not increase the risk of flooding elsewhere.

The assessment focused particularly on the substation which is classified as essential infrastructure and 'highly vulnerable' in terms of their sensitivity to flooding. The wind turbines and ancillary works are considered 'water compatible'. The proposed substations are therefore considered appropriate in Flood Zone C, where the probability of flooding is less than 1-in-1,000-years (<0.1% AEP).

The flood risk to the actual development has been largely mitigated by avoidance due to its location. The proposed development and topography of the developed site will provide safe exceedance flow paths and prevent surface water ponding to minimise residual risks associated with an extreme flood event or a scenario where the stormwater drainage system becomes blocked.

On the basis of the information provided by the applicant, relevant mapping and data from the OPW and the nature, characteristics of the site and design of the proposed development– this conclusion of the FRA is considered reasonable

It is considered unlikely, that significant impacts would arise from flood risk.

8.1.4.5. *Construction Period*

The applicant has applied for planning permission for an appropriate construction period of 10 years. Once commenced, it is expected that the construction phase will take approximately 24 months.

The concern of the appellants in respect of unremitting construction phase impacts is noted. However, the fact that the permission is for ten years will not mean, in practice, that there will be ten years of continuous construction occurring on the site. Once commenced, it would be in the applicants interest to complete the proposed development as expeditiously as possible to ensure its economic viability. The construction timeframe can be managed by the local authority through an appropriate condition agreeing the details of the CEMP, should the Board be minded to grant approval for the proposed development.

An appropriate period of ten years is considered appropriate.

8.1.4.6. *Operational Period*

The applicant has applied for a planning permission for an operational period of 35 years. Such an operational period will increase the economic viability of the proposed development both for the project promoter and the government who may be providing certain supports to the proposed development under the Renewable Energy Support Scheme (RESS).

An operational period of 30 years is considered appropriate.

8.1.4.7. *Consultation and Engagement*

In respect of perceived or actual lack of engagement between the first, second and third parties, this is not a matter for the Board to foster or facilitate in the circumstances of this appeal. In any case, and in the absence of any specific framework for consultation and engagement, the applicant has met the minimum requirements for same in the context of the planning process.

The consultation and engagement undertaken is considered reasonable.

8.2. Environmental Impact Assessment

8.2.1. Screening for Environmental Impact Assessment

It is considered that the proposed development is a class for the purposes of EIA, under Schedule 5 Part 2 Class 3 (i) the PDR.

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

The proposed development is an energy which proposes 19 no. wind turbines, with 95.0 MW to 136.8 MW power turbine maximum output. As it exceeds the thresholds above, an EIA is required.

8.2.2. Environmental Impact Assessment Report

An EIAR prepared on behalf of the applicant has been submitted with the application. The EIAR consists of four volumes:

1. Non-Technical Summary (NTS) which summarises the EIAR in plainer English.
2. Main Body which considers a range of specific environmental topics in compliance with Article 5 of the *EIA Directive* and Schedule 6 of the *PDR*.
3. Appendices which contain supplemental information to the main body, and
4. Photomontages which contain images in relation to landscape and visual topic.

The EIAR describes the proposed development, including information on the site and the project size and design. A description of the main alternatives studied by the developer is provided along with the reasons for the preferred choices, these are outlined in greater detail under Section 8.2.3 below.

The likely significant direct and indirect effects of the development are considered under the following specific headings, which collectively address the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Biodiversity: Flora & Fauna
- Biodiversity: Ornithology
- Land, Soils and Geology
- Hydrology and Hydrogeology
- Shadow Flicker

- Material Assets
- Noise and Vibration
- Landscape and Visual Impact
- Air Quality & Climate
- Cultural Heritage
- Traffic and Transportation
- Interactions
- Mitigation Measures

The impact of the proposed development was assessed under all the relevant topics as set above. Mitigation measures are set out in each chapter. Where further detailed surveys or assessments were required under each topic these have been compiled and are contained in the appendices.

The documentation prepared by Tobin Consulting Engineers and dated January 2023 is in line with current best practice guidance and allows for a complete examination and identification of any potential significant effects of the development, alone, or in cumulation with other plans and projects. This is supplemented with additional information responding to observations on the 17th of January 2024. I am satisfied that authors of each chapter of the EIAR have suitable professional competencies, qualifications and experience to prepare an EIAR in their respective field. The EIAR and supplementary information provided by the applicant complies with Article 94 of the PDR. The limitation of the EIAR set out in Section 1.10 of the EIAR are noted, however, none are considered material to the assessment or result in a defective assessment which occurs below.

The EIAR concluded that there would be no likely significant adverse impacts post mitigation.

8.2.3. Consideration of Alternatives

The applicant provides a Consideration of Reasonable Alternatives in Section 3.0 of the EIAR. The proposed development is considered in the context of the following:

- 'Do Nothing' Option, i.e. without the proposed development proceeding;
- Alternative Locations;
- Alternative Layouts;

- Alternative Design;
- Alternative Processes;
- Alternative Mitigation Measures.
- Alternative technologies.

In the context of the conclusions of Section 8.1.1 Principle of the Development set out above, the 'Do Nothing' scenario is particularly relevant and the Board may wish to consider it in the context of a material contravention. Put simply, in the scenario where the proposed development is not approved, the opportunity to contribute to meeting Government and EU targets for the production and consumption of electricity from renewable resources and the reduction of greenhouse gas emissions would be lost. Over the 35-year life of the wind farm it is anticipated that between 2,947,716 and 4,452,786 tonnes of carbon will be offset in the production of electricity. This is important as greenhouse gas emissions have an interaction with several other topics, the impact to which may be positive if considered cumulatively with other wind farms – albeit it marginal in the context of the proposed development itself.

Therefore, the Board needs to consider if there are other and sufficient alternative locations which can deliver such a carbon offset. In this regard the applicant has not provided any empirical evidence to suggest that there are no other reasonable sites available in the county and indeed within the country to achieve meeting Government and EU targets. The question needs to be posed as to whether this site is required to achieve this. The applicant has not categorically set out why it cannot do without this site being developed.

The applicant places particular focus in the Planning Statement and the EIAR on the restrictive polices contained in the DCDP and provides a critique of the regressive methodology applied to the variation of the DCDP, its screening process to identify sites and information on the industry standards required to site a wind farm. While the critique of the DCDP may have foundation and the standards required for a site to be suitable is understood, it is not considered that this provides a sufficient justification in of itself. There may be other more appropriate sites, even within an area Not Normally Permissible, to justify a material contravention of the DCDP. While the Board may consider a material contravention appropriate in this instance, it

is not clear that the applicant has considered fully alternatives sites in the area in the information provided.

The design and layout of the turbines was informed by the environmental and technical constraints associated with the site, including residential amenity, flora and fauna, ornithology, soils and geology, water, noise and vibration, cultural heritage and material assets. The Board should note that the initial designs included 23 wind turbines and as a result of the constraints, the final design resulted in 19 wind turbines. It is considered that the applicant has sufficiently considered the design and layout alternatives within the site and indeed in the context of the haul routes, site entrances, substation and grid connection. The design of the proposed development as it currently stands in the context of the site is the best outcome of an iterative process to ensure mitigation of impacts by avoidance and in turn design. In terms of alternative technology, given the location of the proposed development, wind energy is likely to be appropriate technology at this location were the site suitable in a wider context. The information provided on the suitability of the site for solar energy is considered reasonable.

Conclusion

It is not considered that the EIAR has adequately addressed reasonable alternatives, in particular whether there are reasonable alternative sites available in the area and more pertinently, given the policy context for the site, provided a justification as to why this particular site should be developed, above others, in the national context to achieve Government and EU targets for the production and consumption of electricity from renewable resources and the reduction of greenhouse gas emissions

8.2.4. Assessment of Topics

Each topic is considered individually in subsequent sections in the following format

- Existing Environment
- Potential Effects
- Mitigation Measures
- Residual Impacts
- Other Issues Arising from Observations
- Conclusion

Unless otherwise stated below, the methodology and the approach to each topic is considered appropriate. This assessment relies on the EIAR submitted and addresses key issues, impacts and mitigations of the proposed development.

8.2.4.1. Population and Human Health

8.2.4.1.1. Introduction

Chapter 5.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on population and human health during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment. Key sub-topics in this section include population, community, employment and economic activity, tourism, physical land use, property values, residential amenities.

8.2.4.1.2. Existing Environment

In terms of a baseline, the primary receptor are human beings (535 receptors within 2 km of the site) who inhabit and work lands adjacent and in proximity to the site. These are typically single rural dwellings and small agriculture complexes. The main settlements of Doochary (2.3 km) and Lettermacaward (3.4 km) are a further distance away from the nearest proposed wind turbine. Human receptors will also be impacted along construction and haul routes approaching the site. A number of educational and community facilities are in proximity to the site also, along construction and haul routes.

It is noted that there no human receptors on the site as such as it is primarily in commercial forest or used for agricultural purposes. There would be attendance at the site in order to ensure the lands management. While parts of the land are restricted, some ad-hoc recreational uses such as hiking may also occur on or near the site.

The population trends, particularly where the wind turbines will be located, is one of decline. The electoral division of Glenleheen (33051) has seen a 18% population decrease from 2006 to 2016. This relatively low population density (1.9 persons / km^2 in Glenleheen ED) has allowed the applicant to achieve a setback between wind turbines and residential receptors of not less than 800 m (four times the tip height of 200 m).

A section of the WAW pass closes to the site along the N56 at Lettermacaward which is key tourism receptor of the area. The landscape is a key theme for the WAW tourism initiative and there are certain scenic amenity along this route set out in the DCDP set out in previous sections. There are certain tourism receptors such as Bed and Breakfasts and eco-tourism projects in proximity to the site, most notably on the opposite side of the Gweebarra River.

8.2.4.1.3. Potential Effects

During construction, an increased land take including deforestation is required in order to facilitate the proposed development. This will involve minimal deforestation relative to the size of the commercial forest at this location There is no significant impact to land use, the construction phase will be short-term and temporary. Once operational, there will be a permanent land take for the wind farm. However, this will be 1.4 % of the total site. Forestry operations will largely continue and, when temporary hardstand is removed, be replanted. A change of land use will occur in the southern portion of the site also with the introduction of the amenity walkway; however, this is considered complementary to the existing forestry use.

The wind farm will result in certain lands not being available for single rural housing, however, it is unknown whether this land would have ever been made available for such use in any cases and it may have simply continued in forestry or its existing form. The argument around displacement of residential uses is therefore moot and there is sufficient land in the area for such a use.

During the operational phase, the population may continue to decline in this area but it is not considered that this would be as a result of the wind farm in of itself. There is no empirical evidence to suggest that it would accelerate the decline and any anecdotal evidence provided does not suggest an accelerated trend either. It is accepted that the proposed development will have an imperceptible effect on population trends.

While several other sections are relevant to the impact on Property Receptors, it is accepted that during the construction phase there will routine construction related pollution and nuisance generated including noise, light, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of receptors. These impacts will be temporary and short-term and would be controlled

as part of the standard and best practice construction measures. During the operational phase there will be some visual and noise impact associated with the wind farm. Shadow Flicker is a well modelled impact and can be successfully mitigated through a computerised system. I note several observers that aviation warning lights during operation would cause undue light pollution. These lights are acceptable on the basis of aviation safety, were the board minded to grant approval. They would not adversely affect residential amenity.

The applicant states in the EIAR that no research on the effect of wind farms on local property prices has been conducted in Ireland, but according to the Irish Wind Energy Association research from around the world has shown that wind turbines don't negatively impact on property prices. The results of assessments carried out on the impacts of windfarms on property prices in other countries including the US, Canada, UK and Scotland is also presented which all conclude no discernible negative impacts on property prices. While this issue has been raised by several observers, it is not considered significant on this basis.

It is accepted that the proposed development will be a significant investment in the local economy and local job creation particularly for site works where some of the expertise and skills will be available locally. The observers suggestion that the jobs at construction phase will not remain locally is noted, however it is not considered a material factor and local companies can, at a minimum, seek the opportunities to work on the proposed development. The EIA or planning authority cannot compel the employment of local companies and residents only. There are several wind industry reports that provide examples of the impact of wind farms on local rural economies. As observers suggest, the proposed development does not generate any long term direct employment for the area during the operational phase. This is accepted in the EIAR. There will be an indirect improvement in employment and the economy as a result of ongoing maintenance of the wind farm and visitors to the amenity walkway. The community benefit fund can also have an indirect impact on the communities economy generally. This should also be considered in the context of tourism which is a key component of employment and the economy in Donegal. Overall, It is considered the long term impacts will be negligible.

The primary impact to tourism during construction is in relation to temporary traffic effects, particularly along the WAW. However, these are generally considered to be

intermittent and short term.There is significant concern among observers that the proposed development will impact tourism in the area. The site does not host any significant tourist features, but it is considered that this part of Co. Donegal generally is widely enjoyed by tourists enjoying both the coast and the mountain areas. While there may be potential for the site to expand its tourism potential and offering due to the amenity walkway proposed, it is considered the wind farm may have a significant impact in terms of visual impact on the WAW which is address in other sections.

There is a interaction in respect of this human health with other topics such as shadow flicker, noise, air and dust. These are considered in more detail in subsequent sections. In summary, it is considered that the applicant has proposed and demonstrated that control mechanisms would be in place for the construction operational duration of the proposed development to minimise shadow flicker, noise and dust impacts to acceptable limits as per the WEGs. In respect of Electro-Magnetic Fields (EMF) and the removal of existing overhead transmission circuits and the introduction of below ground circuits, the applicant, in order to comply with relevant transmission standards, will need to design the proposed development to in accordance with recommendations made by national and international agencies including the International Commission for Non-Ionizing Radiation Protection (ICNIRP). It is expected the proposed development will be in compliance with this. The potential health impact arising from these impacts in the vicinity would not be significant subject to the mitigation measures and conditions.

While it is note that several observers have raised concerns in relation to blade detachment and turbine collapse, it is considered that appropriate health and safety procedures can be put in place to cover the construction and subsequent operation of the development. These will be finalised in the pre-construction phase and will be enforced to ensure the health and safety of all personnel and members of the public as is the legal obligation of the project promoter.

Ní bheidh aon tionchar ag an bhfeirm ghaoithe, amháin, ar úsáid na teanga sa cheantar. Ní thagraítear sna treoirlínte in 2006 agus 2019 d'éifeachtaí diúltacha ar theanga. Tá an daonra ag laghdú sa	The wind farm, alone, will have no impact on the use of the language in the area. The guidelines in 2006 and 2019 do not refer to negative effects on language. The population is decreasing in this area. The

cheantar seo. Níltear ag súil go gcuirfidh an fheirm ghaoithe dlús leis seo. Bheadh an tionchar do-airithe	wind farm is not expected to accelerate this. The impact would be imperceptible

8.2.4.1.4. Mitigation Measures

It is considered, with the exception of the landscape and visual impact, which is address on other sections, that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

The impacts at construction phase will generally be temporary and short-term and would be controlled as part of the standard and best practice construction measures as well as specific mitigation measures set out in the EIAR.

There is no bespoke or extraordinary mitigations measures of note proposed.

8.2.4.1.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

8.2.4.1.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.1.7. Other Issues Raised

- **Community Benefit Fund** - It is considered that the Community Benefit Fund is appropriate and in line with best practice in the industry.
- **Mental Health** - Several applicants raise mental health impacts as a result of the proposed development, primarily owing to the alteration of the landscape. While the proposed development will alter the landscape fabric no specific evidence has been provided to indicate that there will be a mental health impact, nor has any qualified evidence been supplied to indicate that this is the case elsewhere. In addition, there is already energy infrastructure within the general area. Thus, while it is acknowledged that the proposed development is a change, it is not wholly at odds with the landscape in Co. Donegal.

- **Agricultural Practices** - It is expected that existing agricultural and farming practices could continue on adjoining lands without any significant impact.
- **Single Rural Dwellings** - Dissatisfaction is raised by observers in respect of the predisposition toward renewable energy in policy, whereas there is always a presumption against single rural dwellings in the area – many residents find it difficult to receive permission for housing. This report is satisfied it has applied the policies required by the DCDP for windfarms farms and that housing, is a different use with different impacts, and the assessments are not comparable.
- **Wash-Off of Bisphenols, Uranium (local deposits at site)** - There is no significant risk to human health from bisphenols and uranium. During the construction and operation any such pollution and nuisances list would be controlled as part of the standard and best practice construction and operation measures which wash off the proposed wind turbines.

8.2.4.1.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on population and human health.

8.2.4.2. <u>Biodiversity: Flora & Fauna</u>

8.2.4.2.1. Introduction

Chapter 5.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on biodiversity during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment.

8.2.4.2.2. Existing Environment

The site, in a wider context, is in proximity to several Natura 2000 Sites. The closest being the West Of Ardara/Maas Road SAC (Site Code: 000197) which relates to the Gweebarra River. In addition the river is also a pNHA (Site Code (00197)) of the same name. The Meenmore West Bog NHA (Site Code:002453) is also in close proximity, north-east of the site. There are a number of locations classified by Coillte as Bioclass Sites[4]

The primary habitat class, as per Fossitt (2000), is Conifer Plantation (WD4), mainly Sitka Spruce. Secondary to this is areas of Wet Heath (HH3), Dense Bracken (HD1) and Lowland Blanket Bog (PB3). There are three Acid Oligotrophic Lakes (FL2) located within the site – Lough Aneane Beg, Lough Aneane More and Lough Sallagh which correspond to Annex I Habitats. These are linked to several Eroding/Upland Rivers (FW2). There are other habitat types including Upland Blanket Bog (PB2) outside the site works area. The turbine delivery lands are mainly grassland habitats. The blade change over location is an old cutover peatland site which is a mix of bare and recolonising ground.

There were no rare or notable plant species recorded on the site during survey. There are certain invasive species located on the site including rhododendron and Japanese Knotweed and Montbretia.

The watercourses on site have little value for aquatic fauna. No signs of otter activity were noted, despite previous records close to the site. This is likely due to low levels of aquatic fauna at the site.

Several bat species were recorded on the site. There is potential for Marsh Fritillary on the site. Other species including Badger, Red Squirrel, Pine Marten, Irish Hare, Red Deer, Hedgehog, Pygmy Shrew and Irish Stoat are recorded within the site.

8.2.4.2.3. Potential Effects

The effects on European Sites are address in the AA section below and will not be considered here. In respect of NHAs and pNHAs, including Meenmore West NHA and Coolvoy Bog pNHA and Derkmore Wood pNHA/Nature Reserve the proposed development is in a separate watershed to these sites and will have no impact.

[4] Sites designated by Coillte across their land estate that are considered important for biodiversity/

There is a hydrological connection to the West of Ardara/Maas Road pNHA and there is potential impact should there be deterioration in water quality.

The wind farm construction will result in the removal of various habitats, as detailed in Table 6-6 and Figure 6-13, based on a habitat map from the infrastructure buffer survey. Some parts not covered in the survey, mainly conifer plantation habitat, were assessed separately using a September 2021 survey and aerial imagery interpretation.

In terms of peatland habitats, approximately 8.7 ha of heath and bog will be removed, constituting 0.2% of the total peatland habitats in the local area. Wet heath and lowland blanket bog habitats within the forest plantation are considered of county importance, and their removal is assessed as a very slight permanent negative impact at the county scale. Upland blanket bog habitat removal is considered a very slight permanent negative impact at the national scale.

Forestry habitat, primarily conifer plantation, constitutes around 80% of the habitats to be removed. While the loss of forestry habitat to hard surfaces will have a minor negative impact, the overall net impact on the habitat value of the plantation is expected to be positive. Open vegetated areas created by felling for infrastructure will likely develop into wet heath or bog-type vegetation, considered more valuable than conifer plantations.

Aquatic habitats will be affected by road construction, borrow pit excavation, and instream works. There will be a permanent, slight negative impact on aquatic habitats at the county scale due to the removal of bankside vegetation and loss of habitat at culvert locations. Tributaries were identified as unsuitable spawning habitat, and no loss of instream vegetation within watercourses is expected.

Other habitats impacted include wet grassland, dense bracken, and modified broad-leaved woodland, all resulting in negligible permanent negative impacts at the local scale. Overall, the assessment of impact significance is based on the area of habitat removed, with considerations for the potential development of new wet heath and bog habitat in cleared areas.

During the wind farm development, surface water runoff will flow to the Mulnamin Beg watercourses, with none of the proposed infrastructure in the catchment of the Glenheleen Stream watercourses. The construction phase poses a risk of sediment-

laden runoff due to site clearance, excavation, bridge installation, and material stockpiling. This runoff can result in sedimentation of nearby watercourses, impacting aquatic plant growth and overall ecological quality, especially during low flow conditions. Surface water runoff during soil stripping, access route installation, and bridge construction may release sediment and pollutants, degrading water quality in rivers.

Vehicle and machinery movement during construction could lead to spillages of oils, fuels, or pollutants, particularly during high rainfall events, negatively affecting water quality and aquatic flora and fauna. Material storage near drainage features poses a risk of runoff or slippage during rainfall. The pouring of concrete for foundation works carries a risk of entry into ground and surface water, and flooding may increase pollutant release. Water quality impacts during construction to Mulnamin Beg watercourses could have short-term, negative effects on aquatic biodiversity at the county scale.

Lakes and ponds in the development site are generally distant from the development footprint, minimizing the risk of runoff impact. However, turbines T10 to T12, located in the catchment area of Lough Aneane More and Lough Aneane Beg, may be affected by changes in surface water runoff chemistry due to excavation and soil disturbance. The potential impacts on water quality in these lakes are assessed as short-term, slight to moderate, and negative during the construction phase.

In the operational phase, no significant direct discharges to surface waters are anticipated. Occasional vehicle access may lead to accidental emissions, but the periodic nature of visits reduces the risk of pollution. Maintenance workers at the proposed substation may generate foul sewage, which will be collected and tankered off-site for proper disposal.

During excavation of borrow pits and turbine bases, groundwater inflows may require pumping, potentially causing temporary drying of lowland blanket bog and wet heath habitats. However, larger patches of these habitats are distant from the pumping areas, resulting in a very slight short-term negative impact at the county scale.

Guidelines from the Institute of Air Quality Management categorize the large-scale earthworks (>10,000 m^2) as 'High' receptor sensitivity up to 20 m, decreasing to

'Medium' at 50 m. Dust, expected at a 'Medium' track out level (50-100 m), may result from heavy-duty vehicle movements.

Smaller-scale construction works for access roads and network infrastructure may generate dust within 25-50 m from the works area. The assessment suggests a minor impact on habitats within the infrastructure buffer, with no significant dust blanketing and preservation of overall habitat character.

Impact on Annex I habitats (lowland blanket bog, upland blanket bog, and wet heath) is assessed as a very slight short-term negative impact at the county scale, and other habitats face a very slight short-term negative impact at the local scale. Dystrophic lakes and acid oligotrophic lake habitats (>50 m from the footprint) are not likely to be affected by dust emissions.

The proposed wind farm development will result in the fragmentation of habitats but due to the arrangement of forestry, this is already the case. The impact of this habitat fragmentation on wet heath and lowland blanket bog is assessed as a long-term very slight negative impact at the county scale.

There are several pNHA located near the site. However, given the location of the proposed development, the distance to such sites and the identified mitigation measures there is limited connectivity between the proposed development and these habitats and therefore no limited for impacts. Any impacts are readily mitigated.

An bat impact assessment was carried out for each of the proposed turbine locations. This included assessment of bat activity from the static location surveys for the three high risk species, the occurrence of other species within 200 m of the turbine locations, and the presence of bat habitat around the turbine locations and along access tracks. This assessment concluded that, if no mitigation measures are implemented, there are four High Risk turbines: T3, T9, T15 and T19. The impact levels for the other turbine locations were mainly classified as moderate, apart from T7, T14 and T18, which were classified as low.

8.2.4.2.4. Mitigation Measures

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance. These include

- Construction Environmental Management Plan
- Ecological Clerk of Works
- Water Quality (See Section 8.2.4.5)
- Invasive Species Management Plan
- General Biosecurity Measures
- Bat Buffer Zones
- Controls on Turbine Operations (Feathering/Cut in Speeds)
- Biodiversity Management Plan
    - Lough Aneane More Buffer Zone
    - Protection / Restoration of Lowland Blanket Bog Habitat
    - Grassland / Heath Corridors
    - Other General Management Measures

In addition, there are several monitoring measures proposed including:

- Annual Habitat Inspection
- Annual Vegetation Surveys
- Bat Monitoring Programme
    - Pre-Construction Surveys (if more than 3 years pass between prior surveys)
    - Surveillance Programme (for first 3 years, at Year 10 and Year 20)
- Pre-Construction Protected Species Survey

There is no bespoke or extraordinary mitigations measures of note proposed.

8.2.4.2.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

8.2.4.2.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.2.7. Other Issues Raised

- Several observers query the road widening of the L6363 and L6483 between the R250 and the site entrance. They consider it to have not been fully

considered and will have a significant impact on the Stranacashel River, which is a tributary of the Owenea, which is in the FWPM catchment. While the applicant consider these 'slight widening within the existing curtilage of the road', they also require planning permissions. Regardless the applicant has set out comprehensive mitigation measures in respect of water quality impacts which would ensure the any impact would be successfully mitigated.

8.2.4.2.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on biodiversity: flora and fauna (excluding birds).

8.2.4.3. Biodiversity: Ornithology

8.2.4.3.1. Introduction

Chapter 7.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on ornithology during its construction, operation and decommissioning phases. It is noted that there is common considerations in this section to that of Section 8.1.3 above and the NIS below in Section 8.3.

8.2.4.3.2. Existing Environment

A range of surveys were carried out for several species across the site. including moorland breeding birds, breeding Golden Eagles, breeding Red-throated Divers, breeding gulls, breeding Merlin, and wintering waterbirds. The ornithological assessment was based on bird surveys carried out between 2019 and 2022. A total of 24 raptor, waterbird and grouse species were recorded during the bird surveys, excluding species that only occurred in the Gweebarra Estuary. The key species are summarised in the following table:

Table 4 Key Species recorded at the Site	
Annex I Species	Whooper Swan Golden Eagle

	Golden Plover Merlin
Red-listed Species	Red Grouse Snipe Kestrel
Other Species	Teal Sparrowhawk Buzzard Common Gull Lesser Black-backed Gull Herring Gull (breeding) Herring Gull (non-breeding) Great, Black-backed Gull (breeding) Great Black-backed Gull (non-breeding)

The wind farm site is within the home range of a pair of Golden Eagles, and has resident populations of Sparrowhawk, Buzzard, and Kestrel. Merlin occur in the moorland habitat around the wind farm site: there was no evidence of breeding within or close to the wind farm site, but the area may be part of the home range of Merlin breeding some distance away from the wind farm site. There were also occasional records of Red Kite, White-tailed Eagle, Hen Harrier, Osprey and Peregrine.

8.2.4.3.3. Potential Effects

Whooper Swan

Whooper Swan were recorded flying through the subject and the site appears to be a regular spring an autumn migration route for the species. The surveys show 60 Whooper Swans over 21 records with flight lines throughout the site. The site does not form part of the core range of a regularly occurring Whooper Swan population. Based on flight activity at the site, the collision risk was predicted to be 0.16-0.23 collisions per year which equals around 6-8 collisions over the 35 year lifespan of the wind farm. Even at the highest collision rate, there would be minimal effect on the general wintering population in Ireland and thus the potential direct impact of collision risk on the species is not significant. It is noted that the EIAR justifies why a national level was considered appropriate for the magnitude level of this species. The applicant's justification for such a magnitude level appears reasonable as the flocks are on migration and could disperse anywhere.

Golden Eagle

The presence of a local pair of Golden Eagles near a wind farm site raises concerns about potential nesting failure and displacement due to construction and operational

disturbances. While the applicant is of the view there's no evidence of turbines causing displacement impacts, precautionary measures are outlined, including annual monitoring of breeding Golden Eagles, avoiding construction near nest sites, restricting access during the operational period if nesting is detected and a habitat enhancement area. This is set out in more detail above in Section 8.1.3.

Golden Plover

Although Golden Plover commute to feed in grasslands, no evidence of them crossing the wind farm site was found, and collision risk assessments indicate minimal impact even if they did.

Merlin

After three years of extensive surveys, including Merlin-specific monitoring and vantage point surveys during the breeding season, no evidence of breeding Merlin was found within the wind farm site or its 500-meter buffer zone. Detection of Merlin birds was very low throughout the survey period. The wind farm site primarily consists of forestry plantations with limited suitable habitat for ground nesting Merlin, primarily located in the northeastern portion on Croaghleheen Hill's lower slopes. The lack of outlying groups or single trees, which are typically favoured by Hooded Crows and Merlin for nesting, was noted in the forestry plantations. Additionally, the absence of Hooded Crows on the site may further impact tree nesting opportunities for Merlin.

Red Grouse

In the absence of development, the utilisation of the area by Red Grouse relies on the condition and management of open bog and heath habitats, impacting nesting habitat and prey resources. While construction disturbance has been noted to reduce Red Grouse densities at wind farm sites, no construction work is planned in or near the Red Grouse habitat. Habitat loss due to wind farm infrastructure is negligible as none of it encroaches upon Red Grouse habitat. Displacement impacts and operational disturbance are unlikely to affect Red Grouse significantly, as they do not seem sensitive to displacement from wind farms, and recreational trail development, while potentially disturbing, is far from their habitat. The low flight height of Red Grouse mitigates collision risk with turbine blades, and the turbines' location within forestry further reduces collision risk, making it effectively zero. No cumulative assessment for Red Grouse impacts is deemed necessary.

Snipe

Construction activities near two turbines could disturb 1-2 pairs of breeding Snipe, representing a moderate negative impact at the county scale. While no infrastructure directly encroaches on Snipe habitat, displacement effects from turbines could lead to a loss of 5-10% of the local breeding population, also assessed as a moderate negative impact. Operational disturbance from recreational trails is deemed negligible due to distance from potential Snipe habitat. Collision risk assessment is challenging due to limited data, with potential risk primarily at the northeastern edge of the wind farm mitigated by displacement impacts. Cumulatively, the displacement impact from the Cloghercor Wind Farm, along with other wind farms in Donegal, is assessed as a long-term moderate negative effect at the county scale. However, the overall decline of breeding Snipe in Ireland is attributed mainly to agricultural and afforestation activities over many years rather than large-scale infrastructure projects like wind farms, indicating ongoing habitat challenges for Snipe populations.

Kestrel

Construction activities may cause temporary disturbance to nesting Kestrels, but as the wind farm site is within an actively managed commercial forest, the population is likely habituated to some level of disturbance. Habitat loss from construction is not expected to significantly impact Kestrel habitat availability, as their flight activity is mainly associated with open habitats away from proposed infrastructure. Displacement impacts on Kestrels from wind turbines appear to be minimal based on various studies, with no consistent negative impacts reported, particularly noted in a large-scale study not finding any displacement impact. Predicted collision risk with turbines is low, estimated at 1-2 collisions over the wind farm's lifespan, with negligible impacts on Kestrel populations. No cumulative assessment for Kestrels is deemed necessary given the lack of significant potential impacts.

Other Species

The wind farm may cause locally significant displacement and/or disturbance impacts to the breeding Common Gull population. It is also likely to cause moderate displacement and/or disturbance impacts to the breeding Teal and Snipe populations of county importance. All the other potential impacts to Important Avian Features were assessed as being slight, very slight, imperceptible, or neutral. This is largely due to the conifer plantation and lack of open moorland habitat and the level of flight

activity of resident birds like Sparrowhawk, Buzzard, and Kestrel is too low to pose significant collision risks according to the applicant.

Other Impacts

Road widening along the turbine delivery route will cause minor impacts to roadside habitats at various locations along the turbine delivery route. None of the affected areas are of potential importance for bird populations of conservation importance.

Any impacts from replacement of turbine blades would be similar in nature to the construction phase impacts but much smaller in magnitude.

8.2.4.3.4. Mitigation Measures

The applicant sets out the following mitigation measures

- Pre-Construction Breeding Surveys
- Exclusion Zones around Breeding Sites
- Annual Surveys during Operational Phase
- A Golden Eagle habitat management plan
- Dog-Proof Fencing
- Restrictions on Turbine Blade Replacement during Breeding Seasons
- Post construction monitoring (carcass searches to monitor collision mortality,)
- Mitigation considered under Biodiversity) and Hydrology & Hydrogeology

A key mitigation proposed by the applicant is if nesting Golden Eagles are found during the construction period is that no construction work will take place within 1.5 km of the nest site. If nesting Golden Eagles are found during the operational period, public access to any recreational trails and access tracks within 1 km of the nest site will be closed and access to these sections of the wind farm for operational purposes will be restricted as far as possible. While it may be that successful implementation of the mitigation measures will prevent disturbance to active Golden Eagle nests, it is my considered view, on balance, that these mitigation measures may be belated and not be deployed in time or simply unimplementable in a practical sense during a critical phase of construction. As the applicant in its documents states, there is a significant risk that if nesting Golden Eagles are displaced by construction phase activities or the presence of turbines, the mitigation measures will not reduce this

very significant impact. Overall it is unclear whether the mitigation measures will result in a reasonable possibility of effectively reducing their significance.

8.2.4.3.5. Conclusion

The site of the proposed development is located within an area of significant ornithological value, as evidenced by the applicant's bird surveys in support of the application. It is considered that the nature and scale the proposed development would result in a significant risk of disturbance and displacement for the (reintroduced) Annex I bird species Golden Eagle of international importance present at this location. On the basis of the information submitted in support of the application and specifically within the EIAR in respect of the Golden Eagle, it is considered that potential risks at a national level, of disturbance to the aforementioned Annex I species have not been adequately addressed in the form of scientific evidence and conclusions. The proposed development would, thus, have significant adverse impacts at a national level on the ornithological importance of the area by way of disturbance and displacement of the Golden Eagle, a protected bird of international importance, a red listed Bird of Conservation Concern, listed in Annex 1 of the Birds Directive and one of five known breeding pairs at a national level.

8.2.4.4. <u>Land, Soils and Geology</u>

8.2.4.4.1. Introduction

Chapter 8.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on land, soils and geology during its construction, operation and decommissioning phases.

8.2.4.4.2. Existing Environment

Cloghercor is dominated by shallow blanket peat and bedrock at surface with sporadic areas of granite till in the southern area of the site. A large portion of the site is covered in coniferous forest. The lands mainly slope east to west towards the Gweebarra River. Most of the proposed turbines would be located within the forestry plantations.

Average peat depths across most of the site are generally less than 2m but with some localised deeper pockets of up to 2.6 and 2.7 m Turbine 6 and 12,

respectively. The peat is mainly underlain by granite bedrock and some of the turbines would be located within areas where the peat depth is very shallow. Site gradients across the site vary between 0.8 degree (T18) to 9.6 degrees (T2). It is noted that there is no recent history of landslides or peat slippages in the area.

8.2.4.4.3. Potential Effects

The proposed works would require the excavation and movement of substantial quantities of stone (c.177,600 m3) from four borrow pits across the entire site. The stone would be used during the construction phase and the peat would eventually be stored in the borrow pits and used to re-instate the temporary pits. The proposed borrow pits would be excavated into the slope in order to minimise their impact and extent which is acceptable in principal subject to compliance with mitigation measures and recommended conditions related to noise, vibration and water quality (refer to other sections).

It is asserted in submissions that the applicant has not been specific in terms of how much material will be excavated from the site. This is set out in Section 8.4.2.11 Material Calculations of the EIAR. While these calculations are not specific and are estimations – they are considered sufficient to facilitate a reasonable assessments of the impacts.

Furthermore, the peat excavation and movement works have the potential to affect peat hydrology and drainage patterns in the area (refer to other section). The unregulated excavation and construction works, particularly on steeper slopes, and in areas of deep peat could also give rise to peat instability and slippage, with resultant serious adverse impacts on the environment. An extensive range of site suitability tests were undertaken at the site of the various project elements under both drained and undrained conditions, and included trial pitting (21), peat probing (290), sampler borings (23) and rotary core boreholes (2).

As previously stated, the results indicate a relatively shallow peat depth across the entire site. Peat depths at the 19 turbines varied from 0.25 to 2.7m with an average depth of 1.1m. Peat depths at the access track locations were typically less than 3m with localised depths of up to 4m. Areas of deeper peat were associated with the proposed cable route and isolated pockets to the northwest of Lough Aneans. Generally, the low slope angles and shallow peat thickness in the south of the site

suggest that construction on the site, outside of the substantial risk areas, pose a low risk.

The Peat Stability Assessment report (PSAR which was based on the Scottish Executive document (Peat Landslide Hazard and Risk Assessments: Best Practice for Proposed Electricity Generation Development, 2007) rates the risk of instability as low. The PSAR assessed the risk of instability by reference to several accumulated factors including peat depth, slope angle, slope orientation, vegetation cover and proximity to watercourses. Notwithstanding this, site-specific mitigation measures have been proposed for the site which would further reduce the risk rating.

The concerns raised by an observer in relation to the extreme weather events is noted. There is a concern that such extreme events, in particular for rainfall, is increasing due to climate change. The PSRA has assessed the effect of the change in groundwater level because of rainfall on the stability of the peat slopes. By carrying out such a sensitivity analysis with varying water level in the peat slopes, the effects of intense rainfall and extreme dry events were analysed. I am satisfied with its conclusions.

Several submissions to the file raise issue with the proposed development due to the underlying karst, complex fault system. aggregates in the bedrocks. All these issues are well documented in the application particulars submitted and considered in the context of assessing impacts instability, landslip and contaminants running off into watercourses. This assessment is satisfied the EIAR has provided sufficient evidence in this regard.

Despite submissions to the contrary, it is considered designated geological sites (such as Poolnapaste Caves) are sufficiently considered in the EIAR and can facilitate an assessment by the Board. There are no designated geological heritage sites at the proposed development site. The proposed development has avoided direct impact on geological heritage sites. There are no potential impacts on geological heritage sites.

8.2.4.4.4. Mitigation Measures

The suite of EIAR mitigation measures include detailed design and construction measures for all elements of the proposed development across the entire site including general and site-specific mitigation measures, and a Spoil and Peat

Management Strategy to manage peat storage and prevent erosion and peat slides. The proposed arrangements are considered acceptable in terms of mitigating the risk of peat instability and slippage. However, the mitigation measures should be applied at the preliminary design stage, detailed design stage and construction stage, and be subject to ongoing monitoring throughout the construction and operational phases. This could be addressed by way of a planning condition were the Board minded to grant approval.

8.2.4.4.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

8.2.4.4.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.4.7. Other Issues Raised

The issue of defective concrete is topical in Donegal due to the ongoing “mica scandal”. The concern by observers in this regard is noted, however, the regulation of concrete is covered by separate statutory instrument and it would be in the applicants interest to comply.

8.2.4.4.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive. It is supported by an extensive range of site suitability tests which were used to inform the design of the proposed development

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on land, soils and geology.

8.2.4.5. <u>Hydrology and Hydrogeology</u>

8.2.4.5.1. Introduction

Chapter 10.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on hydrology, hydrogeology and water quality during its construction, operation and decommissioning phases.

8.2.4.5.2. Existing Environment

There are several water features in the site. Aneane More (Lough) and Aneane Beg (Lough) are located downgradient of T6 and T11 towards the centre of the site. A small lake, Lough Sallagh, is located to the south of T9. River waterbodies which flow northwest from the site into the Gweebarra Estuary – collectively identified as Mulnamin Beg 10. All of these waters are of moderate to steep gradient and higher flow rate, representing natural watercourses typical eroding/upland rivers (FW1), that are actively eroding, unstable, where there is little or no deposition of fine sediment. Streams are largely unaltered and do not suffer from urban encroachment and associated point sources of pollution. The site is located within the Gweebarra-Sheephaven Water Framework Directive (WFD) catchments. Further details on flow data and Water Quality.

Based on these modelled flood maps, it is estimated that the proposed wind farm site is not at risk of fluvial, pluvial or groundwater flooding. The natural topography of the site is such that flood waters would flow away from the site towards lands further downstream that are at lower elevations.

8.2.4.5.3. Potential Effects

The sensitivity of an environmental receptor depends on its capacity to absorb an impact without noticeable alteration. The hydrological environment, particularly for receptors connected to the Gweebarra River through hydrological links, is regarded as having moderate to very high sensitivity. The Biodiversity Chapter provides additional details on the sensitivity rating for aquatic macroinvertebrate species. While the onsite lakes are deemed sensitive receptors, the rivers seem to limit the potential for fisheries due to factors such as low biological production, fish barriers, and a lack of suitable aquatic habitats.

There are a number of lakes exist within the landownership boundary, including Lake Doo, Lake Smuttan, Nacroagh (Lough), and Sallagh (Lough). The proposed layout avoids all of these lakes, and since there are no developments in the lake catchment areas, there are no potential effects. Although three small unnamed lakes are

situated south of T13, there is no planned development in the catchment areas of these unnamed lakes/ponds. Turbines T10 to T12 are positioned in the catchment area of Lough Aneane More and Lough Aneane Beg,

The construction works will involve some works within 50m of streams (such as site access tracks and clear span bridges). However, no instream works are proposed, and a suite of measures are in place to avoid any adverse effects on streams. Clear span bridges will be utilised for stream crossings.

In relation to Lettermacaward Water Treatment Plant, there is no hydrological links between the proposed windfarm and Lough Derkmore. There is no likely pathway for potential pollutants from the proposed development to affect the water quality of Lough Derkmore.

8.2.4.5.4. Mitigation Measures

The design of the proposed development as it currently stands in the context of the site is the best outcome of an iterative process to ensure mitigation of impacts by avoidance and in turn design.

The existing on-site drainage system will remain active during the construction and operation of the proposed wind farm and the 110kV cable and will be complemented by the drainage plan that has been designed for this development.

Further mitigation will ensure prevention and reduction of any significant impacts also relate to surface water drainage, pollution prevention, environmental management, erosion / sediment control, groundwater surface water management, forestry felling, sediment, drains, swales, settlement ponds, aquatic zones & larger relevant streams traps, concrete management, fuels and chemicals including refuelling, pre-emptive, streams site drainage management / erosion & sediment controls water crossings, substation, Turbine Delivery Route (TDR) & Grid Connection Route Horizontal Directional Drilling (HDD)

8.2.4.5.5. Residual Impacts

It is considered that subject to mitigation measures, there will be no significant residual effect as a result of the proposed development.

8.2.4.5.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.5.7. Other Issues Raised

- The proposed development has fully considered the Water Framework Directive and the details as set out in the EIAR are considered reasonable and acceptable.
- IFI is not a party to the application but made a pre-application submissions to the applicant directly. I am satisfied that the applicant has incorporated the majority of measures into its mitigations.

8.2.4.5.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive. It is supported by an extensive range of site suitability tests which were used to inform the design of the proposed development

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on land, soils and geology.

8.2.4.6. <u>Shadow Flicker</u>

8.2.4.6.1. Introduction

Chapter 10.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on shadow flicker during its construction, operation and decommissioning phases.

8.2.4.6.2. Existing Environment

The WEGS2006 recommend that shadow flicker at dwellings within 500m of a proposed turbine location should not exceed a total of 30 hours per year or 30 minutes per day and where this is not achieved. There are no inhabited dwellings within 800m of the proposed turbines, the closest being 880m. The WEGS2019 seeks to eliminate shadow flicker from wind energy developments.

8.2.4.6.3. Potential Effects

It is noted that the shadow flicker impact assessment has been carried out based on the two models, the exact manufacturer is not identified. The modelling assessment undertaken is based on worst-case conditions, with the result that 39 no. shadow flicker receptors are predicted to experience daily shadow flicker in excess of the WEDG2006 threshold of 30 minutes per day. It is predicted that 38 no. receptors will experience shadow flicker in excess of 30 hrs per year in the worst-case scenario.

These impacts are readily and routinely manged by control mechanisms during operational of the proposed development to minimise shadow flicker to acceptable limits as per the Guidelines.

The potential impact arising from shadow flicker on properties in the vicinity would not be significant. I consider that the issue can be adequately addressed by way of a condition, should the Board be minded the grant approval, comparable to that employed in other permissions for wind energy developments which require the elimination of shadow flicker at residential dwellings in accordance with the WEGS2019. In such cases provision is made for the implementation of a wind farm shadow flicker compliance and monitoring programme, details of which can be agreed with the planning authority.

8.2.4.6.4. Mitigation Measures

The primary mitigation measures in respect of Shadow Flicker is a Turbine Shutdown Scheme will be implemented during operation to ensure that shadow flicker does not occur at the affected properties. A process will be established by the wind farm operator whereby local residents can highlight any concerns or complaints about the operation of the scheme. All concerns raised will be investigated by the wind farm operator and the turbine shutdown software adjusted accordingly, as required.

8.2.4.6.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

8.2.4.6.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.6.7. Other Issues Raised

No other material issues are noted.

8.2.4.6.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects from shadow flicker.

8.2.4.7. Material Assets

8.2.4.7.1. Introduction

Chapter 10.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on material assets during its construction, operation and decommissioning phases.

8.2.4.7.2. Existing Environment

The EIAR provides a description of the electricity, air navigation, television and telecommunications, transport infrastructure, water supply and wastewater infrastructure, and waste management in the area. Of note is the nearest significant airport, Donegal Airport, located approximately 18 km north of the site. Several Telecommunication Provider operate in the area of the wind farm and have provided information on relevant links. There are numerous utilities and roads in the area also.

8.2.4.7.3. Potential Effects

The potential effects of the proposed development are described in the EIAR and I am generally in agreement with their description. Waste and may generate impact, however, they are considered standard and routine in the scheme of such a wind farm development. These impacts would be controlled as part of the standard and best practice construction and operation measures.

8.2.4.7.4. Mitigation Measures

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

These impacts would be controlled as part of the standard and best practice construction and operation measures as well as specific mitigation measures set out in the EIAR. There is no bespoke or extraordinary mitigations measures of note proposed.

8.2.4.7.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

8.2.4.7.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.7.7. Other Issues Raised

No other material issues are noted.

8.2.4.7.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on material assets.

8.2.4.8. <u>Noise and Vibration</u>

8.2.4.8.1. Introduction

Chapter 12.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on noise and vibration during its construction, operation and decommissioning phases.

8.2.4.8.2. Existing Environment

The EIAR provides an assessment in accordance with the WEGS2016. It should be noted however that the draft WEGS2019 impose more stringent regulations, in line with ETSU-R97 – The Assessment and Rating of Noise from Wind Farms. The competent expert who prepared the EIAR chapter cites concern about the technical issues in implementing the WEGS2019. In this instance the closest noise-sensitive receptor is Location H066, which is situated approximately 925 m (>880 m from the curtilage) from the proposed turbine T16.

8.2.4.8.3. Potential Effects

The assessment of construction noise and vibration and has been conducted in accordance with best practice guidance. Subject to good working practice as it is not expected that there will be any significant noise and vibration impacts associated with the construction phase and the likely noise from construction activity at the nearest Noise Sensitive Locations (NSLs) is expected to be well below recommended significance threshold values. The associated construction noise and vibration impacts are not expected to cause any significant effects.

At operation phase, based on the site layout, the turbine noise emissions and a set of turbine hub dimensions for the proposed development, two sets of predicted turbine noise levels at over 500 NSLs have been assessed, representing the upper and lower ends of the turbine range.

No significant vibration effects are associated with the operation of the site.

The potential impact arising from noise on properties in the vicinity would not be significant. I consider that the issue can be adequately addressed by way of a condition comparable to that employed in other permissions for wind energy developments, whereby provision is made for the implementation of a appropriate noise limits at the nearest noise sensitive location in the vicinity as well as a monitoring programme, details of which can be agreed with the planning authority.

8.2.4.8.4. Mitigation Measures

Applying the mitigation measures specified in the EIAR, the predicted turbine noise levels associated with the proposed development are predicted to be well within the best practice noise criteria curves recommended within the WEDG.

At construction phase best practice measures will be taken including for rock breaking and blasting. These are considered reasonable and acceptable.

At operation phase there are

8.2.4.8.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

8.2.4.8.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.8.7. Other Issues Raised

No other material issues are noted.

8.2.4.8.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects from shadow flicker.

8.2.4.9. <u>Landscape and Visual Impact</u>

8.2.4.9.1. Introduction

Chapter 13.0 of the EIAR identifies, describes and assesses the potential direct and indirect landscape and visual impacts of the proposed development during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment. The Board should also note Section 8.1.2 of this report which considered landscape and visual amenity in the context of several development plan provisions. That will not be reiterated here.

8.2.4.9.2. Existing Environment

The site is located within Landscape Character Area (LCA) 29 – 'Fintown Valley as defined by the 'Landscape Character Assessment of County Donegal' (2016) which is a landscape dominated by vast areas of upland mountains, bogs and lakes. The Gweebarra Fault runs through the area and consequently landforms within follow its orientation. Its key characteristic uses include Key characteristics uses agricultural, tourism, forestry and fishing.

8.2.4.9.3. Potential Effects

The proposed turbines due to their height, number and moving elements have potential to have a significant visual effect on the receiving environment. The primary method of understanding this effect is through the ZTV. I am satisfied that the ZTV mapping presented depicts a fair representation of the visual scenario.

The significance of the visual impact arises from both the visual sensitivity of the receptors and the magnitude of the impact. The majority of receptors will be local residents and visitors driving through the study area. Residential receptors are considered to have the highest sensitivity to visual or landscape changes as they will experience changes in views on a daily basis. It is asserted by neighbouring observers that the appeal site is not suitable for wind turbines and would best remain undeveloped, and that the proposed development has significant potential to impact on the visual amenities of the area.

There can be no doubt that the proposed development will have a very significant landscape and visual impact, when viewed both locally and over great distances from roads, coastline and mountains up to and beyond 20km from the site. The height of the structures and the scale of the development ensures this development will be highly visible. The photomontages submitted as part of the EIAR clearly demonstrate the development will have such a significant visual impact and emphasise the exposed nature and prominence of the wind farm particularly to the north-west along the L1783 (VP 7, 9, 11, 12, 15). and further west of the site at Lettermacaward and Portnoo (VP 18, 21, 24), as a consequence, the understanding of the landscape will be changed. The development would have a dramatic effect over a wide area. While subjectivity inevitably comes into play when considering the aesthetics of a scheme such as that proposed, it is my submission that, for reasons set out above and in Section 8.1.2, the proposed development would cause very a

significant adverse impact to the visual and landscape qualities of the Gweebarra Valley area. It is incongruous and a dominant development.

With due regard to these impacts, the conclusions on the resulting adverse impact this development would have on the valuable tourism industry in this area derived from the area's natural amenities should not be underestimated. The effects on tourism and the tourism product have been espoused by many in submissions to the Board. Tourism is perhaps the area's most important industry. It has many facets but all of it largely centres on the natural qualities of the landscape and the visual qualities of this natural landscape. Seriously detracting from the landscape and visual qualities of this area results in the tourism product being eroded particularly along the WAW which is demonstrated in VP 12, 16 and 20. This development would have a tangible impact on the area's tourism product in particular the WAW.

While I do acknowledge that the visual impact would dissipate over distance, I am not satisfied that the ': Summary of Visual Effects at Viewshed Reference Points (VRP's) as presented in Table 13-7 of the EIAR would be limited to that of 'Substantial-moderate' at worst. Given the location of the nature of the site in the river valley and the topographical nature of the surrounding area, in which most houses will have clear visibility of the windfarm across the Gweebarra River will be pronounced and in my opinion significant.

Landscape and visual effects during the construction stage will be experienced at the location of the proposed wind turbines, met mast, substation location as well as their surroundings due to earth works and the installation of underground cables and access tracks. The magnitude of landscape and visual effects is considered to range from medium to high and their significance will range from moderate to very significant adverse, particularly from locations adjacent to the construction works. I do acknowledge however that these effects will be temporary and for a limited time period.

In my opinion there would be no doubt that the proposed development would have a significant landscape and visual impact, both locally and over greater distances from roads and walking routes throughout this sensitive landscape which holds several designations. In my opinion the height and scale of the proposed turbines would ensure the development would be highly visible and the applicant's photomontages

demonstrate how substantial the landscape and visual impacts would be. The result of the impact of this development would be to change the understanding of the landscape, with damage caused to the landscape and visual qualities of this area.

8.2.4.9.4. Conclusion

The incongruity with the natural landscape could not be avoided and it is reasonable to determine that the proposed development would not sit comfortably with the provisions of the DCDP as they relate to designated sensitive landscapes. In addition, I submit that the location for a proposed development of this height, scale and siting does not have the capacity to significantly reduce or mitigate the significant adverse landscape and visual impact that would arise.

8.2.4.10. Air Quality & Climate

8.2.4.10.1. Introduction

Chapter 14.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on air quality and climate during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment.

8.2.4.10.2. Existing Environment

A desk-top assessment of available climatic information was undertaken to characterise the existing climate and weather. Although there is no site specific climate and weather data available for the site of the proposed wind farm, long term meteorological data is available online for a number of locations around Ireland which are broadly representative of this location. The meteorological data contained in this EIAR chapter has been received from Met Éireann.

The proposed site is situated within the EPA's 'Rural West' Air Quality Index for Health Region. The most recent reporting by the EPA indicates that the current air quality in this region is classified as Good (according to EPA records accessed on 17/08/22).Although no data is available relating to air quality in the immediate vicinity of the study area, itis expected that the air quality at the proposed Cloghercor Wind Farm site can be represented by sites classed as Zone D (rural environment) as the

data presented is the most recent data available and provides a reference of the air quality in a rural setting in relative proximity to the site.

8.2.4.10.3. Potential Effects

The potential effects of the proposed development are described in Section 14.5 of the EIAR and I am generally in agreement with their description. Without regurgitating the EIAR, no significant impacts are expected from the proposed development at any stage of its development, such is the nature of a wind farm in relation to air and climate.

The Board should note that in the do-nothing scenario there will is a wider negative impact on air quality from the loss of potential carbon savings. This may be a material consideration should the Board seek to materially contravene the plan. However, this would need to be balanced with other factors like impacts to ornithology and peat.

Several observers raise the converse argument, that wind energy will not displace carbon due to its intermittency and reliance on carbon based back up generation. While back-up may be required, this is known operational issue with wind energy and is an immaterial argument – the benefits on wind energy and carbon savings are well documented should the observers wish to study it. An observer requests a Net Present Carbon Value Evaluation however there is no requirement for such and I am satisfied it is not required in the context of this assessment.

Other observers are concerned that this wind farm will not generate electricity for local domestic and business needs. Again, this argument is not a material consideration – the energy generated goes into the general mix which eventually supplies the domestic homes. Once a megawatt leaves the wind farm and is transmitted it knows not how it was generated or where it will be consumed.

It is accepted that some impacts will arise to air and climate during the construction phase largely as a result of construction machinery and vehicles generating dust and pollutants – this is temporary, short-term and routine to any construction phase of a development.

8.2.4.10.4. Mitigation Measures

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

These impacts at construction phase will generally be temporary and short-term and would be controlled as part of the standard and best practice construction measures as well as specific mitigation measures set out in the EIAR. There is no bespoke or extraordinary mitigations measures of note proposed.

8.2.4.10.5. Residual Impacts

The nature of the environmental impacts during the construction, operation and decommissioning phase are not particularly complex or intense. The implementation of standard best practice methodologies during the construction and operation phase of the proposed development will result in a reasonable possibility of effectively reducing potential impacts.

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

There will be no transboundary impacts associated with the proposed development. Having regard to Section 8.2.4.13 it considered unlikely that significant cumulative impacts would arise.

Having regard to the environmental information contained above, and in particular to the EIAR and the submissions from prescribed bodies, it is considered that the main significant direct and indirect effects would not justify a refusal of planning having regard to overall benefits of the proposed development.

8.2.4.10.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.10.7. Other Issues Raised

Several observers are the view that the removal of peatland is not a factor is the calculation of carbon losses. The EIAR is explicit in stated peat disturbance is included. The approach is based a Scottish Government online carbon calculator. I am satisfied the removal of peat has been accounted for.

8.2.4.10.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

The EIAR did not predict any significant adverse impacts on air quality and climate as a result of dust emissions or traffic movements during the construction and operational phases, or on air and climate during the operational phase of the wind farm, subject to implementation of mitigation measures.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on air quality and climate.

8.2.4.11. Cultural Heritage

8.2.4.11.1. Introduction

Chapter 15.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on cultural heritage during its construction, operation and decommissioning phases.

8.2.4.11.2. Existing Environment

A desk-top assessment and field inspections provides the basis for the EIAR for the archaeological and architectural heritage of the site. Not pre-planning testing was undertaken.

The chapter concludes that there is low potential for previously unrecorded archaeology to be present in areas of planted forest where there has been previous ground disturbance from mechanical ripping, planting, and harvesting, as well as previously established tracks.

8.2.4.11.3. Potential Effects

The potential effects of the proposed development are described in Section 15.4 of the EIAR and I am generally in agreement with their description. Without regurgitating the EIAR, the proposed works will not directly impact on any recorded

archaeological monuments or architectural features. There is low potential for previously unrecorded archaeology to be present in areas of planted forest.

It is accepted, however, if the works were undertaken in the absence of archaeological and architectural mitigation construction work could potentially negatively impact recorded and previously unknown sites, structure, features, artefacts, or deposits resulting in the loss or damage of the cultural heritage resource. Such an approach is standard and correlates with the submission of the DAU who are broadly in agreement with the findings in relation to archaeology and cultural heritage. They recommended Condition C5 and C6 as set out in the OPR Practice Notice be attached to any approval should it be given. This is a prudent approach.

8.2.4.11.4. Mitigation Measures

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

The primary mitigation which the Board should rely on in their assessment is the appointment of a suitably qualified cultural heritage consultancy/consultant to oversee monitoring during construction works. This is a routine approach for such projects and can be doubled down by way of a conditions to any permission.

These impacts at construction phase will generally be temporary and short-term and would be controlled as part of the standard and best practice construction measures as well as specific mitigation measures set out in the EIAR. There is no bespoke or extraordinary mitigations measures of note proposed.

8.2.4.11.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

8.2.4.11.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.11.7. Other Issues Raised

Within the observations there is concern that such a modern intervention would materially alter the general heritage and cultural values of the valley. The Gweebarra Valley is a multifunctional landscape and has undergone cultural and social transformation throughout several centuries - the EIAR documents this very well. The wind farm is a modern intervention but in of itself would not materially alter the general heritage and cultural values of the valley.

8.2.4.11.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

The EIAR did not predict any significant adverse impacts on air quality and climate as a result of dust emissions or traffic movements during the construction and operational phases, or on air and climate during the operational phase of the wind farm, subject to implementation of mitigation measures.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on air quality and climate.

8.2.4.12. Traffic and Transportation

8.2.4.12.1. Introduction

Chapter 15.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on traffic and transportation during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment.

8.2.4.12.2. Existing Environment

The Board will note that this is a particularly rural area at the wind farm site. The public roadways are characterised by local roads (e L6463. The L6483) of limited width typically only facilitating one-way traffic with a number of informal passing locations. This is challenging for abnormal loads, however, similar to the characteristics of other wind farm sites throughout Ireland.

As a result of the terrain the number of options to get to the regional and national road network, which better facilitate the works, is limited. In any case, the quickest route is to the R252 and R250. These serve as turbine delivery and haul routes and are of a better width for abnormal loads. A one-way system is proposed on local roads.

Details in respect of traffic volumes, road safety are also detailed in the EIAR.

8.2.4.12.3. Potential Effects

The potential effects of the proposed development are described in Section 16.8 of the EIAR and I am generally in agreement with their description. The construction activity with the largest impact on the traffic volumes is the pouring of the turbine foundations and the second largest is the haul of material to the site for the internal access track construction. All other impacts are considered standard and routine in the scheme of such a wind farm development. These impacts will be temporary and short-term and would be controlled as part of the standard and best practice construction measures.

The operations of the recreational amenity facility as described in Section 8.1.4.1 of this report is considered to have a potentially significant effect having regard to the established road network in the vicinity of the proposed recreational facility, it is considered that the use of the L6363 and L6483 as access roads to the recreational facility, would give rise to conflict and creation of a traffic hazard for users.

8.2.4.12.4. Mitigation Measures

It is considered that the majority of impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

These impacts at construction phase will generally be temporary and short-term and would be controlled as part of the standard and best practice construction measures as well as specific mitigation measures set out in the EIAR. A key mitigation measure that the Board should note in their assessment is the agreement of a Traffic Management Plan (TMP). There is no bespoke or extraordinary mitigations measures of note proposed.

It is unclear whether impacts in relation to the operation of the recreational amenity facility can be successfully mitigated in the course of this application. The provision of adequate and frequent passing bays would be the most obvious mitigation but are not included in this application. Their provision could give rise to other environmental impacts. Were the Board minded to grant approval, it may wish to seek further information in respect of access to this facility and whether such a provision can be made in the first instance and to ensure it is fully assessed in the context of other environmental topics.

8.2.4.12.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development, save for the recreational amenity facility. The slight negative short- term effect on local roads as a result of construction traffic and the one-way-system would be an inconvenience to road user but not detrimental to day-to-day activities.

At operation phase, there would be an ongoing impact in terms of conflict and traffic hazard due to the recreational amenity facility unless mitigations can be developed.

Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development. Should any developments arise in the meantime that could give rise to cumulative impacts it is an undertaking of the TMP that the contractor shall liaise with the management of other construction projects and the local authority to co-ordinate deliveries.

8.2.4.12.6. Other Issues Raised

- It is noted that the proposed development incorporates an access which received planning permission which was originally intended to serve the forestry operations. The applicant has clearly set out its intention in this regard and considers it sufficient for access during the operational phase of the proposed development. Arguments about ‘project splitting’ due to the use of this planning permission are baseless – the applicant has fully considered it in the EIAR.

- It is noted that not all works along the proposed TDR are included in the current planning application, but all works along the route are assessed as part of this EIAR. Road widening of the L6363 and L6483 between the R250 and the site entrance, and advance works in the townland of Tullycumber will be subject to a separate consenting process.
- The local roads approaching the site are narrow but cable of carrying the abnormal loads set out in the planning application in terms of width, weight and capacity. Turbine delivery on such roads have been successful throughout the country. I am satisfied the applicant has considered this issue, particularly in a Swept Path Analysis and I note the requirement for Temporary works including hedgerow trimming/clearing, temporary removal of fencing, telephone poles, and road signage to facilitate oversail to the temporary placement of hardcore to allow the oversize vehicles to pass.
- The applicant has clarified that there are no required bridge upgrade / maintenance works for the proposed development.
- The use of vertical transporters is well established and is another measures to minimise physical impacts to the roads approaching the site. It is accepted there may be certain temporary impacts which are considered acceptable.

8.2.4.12.7. Conclusion

It is considered that the corresponding section of the EIAR has not adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of the recreational amenity facility. The consideration of the remainder of issues in the topic are considered reasonable and in accordance with the requirements of the EIA Directive

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would be likely to have significant effects on traffic and transportation

8.2.4.13. <u>Major Accidents & Disasters</u>

8.2.4.13.1. Introduction

Section 2.10.7 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development for major accidents and disasters

during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment.

8.2.4.13.2. Existing Environment

The area like much of the island is subject to severe weather conditions from time to time, particular rain and wind, which may pose a potential risk. In addition major accidents such as a major road or rail incident could occur at the site. It is noted that there is no licenced facilities, such as SEVESO sites or other facilities regulated by the EPA in proximity to the site

8.2.4.13.3. Potential Effects

Construction activities carry an inherent risk of accident. However, the risk of such impacts are temporary and short-term and would be controlled as part of the standard and best practice construction measures. During any phase there may be a structural collapse of the proposed wind farm – however, this is generally unlikely. All potential risks identified during the construction, operation and decommissioning of the Proposed Development are considered low risk.

8.2.4.13.4. Mitigation Measures

The CEMP outlines safety procedures that will help reduce the risks associated with the construction phase of the proposed development. The risk of peat slide is assessed within a Peat Stability Risk Assessment accompanying the EIAR and set out in in this report in Section 8.2.4.4. It is not repeated in this section. It was concluded that the proposed windfarm represents a low risk from a geotechnical and peat stability perspective. I am satisfied that the potential impact in terms of peat stability has been addressed in full and that the overall risk of a major accident occurring is low.

Other risks of major accidents or disasters associated with the operational phase of the proposed development include fire/ fuels, lightning strikes, turbine structural failure, severe weather and flooding. Protocols will be included for oils, lubricants and fuels and each turbine will be equipped with an electrical grounding system.

Safety checks will be carried out on turbines and brake mechanisms will ensure than the turbines shut down during high wind speed events. The site is not at risk of

extreme fluvial flooding and the proposed development will not contribute to downstream flooding.

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

8.2.4.13.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

8.2.4.13.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

8.2.4.13.7. Other Issues Raised

A number of submissions reference the 2020 landslide at Meenbog Wind Farm and are concerned that the dame would occur at this site. Having review the Peat Stability Risk Assessment I am satisfied that there critical differences between the Meenbog site and the proposed development, including the underlying geology as well as the topography. The site at Cloghercor is rolling and undulating and topographically confined, limiting the potential and scale of peat slide and debris runout distances.

8.2.4.13.8. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on accidents and / or disasters.

8.2.4.14. <u>Decommissioning</u>

Both this assessment and the submission of the applicant provides details on decommissioning for the proposed development in time when it ceases operation.

The life time of the wind farm is expected to be at least 35-40 years. The decommissioning of such a facility in of itself would be subject to the appropriate planning mechanism under the prevailing legislation at such a time it is required and would be assessed based on the environmental requirements at that time. It is likely the impacts would be the same is not less than that described for the construction phase of the proposed development.

It is considered that the corresponding sections of the EIAR has adequately identified, described and assessed the direct and indirect effects of the decommissioning of the proposed development and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects at decommissioning stage.

8.2.4.15. Cumulative Impacts

Each chapter of the EIAR describes the potential cumulative impacts of the proposed development as it relates to that topic during its construction, operation and decommissioning phases. The applicant has included a significant volume of information in its EIAR, in relation to the proposed development, related developments and planning histories in the area and the likely significant effects on the environment.

While the proposed development will be a new intervention in this area, the extent of land take minimal and not significant in the context of this rural area, and the development will not result in significant emissions to the environment.

Should the construction of the proposed development occur in tandem with other development, in particular the other wind farm projects in this region of Donegal, any impacts would be of a temporary nature and short-term given:

- the limited nature of works (no significant buildings),
- the expected duration of the works (10-12 months),
- the location of lands to be developed,
- the location and distance to the other existing and/or approved projects.

- the likelihood of temporal overlap of construction works between projects.
- the implementation of standard and best practice construction, operation and decommissioning measures.

It is considered, on the basis of information submitted and submission received on the file, unlikely that cumulative impacts with other existing and/or approved projects would arise subject to mitigation and monitoring measures.

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect cumulative effects of the proposed development in respect of all topics and in accordance with the requirements of the EIA Directive.

8.2.4.16. *Transboundary Effects*

Given the location of the proposed development there is no potential for significant transboundary effects.

8.2.4.17. *Interactive Impacts*

Chapter 17 of the EIAR identifies, describes and assesses the potential interactives impacts of the proposed development during its construction, operation and decommissioning phases. Table 17-1 of the EIAR provides a matrix of impacts of environmental factors and any interactions between them.

There are no major interactions, and any interactions are minor in nature. The most dynamic interaction and interdependency relates to the connection between ecology, soils and hydrology. Site run-off and removal of soil cover may have secondary ecological effects on vegetation patterns and habitat species.

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect interactive impacts of the proposed development in respect of all topics and in accordance with the requirements of the EIA Directive.

Overall, it can be concluded that many of the interactions will take place during the construction phase of the proposed development and will therefore be short term. Mitigation measures are set out

I am satisfied that the overall inter-related effects will not be significant or will be adequately mitigated in each of the relevant chapters and can also be applicable to other environmental factors.

8.2.5. Reasoned Conclusion on the Significant Effects

Having regard to the assessment of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies, and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Potential impacts arising on population and human health as a result of noise and shadow flicker to residential property in the vicinity, which would be encountered during the construction and operational phase and would be mitigated by the implementation of the measures set out in the EIAR and the CEMP which include specific provisions relating to the control of dust, noise and shadow flicker.
- Significant adverse landscape and visual impacts arising from the siting, scale and height of the proposed turbines, which would be highly prominent over an extensive geographical area, would have a dominant and obtrusive impact on visually and environmentally sensitive landscapes, and would impact on the amenity of the area and designated landscape. The incongruity with the landscape and adverse visual impact would not be mitigated by design, the separation from linear settlement along the L1783, the WAW or its partial setting of certain turbines within commercial forestry.
- •Potential impacts arising on lands, soil and geology, as a result of the increased risk of peat instability and peat erosion during the construction and operational phases which would be mitigated by the implementation of measures set out in the EIAR, Slope and Peat Stability Plan and the CEMP which include specific provisions relating to peat and spoil management, including monitoring.
- Potential impacts on water quality, hydrology, hydrogeology and associated aquatic ecology, in particular FWPM and Atlantic salmon as well as other fish species and additionally on water dependant species such as otter arising from the potential indirect effects caused by increased run-off, such as soil

erosion and sediment release into the receiving watercourses, which would be mitigated by project design features, including attenuation measures and management of any in-stream works, and the measures outlined in the CEMP, including Ecological Management Plan, Outline Construction Methodology, Peat Stability Risk Assessment, Spoil and Peat Management Plan, Surface Water Management Plan HDD methodology and the relevant drainage plans;

- Potential positive impacts on air and climate during the operational phase arising from the connection of renewable energy technology and transfer to the national grid, thereby facilitating a transition from fossil-fuel dependent energy sources to renewable sources; Positive environmental impacts would arise during the operational phase from the generation of renewable energy.
- Potential negative impacts on the public road network due to the increase in vehicle movements and resulting traffic during the construction phase which would be mitigated by upgraded site access and the preparation of a Construction Traffic Management Plan. The operation of the recreational amenity facility needs further consideration but can be readily mitigated subject to the relevant planning and environmental constraints.
- Development of wind turbines at the height, scale and siting proposed would likely pose a significant risk of displacement for the Annex I bird species in particular the Golden Eagle. Furthermore, the proposed development, would substantially erode the quality of the environment for these sensitive bird species, including the erosion of habitat and, encroachment breeding sites.
- The impact on cultural heritage would be mitigated by archaeological monitoring with provision made for resolution of any archaeological features or deposits that may be identified.

8.3. Likely Significant Effects upon a European Site

The applicant has submitted the NIS which is dated March 2023 as part of the particulars supporting the application. The documentation is in line with current best practice guidance and allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

The documentation was prepared by Tobin Consulting Engineers and the qualifications and experience of the authors of the report and various appendices associated with it are suitable and relevant.

The Board should note that main NIS document contains textual errors in terms of what sites and species are being screened in and out. While it is not considered such errors are intentional or intended to mislead, it certainly obfuscates matters and is frustrating for the reader. Regardless, the conclusions of both the NIS and this report are sound and effort has gone into the assessment below to ensure it is proper account of all sites and species.

The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The NIS submitted with the application concluded that, following the application of the detailed mitigation measures, the proposed development would not either alone or in combination with other plans or projects, adversely affect any European Site.

The application documentation includes information required in respect of the methodology applied, a description of the existing sites and ‘Stage 1’ and ‘Stage 2’ assessments. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB are considered fully in this section. The areas addressed in this assessment includes the following:

- Screening for AA,
- NIS,
- AA of implications of the proposed development on the integrity each European site.

This assessment has had regard to relevant guidance including:

- Department of the Environment Heritage and Local Government (DEHLG) (2009), AA of Plans and Projects in Ireland: Guidance for Planning Authorities.
- European Commission (2002), Assessment of Plans and Projects significantly affecting Natura 2000 sites. Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.

At a high level and to put the documentation in context the Board should note:

- The wind farm site specifically will not be located within a European site. The closest European 2000 site to the wind farm site is West of Ardara/Maas Road SAC which is directly adjacent to parts of the wider landholding.
- There are 12 SACs and 6 SPAs within 15 km of the site. However several of these sites or qualifying interests in the case of SPAs were screened out by the applicant from the outset given there are no potential impact pathways or ecological connectivity from the proposed development.
- Surface water runoff from the wind farm site will drain to the watercourses in the wind farm site, which in turn drain to the Gweebarra Estuary. These watercourses are part of the MULNAMIN_BEG_010 waterbody, as defined for the Water Framework Directive.
- The proposed development will involve significant works with potential to give rise to release of materials into the hydrological environment throughout the construction stage. e.g., felling of commercial forestry, excavation works, watercourse crossings, new road construction, construction of hardstanding for turbines, sub- station construction, movement of construction vehicles through site etc.
- There is extensive ornithological activity across the site including Annex I species that regularly, or semi-regularly, occurred in the wind farm site including Whooper Swan, Red-throated Diver, Golden Eagle, Golden Plover, Merlin and Peregrine.

8.3.1. Screening for Appropriate Assessment

The AA Screening Assessment included in the NIS describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development.

The AA Screening Report considers European sites within a 15 km range with consideration of those outside this range also depending on the potential for a source-pathway-receptor. This Zone of Influence was established based on the extent at which potential impacts may be carried via identified pathways (i.e., hydrological connection, ornithological behaviours). Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model. It is considered that this is a reasonable Zone of Influence.

Several of these sites are screened out by the applicant from the outset given there are no or very limited potential impact pathways or ecological connectivity to the proposed development. Each site is detailed below.

The method applied in the NIS is set out in Section 2.2 of same. I consider this approach to screening acceptable. Where there is no potential for meaningful biological or relevant hydrological connectivity to these sites it is considered that the potential for impacts to arise from the construction, operation and decommissioning phase of the proposed development is unlikely.

Table 5: Stage 1 European Sites			
European Site	**Distance**	**List of Qualifying Interest /Special Conservation Interest**	**Potential for Likely Significant Effects**
SAC			
West of Ardara/Maas Road SAC	0	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Large shallow inlets and bays [1160] Annual vegetation of drift lines [1210] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Decalcified fixed dunes with Empetrum nigrum [2140] Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150] Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170] Humid dune slacks [2190] Machairs (* in Ireland) [21A0] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150] Alkaline fens [7230] Vertigo geyeri (Geyer's Whorl Snail) [1013] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Euphydryas aurinia (Marsh Fritillary) [1065] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365] Petalophyllum ralfsii (Petalwort) [1395]	No direct habitat loss. Possible indirect effects - The site area is drained by several streams and a network of drainage ditches that drain to the River Gweebarra within the area of the SAC. There is a possibility that surface water discharge/run-off from the site would contain pollutants (e.g., sediment, silt, oils) that could impact on water quality in the downstream SAC during construction, operational and decommissioning phases and that qualifying interests such as Otter, Salmon and FWPM may be impacted. There is also the potential for noise and visual disturbance to mobile qualifying interests in particular otter. The potential for likely significant effects on the above qualifying interests cannot be screened out. AA required.

		Najas flexilis (Slender Naiad) [1833]	
Coolvoy Bog SAC	0.3	Blanket bogs (* if active bog) [7130]	No Direct Impacts. No hydrological or other connection with the site. The site is in a separate watershed from the wind farm Infrastructure. No mobile species of qualifying interest that could frequent the site. Potential for impacts screened out.
Gannivegil Bog SAC	0.5	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Northern Atlantic wet heaths with Erica tetralix [4010] Blanket bogs (* if active bog) [7130]	No Direct Impacts. No hydrological or other connection with the site. No mobile species of qualifying interest that could frequent the site. Potential for impacts screened out.
River Finn SAC	2.1	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Northern Atlantic wet heaths with Erica tetralix [4010] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	No Direct Impacts. No hydrological or other connection with the site. It is in a separate river catchment. Potential for impacts screened out.
Cloghernagore Bog and Glenveagh National Park SAC	2.2	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Trichomanes speciosum (Killarney Fern) [1421]	No Direct Impacts. No hydrological or other connection with the site. It is upstream of the site. Potential for impacts screened out.

Lough Nillan Bog (Carrickatlieve) SAC	5.2	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Blanket bogs (* if active bog) [7130]	No Direct Impacts. No hydrological or other connection with the site. No mobile species of qualifying interest that could frequent the site. It is noted that the TDR will traverse this site but is interaction is limited to vehicular movements along the R262. No works are proposed along this section of road. The works at Drumnacross are limited and would not have a direct impact and have limited hydrological impact to this site. Potential for impacts screened out.
Meenaguse Scragh SAC	9.7	Northern Atlantic wet heaths with Erica tetralix [4010]	No Direct Impacts. No hydrological or other connection with the site. No mobile species of qualifying interest that could frequent the site. Potential for impacts screened out.
Meenaguse/Ardbane Bog SAC	11	Blanket bogs (* if active bog) [7130]	No Direct Impacts. No hydrological or other connection with the site. No mobile species of qualifying interest that could frequent the site. Potential for impacts screened out.
Rutland Island and Sound SAC	11	Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Phoca vitulina (Harbour Seal) [1365]	No Direct Impacts. Very limited hydrological or other connection with the site owing to the dispersion and dilution action of the sea. Potential for impacts screened out.

Slieve Tooey/Tormore Island/Loughros Beg Bay SAC	11	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Decalcified fixed dunes with Empetrum nigrum [2140] Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150] Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170] Humid dune slacks [2190] Alpine and Boreal heaths [4060] Blanket bogs (* if active bog) [7130] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Lutra lutra (Otter) [1355] Halichoerus grypus (Grey Seal) [1364]	No Direct Impacts. Very limited hydrological or other connection with the site Potential for impacts screened out.
Meentygrannagh Bog SAC	12	Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Alkaline fens [7230] Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]	No Direct Impacts. No hydrological or other connection with the site. No mobile species of qualifying interest that could frequent the site. It is in a separate river catchment. Potential for impacts screened out.
Termon Strand SAC	12	Coastal lagoons [1150]	No Direct Impacts. Very limited hydrological or other connection with the site owing to the dispersion and dilution action of the sea. No mobile species of qualifying interest that could frequent the site. Potential for impacts screened out.
SPA			
Derryveagh and Glendowan Mountains SPA	2.2	Red-throated Diver (Gavia stellata) [A001] **Merlin (Falco columbarius) [A098]** Peregrine (Falco peregrinus) [A103] **Golden Plover (Pluvialis apricaria) [A140]** Dunlin (Calidris alpina schinzii) [A466]	There will be no direct effects on the SPA, but there is potential for indirect effects due to its proximity and habits of certain species.

			Based on impact assessment of specific species, the following are screened out due to limited ecological connectivity, foraging range distances, and regular occurrence. -Red-throated Diver (Gavia stellata) [A001] -Dunlin (Calidris alpina schinzii) [A466] -Peregrine (Falco peregrinus) [A103] Given there is an occurrence, even if just occasional, of the following species Merlin (Falco columbarius) [A098] Golden Plover (Pluvialis apricaria) [A140] Therefore, potential for likely significant effects on SCI's cannot be screened out. AA required.
Lough Nillan Bog SPA	5.2	Merlin (Falco columbarius) [A098] Golden Plover (Pluvialis apricaria) [A140] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Dunlin (Calidris alpina schinzii) [A466]	There will be no direct effects on the SPA, but there is potential for indirect effects due to its proximity and habits of certain species. Based on impact assessment of specific species, the following are screened out due to limited ecological connectivity, foraging range distances, and regular occurrence. - Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] -Dunlin (Calidris alpina schinzii) [A466] -Merlin (Falco columbarius) [A098] -Golden Plover (Pluvialis apricaria) [A140] Potential for impacts screened out

Sheskinmore Lough SPA	9	Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	There will be no direct effects on the SPA, but there is potential for indirect effects due to its proximity and habits of certain species. Based on impact assessment of specific species, the Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] is screened out due to limited ecological connectivity, foraging range distances, and regular occurrence. Potential for impacts screened out.
Inishkeel SPA	9.1	Barnacle Goose (Branta leucopsis) [A045]	There will be no direct effects on the SPA, but there is potential for indirect effects due to its proximity and habits of certain species. Based on impact assessment of specific species, the Greenland White-fronted Barnacle Goose (Branta leucopsis) [A045]is screened out due to limited ecological connectivity, foraging range distances, and regular occurrence. It is noted an observers makes reference to the Barnacle Goose which is a Qualifying Interest of the Inishkeel SPA. Apart from a single record of a migrating Barnacle Goose, none of these species were recorded around, or overflying, the wind farm site. Its flight line was to over the Biodiversity Enhancement Site. Based on the lack of regular activity and the collision risk model predicting collision risk of 0.0005 collisions/year there is no possibility of a significant effect.

			Potential for impacts screened out.
West Donegal Coast SPA	12	Fulmar (Fulmarus glacialis) [A009] **Cormorant (Phalacrocorax carbo) [A017]** Shag (Phalacrocorax aristotelis) [A018] Peregrine (Falco peregrinus) [A103] **Herring Gull (Larus argentatus) [A184]** Kittiwake (Rissa tridactyla) [A188] Razorbill (Alca torda) [A200] Chough (Pyrrhocorax pyrrhocorax) [A346]	There will be no direct effects on the SPA, but there is potential for indirect effects due to its proximity and habits of certain species. Based on impact assessment of specific species, the following are screened out due to limited ecological connectivity, foraging range distances, and regular occurrence. -Fulmar (Fulmarus glacialis) [A009] -Shag (Phalacrocorax aristotelis) [A018] -Peregrine (Falco peregrinus) [A103] -Kittiwake (Rissa tridactyla) [A188] -Razorbill (Alca torda) [A200] -Chough (Pyrrhocorax pyrrhocorax) [A346] Given there is an occurrence, even if just occasional, of the following species Cormorant (Phalacrocorax carbo) [A017] Peregrine (Falco peregrinus) [A103] Herring Gull (Larus argentatus) [A184]] Therefore, potential for likely significant effects on SCI's cannot be screened out. AA required.
Roaninish SPA	14	Barnacle Goose (Branta leucopsis) [A045] **Herring Gull (Larus argentatus) [A184]**	There will be no direct effects on the SPA but there is potential for indirect effects due to its proximity and habits of certain species. Based on impact assessment of specific species, the following are screened out due to limited ecological connectivity, foraging range distances, and regular occurrence.

			-Barnacle Goose (Branta leucopsis) [A045] It is noted an observers makes reference to the Barnacle Goose which is a Qualifying Interest. Apart from a single record of a migrating Barnacle Goose, none of these species were recorded around, or overflying, the wind farm site. Its flight line was to over the Biodiversity Enhancement Site. Based on the lack of regular activity and the collision risk model predicting collision risk of 0.0005 collisions/year there is no possibility of a significant effect. Given there is an occurrence, even if just occasional, of the following species -Herring Gull (Larus argentatus) [A184]] Therefore, potential for likely significant effects on SCI's cannot be screened out. AA required.
Illancrone and Inishkeeragh SPA	15	Barnacle Goose (Branta leucopsis) [A045] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Little Tern (Sterna albifrons) [A195]	There will be no direct effects on the SPA, but there is potential for indirect effects due to its proximity and habits of certain species. Based on impact assessment of these specific species, the site is screened out due to limited ecological connectivity, foraging range distances, and regular occurrence. Potential for impacts screened out.
West Donegal Islands SPA	22	Shag (Phalacrocorax aristotelis) [A018] Barnacle Goose (Branta leucopsis) [A045]	Herring Gull occur at this SPA which are more than 15 km from the wind farm site,

		Corncrake (Crex crex) [A122] Common Gull (Larus canus) [A182] **Herring Gull (Larus argentatus) [A184]**	but within the mean max foraging range distances for these species. Therefore, potential for likely significant effects on this specific SCI cannot be screened out. AA required.
Inishbofin, Inishdooey and Inishbeg SPA	31	Barnacle Goose (Branta leucopsis) [A045] Corncrake (Crex crex) [A122] Common Gull (Larus canus) [A182] **Lesser Black-backed Gull (Larus fuscus) [A183]** Arctic Tern (Sterna paradisaea) [A194]	Lesser Black-backed Gull occur at this SPA which are more than 15 km from the wind farm site, but within the mean max foraging range distances for these species. Therefore, potential for likely significant effects on this specific SCI cannot be screened out. AA required.
Lough Derg (Donegal) SPA	32	**Lesser Black-backed Gull (Larus fuscus) [A183]** **Herring Gull (Larus argentatus) [A184]**	Herring Gull and Lesser Black-backed Gull occur at this SPA which are more than 15 km from the wind farm site, but within the mean max foraging range distances for these species. Therefore, potential for likely significant effects on this specific SCI cannot be screened out. AA required.
Inishmurray SPA	49	Shag (Phalacrocorax aristotelis) [A018] Barnacle Goose (Branta leucopsis) [A045] **Herring Gull (Larus argentatus) [A184]** Arctic Tern (Sterna paradisaea) [A194]	Herring Gull occur at this SPA which are more than 15 km from the wind farm site, but within the mean max foraging range distances for these species. Therefore, potential for likely significant effects on this specific SCI cannot be screened out. AA required.

Therefore, having regard to:

- the information and submissions available.
- the nature, size and location of the proposed development.
- its likely direct, indirect and in-combination effects.
- the source-pathway-receptor model; and
- the sensitivities of the ecological receptors.

It is considered that the proposed development would not be likely to have significant effects on the following European sites.

- Coolvoy Bog SAC
- Gannivegil Bog SAC
- River Finn SAC
- Cloghernagore Bog and Glenveagh National Park SAC
- Lough Nillan Bog (Carrickatlieve) SAC
- Meenaguse Scragh SAC
- Meenaguse/Ardbane Bog SAC
- Rutland Island and Sound SAC
- Slieve Tooey/Tormore Island/Loughros Beg Bay SAC
- Meentygrannagh Bog SAC
- Termon Strand SAC
- Lough Nillan Bog SPA
- Sheskinmore Lough SPA
- Inishkeel SPA
- Illancrone and Inishkeeragh SPA

The proposed development would be likely to have significant effects on the following European sites.

- West of Ardara/Maas Road SAC
- Derryveagh and Glendowan Mountains SPA
- West Donegal Coast SPA
- Roaninish SPA
- West Donegal Islands SPA
- Inishbofin, Inishdooey and Inishbeg SPA

- Lough Derg (Donegal) SPA
- Inishmurray SPA

No measures designed or intended to avoid or reduce any harmful effects of the proposed development on a European Site have been relied upon in this screening exercise.

This conclusion is largely consistent with the documentation submitted by the applicant.

8.3.2. Appropriate Assessment ('Stage 2')

8.3.2.1. Potential Effects

In summary, the potential likely significant impacts that could arise during the construction, operational and decommissioning phases of the proposed development and result in adverse effects on the European site's qualifying interests habitats and species are:

- the release of pollutants, including contaminants (cement, fuel, HDD fluids), siltation/sediments to surface water with resultant impacts to water quality.
- changes to the water environment with the potential to impact on species of nearby SPA's and SAC's (flow rates, volume, quality) arising from construction works within a peatland environment.
- the loss of or damage to habitats, including breeding resting, foraging places, used by qualifying interest species (this also considers loss through noise, dust and light impacts)
- the loss displacement or disturbance of species as a result of the wind turbines, including collision mortality.

8.3.2.1.1. SAC

In respect of the West of Ardara/Maas Road SAC, indirect water quality impacts are of primary concern. Surface water runoff from the wind farm site will drain to the watercourses in the wind farm site which are collectively known as Mulnamin Beg, which in turn drain to the Gweebarra Estuary. Any deterioration in water quality as a result of the uncontrolled or unmitigated release of pollutants, including sediments, invasive species to the drains and streams that are hydrologically connect the site

could impact the West of Ardara/Maas Road SAC. This in turn could have adverse impacts on its qualifying interests.

In relation to groundwater pathways, most of the bedrock in the area is covered in peat / poor draining soil which provides a protective cover to groundwater. The potential for connectivity to European sites via groundwater is therefore excluded. It should also be noted that the matter of peat slippage is not considered a significant issue as described in Section 8.2 of this report.

It should be noted that there will be no direct impact to the majority of the qualifying interests as they are coastal habitats and species which are not present on site or are either not hydrologically linked to the proposed development or are coastal habitats which lie downstream of the proposed development. Due to mixing in the energetic tidal marine environment, any potential water quality and habitat deterioration effects arising as a result off the proposed development are likely to be undetectable at the point at which they interact with these coastal habitats which form qualifying interests for the SAC.

<table>
<tr><th colspan="2">Table 6: Assessment of SACs</th></tr>
<tr><th>Qualifying Interests</th><th>Conclusions</th></tr>
<tr><td colspan="2">West of Ardara/Maas Road SAC</td></tr>
<tr><td>[1130] Estuaries</td><td rowspan="17">No direct effect and no significant residual water quality impacts are predicted to the Mulnamin Beg watercourses and in turn the Gweebarra Estuary.

In addition no such species are present on site, are directly linked hydrologically or are coastal habitats which lie downstream of the proposed development.

In relation to costal habitats and species, these qualifying interests are located at a reasonable distance downstream of the site. In addition to dispersion and dilution action in the tidal marine environment, any potential water quality and habitat deterioration effects arising as a result off the proposed development are likely to be undetectable at the point at which they interact with these.

No mitigation is required and adverse effects on the integrity of the qualifying interests can be excluded.

Note:

It is noted that (1310] Oligotrophic Waters containing very few minerals is a species found within the site and may be indirectly impacted. However, it is not directly connected to the SAC and is addressed in the EIAR.</td></tr>
<tr><td>[1140] Tidal Mudflats and Sandflats</td></tr>
<tr><td>[1160] Large Shallow Inlets and Bays</td></tr>
<tr><td>[1210] Annual Vegetation of Drift Lines</td></tr>
<tr><td>[1330] Atlantic Salt Meadows</td></tr>
<tr><td>[1410] Mediterranean Salt Meadows</td></tr>
<tr><td>[2110] Embryonic Shifting Dunes</td></tr>
<tr><td>[2120] Marram Dunes (White Dunes)</td></tr>
<tr><td>[2130] Fixed Dunes (Grey Dunes) *</td></tr>
<tr><td>[2140] Decalcified Empetrum Dunes*</td></tr>
<tr><td>[2150] Decalcified Dune Heath*</td></tr>
<tr><td>[2170] Dunes with Creeping Willow</td></tr>
</table>

[2190] Humid Dune Slacks	
[21A0] Machairs*	
[3110] Oligotrophic Waters containing very few minerals	
[3130] Oligotrophic to Mesotrophic Standing Waters	
[4010] Wet Heath	
[4030] Dry Heath	
[4060] Alpine and Subalpine Heaths	
[5130] Juniper Scrub	
[6210] Orchid-rich Calcareous Grassland*	
[6410] Molinia Meadows	
[6510] Lowland Hay Meadows	
[7130] Blanket Bogs (Active)*	
[7150] Rhynchosporion Vegetation	
[7230] Alkaline Fens	
[1013] Geyer's Whorl Snail (Vertigo geyeri)	
[1395] Petalwort (Petalophyllum ralfsii)	
[1833] Slender Naiad (Najas flexilis)	
[1365] Common (Harbour) Seal (Phoca vitulina)	
[1029] Freshwater Pearl Mussel (Margaritifera margaritifera)	No evidence to support this species in Mulnanin Beg watercourses. This qualifying interest may be found downstream of the site and may be indirectly impacted as a result of deterioration in water quality. There is potential for adverse effects in the absence of mitigation.
[1106] Atlantic Salmon (Salmo salar)	
[1365] Common (Harbour) Seal (Phoca vitulina)	
[1065] Marsh Fritillary (Euphydryas aurinia)	No evidence to support this species at the site. This qualifying interest requires devil's bit scabious, a food plant for species. It is noted that in Chapter 6 of the EIAR the applicant concluded that the food plant for generally scare to support the species. No marsh fritillary was recorded on site during surveys. No mitigation is required and adverse effects on the integrity of the qualifying interests can be excluded.
[1355] Otter (Lutra lutra)	No evidence to support otters on Mulnanin Beg watercourses due to lack of food sources. However, this qualifying interest is highly mobile may be found downstream of the site and may be directly and indirectly impacted as a result of deterioration in habitat. There is potential for adverse effects in the absence of mitigation.
Conservation Objectives of above site It is not considered that there will be any significant impact on the attributes and targets of the conservation objectives for this site and its qualifying interests.	

8.3.2.1.2. SPAs

Separately, the site is an area known for ornithological activity and any deterioration or disturbance of habitats within and adjacent to the site could impact relevant

special conservation interests (SCI) of SPAs as identified in the previous section.

The primary issues which could give rise to adverse effects include

- Breeding
- Construction Disturbances
- Habitat Loss
- Displacement
- Barrier Effects
- Collision Risk
- Cumulative Impacts

These are addressed for each qualifying interest in the following table.

Table 7: Assessment of SPAs	
Qualifying Interests	**Conclusions**
Derryveagh and Glendowan Mountains SPA	
Golden Plover (Pluvialis apricaria) [A140]	The impact assessment suggests minimal effects on their habitat and conservation objectives. While a breeding pair was recorded within the wind farm site, their territory lies outside the SPA, thus not directly impacting the SPA's Qualifying Interest. Although Golden Plovers may commute to forage in areas near the wind farm site, no commuting birds were observed during surveys. Construction disturbance and habitat loss are expected to be negligible, given the distance from proposed infrastructure and the absence of significant habitat removal. Displacement impacts from turbines are deemed minimal, with studies suggesting avoidance primarily within 200 meters of turbines, whereas proposed turbines are over 1 kilometre from sensitive habitats. Collision risk is negligible, with no commuting routes intersecting the wind farm site. Overall it poses negligible risks to habitat loss, disturbance, displacement, barrier effects and collision risk. Therefore, no cumulative assessment is deemed necessary. No mitigation is required and adverse effects on the integrity of the qualifying interests can be excluded.
Merlin (Falco columbarius) [A098]	The impact assessment for Merlin, indicates minimal effects from a wind farm project. Although breeding evidence of Merlin is sparse, with no records within the wind farm site or its buffer zone, and very few Merlin detections over three years of surveys, the habitat loss due to the wind farm's construction is projected to have negligible impact. Additionally, displacement impacts are deemed unlikely to significantly affect Merlin foraging habitat availability, given the low Merlin activity recorded around the wind farm site and its distance from the SPA. Construction disturbance is expected to be minimal as most infrastructure is located in forestry areas, while habitat loss will be compensated by the creation of new open habitats. The predicted collision risk is negligible, and there are no

	significant cumulative impacts from other wind farms within the buffer zone of the SPA. Considering these factors, the wind farm project is anticipated to have negligible collision risk, habitat loss, and disturbance impacts, as well as negligible or very minor displacement impacts on breeding Merlin from the SPA. Consequently, it is unlikely to affect the conservation condition of the Merlin Qualifying Interest of the SPA. No mitigation is required and adverse effects on the integrity of the qualifying interests can be excluded.
West Donegal Coast SPA	
Cormorant (Phalacrocorax carbo) [A017]	The impact assessment indicates negligible effects on their habitat and conservation objectives. Cormorants were occasionally observed around the wind farm site, mainly along the Gweebarra Estuary adjacent to it. However, their use of lakes within the wind farm site was rare. Construction disturbance, habitat loss, displacement impacts, and barrier effects were all deemed negligible due to the distance of wind farm infrastructure from Cormorant habitats. The collision risk with turbines was assessed as minimal, with less than one collision expected every 160 years. Overall it poses negligible risks to habitat loss, disturbance, displacement, barrier effects and collision risk. Therefore, no cumulative assessment is deemed necessary. No mitigation is required and adverse effects on the integrity of the qualifying interests can be excluded.
Inishbofin, Inishdooey and Inishbeg SPA ***Lough Derg SPA***	
Lesser Black-backed Gull (Larus fuscus) [A183]	The impact assessment for indicates minimal effects from a wind farm project. While the Lough Derg population is extinct, the Inishbofin, Inishdooey, and Inishbeg population's size ranges from 11 to 100 pairs, with limited detailed data available. Observations show broad movement patterns of Lesser Black-backed Gulls across the wind farm site during the breeding season, mainly associated with commuting from coastal breeding colonies. Construction disturbance, habitat loss, and displacement impacts are expected to be negligible, as the gulls do not regularly use habitats within the wind farm site. Barrier effects are deemed low due to the gulls' low sensitivity, and collision risk, estimated at 0.03-0.05 collisions per year, is relatively low. However, due to the large number of operational turbines within the potential foraging range of the SPA, a cumulative impact assessment is required. Yet, even with numerous wind farms within the vicinity, the cumulative collision risk is not anticipated to significantly impact the Lesser Black-backed Gull population. The wind farm project itself is not expected to affect the conservation condition of the Lesser Black-backed Gull Qualifying Interest, given its negligible disturbance, displacement, and collision risks. No mitigation is required and adverse effects on the integrity of the qualifying interests can be excluded.

West Donegal Coast SPA ***Roaninish SPA*** ***West Donegal Islands SPA*** ***Lough Derg SPA*** ***Inishmurray SPA,***	
Herring Gull (Larus argentatus) [A184]	The impact assessment for Herring Gulls, a Qualifying Interest of multiple SPAs, suggests minimal effects. While the Lough Derg Herring Gull population is presumed extinct, observations show flightlines concentrated mainly in the western part of the wind farm site and along the Gweebarra Estuary, likely associated with movements to/from a mink farm. Construction disturbance, habitat loss, displacement impacts, and barrier effects are expected to be negligible, as Herring Gulls do not regularly use habitats within the wind farm site, and proposed turbine locations avoid commuting routes. Collision risk is estimated at 0.01-0.02 collisions per year during the breeding season, unlikely to result in any collisions over the wind farm's lifespan. Cumulative impacts from the wind farm project on Herring Gull Qualifying Interests of nearby SPAs are deemed negligible, thus not requiring a cumulative assessment. Conservation objectives for these SPAs aim to maintain or restore favourable conservation conditions, which the wind farm project is not expected to affect significantly. Overall, the project is anticipated to have negligible collision risk, disturbance, or displacement impacts on Herring Gulls from these SPAs, ensuring the conservation condition of their Qualifying Interests remains unaffected. No mitigation is required and adverse effects on the integrity of the qualifying interests can be excluded.

8.3.2.2. Potential In-Combination Effects

In combination effects are examined throughout the NIS submitted and considered in the table above as they relate to certain qualifying interests. The proposed development was considered in combination with other developments as detailed in Section 4.0 of this report.

Based on scientific analyses of best available scientific information, no other European sites in the area are relevant to the screening assessment and NIS.

The conclusion that with the implementation of mitigation measures, the in-Combination effect of the proposed development will not be significant is considered reasonable. It can therefore be concluded that there would be no in-combination effects on the European sites or their qualifying interests.

8.3.2.3. Mitigation Measures

Mitigation Measures identified in the NIS

The mitigation measures included in the NIS for the proposed development include mitigation of water quality impacts; and a pre-construction Otter survey and associated mitigation.

It is noted that the mitigation is reliant on Hydrology, Hydrogeology and Water Quality chapter of the EIAR which includes measures relating to supervision and monitoring including implementation of CEMP and appointment of an ECoW.

Subject to the implementation of the mitigation measures, there would be no resultant adverse effects on qualifying interest species and habitats respect to its attributes and targets.

Additional Mitigation Measures

It is noted that there are several mitigation measures proposed as part of the wider development in relation noise, dust and light pollution which, are not listed as mitigation in the NIS, but shall be implemented to further mitigate any potential impacts that may arise to relevant species that may use the site in particular otters.

The EIAR has considered biosecurity extensively and while not explicitly considered in the NIS, the additional good practice measure will further prevent significant impacts on European Sites.

8.3.2.4. Residual Effects

None anticipated post mitigation.

8.3.2.5. Conclusion

Having regard to the foregoing and taking account of the scale and nature of the proposed development and on the basis of the information on the file, it can be reasonably concluded on the basis of best scientific knowledge, therefore, that the proposed development, individually or in combination with other plans and projects, will not adversely affect the integrity of the:

- West of Ardara/Maas Road SAC
- Derryveagh and Glendowan Mountains SPA
- Inishbofin, Inishdooey and Inishbeg SPA
- Lough Derg SPA

- West Donegal Coast SPA
- Roaninish SPA
- West Donegal Islands SPA
- Inishmurray SPA,

in view of the sites' Conservation Objectives, subject to the implementation of the mitigation measures and any recommended conditions.

9.0 Recommendation

It is recommended that the Board refuse to approve for the proposed development subject to the reasons and considerations below.

10.0 Reasons and Considerations

I recommend that the Board refuse to approve the proposed development for the reasons and consideration set out hereunder.

1. Notwithstanding the wide policy supporting renewable energy development at a national, regional and local level, the proposed development, which is located on designated lands where wind energy developments are 'not normally permissible' under Policy E-P-12 and in the 'Gweebarra River Basin', where it is a policy of the Council that wind farm developments must not be located under Policy E-P-23 of the Donegal County Development Pan 2018-2024 (as varied), would not be acceptable in principle. It would not be in accordance with the proper planning and sustainable development and would materially contravene these provisions of the Donegal County Development Plan 2018 -2024 (as varied),

2. The proposed development is not considered consistent with policies which seek to protect the landscape including NH-P-6, NH-P-13, NH-P-15, E-P-23 (i) (a) and TOU-P-5 of the Donegal County Development Plan 2018 -2024 (as varied). The site of the proposed development is located in an area which is designated as an area of Moderate Scenic Amenity (MSA) and adjacent to areas of Especially High Scenic Amenity (EHSA) and within a Protected View from Gweebarra Bridge up the Gweebarra River Basin. The proposed development will also be viewed from the Wild Atlantic Way a key tourist asset for the county and is within a zone of visual influence of Glenveagh National Park. The proposed development, by reason of its height, scale and siting below a ridge would be visually obtrusive and would interfere with the character of the landscape, with specific scenic amenity designations, which it is necessary to preserve. The proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site of the proposed development is located within an area of significant ornithological value, which is of national importance to the Golden Eagle, as evidenced by the applicant's bird surveys in support of the application. It is considered that the nature and scale the proposed development would result in a significant risk of disturbance and displacement for the Golden Eagle present at this location. There is a significant risk that if nesting Golden Eagles are displaced by construction phase activities or the presence of turbines, the mitigation measures will not reduce this very significant impact. On the basis of the information submitted in support of the application and specifically within the EIAR and associated documents in respect of the Golden Eagle, it is considered that potential risk at a national level, of disturbances to the aforementioned species have not been adequately addressed in the form of scientific evidence and conclusions. The proposed development would, thus, have significant adverse impacts at a national level on the ornithological importance of the area by way of disturbance and displacement of the Golden Eagle, a protected bird of international importance, a red listed Bird of Conservation Concern, listed in Annex 1 of the Birds Directive and, at this location, one of five known breeding pairs at a national level and would, therefore, be contrary to the proper planning and sustainable development of the area.

Professional Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Tomás Bradley,
Senior Planning Inspector
28th February 2024