# Inspector's Report
# ABP-320079-24

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| **Development** | Construction of wind turbine and all associated site development and ancillary works. |
| **Location** | Cullion, Killybegs, Co. Donegal. |
| **Planning Authority** | Donegal County Council. |
| **Planning Authority Reg. Ref.** | 2351240. |
| **Applicant(s)** | Natural Forces Renewable Energy Limited. |
| **Type of Application** | Planning permission. |
| **Planning Authority Decision** | Grant permission. |
| **Type of Appeal** | Third Party. |
| **Appellant(s)** | Margaret Murphy. |
| **Observer(s)** | Peter Sweetman. |
| **Date of Site Inspection** | 11th February 2025. |
| **Inspector** | Heidi Thorsdalen |

# Contents

# 1.0 Introduction

## 1.1. Site Location and Description

1.1.1. The site is located in the townlands of Cullion, Cornacahan and Cunlin, approximately 3km north of Killybegs, County Donegal. The proposed wind turbine is located on the Cullion plateau to the west of Cornacahan Hill. The localised terrain is south sloping down towards Killybegs and ascends in the northwest to 405m AOD on the ridgeline of Meenawley.

1.1.2. The stated site area in the application form is 7.5ha.

1.1.3. The site comprises open mountain land in an area of upland blanket bog and with mature plantation coniferous forestry. The proposed turbine is located to the west of a forest plantation which is c. 28ha (1st rotation, 20 years). The topography of the site is variable with elevations ranging from 140 to 196 mAOD. The surrounding area is rural with predominately agricultural uses and rural residential dwellings. The nearest residential property is located c. 850m southeast of the proposed wind turbine.

1.1.4. The proposed access is from the east via Conlin Road in the townland of Cunlin. The site can also be accessed from the south via local tracks and roads in the townland of Meenyhooghan. Grid connection is via the existing 20kV Killybegs Wind Farm substation which is connected to the Killybegs 38kV ESB Substation.

1.1.5. The site is not located within any designated European sites. The nearest European site is Slieve Tooey/Tormoe Island/Loughros Beg Bay Special Area of Conservation (SAC) (Site code: 000190), located c. 7km northwest of site.

1.1.6. There are number of drains dissecting the forestry within the eastern part of the site and these drain the site towards the north and the Cunlin Lough stream. The western part of the site drains towards the west and the Fintragh River. The southern part of the site drains towards both the Fintragh River and the Cunlin Lough stream.

1.1.7. The proposed turbine is located approximately c. 350m northwest of the operational Killybegs Wind Farm (3 wind turbines at 77m tip height) located on Cornacahan Hill. The proposed turbine is located approximately 460m southwest of a permitted wind turbine (149.61m tip height), Bradán Wind Farm which is being developed by the same applicant.

## 1.2. Application Submission

1.2.1. The application, in addition to planning application drawings, is accompanied by the following documents and information:

- Environmental and Planning Report (07/07/2023, Natural Forces)
- EIA Screening Report (07/07/23, Natural Forces)
- Noise Report (07/07/2023, Natural Forces)
- Appropriate Assessment Screening Report (25/07/2023, ID Environmental Consultants)
- Ecological Impact Assessment Report (25/07/2023, ID Environmental Consultants)
- LVIA Report (14/08/2023, Natural Forces)
- Shadow Flicker Report (07/07/2023, Natural Forces)
- Construction Environmental Management Plan (07/07/2023, Natural Forces)
- Decommissioning and Reinstatement Plan (14/08/2023, Natural Forces)

1.2.2. It is noted that following Donegal County Council's request for further information on 12th October 2023, a response was received from the applicant on the 14th May 2024 which included the following documentation:

- Meenawley RFI (09/05/2024, Natural Forces)
- RFI Appendix 1: Ecological Impact Assessment Report (02/04/2024, ID Environmental Consultants)
- RFI Appendix 1: Appropriate Assessment Screening Report (23/04/2024, ID Environmental Consultants)
- RFI Appendix 2: Peat Stability Risk Assessment (March 2024, RSK)
- RFI Appendix 3: Public Consultation Documents (Natural Forces)
- RFI Appendix 4: Turbine Supplier Letter
- RFI Appendix 5: Further Information Response Report including Turbine Haul Route Survey (09/05/2024, Mable Consulting Engineers)

- RFI Appendix 6: EIA Screening Report Update (14/03/24)
- RFI Appendix 7: LVIA Report (22/02/2024, Natural Forces)
- RFI Appendix 8: Framework Construction Environmental Management Plan (22/02/2024, Natural Forces)

## 2.0 Proposed Development

### 2.1. Overview

2.1.1. In summary, the proposed development is for:

- The construction of one Enercon E138 wind turbine on a 99m tower with an electrical rating of 4.2MW and an overall tip height of 169m.
- The construction of wind turbine foundation, hardstanding and assembly area.
- Provision of a site entrance and access track within the site.
- Construction of an on-site 20kV substation and underground electrical cable and all associated site development and ancillary works.

2.1.2. The proposed wind turbine hub height was reduced from 99m to 81m in response to further information (RFI) and as a result, the overall tip height was reduced from 169m to 149.61m.

2.1.3. There is no stated duration of permission within the public notices. The submitted documentation refers to both proposed 30 and 35 year lifespan for the proposed development.

2.1.4. The submitted documentation refers to the wind turbine as Meenawley Single Wind Turbine.

### 2.2. Development Components

2.2.1. **Turbine, foundation and hardstanding:** One Enercon E138 wind turbine with foundation and hardstanding is proposed, located at elevation 196m AOD and grid reference ITM E569949, N879518. The electrical rating of the proposed wind turbine is 4.2 MW, and the overall tip height is 149.61m following a reduction in proposed height at RFI from 169m. The proposed hub height (HH) is 81m, reduced at RFI from

99m, and the proposed rotor diameter (RD) is 136m. The turbine foundation will be reinforced concrete slab (c. 20m in diameter) bearing on rock (excavated depth of c. 4m) and backfilled with granular material. A stated turbine hardstanding area of c. 5000m$^2$ is proposed.

2.2.2. **Site entrance:** The proposed site entrance with Conlin Road is located at the eastern edge of the site, elevation 142m AOD. The site entrance is c. 25m in width with a temporary widening to c. 53m towards the north to accommodate abnormal load deliveries (measured from RFI, Dwg. No. 103).

2.2.3. **Access tracks:** Approximately 1km of internal access tracks proposed, from the junction with Conlin Road at the eastern edge of the site to the proposed wind turbine at the western edge of the site. Floating roads are proposed for c. 660m (measured from RFI, Dwg. No. 120) and cut tracks are proposed for the remaining sections. Access track width shown as 4.5m in width.

2.2.4. Whilst not specified in the application, the site entrance and part of the access track overlaps with those permitted for Bradán Wind Farm (ABP-314600-22, reg. ref. 22/51214).

2.2.5. **Substation, compound and cables:** The proposed 20kV substation is a single storey building located at grid reference ITM E570371, N878985 and elevation 147m AOD. A rendered finish and slate roof are proposed. The stated floor area is 52.47m$^2$ and the height is c. 5m (measurement from Application Dwg. No. 203). The substation will be surrounded by stock proof fencing. The substation compound as per RFI Dwg No. 107 measures c. 324m$^2$. Underground cables are to be laid in trenches c. 1.2m deep from the proposed wind turbine to the proposed 20kV substation, c. 1.7km in length.

2.2.6. **Grid Connection:** The grid connection forms part of the application and will be via c. 100m of underground cable connecting the proposed onsite 20kV substation into the existing 20kV Killybegs Wind Farm substation. The Killybegs Wind Farm substation is already connected to the Killybegs 38kV ESB Substation.

### 2.3. Turbine Haul Route

2.3.1. The anticipated turbine haul route does not form part of the of the planning application.

2.3.2. It is expected that turbine components will be delivered to Killybegs Harbour, and the proposed turbine haul route is from Killybegs Harbour to the site. The turbine haul route (dwg. 1000) was refined at RFI following Swept Path Analysis, as follows:

- Killybegs Port to
- Carricknagore, R263 Donegal Road / L1325 The Commons Junction to
- Commons National School L1325/ L1315 Corporation Junction to,
- L1315 / Faiafannan Junction to
- Carricknamoghil to
- Carricknamoghil / Crocknafeola townland border to
- Crocknefeola to
- Meenachullalan to

2.3.3. Locations where temporary road widening works are required along the turbine haul route are detailed in dwg. 1001 to 1012.

2.3.4. Temporary road verge stoning details and node temporary stoning details are detailed in dwg. 1020 and 1021, respectively.

## 2.4. Construction

2.4.1. The construction phase is expected to last between 6 to 8 months, and the anticipated sequencing of works is as follows:

- site clearance, soil excavation and install a construction site compound;
- construction of internal site access track and site entrance;
- construction of 20kV substation, on-site underground cabling and grid connection works;
- installation of hardstanding for the turbine;
- erection of the turbine;
- install electrical systems and completing the grid connection; and
- testing and commissioning works.

2.4.2. Temporary construction compound and storage areas shown on Dwg No. 120 adjacent to proposed turbine, an approximate 3,150m$^2$ area based on measurement from same drawing. In addition, the following storage areas are detailed on RFI Dwg No. 120:

- Three peat repository areas with a combined storage volume of 1,845m$^3$ provided.
- Five topsoil repository areas with a combined storage volume of 687m$^3$ provided.
- One till repository area with a storage volume of 1,000m$^3$ provided.

2.4.3. Temporary facilities will be provided during the construction phase such as site office, portaloo, generator, lock up arena and parking. Temporary construction compound, temporary hardstands and storage areas to be grubbed up and areas reinstated on completion of turbine installation.

2.4.4. The estimated excavation volumes as per RFI response are 1,320m$^3$. A total volume of aggregates and concrete products imported will be 9,071m$^3$, and will be sourced from quarries within the surrounding area. Building materials could be sourced from local building merchants.

2.4.5. All construction personnel, plant and equipment, including the turbine will access the site from the Commons, off Church Road, via Meenachullalan and Lough Aroshin, travelling south on Conlin Road and turning right into the site. The proposed route is identified as having been used previously for wind farm developments, such as Meenachullalan.

2.4.6. Estimated traffic movements to/from the site will be on average 10-12 HGV movements and 10 car and van vehicle movements per day. Peak deliveries will be during the turbine base concrete pour when an estimated 75 concrete trucks deliveries will be required in one day.

2.4.7. The access track will cross existing land drain, and these are proposed to be culverted. Silt fencing will be located along the existing open drain to the west of the site. Check dams will be installed around the turbine hardstanding area at regular intervals, and these will flow into the silt ponds which will reduce runoff velocity.

Rainwater runoff from the access tracks and hardstanding will be directed towards the edge drain channels, along the side of the track.

### 2.5. Operation and Decommissioning

2.5.1. Operational monitoring will be remote, with a site manager to monitor the day to day operation and running. Maintenance will typically take place twice a year. As noted above, the submitted documentation refers to both a proposed 30 and 35 years lifespan being sought.

2.5.2. Anticipated Decommissioning and Reinstatement Plan based on current techniques:

- Removal of above ground structures including wind turbine and control building.
- Removal of underground structures including foundations and cables.
- Removal of stone imported for access road or leave the roads on site if beneficial to land use.
- Profiling and restore the vegetation cover, with topsoil and reseeding.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. A notification of the decision to grant planning permission was issued by Donegal County Council by Order dated 6th June 2024 with 25 conditions attached. Most conditions are standard in nature for this type of development, and summarised as follows:

- Condition 1: Strict accordance with plans.
- Condition 2: 30 year permission from first commissioning.
- Condition 3 and Condition 13: Design and material requirements.
- Condition 4: Ecological Impact Assessment Report mitigation measures.

- Condition 5: Requires a marginal relocation of turbine, hardstanding and access route to avoid areas denoted as ‘Unstable’ as per Peat Stability Risk Assessment.
- Condition 6: Construction environmental Management Plan; Condition 8: Construction traffic management plan; and Condition 10: Construction/decommissioning hours.
- Condition 7: Peat mitigation measures and services of Geotechnical Clerk of Works; and Condition 22: Construction environmental protection.
- Condition 9: Haul route made good; and Condition 23: Controlling works to haul route.
- Condition 11: Development noise limit between the hours of 0700 and 2300, the greater of 5 dB(a) L90, 10 min above background noise levels, or 45 dB(a) L90, 10 min for wind speeds of 6m/s or greater; and 45 dB(a) L90, 10 min at all other times. Submission of noise monitoring and mitigation measures.
- Condition 12: Cumulative shadow flicker limits as per 2006 Guidelines, fitting of shadow flicker control equipment and shadow flicker monitoring.
- Condition 14: Telecommunication interference measures; and Condition 15: Aeronautical requirements.
- Condition 16: Ecological Clerk of Works services; Condition 17: Retain services of a bird specialist to carry out annual bird surveys and reports to be submitted annually for five years; and Condition 18: Invasive Species Management Plan.
- Condition 19: Archaeological preservation, recording and protection.
- Condition 20: Community gain.
- Condition 21: Decommissioning.
- Condition 24: Development contribution; and Condition 25: €100, 000 security bond for delivery route as per Condition 23.

### 3.2. Planning Authority Reports

3.2.1. There are two Planner's reports on file which inform the decision.

3.2.2. Planner's report (dated 28th September 2023), key comments summarised and further information request recommendation are outlined below:

- Turbine is located 440m to the west of the 3 no. existing turbines.
- Proposed turbine located approximately 600m to the southwest of the previous 2 no. applications that were refused. This relocation is to comply with the zoning map for wind energy as adopted as part of the variation to the CDDP.
- Reports as submitted are generally replicated from application 22/51214.
- Principle of development: Generally acceptable, located within a Structurally Weak Rural Area and within an area designated as 'Open for Consideration' with regard to wind energy, as per County Donegal Development Plan 2018-2024 (as varied).
- Concerns regarding significant visual impact on Wild Atlantic Way and scenic view at St John's Point. The proposal considered overly scaled and representing visual intrusion, and contrary to policies TOU-P-5, NH-P-13 and NH-P-15.
- Reference to DAU's response on archaeology and archaeological assessment to be condition.

3.2.3. Further Information Request (dated 11th October 2023):

1. "Applicant to submit a revised Screening Report for Appropriate Assessment having regard to concerns raised by the Department of Housing, Local Government and Heritage including, inter alia:
    - The exact location of the proposed turbine with additional photographs of the proposed turbine site.
    - Additional information on bird usage to support the conclusion of the AA Screening Report.

- Additional information based on all relevant data regarding site usage by Annexed and endangered bird species. Nearby lakes may be important breeding or wintering sites, and sufficient surveys shall be carried out, or data presented, to establish flight patterns or mitigation routes.
- Specific risk assessment associated with the development of seasonally resident and migratory bird species that are SCI for European sites within the zone of influence. For example, the nearest SPAs should be adequately considered for information about migration routes and foraging areas of the Qualifying Interest (QI) Species, including Peregrine, Merlin, Greenland White Fronted Goose.
- Additional bat surveys to be carried out to ensure strict protection of the bat species, in particular, commuting or migrating bats. Guidelines on recommended bat surveys can be found at NatureScot (2021) Bats & onshore wind turbines. Guidance on strictly protected species and bat mitigation guidelines should also be consulted.
- Clarification and additional information on the cumulative impact of the development and other existing or planned wind farm developments in the wider area with particular emphasis should be given to the barrier effect and bird strike.

Applicant is advised with regard to the above point 1, direct consultation with the Department is recommended prior to submission of any further information.

2. Applicant to submit a Peat Stability Assessment including, inter alia, peat probes carried out on the route of the access road and the location of the proposed turbine.
3. Applicant to submit documentary evidence of community consultation and details of any community benefit on the basis of RESS financial contribution that shall accrue to the local population.
4. Applicant to submit revised plans illustrating a reduction in the height of the proposed turbine to an appropriate scale, considered to be 120m tip height. Applicant is advised that the Planning Authority has serious concerns with

regard to the scale of the proposed turbine, the negative and dominating visual impact and lack of integration into the receiving environment

5. Applicant to clarify that the proposed haul route has the capacity to accommodate the movements necessary to move the turbine from the harbour to the site.
6. Applicant to clarify:

   (a) The estimated volume of material to be excavated and proposed storage areas within the overall site.

   (b) The estimated volume of materials that will require to be imported to the site, potential source of these and estimated traffic movements.
7. Applicant to clarify the setback of the nearest dwelling to the proposed turbine having regard to the technical standards as set out in in 6.4, Appendix 3 Development Guidelines and Technical Standards, Part B of the County Donegal Development Plan 2018-2024 (as varied).
8. Applicant to submit revised documentation that is accurate with regard to factual information on the basis of the following inaccuracies –
   - The EIA Screening Report refers to the turbine having a 4.2MW output whereas it is given as 4.5MW elsewhere.
   - Figure 1.6 of the LVA includes a legend that is inaccurate.
   - Page 12 of the AA screening report refers to Meath County Council.
   - S 4.8.4 of the CEMP does not give an accurate location of the turbine site.

   Applicant is advised that the above is not a comprehensive or exhaustive list.
9. Applicant to submit a revised EIA screening report that clearly and comprehensively identifies cumulative impact of the proposed turbine in conjunction with the 3 no. existing turbines that are in close proximity."

3.2.4. The FI Response was received by the Planning Authority on 14th May 2024. Planner's Report dated 4th June 2024 incorporated an AA Screening Determination and an EIA Preliminary Examination, summarised as follows:

- The applicant has provided for a more comprehensive and detailed assessment of the proposed development.
- The turbine has been reduced in scale to permit greater integration. There will still be more visual intrusion from the Glenlee/Business Park Road and from the N56 at KTNets/Tullaghcullion, but within the context of the receiving landscape, reduced scale and nature of the development, the proposal is determined to be appropriate.
- The peat risk stability study demonstrates that risk is very low. Particular care shall have to be taken when working on the access track through the existing forest where there is depth of saturated peat. Option to marginally relocate the turbine and access track immediately to the north of same to avoid works within areas of more risk.
- Development is considered to be in accordance with policy direction taking account of location and renewal energy production policies. Located within a Structurally Weak Rural Area, outside of and removed from any sensitive designations.
- The proposed development would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard.
- The applicant has submitted details of a community engagement leaflet with consultation dates set out within the report. A mandatory Community Benefit Fund shall be established if permission is forthcoming.
- Swept path analysis submitted identifying areas where temporary works will be needed along haul route. Response to estimated volume of materials and estimated traffic movements acceptable. Conditions from Roads section noted.
- The nearest dwelling is 950m to the proposed turbine and is in compliance with the Wind Energy Development Guidelines 2006 which require a setback of 500m from turbine to dwelling.
- Updated cumulative assessment acceptable.

- Conclusion had regard to the location within a Structurally Weak Rural Area, outside of and removed from any sensitive designations, the nature and scale of the development and the policies of the current development plan.
- Subject to compliance with recommended conditions, the proposed development would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard.
- **AA Screening Determination:** The Planning Authority has determined that an appropriate assessment of the proposed development is not required as it can be excluded on the basis of objective scientific information that the proposed development individually or in combination with other plans/projects will have a significant effect on a European Site – (West Donegal Coast SPA – site code 004150).
- **Environmental Impact Assessment (EIA):** The EIA Preliminary Examination attached to the Planner's report concludes that sufficient information has been submitted to issue an EIA Screening Determination and that the proposed development would not be likely to have significant effects on the environment and that an EIAR would not therefore be required. Regard was had to:
    - Sub-threshold of Class 3 (i) of Part 2 of Schedule 5 and Schedule 7 criteria, the Planning and Development Regulations 2001, as amended.
    - Nature, scale, existing use of site, and development in surrounding area including an existing 3 turbine windfarm.
    - High and Moderate Scenic Amenity zoning.
    - EIA guidelines.
    - Mitigation measures.

### 3.3. Other Technical Reports by Donegal County Council

3.3.1. Roads (dated 27th May 2024) conditions recommended:

- prior to commencement video surveying and carrying capacity of all local roads (LP1325, LP1295-3, LS5425, LS5415) forming part of the haulage route (from 263) and identification, inspection of all services along the routes, and any proposed strengthening/widening works to be agreed with Roads Authority.
- Third party consent required for any works in private ownership.
- Requirements for reinstatement of any damage sections of road, measures to prevent spillage of materials and surface water onto public roads.
- Permit requirements and bond.

3.3.2. Building Control (dated 22nd September 2023) – all building works must comply with Building Regulations.

3.3.3. Fire Services (dated 29th August 2023), no drawing to provide advice on.

### 3.4. Prescribed Bodies

3.4.1. MoD (11th September 2023): Recommends condition for all turbines to be illuminated as per MOD specifications.

3.4.2. Irish Aviation Authority (IAA) (29th August 2023): Recommends standard conditions in accordance with IAA specifications including aeronautical obstacle warning lighting, as-constructed coordinates, and prior notification of crane operations.

3.4.3. Inland Fisheries Ireland (IFI) (21st September 2023): Recommends standard conditions based on current best practice measures applicable to design and construction in proximity to watercourses and on deep peat. Mitigations measures to be incorporated into construction methodology, and to be overseen by a suitably qualified person on site, including:

- storage of oil and fuel, stockpiling, roadside drains, embankments and cutting, prevention of cement and wet concrete spillage and high sediment runoffs, silt traps and settlement ponds, monitoring of surface water flows and potential impact on downstream prevailing hydrological regime, crossing of watercourse and distance to same, consideration of floating roads and piling

where deep peat is encountered, reinstatement of peat and implementation of mitigation measures within the EcIA report.

3.4.4. Department of Housing, Local Government and Heritage, Development Applications Unit (DAU) (22nd September 2023): Comments provided on nature conservation and archaeology, as follows:

- Nature conservation: critical gaps in the data, information and analysis that have been presented were noted and considered to hinder an understanding of the current environmental baseline and of the likely significance of any short-term and long-term effects of the project on European sites and their conservation objectives.
- Exact location of the proposed wind turbine is unclear and insufficient photographs of the proposed turbine site.
- Annexed and endangered bird species: Insufficient information of bird usage to support the conclusion of the AA Screening report. Relevant data must be sourced and recommended that bird surveys are carried out, to establish flight patterns or migration routes.
- Assessing risk to seasonally resident and migratory bird species that are SCI for European sites within ZoI. The nearest SPA Qualifying Interests Species include Peregrine, merlin, Greenland White Fronted Goose.
- Insufficient bat surveys to ensure protection of commuting or migrating bats.
- Cumulative impacts with existing or planned wind farm developments in the wider area should be clearly presented and assessed, emphasis on barrier effect and bird strike.
- General wind farm scoping information provided in Appendix 1.
- Archaeology: Possible that subsurface archaeological remains could be encountered. Condition recommended for pre-development testing by a suitably qualified archaeologist is recommended.

### 3.5. Third Party Observations

3.5.1. The planning authority received 4 no. third party submissions on the original application. The issues raised in these submissions are generally reflected in the issues raised in the third-party appeal received by the Board.

3.5.2. Concerns raised in third party submissions are summarised as follows:

- Cullion is upland blanket bog, an important habitat for carbon retention.
- Disturbance of the bog could have a devastating impact on the natural environment.
- Site is important for birds and mammals, sightings of sea eagles, golden eagles and merlin, and Lough Nabradan and Meenawley within Cullion.
- The turbine is twice the height of existing.
- Ruining the view of the surrounding hills and an area of great natural beauty.
- It would be visible from most of Donegal Bay and a large scenic area would be destroyed.
- Impact on local walks, a well loved amenity in Killybegs area and beyond.
- The proposed wind turbine will create a huge amount of noise from the blades. Existing three turbines in that area are heard in houses.
- Proximity to residential dwelling, noise and disturbance of flashing lights and blades overshadow affecting health and well being.
- Heavy vehicles to use small narrow country road which provides local access
- A mature forest will be destroyed.
- This has little to do with environmental consideration.

3.5.3. Further Information received was deemed to not be significant by Planning Authority therefore no further third party submissions were invited.

## 4.0 Planning History

### 4.1. Subject Site

4.1.1. Available planning history for the subject site includes:

- ABP-314600-22 (reg. ref. 22/51214): Permission Granted, for a single Enercon E138 wind turbine on an 81m tower with an electrical rating of 4.2MW and an overall tip height of 149.38m, access road, on-site 20kV substation and associated works at Cornacahan and Cunlin, Killybegs, Co. Donegal. Revises the development permitted under ABP-304198-19 (reg. ref. 19/50132) and is referred to as Bradán Wind Farm. Status: Noted to be at construction stage design development (reg. ref. 24/60903) and successful under RESS 3, quantity 4.2MW.
- ABP-304198-19 (reg. ref. 19/50132) – Permission Granted, for the construction of one wind turbine (67m tower height, 124.5m tip height), access track, 20kV substation and associated works at Cornacahan and Cunlin, Killybegs, Donegal.
- Reg. ref. 03/1053: Permission Granted, for construction of Meenachullalan Wind Farm consisting of 6 wind turbines (HH 60m and RD 71). This was a revised scheme following a refusal of a 14 wind turbines development under reg. ref. 03/645. Refer to reg. ref. 07/20459 below for the relocated development and Condition 1.
- Reg. ref. 01/77, as amended by reg. ref. 06/20010: Permission Granted, for construction of a small wind farm consisting of three 850kW wind turbines, access road, a control building and ESB compound and ancillary works at Cornacahan, Killybegs. Subsequent increase in hub height from 49m to 55m and increase in blade tip height from 75m to 77m considered de minimis by the Planning Authority. Status: Operational.

### 4.2. Other relevant developments within the vicinity:

- Reg. ref. 24/60903: Permission Refused, for upgrading existing and construction of new access tracks (combined length 1.9km) and site

entrances, and construction of a 5.5m span temporary bridge at townlands of Faiafannan and Cunlin and to provide an alternative access route for abnormal load deliveries to Bradán Wind Farm. Appealed to the Board, reference ABP-320672-24 and the decision is pending. The Board may wish to have regard to this in their consideration.

### 4.3. Other wind farm development in the surrounding area:

- Reg. ref. 15/50047, time extension reg. ref. 20/51035: Permission Granted, for one wind turbine (V39 500kV and 50m HH/40m RD) at Island Seafoods Ltd, Carricknamoghil, Killybegs. Status: Operational.
- Reg. ref. 07/20459, Permission Granted, for Meenachullalan Wind Farm consisting of 6 wind turbines (64HH, 71RD) by Airoishin Wind ltd. Condition 1: *Prior to the commencement of development, the applicant shall enter into a Section 47 Legal Agreement, as provided for in the Planning and Development Act 2000 (as amended) and which shall extinguish the benefit of this permission should development commence on foot of Planning permission Ref No. 03/1053*. Other relevant consents, reg. ref. 05/592 for private roads, and reg. ref. 06/21195 for overhead lines by ESB. Status: Operational.

## 5.0 Policy Context

### 5.1. European and National Policy, Legislation and Guidelines

5.1.1. **Renewable Energy Directive III (RED III):** The Directive on the Promotion of the Use of Energy from Renewable Sources (Directive EU 2018/2001) (RED III) requires that 45% of energy produced in Europe is from renewable sources. The Directive recognises the impact renewable energy infrastructure may have on birds and those mitigation procedure which may be required. Member states are required to have regard to the overriding public interest and serving public health and safety when assessing renewable energy cases.

5.1.2. **Climate Action Plan (CAP) 2025:** CAP25 refines and updates the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it

should be read in conjunction with CAP24. CAP25 provides a roadmap of actions which will ultimately lead to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050 (as committed to in the Climate Action and Low Carbon Development Act 2021, as amended), the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. A renewables-led system is at the core of Ireland's plan to reduce emissions in the electricity sector, protect energy security, and ensure economic competitiveness.

5.1.3. To reach 80% of electricity demand from renewable sources by 2030:

- Accelerated and increased deployment of new renewable electricity generation capacity.
- Lifetime extensions and/or repowering at existing onshore wind sites
- Introduction of regional renewable electricity capacity allocations for each of the three Regional Assemblies by 2030
- Target 6 GW of onshore wind and up to 5 GW of solar by 2025;
- Target 9 GW of onshore wind, 8 GW of solar, and at least 5 GW of offshore wind by 2030;
- Delivering greater alignment between national, regional, and local authority levels to deliver on the renewable electricity ambition.
- First Revision National Planning Framework, due to be approved due to be approved in 2025, introducing regional renewable electricity capacity allocations for each of the three Regional Assemblies by 2030.
- Accelerate flexibility including electricity storage and interconnectors.

5.1.4. **Climate Action and Low Carbon Development Act, 2015, as amended:**

The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principle act such that Section 15(1) requires:

"(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

a) the most recent approved climate action plan,

b) the most recent approved national long term climate action strategy,

c) the most recent approved national adaptation framework and approved sectoral adaptation plans,

d) the furtherance of the national climate objective, and

e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State".

"Relevant body" means a prescribed body or a public body.

5.1.5. **National Policy and Guidelines Project Ireland - National Planning Framework (NPF) 2040**

- National objective of achieving a transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050
- National Strategic Outcome NSO8: seeks a transition to a low carbon and climate resilient economy.
- Objectives in respect to Green Energy: "*deliver 40% of our electricity needs from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond. Itis expected that this increase in renewable deployment will lead to a greater diversity of renewable technologies in the mix".*
- National Policy Objective (NPO) 55: Promote renewable energy use.

CAP 25 references the **First Revision to the National Planning Framework** (NPF) which, subject to approval by Oireachtas (approved by government 8th April 2025), introduces regional renewable electricity capacity allocations in Table 9.1. Northern and Western region are to deliver 30% of the national share in onshore wind capacity by 2030. Based on 2023 energised capacity for the region, a further 1,389MW is required to be delivered in the region by 2030.

5.1.6. **National Development Plan (NDP) 2021-2030:** The NDP sets out investment priorities underpinning the implementation of the NPF. Chapter 13 deals with NSO 8

Transition to a Climate-Neutral and Climate Resilient Society. Public capital investment choices must contribute to a 51% reduction in greenhouse gas emissions by 2030 and lay the pathway to achieve net-zero greenhouse gas emissions by 2050. This will require grid-scale renewable electricity generation and storage.

5.1.7. **National Biodiversity Action Plan 2023 – 2030 (NBAP):** Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows, Objective 1 Adopt a whole of government, whole of society approach to biodiversity; Objective 2 Meet urgent conservation and restoration needs; Objective 3 Secure nature's contribution to people; Objective 4 Enhance the evidence base for action on biodiversity; Objective 5 Strengthen Irelands contribution to international biodiversity initiatives.

5.1.8. **Long-term Strategy on Greenhouse Gas Emissions Reduction** (2024) sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050.

5.1.9. **Policy Statement on Security of Electricity Supply (November 2021)** sets out a number of updates to national policy in the context of the Programme for Government commitments relevant to the electricity sector, planning authorities and developers.

5.1.10. **National Energy Security Framework (April 2022)** outlines the structures which are in place to monitor and manage our energy supplies and plans which are in place to deal with energy security emergencies should they arise.

5.1.11. **National Energy and Climate Action Plan (2021-2030)** sets out in detail Ireland's objectives, policies and measures regarding EU's five energy dimensions of decarbonisation, energy efficiency, energy security, internal energy market, and research, innovation and competitiveness, and pursues a trajectory of emissions reduction nationally which is in line with reaching net zero in Ireland by 2050.

5.1.12. **National Energy Security Framework (April 2022):** The Framework addresses Ireland's energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors. The Framework takes account of the need to decarbonise society and the economy, and of targets set out in the Climate Action Plan to reduce emissions. Theme 3 - Reducing our Dependency on Imported Fossil Fuels, focusses on three areas of work: 7.1

Reducing demand for fossil fuels; 7.2 Replacing fossil fuels with renewables, including solar energy; and 7.3 Diversifying fossil fuel supplies.

5.1.13. Under 7.2, the statement notes that prioritising renewables is in line with the requirements of the recast Renewable Energy Directive and the EC REPowerEU action statement. The Commission has called on Member States to ensure that renewable energy generation projects are considered to be in the overriding public interest, and the interest of public safety, and the Government supports this request.

5.1.14. **Ireland's Transition to a Low Carbon Energy Future 2015-2030:** This sets out the energy policy update up to 2030 and vision for transforming Irelands fossil fuel-based energy sector to a clean low carbon system. Directive 2009/28/EC the government is legally obliged to ensure that by 2020 at least 16% of all energy consumed in the state is from renewable sources with a sub target of 40% in the electricity generator sector. On shore wind will continue to make significant contribution but that the next phase of Irelands energy transition.

5.1.15. **Wind Energy Development Guidelines 2006**

The Department of Housing, Planning and Local Government (DHPLG) issued guidelines for wind energy development in 1996, superseded by 2006 Guidelines.

- Section 5.6 discusses noise impacts, which should be assessed by reference to the nature and character of noise sensitive locations i.e., any occupied house, hostel, health building or place of worship and may include areas of particular scenic quality or special recreational importance. In general noise is unlikely to be a significant problem where the distance from the nearest noise sensitive property is more than 500m.
- Section 5.12 notes that careful site selection, design and planning and good use of relevant software can help to reduce the possibility of shadow flicker in the first instance. It is recommended in that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day. The potential for shadow flicker is very low at distances greater than 10 rotor diameters from a turbine.
- Chapter 6 relates to aesthetic considerations in siting and design. Regard should be had to profile, numbers, spacing and visual impact and the

landscape character. Account should be taken of inter-visibility of sites and the cumulative impact of developments.

5.1.16. **Draft Revised Wind Energy Development Guidelines, 2019**

5.1.17. The draft 2019 Guidelines issued by the Department of Housing, Planning and Local Government (DHPLG) were intended to supersede the 2006 Guidelines, but a final version of these guidelines has yet to be formally published. The Draft 2019 Guidelines provide reference to a lot of best practice and updated guidance for assessing wind energy development.

- Chapter 5 – considering an application for wind energy development. A planning authority may consider some if not all of certain matters, inter alia, community engagement, grid connection, geology and ground conditions, site drainage and hydrological effects, land scape and visual, ancillary, natural heritage etc.
- Noise: Section 5.7.4 – The “preferred draft approach”, proposes noise restriction limits consistent with World Health Organisation (WHO) Guidelines, proposing a relative rated noise limit of 5dB(A) above existing background noise within the range of 35 to 43dB(A), with 43dB(A) being the maximum noise limit permitted, day or night. The noise limits will apply to outdoor locations at any residential or noise sensitive properties.
- Shadow Flicker: Section 5.8.1 – Shadow flicker control mechanisms should be in place for the operational duration of the wind energy development project.
- Community Investment: Wind energy development to be undertaken in line with best practice guidance and with full engagement of communities.
- Visual Impact: Section 6.4- Siting of Wind energy projects.
- Setback: A setback distance for visual amenity purposes of 4 times the tip height should apply between a wind turbine and the nearest point of the curtilage of any residential property in the vicinity of the proposed development, subject to a mandatory minimum setback of 500 metres.

Exceptional circumstances for lower setback where the occupiers / owners of the properties are agreeable.

## 5.2. The Regional Spatial and Economic Strategy (RSES)

5.2.1. The RSES for the Northern and Western Regional Assembly provides a road map for regional development that supports the implementation of the National Planning Framework and the relevant economic policies and objectives of Government.

5.2.2. Growth Ambition 1: Employment and Economy sets out that energy is needed for economic growth, and access to affordable and reliable energy is an essential development objective. PRO 4.18 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.

5.2.3. Growth Ambition 5: Infrastructure sets out that the region is rich on renewable energy resources. Recognising that wind turbines are a new feature within the landscape and here is still significant potential for all new outputs to our grid. Challenges include a new regulatory environment in the guise of new Wind Energy Guidelines to replace those from 2006, and a fit for purpose transmission network able to accept, convert and transmit power to those areas of the country where demand exists. PRO 8.3 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 Donegal Development Plan (CDDP) 2024 -2030

5.3.1. The County Donegal Development Plan 2018-2023 (as amended) was the operative plan in place at the time Donegal County Council made the decision on the planning application. However, the County Donegal Development Plan 2024-2030, except those parts of the plan affected by the Draft Ministerial Direction, came into effect on 26th June 2024 and is the plan under which the decision will be made by the Board. I have reviewed those parts of the plan affected by the Draft Ministerial Direction (June 2024) and do not find them directly applicable or relevant to the matters under consideration in relation to this appeal.

5.3.2. I have assessed the proposal in accordance with the provisions of the operative development plan namely the County Donegal County Development Plan 2024-2030. In this regard, there are no material changes between the policy provision applying to the development under the expired and the new development plan.

5.3.3. **Vision and Ambitions (Chapter 2):** RPO 9.4 "…c) Diversifying Energy Resources by promoting and facilitating the development of the wider North West Region as a Centre of Excellence for renewable energy and innovation…, and the development of a diverse energy portfolio"

5.3.4. **Renewable Energy (Chapter 9),** to sustainably develop a diverse and secure renewable energy supply (**Objective E-O-1)** and contribute towards the national supply by maximising the County's wind energy resource potential commensurate with the receiving environment and local developments patterns (**Objective E-O-2)**. **Objective E-O-5** seeks to ensure the existing amenities of residential properties or other accommodations are not adversely affected. **Policy E-P-3** facilitates the appropriate development of renewable energy projects including wind in accordance with all relevant material considerations and the proper planning and sustainable development of the area. **Policy E-P-5** sets out a preference for power lines to be routed underground.

5.3.5. **Wind Energy (Chapter 9):** Recognises the importance of wind energy in addressing climate change and Donegal's strategic location for wind energy generation including existing significant wind energy outputs. Highlights the challenge to achieve a balanced approach to the identification of further suitable locations that will not detract from the scenic and environmental resource of the County.

5.3.6. **Policy WE-P-1 and Map 9.2.1 Wind Energy**, principle of the acceptability or otherwise of proposed wind farm developments shall be generally determined in accordance with the three areas identified in Map 9.2.1 Wind Energy. The majority of the site is located within an area where wind farm developments are *"Not Normally Permissible".* The proposed wind turbine appears to be located in area *"Open for consideration"*. Within *"Not Normally Permissible"* designated areas, wind energy development will not normally be permissible for previously undeveloped sites, unless where there is existing strong planning history for wind farms then a more

balanced approach is required taking account of the criteria set out in **Policy WE-P-1(c)(ii.)**.

5.3.7. The following policies are noted:

- **Policy WE-P-2:** Identifies specific areas where wind farm developments must not be located, subject to the possible exceptions set out in Policy WE-P-1A. The proposed site is not located within specific areas identified in policy WE-P-2.
- **Policy WE-P-3:** Sets out assessment criteria for wind energy developments, as follows:

  *"a. sensitivities of the county's landscapes;*

  *b. visual impact on protected views, prospects, designated landscapes, as well as local visual impacts;*

  *c. impacts on nature conservation designations, archaeological areas, county geological sites, historic structures, public rights of way and walking routes;*

  *d. local environmental impacts, including those on residential properties, such as noise, shadow flicker and over-dominance;*

  *e. visual and environmental impacts of associated development, such as access roads, plant and grid connections from the proposed wind farm to the electricity transmission network;*

  *f. scale, size and layout of the project and any cumulative effects due to other projects;*

  *g. the impact of the proposed development on protected bird and mammal species;*

  *h. the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2006, or any subsequent related Guidelines (or as may be amended).*

  *i. 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)'; and*

  *j. the protection of drinking water sources and public water services infrastructure.*

*In addition, all applications for wind farm development located on peatland and bog, including repowering and augmentation projects, shall be accompanied by a 'Peat Stability Risk Assessment Report'."*

- **Policy WE-P-5:** seeks to ensure that all roads associated with the development are maintained or repaired.
- **Policy WE-P-6:** seeks to ensure enduring economic benefit to the communities concerned is demonstrated.
- **Policy WE-P-7:** seeks to ensure that the decommissioning and restoration of habitats post-wind farm operation are achievable and practical.
- **Policy WE-P-8:** seeks to ensure that the assessment of developments have regard to the following Specific Biodiversity Related Requirement: "a. *Loss of functionally linked habitat"*, *"b. Mortality due to collision with operational wind turbines"*, *"c. Disturbance displacement"*, and *"d. Water Quality"*. A number of assessment criteria are outlined within these requirements, specifically in relation to European Sites and Qualifying Interests.

5.3.8. **Transport (Chapter 8)**, the proposed haul route includes works to junctions on the R263 which forms part of the Strategic Road Network as identified on **Map 8.1.2. Map 8.1.10** N56 Inver to Killybegs and Table 8. 1B Killybegs Relief Road are also noted. **Policy T-P-11** is applicable to facilitating and protecting these transport corridors, **Policy T-P-14** requires any new access to strategic roads to be designed in compliance with the road design standards required by Transport Infrastructure Ireland.

5.3.9. **Water quality (Chapter 8)**, relevant objective and policy seeking to protect, improve and enhance surface and ground water quality include **Objective WW-O-1** and **Policy WW-P-2** with reference to applicable directives, regulations, guidelines and plans.

5.3.10. **Tourism (Chapter 10),** seeks not to permit development which would materially detract from visual and scenic amenities along the route of the Wild Atlantic Way under **Policy TOU-P-2**.

5.3.11. **Biodiversity (Chapter 11)**, relevant objective and polices include **Objectives BIO-O-1** and **BIO-O-2**, and **Policies BIO-P-1, BIO-P-2, BIO-P-3** and **Policy BIO-P-3**.

Protection of biodiversity Compliance with EU Habitats Directive and EU Bird Directive, conserve/protect the qualifying interests of designated sites

5.3.12. **Landscape (Chapter 11)**, the site is located within an area of *"Moderate Scenic Amenity"* as per **Map 11.1**. **Policy L-P-2,** seeks to protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity', and only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered. **Policy L-P-5** seeks to protect views to and from St Johns Point, **Policy L-P-6** safeguards prominent skylines and ridgelines from inappropriate development, and **Policy L-P-7** seeks to preserve the views and prospects of special amenity value and interest as identified on **Map 11.1**

5.3.13. **Archaeological Heritage (**Chapter **11),** to conserve and protect archaeological heritage and the setting of such heritage as per **Objective AYH-O-1** and **Policy AYH-P-1**

5.3.14. **Chapter 16** sets out Technical Standards, Policy TS-P-1 require compliance with theses where applicable.

5.3.15. **Donegal County Council's Climate Action Plan 2024-2029**

5.3.16. Sets out the strategic goals, objective and actions for climate mitigation and adaptation in County Donegal over a 5 year period until 2029, as required by the Climate Action and Low Carbon Development Act 2021.

## 5.4. Natural Heritage Designations

5.4.1. There are no European Sites within the development site or in close vicinity to the site. The nearest European Site is Slieve Tooey/ Tormoe Islan/ Loughros Beg Bay SAC (000190), located approximately 7km north and northwest of the site. Coguish Bog proposed Natural Heritage Area (pNHA) is located c. 4.8km northwest of the site and Crocknamurrin Mountain Bog NHA c. 5.7 km to the northwest.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The main points made can be summarised as follows:

- Proximity to residential property.
- Cumulative development, this will be the 5th wind turbine, the 4th wind turbine 149.3m high was granted on 27th October 2023.
- Noise impact, the 5th wind turbine will increase noise levels to an unbearable level, as the three existing ones cause great distress. Affecting enjoyment of home, causing sleep disturbance and anxiety.
- Shadow flicker impact, the 5th wind turbine will also increase shadow flicker, in excess of 30 minutes per day. This is illegal.
- Landscape impact, Cullion and surrounding landscape should remain unspoilt.
- Biodiversity impact, home to birds, mammals, deer, red squirrels, peatlands and heather and adjacent small lake teaming with wildlife.
- Topography is fragile and the development of road and removal of peat could cause potential landslides.
- Impact on local roads from haulage traffic and inconvenience to residents.
- Proposed road access is a large de-tour and should be via the shortest route.
- Cullion is an area of historical value, once was a thriving community with traditional cottage, mass rocks and possibly an old church with burial grounds.

### 6.2. Applicant Response

6.2.1. The applicant's response to the third-party grounds of appeal, can be summarised as follows:

- Noise: it is submitted that the application noise assessment concludes that noise levels are comfortably below limits and therefore, no noise mitigation

measures are required. The application Noise Report (Natural Forces, 07/07/2023) included in Appendix 1.

- Shadow Flicker: It is submitted that the sensitive receptors are located beyond 500m from the proposed wind turbine and the expected level of shadow flicker from the proposed wind turbine will not individually or cumulatively exceed the limits set out in the 2006 Guidelines. Shadow flicker shutdown system to be installed in the turbine to future proof any potential shadow requirements. It is submitted that the attached shadow flicker cumulative impact assessment shows that even with the addition of the proposed project, the shadow flicker guidelines are complied with. Application Shadow Flicker Report (Natural Forces, 07/07/2023) with Technical Description Shadow Shutdown for Enercon (Annex 3) included in Appendix 2, and a Shadow Flicker Cumulative Impact Assessment (Natural Forces, 11/07/24) in Appendix 3.
- Biodiversity: It is submitted that the Ecological Impact Assessment concludes that the proposed construction activities constitutes no greater risk than that associated with general agricultural or forestry activities which are regularly undertaken in the vicinity, and that siltation and pollution without mitigation would at worst present a temporary adverse impact. Therefore, the project will not affect Cullion, the surrounding landscapes, birds, mammals, deer, red squirrels, or the lake teaming with wildlife, peatlands and heather.
- Peat landslide: It is submitted that there was no indication of stability issues or mass movement of peat on site observed. As per Section 7.2 of the Peat Stability report, mitigation measures will be followed to ensure that areas of elevated risk are avoided, and personnel will be hired during the construction phase to ensure that these measures are followed. Peat Stability Risk Assessment, Appeal Response (RSK Ltd, 12/07/2024) included in Appendix 4, and this does not contain any new information, reiterating the findings, mitigations and conclusion of the submitted assessment. It is submitted that the risk of a stability issue is generally low provided all appropriate mitigation measures, monitoring and best practice are followed.
- Invasive Species: Materials brought to site will be from freshly quarried stone. There is limited potential to introduce invasive species.

- Road Access: It is submitted that as outlined in the submitted RFI haul route survey, the proposed route is based on minimum road width requirements of 4m and to limit road works. Alternative routes will require more works. Temporary widening work requirements for the proposed route are identified on submitted drawings, and will be carried out in consultation with Donegal County Council and any affected landowners. It is further submitted that it is beneficial to Natural Forces and the surrounding landowners to keep the delivery route the same as the proposed in the planning application.
- Heritage: It is submitted that the nearest national heritage site is located 2.16km away and will not be impacted by the project.
- It is submitted that the proposed project was designed to fully consider any impacts it could have on the Cullion area and outline required mitigation to reduce the potential impacts, and on this basis, the appeal is unjustified.

### 6.3. Planning Authority Response

6.3.1. Response received on 31st July 2024 which stated:

- Details of the application has been thoroughly assessed and a site inspection undertaken. Issues raised by appellant all forms part of the planning assessment.
- It was found that the proposal would not cause any undue environmental or amenity concerns.
- Located within an area designated as Open for consideration in LDP 2024-2030.
- The nature of the development would supplement renewable energy output for the country.
- The proposal was found to be compliant with national, regional and local planning policy.
- Height was reduced at further information, and the planning authority would assert that the reduction will facilitate integration with existing turbines in the local area.

- Current application for consideration of an alternative haul route, 24/60587.
- Any further matters raised have previously been addressed in the Planners report.

### 6.4. Observations

6.4.1. One observation received by Peter Sweetman, and the main points made can be summarised as follows:

- Planning authority failed to carry out AA Screening assessment according to the law.
- Ref to paragraph 26. and 47. of Finaly Geoghegan J. in Kelly v. ABP 2014 IEHC 400 (25th July 2014). “The possibility of there being a significant effect on the site will generate the need for an appropriate assessment…merely necessary to determine that there may be such an effect”
- Planning conditions shows that the planning authority consider there “may be such an effect”.

### 6.5. Further Responses

6.5.1. None received.

## 7.0 Assessment

7.1. Having examined the file, the grounds of appeal, the responses thereto, including the observation received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development and Policy Context
- Consideration of Cumulative Baseline
- Impact on Residential Amenity
- Biodiversity
- Peat stability and risk of landslide

- Landscape and Visual Impact
- Historical Environment
- Access and Traffic Impact
- Other Issues – **New issue**

7.1.1. I have addressed Environmental Impact Assessment and Appropriate Assessment Screening below in Sections 8.0 and 9.0, respectively, and both should be noted as **new issues**.

## 7.2. Principle of development and Policy Context

7.2.1. The importance of renewable energy is clearly acknowledged at a national, regional and local level and there is a suite of policy documents that support and promote the transition to a low carbon and climate resilient society. Some of the policies and documents are set out in Section 5.0 above. CAP 24 stresses the importance of decarbonising electricity consumed by harnessing the significant renewable energy resources. To meet the required level of emissions reduction by 2030, it is required to increase electricity generated from renewable sources to 80% comprising of up to 9 GW of increased onshore wind capacity.

7.2.2. The First Revision NPF's Objective 70 seeks to promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050. The Northern and Western is to deliver 30% of the national onshore wind capacity by 2030 and Table 9.1 identifies an additional 1,389MW to be delivered by the region by 2030 (based on 2023 energised capacity for the region). At a regional level, the Northern and Western Regional Spatial and Economic Strategy (RSES) recognises and supports the many opportunities for wind as a major source of renewable energy. Objective RPO 4.17 seeks to position the region to avail of the emerging global market in renewable energy and RPO 4.18 seeks to support the development of secure, reliable and safe supplies of renewable energy, and to maximise their value.

7.2.3. Since the planning authority's decision, County Donegal Development Plan (CDDP) 2024-2030 has been adopted and is now in force, and this endorses the national and

regional policies in terms of renewable energy. Objectives E-O-1 and E-O-2 seek to sustainably develop a diverse and secure renewable energy supply and to contribute towards the national supply by maximising the County's wind energy resource potential commensurate with the receiving environment and local developments patterns. The maximum output of 4.2 MW of the proposed turbine will, albeit modestly, assist in building upon the renewable energy resource available in Ireland and thus, assist in the progress to a low carbon economy and to a reduced dependence on fossil fuels.

7.2.4. Policy WE-P-1 sets out 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 9.2.1 Wind Energy. The proposed wind turbine appears to be located within an area "Open for Consideration", whilst the remainder of the proposed development site including the majority of the access tracks, grid connection and substation is located within a *"Not Normally Permissible"* area. This is the same designation as pertained to the area in the previous development plan. Both the planning authority and the applicant in their response to the appeal as per Section 6.0 above identify the turbine location within an area "Open for Consideration". The remainder of the proposed development site including the majority of the access tracks, grid connection and substation is located within a *"Not Normally Permissible"* area. Relevant wind farm planning history can be demonstrated for the area designated as *"Not Normally Permissible"* (Section 4.0 above) and as such, a more balance approach is required as per policy WE-P-1(c)(ii). The proposed access entrance and a large section of access tracks appear to align with the layout permitted for Bradán Wind Farm (ABP-314600-22, reg. ref. 22/51214), and the cable route and grid connection will be via the operational Killybegs Wind Farm.

7.2.5. On the basis of the above, I would concur with the planning authority that the proposal is acceptable in principle at this location subject to further planning and environmental considerations being satisfied. As previously noted, there are no material differences between the policy provision applying to the development under the expired and the current development plan.

## 7.3. Consideration of Cumulative Baseline

7.3.1. The appellant has raised concerns regarding cumulative wind turbine development, noting that this is the 5th wind turbine adding to the three existing ones and the permitted 4th wind turbine in the area.

7.3.2. Having reviewed the planning documentation, I find that there are inconsistencies and gaps in the submitted cumulative baseline and cumulative impact assessment. To undertake a comparison, I have carried out a planning search for wind energy development within the surrounding area (up to 10km), and note the following wind energy developments:

- Within 1km of the proposed wind turbine, the operational Killybegs Wind Farm (3WT, c. 350m to the southeast) and the permitted Bradán Wind Farm (1WT, c. 460m to the east).
- Within 5km of the proposed turbine, the operational single turbine at Island Seafood Ltd. (1WT, 2.95km east) and the operational Meenachullalan Wind Farm (6T, 3.25km north).
- Between 5 to 10km of the proposed turbine, the operational and permitted Shannagh Wind Farm (3+1WT, c. 7km to the west) and operational Corkermore Wind Farm (5WT, c. 8.50km to the east).

7.3.3. The status of these wind farm developments have not altered since the submission of the planning application for the proposed development. With exception of Bradán Wind Farm and the new location and height being granted permission on 11th October 2023 (ABP-314600-22, reg. ref. 22/51214). The permitted Bradán Wind Farm is referred to within the applicant's planning site history, Section 3.8, Environmental and Planning Report and is being developed by Natural Forces. I note that the proposed site entrance and the access track through the conifer plantation for the development overlap with the permitted layout. A subsequent application by Natural Forces for an alternative haul access route for the permitted Bradán Wind Farm was refused permission by the planning authority, reg. ref. 24/60903. The decision has been appealed (ABP-320672-24) and the decision is pending.

7.3.4. Bradán Wind Farm is not included in the applicants list of cumulative projects or listed as a wind turbine project of note in the response to the grounds of appeal. The

potential cumulative effects as a result of the proposed development in-combination with the permitted Bradán Wind Farm (1WT) have not been assessed in the submitted application documentation. A cumulative shadow flicker assessment submitted in response to the ground of appeal includes the proposed development in-combination with Killybegs Wind Farm and Bradán Wind Farm. The planning authority's report refers to the proposed turbine as a relocation of the permitted Bradán Wind Farm. I have however, not found any intention to that effect outlined by the applicant in the application documentation. On the contrary, the applicant references the height of the permitted Bradán Wind Farm in its RFI response to Item 7.

7.3.5. The operational Killybegs Wind Farm (also referred to as Cornacahan Hill by the applicant) is not included in the cumulative projects listed within the further information EcIA report and AA screening report. The same cumulative list does not include operational wind farms such as Island Seafood turbine, Meenachullalan Wind Farm and Corkermore Wind Farm. It does, however, reference a permitted Cunlin single turbine at 1km distance which is incorrect in regard to the permitted Bradán Wind Farm. The cumulative baseline for the LVIA only extends to 5km and not the full assessment study area (20km), and as noted above, omits the permitted Bradán Wind farm.

7.3.6. Policy WE-P-3, criterion f) requires the assessment of any cumulative effects due to other projects. Both the 2006 Guidelines and the Draft 2019 Guidelines require that information on any cumulative effects due to other projects, including effects on natural heritage and visual effects is provided. I note the planning authority in the further information request, Item 1 and Item 9 required submission of additional information on the cumulative impact of the development with other existing and planned wind farm including Killybegs Wind Farm.

7.3.7. Overall, I consider there to be critical gaps in the cumulative baseline and cumulative impact assessment, in particular where those omissions relate to the permitted Bradán Wind Farm and the operational Killybegs Wind Farm given the proximity, type, and scale of development and partially overlapping access and grid connection layouts. I am therefore, not satisfied that the assessment of cumulative effects is sufficiently comprehensive or robust to enable decision making. My assessments

below address the assessment of cumulative effects, or lack thereof, in relation to specific impacts.

7.3.8. I have addressed the matter of potential for incremental development under the EIA Directive in Section 8.0 below and Appendix A.

## 7.4. Impact on Residential amenities

7.4.1. The appellant expresses serious concerns as to the potential impact of the proposed development on residential amenities with specific reference made to proximity to residential dwelling, noise and shadow flicker. I have considered visual impact under landscape and visual.

7.4.2. The submitted documentation identifies 100 residential receptors within 1,380m of the proposed turbine (10 times the rotor diameter).

### 7.4.3. Proximity to residential dwelling

7.4.4. In terms of minimum separation distances from dwellings, I note that the applicable 2006 guidelines require a setback of 500m. The 2019 draft guidelines require a setback of 4 times the turbine tip height which equates to c. 600m for the proposed development. CDDP Policy WE-P-3, criterion d., requires the assessment of local environmental impacts, including those on residential properties, such as noise, shadow flicker and over-dominance.

7.4.5. The applicant states that the nearest property is 950m from the proposed turbine. I note that the separation distance is measured from the turbine tower to the respective dwelling and not from the diameter of the rotor blades to a property boundary/line. From my interrogation of the application documentation, I conclude that the nearest property is 850m to the southeast and as such, ensuring both the 2006 guidelines and the 2019 draft guidelines setback are maintained. The topography of the surrounding landscape is undulating with the majority of sensitive receptors located to the south, on the lower slopes towards Killybegs or to the east towards the Bungosteen River valley. I further note that for the majority of the surrounding sensitive receptors the existing Killybegs Wind Farm and/or the permitted Bradán Wind Farm will be the closest turbines. The proposed turbine will,

however, be in a more elevated position than both existing and the permitted turbines and of a noticeable larger scale when compared with existing turbines.

7.4.6. I submit that the proposed separation distance, topography and existing wind energy developments are sufficient to ensure that the proposed single turbine, individually and cumulatively, will not have a disproportionate or profound adverse impact in terms of over-dominance of the nearest residential receptors. I have addressed impacts such as noise and shadow flicker below.

7.4.7. **Operational Noise**

7.4.8. The appellant has raised concerns regarding operational noise impact including cumulative noise impact from the proposed wind turbine in combination with the existing Killybegs Wind Farm and permitted Bradán Wind Farm.

7.4.9. A Noise Report prepared by Natural Forces was submitted with the application, and no relevant professional accreditation outlined. Noise modelling has been conducted using Wind Pro, Version 3.6. The turbine hub height used for the model is 99m, and not the reduced further information height of 81m and no revised noise assessment was submitted at further Information. The application Noise Report is appended to the applicant's response to the grounds of appeal.

7.4.10. The application noise assessment notes that turbine manufacturing information for Enercon E-138 on operating noise sound levels was provided through WindPro. The noise assessment identifies 100 properties within 1,380m (10 rotor diameter) of the proposed wind turbine, although the study area for the assessment includes over 1,600 receptors by extending out to c. 4.4km of the proposed turbine. Given the sheer number of the properties modelled and the presentation of same, I found it difficult to identify the receptors and the result from the submitted location plan. Having reviewed receptor grid references, I note the nearest residential property is reference H1453 (570762 879058). I further note that the grid reference provided is to the middle of the dwellings and not to the garden or property boundary/line. As outlined previously, the nearest residential property is c. 850m to the southeast of the proposed turbine.

7.4.11. Noise background monitoring to establish representative background noise levels was not carried out. In this regard, the noise assessment assumes a 35dB existing

baseline noise level for all identified sensitive receptors for both daytime and nighttime. I consider this likely to be elevated for the more rural receptors and those closest to the proposed development and note that it is not uncommon for existing background noise levels, where measured, to be less than 30dB in remote rural locations. Of note, a 35dB baseline noise level corresponds with the lower noise limit of the 2006 Guidelines. Whilst I note the operational Killybegs Wind Farm is likely to influence the background noise levels at the nearest sensitive receptors, both the 2006 and draft 2019 guidelines set out that background noise levels must be determined in the absence of existing or approved wind turbines.

7.4.12. The submitted predictions calculations are for the highest power level of 106dB(A) and at a hub height wind speed of 12 m/s. The contour mapping for maximum sound levels shows that none of the sensitive receptors are within the 35 dB contour lines for 4 to 12 m/s wind speeds. I have, as follows, extracted from the calculated results the sensitive receptors with the highest predicted noise levels due to the operation of the proposed turbine and with an existing background noise level of 35dB.

- H1346 (570533 878418): 35.6dB – south
- H1350 (570134 878442): 35.8dB – south
- H1356 (570533 878462): 35.6dB – south
- H1360 (570453 878493): 35.7dB – south
- H1361 (570612 878498): 35.6dB – south
- H1365 (570518 878522): 35.7dB – south
- H1453 (570762 879058): 36.2dB - southeast
- H1464 (571199 879203): 35.5dB - southeast
- H1486 (571127 879310): 35.7dB – east
- H1489 (571202 879326): 35.6dB – east
- H1501 (571139 879426): 35.7dB – east
- H1502 (571183 879431): 35.6dB – east
- H1569 (570789 880645): 35.4dB - northeast

7.4.13. It should be noted, as outlined above, that the results are to the centre of the dwellings and not the garden or property line.

7.4.14. The applicant concludes that the noise levels are comfortably below and shall not exceed the greater of 5dB(A) above background noise levels, or 43dB at any of the noise sensitive receptors. The applicant states that no noise mitigations are therefore proposed, however noise monitoring has been proposed. I note the planning authority had no concern regarding noise impacts and recommended operational noise limits and noise monitoring in Condition 11, Section 3.1 above.

7.4.15. As noted, the potential for cumulative operational noise has been raised by the appellant and no cumulative noise predictions and assessment of same has been submitted by the applicant. Requirements for the consideration of cumulative impacts from operating and approved wind energy developments are set out within Policy WE-P-3, criterion d. of the CDDP and reflects the requirements of both the 2006 and the draft 2019 guidelines. I have outlined the relevant cumulative wind energy baseline above in Section 7.3 above. The draft 2019 guidelines, having regard to ETSU-R-97 and guidelines within the IoA GPG (2013), requires the cumulative impact from all operating and approved wind energy developments to be considered at noise sensitive locations. This is to prevent "a situation where each of two wind energy developments may individually meet prescribed noise levels but cumulatively exceed the limit at a noise sensitive location" (page 77). ETSU-R-97 states "…absolute noise limits and margins above background should relate to the cumulative effect of all wind turbines in the area which contribute to the noise received at the properties in question…" (page 58). The draft 2019 guidelines sets out that "the noise level attributable to an existing wind energy development shall be either the existing noise limit under a grant of planning, or where no limit has been applied, appropriate monitoring and/ or prediction will be required." In certain circumstances, demonstration of operational headroom by considering "the sum of the noise limits derived for the proposed site when added to those already consented for the operational sites" will be required (IOA GPG,2013).

7.4.16. Considering the above, the operational Killybegs Wind Farm is located 350m southeast of the proposed turbine and given its location relative to residential receptors, is likely to contribute to the noise levels of the proposed wind turbine. The same applies to the permitted Bradán Wind Farm which is located c. 460m to the

east of the proposed turbine. Of note, the sensitive receptors identified above are not necessarily an exhaustive list of sensitive receptors where existing and permitted wind energy developments could contribute to the noise levels of the proposed turbine. Having inspected the site when two of the three Killybegs Wind Farm turbines were operational, I noted that turbine noise generation was audible from the proposed turbine location. Existing Turbine no. 1 appeared to be undergoing maintenance at the time. As above, the nearest residential property (H1453) to the proposed turbine is located c. 850m to the southeast. The same receptor (H1453) is located c. 275m to south of the nearest Killybegs Wind Farm turbine and c. 720m southwest of the permitted Bradán Wind Farm turbine. Furthermore, I also note that the three substations operating on a 24hour basis would be located in a cluster and within 400m of the same receptor (H1453). Considering the location of sensitive receptors relative to the proposed development and cumulative developments, I consider it likely that some of the same sensitive receptors, particularly if located downwind, could be acoustically affected by the proposed development in combination with existing turbines and in combination with existing and permitted turbine.

7.4.17. I am not aware of any condition limiting noise levels from the permitted Killybegs Wind Farm (reg. ref. 01/77, as amended). Condition 4 for the adjacent Bradán Wind Farm (ABP-314600-22, 22/51214) limits the noise levels of that development in combination with any other permitted wind energy developments. Daytime noise limits when measured externally at sensitive location are set at 5dB L90,10min above background noise levels or maximum 40db for wind speeds less than 7m/s and 45dB of wind speeds above 7m/s, and nighttime limits are 43dB(A). I note permitted Condition 4 noise limits are a combination of the 2006 guidelines and the draft 2019 guidelines. In this regard, the operation of the permitted Bradán Wind Farm, in combination with any other permitted wind energy developments, cannot exceed these noise limits at sensitive receptors but are permitted to fully use up these prescribed noise levels. I do not consider the permitted cumulative operational noise limits to be applicable to any future wind energy developments in combination with Bradán Wind Farm. Any future proposal for wind energy development with the potential for cumulative noise impacts would have to take account of the cumulative effects of Bradán Wind Farm. Furthermore, I am not aware of any background noise

monitoring at sensitive receptors having been carried out for either Killybegs Wind Farm or Bradán Wind Farm.

7.4.18. Having regard to the above, I accept the applicant's conclusion that the proposed single turbine, individually, will operate within standard noise limits at sensitive residential receptors. I am, however, not satisfied that the same applies when considering the operation of the proposed single turbine in combination with the existing Killybegs Wind Farm or in combination with Killybegs Wind Farm and permitted Bradán Wind Farm. In my opinion, the applicant has not demonstrated that the proposed development could, cumulatively, operate without breaching standard and/or applicable noise limits at sensitive residential receptors. Having regard to best practice and guidelines, it is not possible to determine the appropriateness of operational noise limits to be applied to the proposed development without considering the sum of the noise limits derived for the proposed turbine when added to those already consented for the Killybegs Wind Farm and Bradán Wind Farm. The applicant has not demonstrated an operational headroom for the proposed development when considering existing operational impacts and permitted noise limits on sensitive receptors. In reaching this conclusion, I have had regard to any operational noise limits which are placed on Killybegs Wind Farm and Bradán Wind Farm and the potential for the same sensitive receptors to be acoustically affected by the proposed development in combination with existing or in combination with existing and permitted.

7.4.19. On the basis of the information set out within the application and appeal, I am not satisfied that the applicant has adequately demonstrated that there is operational capacity for the proposed development to operate in combination with existing Killybegs Wind Farm and permitted Bradán Wind Far. Furthermore, I consider that the cumulative effects of operational noise cannot be addressed satisfactorily in the absence of baseline monitoring. I, therefore, conclude that the applicant has not demonstrated that the proposed development would not detrimentally impact on the amenity of properties in the vicinity of the development by reason of cumulative noise impact. I recommend that permission is refused for the development on this basis.

7.4.20. **Shadow flicker**

7.4.21. The appellant has raised concerns regarding shadow flicker effects, including cumulative effects. The planning authority recommended Condition 12, setting out that no cumulative shadow flicker arising from the proposed development shall not exceed 30 minutes in any day or 30 hours in any year at any dwelling as per the 2006 guidelines.

7.4.22. A Shadow Flicker Assessment by Natural Forces was submitted with the application, and no relevant professional accreditation outlined. This assessment was based on 169m tip height. An updated Cumulative Shadow Flicker Impact Assessment by Natural Forces was submitted with the response to the grounds of appeal submission and modelled Killybegs Wind Farm (3 turbines), Bradán Wind Farm (1 turbine) and the proposed development. The shadow flicker results of computer generated modelling have been presented in the two reports. A study area of 1,690m is used, 10 times the rotor diameter. The modelled proposed turbine at application stage has a rotor diameter of 138.3 metres, total height of 168.15m metres and hub height of 99m. The modelled proposed turbine for cumulative assessment has a rotor diameter of 136m, total height of 149.61m and hub height of 81m. The receptor numbers within the two shadow flicker models do not correspond, and I have crosschecked receptor locations by grid reference provided in order to carry out my analysis.

7.4.23. Of the 110 receptors modelled, the application shadow flicker modelling results for the proposed turbine (at 99m hub height) indicate that one receptor (CK, 570762 879058) will experience shadow flicker in excess of the 2006 Guidelines thresholds of 30 hours per year or 30 minutes per day. A further 7 residential receptors (CL, CP, CQ, CU, CV, DC, DD) will experience shadow flicker as a result of the proposed turbine, but the results are below the 2006 Guidelines. The cumulative modelling results for the five wind turbines show that the same 8 residential receptors (CQ[CK], CR[CL], CV[CP], CX[CQ], DC[CU], DD[CV], DJ[DC], DK[DD]) will experience daily cumulative shadow flicker in excess of the 2006 Guidelines. The cumulative model appears to have been run as a five turbine development, and as such, it is not possible from the result to ascertain what effects can be attributed to existing turbines or permitted turbine or proposed turbine. I also note that the result for “total amount of flickering on the shadow receptors” varies for the proposed turbine in the two models with increased shadow flicker result shown for the reduced hub height of

81m. In this regard, the application Shadow Flicker Report caveats that in the event of a hub height change the calculation is no longer valid and recalculation required.

7.4.24. As noted, the 2006 Guidelines state that it is recommended that shadow flicker at dwellings within 500m should not exceed 30 hours per year or 30 mins per day. The 2019 draft wind energy guidelines set out more stringent controls than the 2006 document and do not allow for any potential periods of shadow flicker with specific measures including automated turbine shutdown to be required as a condition of the grant of planning permission. The applicant concludes that the receptors are located greater than 500m from the proposed turbine and the expected level of shadow flicker will not exceed the limits set out in the 2006 Guidelines, individually or cumulatively. Mitigation measures are therefore, not proposed. The applicant confirms that a shadow flicker shutdown system will be installed in the turbine in order to future proof any potential shadow flicker requirements.

7.4.25. Having regard to the above, I consider that the models allow for adequate certainty as to shadow flicker impacts arising, both individually and cumulatively. The results are reasonably assumed to be the worst case scenario in that the model makes various assumptions such as a bare earth scenario with no screening by vegetation, that the turbines will be rotating at all times and presents their maximum aspect to the observers in all directions, with all receptors having windows facing onto the windfarm and that the sun will always be shining during daylight hours with no cloud cover. I consider the installation of a blade control system on the turbine will eliminate shadow flicker thereby eliminating any cumulative impact as a result of the proposed development. When the control system detects the sunlight is strong enough to cast a shadow, it will automatically shut down. These control systems have proven to be effective and can ensure zero shadow flicker as a result of the proposed development in accordance with the draft 2019 Guidelines.

7.4.26. I am satisfied that subject to a condition which limits or curtails the operation of the turbines during periods where shadow flicker may arise in accordance with best practice, that the proposed development would not cause any negative impact on residential amenity from shadow flicker generated from the proposed turbine. If the Board is minded to grant permission, I recommended a condition to that effect is attached.

7.4.27. **Impact on Residential Amenity Conclusion**

7.4.28. Overall, I am not satisfied that the applicant has demonstrated that the proposed development can operate within applicable noise limits at sensitive receptors in combination with existing Killybegs Wind Farm and permitted Bradán Wind Farm, and that it will not cumulatively, adversely affect the amenity of residential properties in the vicinity of the development by reason of noise impact. I recommend that permission is refused for the development on this basis.

## 7.5. Biodiversity

7.5.1. The appellant has raised concerns regarding impacts on peatlands and heather habitats, adjacent lake, fauna and birds.

7.5.2. The applicant has submitted an Ecological Impact Assessment (EcIA) (25/07/2023) and AA Screening Report (25/07/2023) and revised versions of both at further information, EcIA (02/04/2024) and AA Screening Report (23/04/2024). All prepared by ID Environmental Consultants. These are noted to be informed by desktop review and field surveys including a multi-disciplinary walkover (July 2023) and wintering bird surveys (15th December to 7th March 2024). The July walkover survey area is noted to cover the application site and immediate surrounds, whilst the winter bird surveys extend out to a 500m buffer. See Section 7.11 below in regard to potential works along the turbine haul route.

7.5.3. The closest Natural Heritage Area (NHA) is Coguish Bog proposed NHA, located 4.8km to the northwest. No hydrological link has been identified between the application site and the pNHA. In terms of impact on European Sites, see Section 9.0 and Appendix B for my Appropriate Assessment screening determination and stage 1 screening, respectively.

7.5.4. **Flora**

7.5.5. Habitats were recorded during the July 2023 walkover survey in accordance with Heritage Council (2011) and the JNCC (2010) guidelines. The dominant habitat type within the survey area is **Upland Blanket Bog** (PB2) with patches of **Wet heath** (HH3) and Exposed siliceous rock (ER1). An area of wet flush midway through the conifer plantation is to be avoided by the access tracks. There is an existing Conifer

plantation within the eastern part of the site. This consist of a 20 year old, 1st rotation round Lodgepole pine and Sitka spruce mix (tree height c. 5m) which has been planted on upland blanket bog. None of the drains and channels within the conifer plantation were found to have any ecological value, and crossings are proposed by culverting. No **aquatic habitats** were found within the site. The vegetation within and surrounding the Cunlin Lough Stream to the north of the site was associated with bogland habitat. Broadleaved woodland, including areas of willow (Salix spp), was recorded outside the works areas.

7.5.6. Habitats were found to be significantly altered by planting of conifers, drainage, former peat cutting, track construction and/or overgrazing, and no Annex 1 Blanket bogs (7130) or Northern Atlantic wet heaths with erica tetralix (4010) habitats were found. Bogland vegetation was recorded throughout, and no rare or protected flora were found. A **High Local Importance** classification is assigned to the upland blanket bog habitat. No Third Schedule invasive species were found on or surrounding the proposed development site.

7.5.7. The construction of the proposed development will result in the loss of approximately 0.98ha of upland blanket bog and 0.24ha conifer plantation. Less than 0.1ha of other habitats including Cutover Bog, Dry Grassland/ Buildings and other artificial surfaces and Drainage Ditches will also be lost. The EcIA considers that these habitats widespread in the vicinity of the proposed development, and that the impact on habitats will be at most a minor adverse. Mitigation measures are outlined in Section 8. In this regard, I note that the design has sought to avoid relatively intact areas of blanket bog, floating roads are proposed where peat depth exceeds 1m, and allowance for minor alterations to road routes by avoiding deeper pockets of peat or particular wet flush areas. A low risk for siltation and pollution impacts on Cunlin Lough Stream is concluded, resulting in a very minor adverse impact which will be mitigated by best practice water courses and water quality protection measures (Section 8.2.1).

7.5.8. I considered the habitats surveys and methods undertaken to be in accordance with best practice and I am satisfied with the applicant's classification of the value of the habitats on site. As per the peat stability assessment in Section 7.6 below, I note the proposed access track will be routed through areas of deeper peat and that the design was not informed and/or amended by the relevant site investigations, and that

floating tracks are proposed c. 600m of the 1km access tracks. Notwithstanding this, I concur with the applicant's conclusion that the proposal will not result in significant effects on habitats.

7.5.9. **Fauna**

7.5.10. The multi-disciplinary walkover survey found no suitable habitat or signs of **otters** and no evidence of **badger**. No signs of **red squirrel** and pine martin were found, and the conifer planation was found to be unlikely to be utilised by either of these two species. **Red Deer**, **Red Fox** and **Irish Hare** are likely to occur within the site and surrounds with evidence of both Red Deer and Red Fox found during the survey. I accept the applicant's conclusion that the proposed development will not have a significant effect these species, and that there are similar habitats within the surrounding area.

7.5.11. A **bat** potential survey during the multi-disciplinary walkover survey (July 2023) identified no potential roosting sites. DAU in their submission to the application stated that insufficient bat surveys to ensure strict protection of commuting and migrating bats had been carried out and referred to the Bats & onshore wind turbines survey guidelines (NatureScot, 2012). This request was incorporated into the further information request by the planning authority.

7.5.12. No further bat surveys were carried out at further information and the results of a desk study are included within the further information EcIA report. The results of the bat record searches for the site and surrounding area presented in the EcIA are not clear and inconclusive. The report refers to "bat species likely to be found within the area" (Section 6.4.2.3), "all species previously recorded within 2km of the site" (7.3.2), and Table 6.9 refers to "all species of bats previously recorded on the site are known to fly below the sweep height" and "no records of any bats within this area found." Furthermore, the centre grid reference (69996 79506) for the 10km radius search is noted to be for a location in County Kerry. The bats assessment concludes that the bog habitats are unlikely to provide suitable roosting and foraging habitat, but that potential foraging habitats for bats, although minor amounts are recorded within the site. Furthermore, bat species were considered likely to fly below the proposed swing radius of the turbine blades which extends to 12m above ground level. In this regard, I note Table 15 lists a max flight height of >40m for most bat

species. Based on no roosting potential, negligible foraging potential, and flights below blade sweep, the EcIA concludes no significant adverse impact to bats predicted.

7.5.13. Having regard to the above, I am not satisfied that the applicant has sufficiently assessed the potential for bat activity including foraging, commuting and migration within the site or the species of bats likely to be present or clearly demonstrated that the bats likely to occur would not fly at rotor swept height and be at risk of collision. I, therefore, submit that the applicant has not adequately demonstrated that a strict protection will be afford bats and that the proposed development will not have a significant adverse effect on bats.

7.5.14. **Aquatic Species**

The Cunlin Lough Steam is recorded as a small upland stream with no Salmonid potential. Adult Common Frog were observed in several locations, and there are a number of small ponds, pools and channels within the site. There are also references to Camlin River and Lough Camlin in the report, and I note Camlin River is located in County Longford and a tributary to the River Shannon.

7.5.15. **Avifauna**

7.5.16. Bird surveys carried out include a multi-disciplinary walkover on 11th July 2023, and subsequently wintering bird surveys (vantage point, walkover, waterbird distribution survey and migration watch) between 15th December 2023 and 7th March 2024. The wintering surveys data and maps are appended to the RFI EcIA (Appendix 3). Location and viewshed details for the vantage point survey or the observation of flight paths have not been provided. As noted previously, DAU in their submission recommended that sufficient surveys are carried out regarding the site usage by Annexed and endangered bird species, and to establish flight patterns or migration routes. Nearby SPA Qualifying Interests Species highlighted included Peregrine (West Donegal Coast SPA), Merlin (Lough Nillan Bog SPA) and Greenland White Fronted Goose (Lough Nillan Bog SPA, Sheskinmore Lough SPA and Durnesh Lough SPA). Two years survey data is noted as a minimum requirement. This request was incorporated into the planning authority's further information request. DAU in their response direct to the applicant and as appended to the RFI EcIA

(Appendix 2), recommended that surveys focus on flight paths by raptors including eagles.

7.5.17. **Kestrel** was recorded once hunting around the subject site during the summer survey and on two separate occasions during winter surveys. No evidence of breeding activity was recorded. One territory in the vicinity of the turbine assumed and the population recorded is assigned **High Local Importance.**

7.5.18. **Meadow Pipet** was recorded frequently around the subject site during the summer survey and winter surveys. The birds were foraging and heard singing. Guidance by SNH that passerine species not considered to be significantly impacted by wind farms was referred to (2017). The population recorded is assigned **Low Local Importance**.

7.5.19. **Peregrine Falcon** was recorded on two occasions travelling through the site during wintering surveys. No suitable nesting habitat recorded. A regularly occurring population of four pairs is required for a national classification and a regularly occurring population of a single peregrine Falcon is required for a county classification. The population recorded is assigned **High Local Importance**. I note Peregrine Falcon is a SCI for West Donegal Coast SPA (004150).

7.5.20. **Whooper Swan** was recorded within the 500m buffer during the last wintering survey in early March, a flock of 11 whooper swans consisting of both adults and juveniles. The size of the flock would be considered of county importance. No regular usage of the site identified. The applicant submitted that the result does not suggest that the proposed development is located on an important migratory route for the species. The population recorded is assigned **High Local Importance**. I note Whooper Swan is a SCI species for Durnesh Lough SPA (004145) and an Amber List species for both breeding and wintering season.

7.5.21. **Herring Gull** was recorded regularly during the wintering surveys. The population recorded is assigned **High Local Importance**. I note Herring Gull is a SCI for West Donegal Coast SPA (004150) and an Amber List species for both breeding and wintering season.

7.5.22. **Great Black-Backed Gull** was recorded regularly during the wintering surveys. No suitable nesting habitat recorded. The population recorded is assigned **High Local Importance**.

7.5.23. **Mallard** and **Moorhen** were recorded foraging on loughs to the north of the site during wintering surveys. Both assigned **Low Local Importance** population. I note Mallard is an Amber List species for both breeding and wintering season.

7.5.24. **Snipe** was recorded once during wintering surveys. Suitable breeding habitat recorded within the site. Population assigned **Low Local Importance.** I note Snipe is a Red list species for both breeding and wintering season.

7.5.25. **Redwing** was recorded regularly during wintering surveys. Population assigned **Low Local Importance. Common Starling** was recorded flying over the survey area during the one day summer survey. Guidance by SNH that passerine species not considered to be significantly impacted by wind farms was referred to (2017). I note Redwing is a Red list species for wintering season and Common Starling is an Amber list species for breeding season.

7.5.26. **Barn Swallow** was recorded flying over the survey area during the one day summer survey. Population assigned **Low Local Importance.** I note Barn Swallow is an Amber list species for breeding season. **Buzzard** was recorded twice during winter surveys. No suitable nesting habitat recorded. Population assigned **Low Local Importance.** Also recorded during the summer walkover survey was **Sky Lark** (Amber List), sporadically flying throughout areas of upland blanket bog. Long-tailed Tit, Blackbird, Rook and wren were recorded foraging along the edge of the conifer plantation during the July survey.

7.5.27. The applicant's impact assessment on bird population classified of High Local Importance concluded low to very low effects as a result of direct habitat loss and displacement and disturbance during construction. No collision risk model was carried out and no observations of these species were made within the collision risk zone. No likely significant barrier effects were predicted given survey results indicated that none of the species regularly commute, or forage over the site, the site is little used by the species and was not observed breeding within the site. Mitigations include checks during breeding bird season as per the EcIA.

7.5.28. Having regard to the above, I do not consider the bird surveys and methods undertaken to be in accordance with established best practice guidance and as recommended by DAU. NatureScot's guidelines "Recommended bird survey methods to inform impact assessment of onshore windfarms" recommends that

survey work span a full survey year when the target species are present and for a minimum two years to allow for variation in bird uses between the years (2014, updated March 2025). It is further noted that where survey effort is less than two years, this should be fully justified. As set out above, the applicant's surveys did not span all time of year, with the duration of the bird surveys extended across approximately four winter months with the exception of one walkover survey during the breeding season. Aside from the lack of two years' worth of surveys, the main seasonal gaps in the applicant's surveys are the breeding season and the key migratory seasons. I note the applicant has not provided any justification for a reduced bird survey scope.

7.5.29. In my opinion, and having regard to the recommendations by DAU, the survey work carried out is not in proportion to the location, scale of development including incremental cumulative development, and sensitivity of bird interests present including target migratory species. I submit that the applicant has not carried out sufficient surveys to establish the bird distribution and flight activity, across seasons, within the site and the surrounding area by Annexed and protected species. This has the potential to affect a number of species, frequency and population numbers, importance classification and the consideration of mitigation measures. Surveys targeting flight paths by raptors including eagles as recommended by DAU have not been carried out. The lack of flight activity surveys is also likely to affect the observation of flights at collision risk height. Given the survey gap for the key migration periods, the potential impacts of the proposed development on migratory bird species have not been adequately assessed. I note the presence of whooper swans, a migratory species, within the survey buffer on the last day of surveys, 7th March 2024. The whooper swan is a SCI species of Durnesh Lough SPA (004145) to the south of the site. This and other SPA SCI species are considered in my Appropriate Assessment screening determination in Section 9.0 below and Appendix B.

7.5.30. **Biodiversity Conclusion**

7.5.31. In conclusion, I submit that there is insufficient survey data to allow for a full and proper assessment of the potential risk to birds, specifically Annexed and protected species, as a result of the proposed development in terms of direct habitat loss,

displacement, barrier effects and collision risk. I further submit there is insufficient data to assess the potential impact on bat species in terms of foraging, commuting, migration and risk of collision. For these reasons combined with the gap in cumulative baseline data as set out in Section 7.3 above, I do not consider that an adequate cumulative impact assessment for the proposed development has been carried out. On the basis of the information set out within the application and appeal, and with an abundance of caution, I recommend that permission is refused for the development on this basis.

### 7.6. Peat Stability and Risk of Landslide

7.6.1. The appellant has raised concerns regarding impact of the proposed development on fragile topography and the potential for landslide from the removal of peat. The applicant submitted a Peat Stability Risk Assessment (RSK, March 2024) at further information and an additional peat response was included in the response to the grounds of appeal.

7.6.2. The topography of the site is variable with elevations ranging from 140 to 196 mAOD, rising towards the turbine location in the west. The slopes are between approximately 1 and 20 degrees. The main soil type for the site is Blanket peat, with bedrock closer to the surface on the western edge of the site where steeper slopes were noted. The nearest recorded landslide events identified are approximately 1.3km to both the north and northwest of the site in peat and till respectively. The proposed site is located within Water Framework Directive (WFD) catchment 37 Donegal Bay North and subcatchment Stratgar SC 10. Nearby watercourses include Fintragh River_010 located to the west of the site and Cunlin Lough Stream_010 located to the north. There are several land drains within the site which will be crossed by the proposed access track and cables, and which drains towards the north and the Cunlin Lough Stream_010 tributary flowing along the northern boundary of the forest. There are no drains connecting the turbine location and western access road to the Fintragh River_010. The substation location and southern section of the cable route is adjacent to the Fintragh River_010 tributary.

7.6.3. The substrate topology is considered to be moderately variable, and peat probing recorded variable subsoil and bedrock depths. Peat depths recorded were generally

shallow with pockets of deeper peat recorded within the forest and along sections of the access track and steeper peat near the turbine location. The deeper peat was identified as saturated and within the rest of the site the peat was identified as well drained and unsaturated. Sections of the site was not probed due to the density of the forest and in this regard, I note probing location by proxy to the north of the proposed access track through the forest. The results of the peat stability risk assessment indicate a very low or low risk ranking and an Acceptable Factor of Safety for the majority of the site. The potential for localised stability issues particularly in areas if deeper peat and steeper incline have been identified within the forest, along a section of the access track, and near the turbine. These areas have a Factor of Safety of Marginally Stable/Unstable and a Moderate risk ranking. A Moderate risk ranking is also applied to areas of peat in proximity to sensitive receptors, such as drains and watercourses. The gap analysis in assessment confirms that no trial pits, coring, sampling and analysis, shear vane testing or monitoring were carried out, and that the risk assessment gives indicative values only.

7.6.4. The assessment concludes that the risk of a stability issue is generally low, provided all mitigation measures, monitoring and best practice are followed. Floating tracks are proposed for access track with pockets of deeper peat and for the track through the forest. The crossing of drains will be by culverting. No other development infrastructure is located within locations with an Unstable Factor of Safety or of Moderate risk. Parts of the turbine foundation and the cable route is within an area of Marginally Stable, but of Low risk. Intrusive ground investigation at the turbine location is however, recommended reflecting the variability of subsoil and bedrock depths. Mitigation measures are set out in Section 7.2 of the report and includes continuously monitor areas of peat during the construction stage by a Geotechnical Clerk of Works. There will be no direct impact on the river waterbodies and proposed mitigation measures will prevent any significant effects on water quality.

7.6.5. I note the planning authority in Condition 6 recommends a marginal relocation of access track and turbine to avoid Unstable areas. Whilst I concur with the planning authority that a rerouting of the northwest section of the access track further north could avoid areas of deep saturated peat and reduce the risk to Low, I do not consider this to be feasible within the confines of the submitted planning application

boundary. Section 5 of best practice guidance “Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Developments” recommends that areas of medium/moderate risk are avoided and where avoidance is not possible, mitigation measures would be the next step (Scottish Government, 2017). In this regard, the applicant proposes to mitigate the risk by installing floating tracks for this section of the access road and recommends intrusive ground investigation at the turbine location.

7.6.6. Having regard to the mitigation measures proposed, I am satisfied the infrastructure and turbine located in the medium risk areas will have no significant adverse effects. If the Board was minded to grant planning permission, I would recommend a condition for intrusive ground investigation works not only at the turbine location as proposed by the applicant, but also along the access tracks where floating tracks are being proposed.

## 7.7. Landscape and Visual Impact

7.7.1. The appellant has raised concerns regarding impact on the unspoilt landscape of Cullion and surrounds. This, along with site observations, informs my assessment.

7.7.2. A landscape and visual impact assessment (LVIA) was submitted with the planning application and a revised one was submitted at RFI stage. I note both versions of the LVIA were prepared by the applicant, Natural Forces and no professional accreditation is noted.

7.7.3. Natural Forces states that the LIVA has been prepared in accordance with Guidelines on the Information to be contained in Environmental Impact Assessment Reports (EPA, Draft August 2017); and Guidelines for Landscape and Visual Impact Assessment (3rd edition, Landscape Institute and IEMA, 2013). These are both noted to be out of date, with the finalised EPA Guidelines published in 2022 and the 3rd Edition of the LVIA guidelines published in 2024. have both been replaced with, EPA guidance The assessment methodologies for the landscape impact assessment and the visual impact assessment as set out in Section 1.2 are noted. The study area comprises the site and immediate surrounds up to 1km, the central study area up to 5km and the wider central study area 5km to 20km which I consider appropriate and in accordance with relevant guidance.

7.7.4. I find that the submitted Zone of Theoretical Visibility (ZTV) presented in Figure 1-6, RFI LVIA is not legible, mainly due to scale but also from the lack of transparency between layers. The application LVIA, Figure 1-6 ZTV is slightly more legible, however this has been run on a greater tip height. Neither of the ZTVs cover the full study area or the geographical area of all the viewpoints. Best practice would be to consider how much of the proposed turbine will be theoretically visible e.g. bottom to rotor, to hub height and to blade tip and run ZTVs for same. The submitted ZTVs are limited to the theoretical visibility of the overall tip height. Cumulative ZTVs have not been presented. The viewpoints selection, 10 in total as per figure 1-7, and the corresponding images are identical to those considered for Bradán Wind Farm (as per the public accessible file for reg. ref. 22/51214). Considering best practice, the identification of viewpoints should be representative of the proposed development and the likely effects of same on the range of issues considered within the LVIA. Choosing viewpoints already used for other wind energy development can be beneficial to allow for comparison, but might not always be applicable, in particular to local views which I find evident in VP2 (see viewpoint assessment below). I note that in a number of photomontages, in particular viewpoints within c. 5km, the proposed turbine is not centred in the horizontal field of view as per standard practice. The proposed turbine constantly appears to the left of the horizontal field of view which I note would be centred on Bradán Wind Farm if this was included. The photomontages lack clarity, which is not assisted by the A4 presentation size, which is not considered best practice. Wirelines are not included in the RFI LVIA, and no cumulative wirelines have been presented. The cumulative LVIA baseline does not consider the full study area (20km) and contains gaps within the immediate study area by omitting Bradán Wind Farm (1km) as per Section 7.3 above.

7.7.5. The CDDP, Map 11.1 identifies the site and the immediate surrounding area to be of *"Moderate Scenic Amenity"* where only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered (Policy L-P-2). There are existing and permitted wind farm development within this landscape and as outlined above, the proposed turbine is located within an area Open for consideration (Map 9.2.1). Crownarad ridgeline to the west is of Especially High Scenic Amenity as per Map 11.1, the same applies to the coast line and St. John's Point. The landscape to the north, east and south are areas of High

Scenic Amenity. Having regard to this, I accept the applicant's reasoning that the site and immediate area (1km) is of medium landscape sensitivity and that the wider study area is of High landscape sensitivity.

7.7.6. Considering the immediate landscape, the proposed turbine will be located in an elevated position on the Cullion plateau, extending wind energy development to the west of the local valley between Cornacahan Hill with Killybegs Wind Farm and Cullion, and will be of a noticeable scale taking account of elevations (196 mAOD), turbine height (149.61m to tip height) and the access tracks (c. 1km). In this regard, I consider the magnitude of impact on the immediate landscape to be Medium and not Medium to Low as per the submitted landscape impact assessment. In my opinion, and for the reasons outlined above, the scale of the surrounding landscape and the assessment methodology, the magnitude of impact would be Medium up to approximately 4km from the site, reducing to Low and Negligible with distance and not Low to Negligible beyond 1km as concluded by the applicant. The effect of the proposed development on the landscape as per the LVIA methodology would, therefore, be Substantial-moderate within approximately 4km of the site, reducing to Moderate-slight and to Slight-imperceptible at greater distance.

7.7.7. The applicant has concluded a Low cumulative impact. I consider the cumulative landscape impact to be similar to the effects concluded above, having regard to the majority of these cumulative wind farm developments already present and operational within the landscape. The presence of wind farm development was evident during site inspection. As noted previously, the applicant has not submitted a cumulative landscape impact assessment of the permitted Bradán Wind Farm. I consider that the addition of the proposed development in combination with permitted Bradán Wind Farm would have a medium magnitude of change out to 4-5km, and a cumulative Substantial-moderate effect. I note there are some potential overlaps in the development footprint between the permitted and the proposed, which would reduce localised cumulative landscape effects. Th planning authority has not raised any issues with the landscape impact assessment and confirms the location to be within an area of Moderate Scenic Amenity.

7.7.8. I have undertaken a detailed analysis of the effects of the proposed development on the visual amenity and landscape, from each of the VP chosen. The visual impact assessment is presented in the viewpoint assessment. Of note, I have checked

distances between the viewpoint and turbine location based on grid references provided.

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| **VP1 Wild Atlantic Way at Killybegs**<br>Direction of view: N<br>Distance: approx. 3.4 km<br>Receptor Sensitivity: Medium | Policy TOU-P-2 of the CDDP, not to permit development which would materially detract from visual and scenic amenities along the route of the Wild Atlantic Way.<br>The proposed turbine will appear of a noticeable scale above the ridgeline with clear rotation of blades, and a more dominant feature. It will appear as an outlier, located to the west of the existing cluster and extending the vista of wind turbines. I consider the magnitude of impact to be Medium and the effects **Moderate** and cumulative.<br>In the photomontage, the turbine clearly appears to the left in the horizontal field of view, potentially reducing the visual impact as presented.<br>I have reviewed the same VP 1 photomontage for the permitted Bradán Wind Farm, public file for reg. ref. 22/51214 (LVIA, Macroworks, July 2022, and reference ABP-314600-22). The permitted turbine will be seen within the existing cluster of wind turbines. |
| **VP2 Local elevated third-class road south of the site**<br>Direction of view: NW<br>Distance: approx. 1.3km<br>Receptor Sensitivity: Medium | The proposed turbine is not visible, it will be screened by foreground topography.<br>I do not consider this a representative viewpoint for local community views. This was confirmed during my site visit. An alternative location where the proposed turbine is visible within the local area should have been selected.<br>I further note that the turbine, although not visible, is located close to the edge of the horizontal field of view which is not considered best practice.<br>For comparison, I note from VP2 of the permitted Bradán Wind Farm that this turbine is located in the centre view along with one of the existing wind turbines. |

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| **VP3 Local elevated third-class road east of the site**<br>Direction of view: W<br>Distance: approx. 3.8km<br>Receptor Sensitivity: Medium | The proposed turbine will be seen as part of the existing wind turbine cluster. A noticeably larger scale and with some overlap, and visually break the lower ridgeline, appearing more dominant within the landscape. The existing Meenachullalan Wind Farm is visible on the ridgeline to the north within the view. I consider the magnitude of impact to be Medium and the effects is **Moderate** and cumulative.<br>For comparison, VP3 of the permitted Bradán Wind Farm shows this turbine within the centre of view and with the rotor blades fully visible but less elevated than the proposed turbine. |
| **VP4 Local road at Tawnasligo townland**<br>Direction of view: NW<br>Distance: approx. 3.6km<br>Receptor Sensitivity: Medium | The proposed turbine will be seen on the lower slopes and the rotor sweep appears to be fully visible, will break the ridgeline in the background. It will be of a noticeably larger scale than the three existing turbines, and when viewed against the hill and the settlement in the foreground. The proposed turbine will be viewed as an extension to the existing, albeit of a larger scale. The existing Meenachullalan Wind Farm is also visible on the ridgeline to the north within the view. I consider the magnitude of impact to be Medium and the effects is **Moderate** and cumulative.<br>For comparison, VP4 of the permitted Bradán Wind Farm shows the permitted turbine on the opposite side of the existing 3 wind turbine, but of a similar scale and positioning to the proposed turbine. |
| **VP5 N56 northeast of the site**<br>Direction of view: SW<br>Distance: approx. 4km<br>Receptor Sensitivity: Medium | The proposed turbine will appear of a noticeable scale above the forestry with clear rotation of blades which will break the ridgeline. It will appear as a single turbine, and not part of the existing three turbines which forms a linear composition in this view. The Island Seafood turbine appears to the right in the foreground of this view. I consider the magnitude of impact to be Medium and the effects is **Moderate** and cumulative. |

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| | For comparison, VP5 of the permitted Bradán Wind Farm shows the permitted turbine in the same position, or close to, as the proposed turbine, albeit in the foreground. The proposed turbine is likely to create a visual clutter with the permitted turbine from this view. |
| **VP6 Donegal Cycle route by Crumlin Hill**<br>Direction of view: SW<br>Distance: approx. 9.4km<br>Receptor Sensitivity: High-Medium | The proposed turbine will be seen at a distance, in an elevated position and larger scale when compared with the existing wind turbines Killybegs Wind Farm. It will not break the ridge line, and it will not dominate the view. Meenachullalan Wind Farm can be seen to the north of the presented horizontal field of view. I consider the magnitude of impact to be Low and the effects is **Moderate-slight** and cumulative.<br>For comparison, VP6 of the permitted Bradán Wind Farm shows the permitted turbine positioned slightly to the right of the proposed turbine. The proposed turbine is likely to create some visual clutter with the permitted turbine from this view. |
| **VP7 Beach at Salthill**<br>Direction of view: NW<br>Distance: approx. 13km<br>Receptor Sensitivity: High-Medium | The proposed turbine will be seen at a distance along with the existing three turbines. The full rotor sweep will be visible above the forestry and appear to break the ridgeline in background. I consider the magnitude of impact to be Negligible and the effects is **Slight** and cumulative.<br>For comparison, VP7 of the permitted Bradán Wind Farm shows the permitted turbine in the centre of the view and to the right of the proposed turbine. Part of the rotor blade will be visible above the forestry. |
| **VP8 Donegal designated scenic view**<br>Direction of view: NW<br>Distance: approx. 8.5km<br>Receptor Sensitivity: High-medium | **Policy L-P-5** seeks to protect views to and from St Johns Point, and **Policy L-P-7** seeks to preserve the views and prospects of special amenity value and interest as identified on Map 11.1 of the CDDP.<br>The turbine will be located on the plateau of Cullion which is visible within the lower ridgeline. The full turbine will be seen, and in an elevated position. It will extend the vista of wind turbines situated on the lower ridge, but Meenachullalan Wind |

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| | Farm is visible on the ridge in the background. The proposed turbine will be seen within the existing vista of multiple turbines. I consider the magnitude of impact to be Low and the effect is **Moderate-slight** and cumulative.<br><br>For comparison, VP7 of the permitted Bradán Wind Farm shows the permitted turbine located within the existing cluster, albeit of a noticeable larger scale. |
| **VP9 Wild Atlantic Way along N56**<br><br>Direction of view: NW<br><br>Distance: approx. 3.5km<br><br>Receptor Sensitivity: High Medium | Policy TOU-P-2 of CDDP, not to permit development which would materially detract from visual and scenic amenities along the route of the Wild Atlantic Way.<br><br>No revised photomontage or revised assessment submitted at RFI. My assessment is therefore, based on the application LVIA, but assuming a reduction in overall height and hub height by 18m.<br><br>The proposed turbine will be seen in an elevated position, above the ridgeline and as a noticeable element within the vista. There is a marked difference in scale between the proposed and the existing turbines, and it will appear dominant. I consider the magnitude of impact to be Medium and the effect is **Substantial-moderate** and cumulative.<br><br>For comparison, VP7 of the permitted Bradán Wind Farm shows the permitted turbine in the foreground, with appearance of a lesser scale and to the right of the proposed turbine. |
| **VP10 Pier at Killybegs town centre** | Referenced within Table 1-5. No photomontage or assessment submitted. |

7.7.9. When visiting the site and surrounds, I found the existing three Killybegs Wind Farm turbines to be a reasonable prominent feature within the immediate landscape and visible within 3-5km distances. The three turbines are less discernible at further distance given their scale. For the majority of the views, which exception of some local views, the proposed turbine will be viewed in combination with the three existing turbines and often appearing as of a noticeable taller scale and/or of a

different proportion given the sweep of the turbine blades. Whilst not demonstrated in the LVIA, I consider from my review that the permitted Bradán Wind Farm turbine will also be visible in the same views, and of a comparable proportion and scale to the proposed turbine, but likely to be less prominent in certain views given the variation in elevations. I note the planning authority noted that the proposed development would result in more visual intrusion from the Glenlee/Business Park Road and from the N56 at KTNets/Tullaghcullion. These conclusions were reached without considering the cumulative effects with the permitted Bradán Wind Farm.

7.7.10. Having regard to the above, I am not satisfied that the submitted LVIA and accompanying figures and visual presentation are in accordance with best practice guidelines or sufficiently demonstrate the potential landscape and visual effects of the proposed development. I consider that the selection of local viewpoints is not necessarily representative of the proposed development, and I find the positioning of the proposed turbine within the photomontages to not always provide a clear representation of the potential visual impact as outlined above. In my opinion, the positioning of the proposed turbine would benefit from being reviewed having regard to the permitted Bradán Wind Farm and the existing Killybegs Wind Farm to improve the composition of the five turbines within the local landscape and from viewpoints. This might assist in addressing the outlier position in some views and visual clutter in other views, as per my assessment above. There is no indication within the submitted documentation that such a design review exercise was carried out. Having regard to the examination of the LVIA, I submit that there is the potential for significant environmental effects on visual receptors. In reaching this conclusion, I have had regard to the cumulative impact of the wind farms located within the immediate study area.

7.7.11. Overall, given the deficiencies in the LVIA and in particular, the visual representations, I submit that the applicant has not adequately demonstrated the potential landscape and visual effects as a result of the proposed development. The applicant has not demonstrated the cumulative landscape and visual effects as a result of the proposed development in combination with both existing Killybegs Wind Farm and permitted Bradán Wind Farm. An iterative design process to minimise the potential for cumulative effects of same has not been submitted. On the basis of the submitted documentation and assessment, I do not consider the proposed

development to be in accordance with Policy WE-P-3, criteria b. and f., and policies L-P-2 and L-P-6.

## 7.8. Historical Environment

7.8.1. The appellant has raised concerns regarding impacts on the local historic environment of Cullion, referring to traditional cottage, mass rocks and possibly an old church with burial grounds. In response, the applicant has stated that there are no national heritage sites within 2.16km.

7.8.2. No recorded sites and monuments or known archaeological records are identified within the site as outlined in the Environmental and Planning Report. The nearest recorded site is a Ringfort (ref. DG002205), located within forestry c. 1.55km to the southeast of the site and not to the northeast as stated by the applicant. I further note from a review of the National Inventory of Architectural Heritage that the nearest architectural heritage sites is a thatched vernacular house located c. 1.75km to the east. From review of historic mapping, first edition 6 inch, 1829-1841 I note that the existing ruined cottage located along the path in the valley between Cornacahan Hill and Cullion is shown along with some other smaller buildings in this area. There are no records associated with these, and they are located outside the site. DAU in their submission did not raise any concerns regarding impact on known archaeological features. The possibility that subsurface archaeological remains could be encountered was noted and a pre-development testing condition by a suitably qualified archaeologist was recommended. The planning authority recommended archaeological preservation, recording and protection in Condition 19.

7.8.3. I am satisfied that the proposed development will not have a direct impact on known archaeological and other heritage sites, and that the potential for direct impact on any unknown archaeological remains can be addressed satisfactorily by condition in the event the Board is minded to grant consent. I do not consider that the proposed development is likely to result in adverse indirect effects on any recorded sites having regard to the topography, intervening distance and their location mainly within the lower slopes near, or within Killybegs, or within the Bungosteen River valley.

## 7.9. Access and Traffic Impact

7.9.1. The appellant has raised concerns regarding the impact on local roads from construction traffic, the destruction of roads and the inconvenience to local residents as well as the length of the routing of haulage traffic.

7.9.2. The anticipated turbine haul route is from Killybegs Harbour to site as set out in Section 2.2 above. The route and swept path analysis of same are detailed on RFI dwgs. 1000 to 1012. A survey of the route was carried out by the proposed turbine supplier, Enercon. The route was refined at further information near Carricknamoghil, and a number of temporary road widening nodes have been identified. The applicant notes that the proposed route was selected based on a minimum road width requirement of 4m, minimising temporary road widening works and refers to the route previously being used for wind turbine deliveries. I note a similar turbine haul route was anticipated for the permitted Bradán Wind Farm, although an alternative route has since been proposed for the same by Natural Forces under reg. ref. 24/60903 (ABP-320672-24).

7.9.3. I have reviewed the submitted route and swept path analysis drawings, 1000 to 1012. The majority of the route appears to follow the public road, but there are also sections of gated private tracks within third party ownership. The local roads mainly provide access to rural dwellings and farms, except R263 Donegal Road from Killybegs Harbour and L1325 The Commons and L1315 Corporation which are both close to Killybegs. Temporary road widening are proposed at all the junctions between the L1325/L1315 and the site entrance. Temporary widening works are also proposed at a number of bends and on stretches of road including existing watercourse crossing where the existing road width is less than the required 4m. There appears to be localised hedgerow and/or trees removal required. It is not clear if overhead lines along the route will require temporary diversion or grounding in places. As noted above, typical temporary road verge and node stoning details are provided in dwgs. 1020 and 1021, and dwgs. 1001 to 1012 identifies temporary stoned area for wheel path. No details have been submitted for works on or adjacent to existing water crossings.

7.9.4. All other construction traffic is likely to come from the east via the N56 and the R263 before joining the L1325 and then follow the turbine haul route to the site. The

majority of this traffic will avoid Killybegs. Aggregates and concrete is to be sourced from local quarries, and 10 operating quarries within 50km of the have been identified. These are all located to the east and haul routes identified. General building materials will be sourced more locally where possible, and 7 potential suppliers including some local ones have been identified. The route assessment notes that the haul route is visibly in poor condition from the R263/L1325 Junction to the site, and that structural surveying is recommended. I made similar observations during my site visit and further note that the local roads are generally narrow with no line markings, no footpath provision and no public lighting. No temporary diversions affecting local access have been identified.

7.9.5. Estimated total HGV movements (two-way) for the proposed development is 1,122 and includes 9 abnormal load deliveries for the turbine. The average HGV delivery movements per day are 10-12 and likely to be spread out during the day. HGV traffic will peak during concrete pouring when an estimated 75 concrete deliveries, or 150 movements, will be required in one day. In addition, an average 16-20 car/van movements are estimated per day, but these are likely to arrive in the morning and leave late afternoon / early evening.

7.9.6. I accept the applicant's reasons for selecting the proposed turbine haul route rather than a more direct route, taking account of road width constraints, minimising temporary winding works and previous wind farm construction access. I also note that the planning authority in consultation with Roads raised no concerns regarding the proposed turbine haul route. I consider the estimated average daily traffic movements to be temporary, low and unlikely to cause delays or obstruct local access. Potential delays and obstructions may occur during concrete pouring and abnormal load delivery days. Mitigation measures including a Construction Traffic Management Plan are proposed. I note that planning authority in consultation with Roads raised no concerns regarding traffic impacts and recommended condition 23. I have addressed development within third party lands associated with the anticipated turbine haul route, and the assessment of same under heading Other Matters below.

## 7.10. Other matters

7.10.1. As outlined previously, the anticipated turbine haul route except for the site entrance and site access tracks is not included within the planning application boundary. The anticipated turbine haul route does not form part of the proposed development for which planning permission is sought and it is not stated within the public notices. The refined turbine haul route and route assessment submitted at further information was not deemed significant by the planning authority, and no further third party observations were invited. The route and nodes where temporary road widening will be required to facilitate the delivery of the turbine to site are detailed on dwgs. 1000 to 1012. Temporary widening works are proposed at all road junctions between the L1325/L1315 and the site entrance, at certain bends in the road and along stretches of road narrower than 4m including existing watercourse crossings of Stragar_10 and Loughadeery_010. Typical stoning and restoration details are the works are provided in dwgs. 1020 and 1021. These temporary widening works extends beyond the verge of the public road into third party lands, and some of the proposed route is via private sections of tracks. The planning authority refers to third party consent requirements in its condition 23.

7.10.2. Having reviewed the route and temporary works locations, I note that the proposed temporary widening of roads and watercourse crossings have the potential to result in direct impacts on, but not limited to, blanket peat habitat, instream habitat, forestry, trees and hedgerows, peat stability and water quality in rivers Stragar_10 and Loughadeery_010, with the potential for downstream effects on Lough Aderry reservoir. The potential for direct and indirect effects of temporary works on sensitive environmental receptors along the anticipate turbine haul route have not been assessed in the application. Furthermore, no site specific mitigation measures or best practice measures specifically for such temporary works have been identified in the application.

7.10.3. Policy WE-P-3 requires the environmental impact of access roads to be assessed. The 2006 Guidelines and the draft 2019 guidelines require the adequacy of local access road network to facilitate construction of the project and transportation of large machinery and turbine parts to site is demonstrated. In this regard and as outlined previously, I consider that the applicant has demonstrated that the proposed

turbine haul route could facilitate the proposed development subject to identified works and traffic management mitigations. Notwithstanding this, the required works are not included within the proposed development for which planning permission are sought and are largely located on third party lands not within the control of the applicant. The potential for significant adverse effects as a result of such works on sensitive environmental receptors have not been assessed in the planning documentation.

7.10.4. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

## 8.0 Environmental Impact Assessment Screening

8.1. **Appendix 1** contains my Environmental Impact Assessment (EIA) Pre-screening.

8.2. I therein, conclude that the proposed development is of a class specified in Part 2, Schedule 5 of the planning and Development Regulations 2001, as amended, and by reason of an extension to permitted development, Bradán Wind Farm it exceeds Class 13, subsections (a)(i) and (ii) thresholds, and is a Class 3, subsection (i) development, a wind farm development with a total output greater than 5MW, and a 100% increase in energy output and turbine numbers. EIA is, therefore, mandatory and EIAR is required. My considerations in reaching this conclusion are set out in further detail below.

8.3. The applicant has addressed the issue of EIA within the submitted EIA Screening Report (07/07/2023) and the revised RFI EIA Screening Report Update (14/02/2024). The reports are considered to contain Schedule 7A information. The applicant concludes that the proposed development is of a class specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 3, subsection (i) applicable to “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 sets out that the proposed development is for a single turbine and with an energy output of 4.2MW and concludes that the proposed development does not trigger mandatory EIA and is considered sub-threshold. The applicant’s EIA Screening Report Update concludes

that the proposed development does not have the potential to have significant effects on the environment and it is recommended that an EIAR is not required. The planning authority EIA screening determination also considers the development sub-threshold of Class 3 (i) of Part 2 and that the proposed development having regard to Schedule 7 criteria would not be likely to have significant effects on the environment and that an EIAR would therefore, not be required.

8.4. The proposed wind turbine is presented within the application as a standalone project. The applicant's RFI EIA Screening Report Update, Section 3 is noted to provide an assessment against criteria specified in Schedule 7. This assessment does not reference the adjacent permitted Bradán Wind Farm in terms of cumulative developments. The applicant refers to the permitted turbine under site planning history for adjacent lands, Table 2-3. I note Bradán Wind Farm is not referenced in the planning authority's EIA preliminary examination. As outlined previously, Bradán Wind Farm is a single turbine development permitted under reference ABP-304198-19 (reg. ref. 19/50132) and subsequently under reference ABP-314600-22 (reg. ref. 22/51214). It is located c. 460m northwest of the proposed development and is being developed by the applicant, Natural Forces.[1] Planning permission under reference ABP-314600-22 (reg. ref. 22/51214) is for an Enercon E138 with a hub height of 81m and an overall tip height of 149.61m. There are shared developments components between the permitted development and proposed development, including access track, access entrance, routing of grid connection and other ancillary development. The turbine haul route for the proposed development is as per the route anticipated for the permitted Bradán Wind Farm. In this regard, I note the Natural Forces planning application (reg. ref. 24/60903) for the construction of an alternative abnormal access route for Bradán Wind Farm. The alternative route was refused permission by the planning authority and is subject to appeal under reference ABP-320672-24.

8.5. Following a careful consideration of all aspects of the proposed development, it is my opinion that the proposed development is an extension of the permitted Bradán Wind Farm and will result in a two wind turbine development with a combined energy output of 8.4MW. I note Bradán Wind Farm with an energy output of 4.2MW would

[1] https://www.naturalforces.ie/projects/bradan-wind-farm/

have been sub-threshold of Part 2, Class 3(i) and the need for an EIA was excluded at preliminary examination by the Board (ABP-314600-22). The proposed development as an extension to the permitted development is therefore, required to be screened under Part 2, Class 13 Changes, extensions, development and testing. Class 13(a) of Part 2, Schedule 5 triggers an EIAR when a change or extension results (i) in a project that is listed in Part 1 or Part 2, and (ii) results in an increase in size greater than 25%, or an amount equal to 50% of the appropriate threshold, whichever is the greater. The proposed development, an extension to the permitted Bradán wind farm, will result in the development being a Part 2, Class 3, subsection (i), with an energy output exceeding 5MW, and subsection (ii), result in a 100% increase in energy output and turbine numbers, and will be equal to 84% of the energy output threshold. Screening the proposed development without having regard to the permitted Bradán Wind Farm would find the development to be sub-threshold of Class 3(i) and thereby avoiding the need for an EIA. In my opinion, and for the reasons outlined above, this would be project splitting. On that basis, I do not concur with the applicant or the planning authority and conclude that EIA is mandatory for the proposed development and that an EIAR is required.

8.6. Of note, Class 13(a) is only applicable to changes and extensions of "development already authorised, executed or in the process of being executed", and as such, my EIA screening determination has not taken into account the applicant's refused proposal, subject to appeal, for the construction of an alternative abnormal load delivery access track and route for the permitted Bradán Wind Farm (ABP-320672-24).

8.7. This is a new issue, and the Board may wish to seek that an EIAR is prepared and submitted. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

## 9.0 Appropriate Assessment Screening

9.1. **Appendix 2** contains my stage 1 screening for Appropriate Assessment (AA).

9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this Appropriate Assessment Screening, I conclude that it is not possible to exclude that the proposed

development alone or in combination with other plans and projects could give rise to significant effects on West Donegal Coast SPA (004150), Lough Nillan Bog SPA (004110), Donegal Bay SPA (004151) and Durnesh Lough SPA (004145), in view of the sites' conservation objectives. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

9.3. This determination is based on:

- gaps in bird survey data and analysis;
- potential pathways between the site and the European sites;
- the nature and extent of the proposed works associated with the proposed development and the operation of the wind turbine; and
- cumulative wind farm development, existing and permitted, adjacent to the site and within the wider area.

9.4. On the basis of the information provided with the application and appeal and in the absence of a Stage 2 Appropriate Assessment the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on West Donegal Coast SPA (004150), Lough Nillan Bog SPA (004110), Donegal Bay SPA (004151) and Durnesh Lough SPA (004145), or any other European site, in view of the Conservation Objectives for these sites.

9.5. This is a new issue, and the Board may wish to seek that a Stage 2 Appropriate Assessment is prepared and submitted. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

## 10.0 **Recommendation**

10.1. It is recommended that the Board refuse planning permission for the proposed development for the following reasons and considerations and subject to the conditions set out below.

## 11.0 **Reasons and Considerations**

1. On the basis of the information submitted with the application and appeal, and having regard to the characteristics of the proposal, the Board is not satisfied that the development would not detrimentally impact on the amenity of residential properties in the vicinity of the development by reason of noise impact as a result of the operation of the development turbine in combination with existing Killybegs Wind Farm and the permitted Bradán Wind Farm. It is furthermore considered that insufficient information has been submitted to enable the Board to comprehensively evaluate the significance of the likely effect of the proposed development, individually and cumulatively, on the locality and the wider environment in terms of biodiversity impact and landscape and visual impact. The proposed development is therefore considered to be contrary to the requirements of Policy WE-P-3, Policy WE-P-8, Policy TOU-P-2, Policy L-P-5 and Policy L-P-7 of the County Donegal Development Plan 2024-2030 and the proper planning and sustainable development of the area.

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.

Heidi Thorsdalen
Senior Planning Inspector

17th April 2025

## Appendix 1: EIA Pre-Screening

| | |
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| **An Bord Pleanála Case Reference** | **ABP-320079-24** |
| **Proposed Development Summary** | Construction of wind turbine and all associated site development and ancillary works.<br>The development will consist of:<br>• the construction of one Enercon 138 wind energy converter on a 99m tower with an electrical rating of 4.2MW and an overall tip height of 169m;<br>• the construction of the wind turbine foundation, hardstanding and assembly area;<br>• provision of a site entrance and an access track within the site;<br>• construction of an on-site 20kV substation and underground electrical cable; and<br>• all associated site development and ancillary works.<br>The applicant's Further Information response (dated 13th May 2024) reduced the turbine height to 81m tower height and 149.61m overall tip height with no change to energy output. |
| **Development Address** | Cullion, Killybegs, Co. Donegal. |

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| **1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?**<br>(that is involving construction works, demolition, or interventions in the natural surroundings) | **Yes** | ✓ |
| | **No** | |

**2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?**

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| **Yes** | ✓ | Planning and Development Regulations 2001 (as amended), Schedule 5, Part 2: | Proceed to Q3. |

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| | | 3. Energy Industry,<br>(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.<br>13. Changes, extensions, development and testing<br>(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-<br>(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and<br>(ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.<br>15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. | |
| **No** | | | |
| **3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?** | | | |
| **Yes** | ✓ | • Class 3(i) - the proposed development (single turbine with 4.2MW energy output) does not exceed the relevant threshold.<br>• Class 13(a) - the proposed development having regard to development type, proximity, scale, overlapping access and ancillary development footprint and applicant/developer, is considered an extension of the authorised development under ABP-314600-22 (reg ref. 22/51214), referred to as Bradán Wind Farm. Bradán Wind Farm, as permitted, consists of one Enercon E138 | **EIA Mandatory EIAR required** |

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| | | wind turbine, 81m tower height, 149.38m tip height and electrical rating of 4.2MW.<br>• Class 13(a)(i) - the proposed development extending the permitted Bradan Wind Farm will result in the development being a Part 2, Class 3(i) development with an energy output of 8.4MW, exceeding the 5MW threshold; and<br>• Class 13(a)(ii) – the proposed development will equate to a 100% increase in energy output and turbine numbers, and will be equal to 84% of the energy output threshold. | |
| **No** | | | Proceed to Q4 |
| **4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?** | | | |
| **Yes** | | | Preliminary examination required (Form 2) |

| **5. Has Schedule 7A information been submitted?** | | |
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| **No** | | **Screening determination remains as above (Q1 to Q4)** |
| **Yes** | ✓ | **See Q3 above for Screening Determination, EIA mandatory and EIAR required.** |

**Inspector:** _____ **Date:** ___**17th April 2025**___

## Appendix 2: AA Screening Determination

| Screening for Appropriate Assessment<br>Test for likely significant effects | |
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| **Step 1: Description of the project and local site characteristics**<br><br>**Case file: ABP 320079-24** | |
| **Brief description of project** | Wind turbine, Cullion, Killybegs, County Donegal.<br><br>Third party planning appeal<br><br>Refer to Section 2.0 of Inspectors Report. |
| **Brief description of development site characteristics and potential impact mechanisms** | **Site:** The site is located in the townlands of Cullion, Cornacahan and Cunlin, approximately 3km north of Killybegs, County Donegal. The proposed wind turbine is located on the Cullion plateau to the west of Cornacahan Hill. The stated site area is 7.5ha. Elevation varies from 140 to 196 mAOD. Comprises upland blanket bog and with mature plantation coniferous forestry (c. 28ha, 1st rotation 20 years).<br><br>**European Sites:** The nearest European site is Slieve Tooey/Tormoe Island/Loughros Beg Bay Special Area of Conservation (SAC) (Site code: 000190), located c. 7km northwest of site.<br><br>**Watercourses:** A number of drains dissecting the forestry within the eastern part of the site and these drain the site towards the north and the Cunlin Lough stream. The western part of the site drains towards the west and the Fintragh River. The southern part of the site drains towards both the Fintragh River and the Cunlin Lough stream.<br><br>**Proposed development:**<br>• The construction of one Enercon E138 wind turbine with an electrical rating of 4.2MW on 81m tower (reduced at RFI from 99m), 136m rotor diameter and an overall tip height of 149.61m (reduced at RFI from 169m).<br>• The construction of wind turbine foundation, hardstanding and assembly area (c. 5000m$^2$). Turbine foundation will be reinforced concrete slab bearing on rock (excavated depth of c. 4m).<br>• Provision of a site entrance off Conlin Road and access track (approx. 1km in length) within the site.<br>• Construction of an on-site 20kV substation and underground electrical cable (approx. 1.7km in length) and all associated site development and ancillary works.<br>• The grid connection will be via c. 100m of underground cable connecting the proposed onsite 20kV substation into the existing 20kV Killybegs Wind Farm substation. The |

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| | Killybegs Wind Farm substation is already connected to the Killybegs 38kV ESB Substation.<br>• Submitted documentation references both 30- and 35-year lifespan.<br><br>**Construction:**<br>• The construction phase is expected to last between 6 to 8 months.<br>• Temporary construction compound and storage areas appr. 3,150m$^2$ (Dwg. No. 120).<br>• Estimated excavation volumes, 1,320m$^3$.<br>• Upland Blanket bog, 0.98ha to be removed.<br>• Conifer plantation, 0.24ha to be removed.<br>• Grassland 0.005ha to be removed.<br>• Estimated aggregates and concrete products import volumes, 9,071m$^3$.<br>• Estimated daily average traffic movements to/from the site, 10-12 HGV and 10 car and van vehicle. Peak at 75 HGV movements per day. 9 Abnormal loads anticipated.<br><br>**Watercourse crossings:** Existing drains within site to be culverted at crossing points. Changes to river crossings along the haul route not included within the planning application and works not detailed.<br><br>**Haul route:** Access to the site will be from the Commons, off Church Road, via Meenachullalan and Lough Aroshin, travelling south on Conlin Road and turning right into the site. Turbines anticipated to be delivered to Killybegs Harbour (dwg. 1000). The haul route is not included in the application.<br><br>**Cumulative:** Within the immediate area, existing Killybegs Wind Farm (3 wind turbines at 77m tip height) located on Cornacahan Hill, c. 350m southeast and permitted Bradán Wind Farm (1 wind turbine at 149.61m tip height) located adjacent to the forestry plantation, c. 460m northeast. |
| **Screening report** | Yes – Appropriate Assessment Screening Report (ID Environmental Consultants, 25/07/23) and Response to Further Information (RFI) Appropriate Assessment Screening Report (ID Environmental Consultants, 23/04/24).<br><br>The RFI AA Screening Report found that “the project is not directly connected with or necessary to the management of any European site” and that “no cumulative or in combination impacts are predicted”. Concludes in Section 7.2.1: “In our professional opinion and in view of the information gathered and in view of the conservation objectives of the European sites reviewed in the screening exercise, the proposed development individually/in combination with other plans and projects (either directly or indirectly) are not likely to have any significant effects on nearby designated sites. Therefore, progression to Stage 2 Appropriate Assessment is not required.” |

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| | **Donegal County Council** screened out the need for AA (dated 4th June 2024). Determining, on the basis of the principle reason of distance, that the proposed development will not individually or in combination have an adverse effect on the integrity of a European Site – West Donegal Coast SPA (site code 004150). |
| **Natura Impact Statement** | No |
| **Relevant submissions** | Submission to application: Dept. of Housing, Local Government and Heritage (DAU) (22nd September 2023), raised the following comments of relevance to the AA Screening:<br>• Identified critical gaps in the data, information and analysis presented which hinder the understanding of environmental baseline and the likely significance of any short-term and long-term effects of the project on European Sites and their conservation objectives.<br>• Insufficient information on bird usage to support the conclusion of the AA Screening Report.<br>• All relevant data regarding site usage by Annexed and endangered bird species to be consulted.<br>• Recommends sufficient summer and winter surveys are carried out to establish bird flight patterns and migration routes.<br>• Nearby lakes may be important breeding or wintering sites.<br>• Risks associated with the development to seasonally resident and migratory bird species that are SCI from European Sites within ZOI should be assessed.<br>• The nearest SPAs should be adequately considered for information about migration routes and foraging areas of the QI Species including:<br>o Peregrine<br>o Merlin<br>o Greenland white-fronted goose.<br>• Cumulative impact of the development and existing or planned wind farm development in the wider area should be clearly presented and assessed, particular emphasis should be given to the barrier effect and bird strike.<br>• Bird survey methodologies should follow best practice and if necessary be modified to reflect the Irish situation. Two full years of bird surveys is considered to be minimum required.<br>• Data must be sufficient to support conclusions.<br><br>DAU (22nd February 2024): The RFI AA Screening Report, Appendix 2 includes a letter from DAU, general reiterates the observations made to the planning application, as above. In addition, surveys should take note of raptor flight patterns in windy weather, and in particular any eagle flight paths on the open Donegal hills, and cognisant of the Department's previous observations relating to wind farm development applications in the area, or related applications<br><br>Observation to appeal: Sweetman (received 25th July 2024): The |

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| | planning authority failed to carry out an Appropriate Assessment Screening according to the law. The planning conditions shows that the Planning Authority considers that there is the possibility of there being a significant effect thus a trigger for the obligation to carry out an appropriate assessment. Reference to Kelly v An Bord Pleanála [2014] IEHC 400 (25 July 2014). |

**Additional information:**

Applicant's RFI AA Screening Report (23/04/24) lists the following bird surveys:

- Multi-disciplinary walkover survey on 11th July 2023. Survey area did not include a 500m buffer to the application site. Bird species recorded set out in Table 4.1 of the report.
- Winter season vantage point, walkover, wintering and migratory waterfowl distribution surveys carried out between 15th December 2023 and 7th March 2024. Survey details set out in Appendix 3.

The RFI AA Screening Report in Table 11 identifies European sites within 15km of the proposed development and Lough Swilly SPA at 60km distance from the site due to potential ornithological link. I have followed the Source-pathway-receptor model in identifying European Sites, and on that basis, a potential pathway was not identified for Slieve League SAC. The potential pathway to Lough Swilly SPA was considered too remote at 60km and taking account of its location to the northeast of the site.

**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

| European Site (code) | Qualifying interests Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections | Consider further in screening Y/N |
|---|---|---|---|---|
| **Special Areas of Conservation (SAC)** | | | | |
| Slieve Tooey/ Tormoe Islan/ Loughros Beg Bay SAC (000190) | Coastal and terrestrial habitat, blanket bogs 10 QIs<br><br>Conservation Objectives (NPWS, 2015): CO000190.rdl | c. 7km north and northwest | No hydrological connection identified. | **No** |
| St John's SAC (000191) | Marine habitat, large inlets and bays<br><br>7 QIs<br><br>Conservation Objectives (NPWS, 2015): CO000191.rdl | c. 7.3km south | Partially within the same WFD sub-catchment. Located downstream of the proposed site. Hydrological connection via coastal water considered remote. | **No** |
| Lough Nillan Bog (Carrickatlieve) SAC (000165) | Oligotrophic waters, blanket bogs<br><br>Conservation Objectives (NWPS, 2016): | c 10.5km northeast | Partially within the same WFD sub-catchment. Located upstream of the proposed site and | **No** |

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| | CO000165.rdl | | the haul route. No surface water connection identified, and any potential hydrological connection considered remote. | |
| **Special Protection Areas (SPA)** | | | | |
| West Donegal Coast SPA (004150) | QIs – 8 bird species including chough, peregrine, fulmar, cormorant, shag, herring gull, kittiwake and razorbill<br><br>First Order Site-specific Conservation Objectives (NPWS, 2022): CO004150.rdl | c. 8.2km west | Partially within the same WFD sub-catchment. No surface water connection identified, and any potential hydrological connection considered remote.<br><br>Site is within potential foraging range for both herring gull and Peregrine. Both species recorded during winter survey.<br><br>See survey dates and duration above. Insufficient bird survey data to determine no regular occurrence of QI species and potential foraging connection. | **Yes** |
| Inishduff SPA (004115) | Shag (A018)<br><br>First Order Site-specific Conservation Objectives (NPWS, 2022):<br><br>**CO004115.rdl** | c. 8.5km southwest | No hydrological connection.<br><br>No suitable habitat within the site. The site is not within coastal foraging area. | **No** |
| Lough Nillan Bog SPA (004110) | QIs – 4 bird species including merlin, golden plover, Greenland white-fronted goose, Dunlin. | c 10.5km northeast | No hydrological connection identified, see Lough Nillan Bog SAC above. | **Yes** |

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| | First Order Site-specific Conservation Objectives (NPWS, 2022): CO004110.rdl | | The site is outside the general foraging range for Merlin, Dunlin and Greenland white-fronted goose, but potentially within foraging range for golden plover. None of the QI species recorded during surveys.<br><br>As above, insufficient bird survey data to determine no regular occurrence of QI species and potential migratory and foraging connection. | |
| Donegal Bay SPA (004151) | QIs – 4 bird species including great northern diver, light-bellied brent goose, common scoter and sanderling, and wetland and waterbirds.<br><br>Conservation Objectives (NWPS, 2012): CO004151.rdl<br><br>COSupportingDoc.rdl | c. 12.2km southeast | No hydrological connection.<br><br>Site is potentially within foraging range. No recordings on site during winter surveys.<br><br>As above, insufficient bird survey data to determine no regular occurrence of QI species and potential migratory and foraging connection. | **Yes** |
| Sheskinmore Lough SPA (004090) | Greenland white-fronted goose (A395)<br><br>Conservation Objectives (NWPS, 2025): CO04090.rdl | 14.1km north | No hydrological connection.<br><br>The site is not within core foraging range. No recordings on site during winter surveys.<br><br>As above, insufficient bird | **Yes** |

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| | | | survey data to determine no regular occurrence of QI species and potential migratory and foraging connection. | |
| Durnesh Lough SPA (004145) | QIs – 2 bird species:<br>Whooper swan (A038)<br>Greenland white-fronted goose (A395)<br><br>Conservation Objectives (NWPS, 2025): CO004145.pdf | 19km southeast | No hydrological connection.<br><br>The site is not within core foraging range. Whooper swans recorded potentially foraging within survey area during final survey visit (7th March).<br><br>As above, insufficient bird survey data to determine no regular occurrence of QI species and potential migratory and foraging connection. | **Yes** |

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

| **Site name**<br>**Qualifying interests** | **Possibility of significant effects (alone) in view of the conservation objectives of the site*** | |
|---|---|---|
| | **Impacts** | **Effects** |
| **Site 1: West Donegal Coast SPA (004150)**<br><br>• Fulmar (Fulmarus glacialis) [A009]<br>• Cormorant (Phalacrocorax carbo) [A017]<br>• Shag (Phalacrocorax aristotelis) [A018]<br>• Peregrine (Falco peregrinus) [A103] | Potential impacts on spatial distribution, connectivity, foraging and roosting, supporting habitat, and migratory routes. | Potential for ex-situ effects from disturbance, displacement, barrier and collision risk on QI species.<br><br>Conservation Objective to maintain or restore the favourable conservation condition of the QI species, ensuring that the natural range of the species is not reduced and sufficiently large habitat. |

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| • Herring Gull (Larus argentatus) [A184]<br>• Kittiwake (Rissa tridactyla) [A188]<br>• Razorbill (Alca torda) [A200]<br>• Chough (Pyrrhocorax pyrrhocorax) [A346] | | The application includes insufficient bird survey data to determine SCI bird distribution and flight activity and to evaluate the importance of the site, quantify predicted impacts and rule out the possibility of significant effects including the possibility of significant in-combination effects. |
| | **Likelihood of significant effects from proposed development (alone): YES** | |
| | **If No, is there likelihood of significant effects occurring in combination with other plans or projects?** | |
| | **Possibility of significant effects (alone) in view of the conservation objectives of the site** | |
| | **Impacts** | **Effects** |
| **Site 2: Lough Nillan Bog SPA (004110)**<br><br>• Merlin (Falco columbarius) [A098]<br>• Golden Plover (Pluvialis apricaria) [A140]<br>• Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]<br>• Dunlin (Calidris alpina schinzii) [A466] | Potential impacts on spatial distribution, connectivity, foraging and roosting, supporting habitat, and migratory routes. | Potential for ex-situ effects from disturbance, displacement, barrier and collision risk on QI species.<br><br>Conservation Objective to maintain or restore the favourable conservation condition of the QI species, ensuring that the natural range of the species is not reduced and sufficiently large habitat.<br><br>The application includes insufficient bird survey data to determine SCI bird distribution and flight activity and to evaluate the importance of the site, quantify predicted impacts and rule out the possibility of significant effects including the possibility of significant in-combination effects. |
| | **Likelihood of significant effects from proposed development (alone): YES** | |
| | **If No, is there likelihood of significant effects occurring in combination with other plans or projects?** | |
| | **Impacts** | **Effects** |
| **Site 3: Donegal Bay SPA (004151)**<br><br>Great Northern Diver (Gavia immer) [A003] | Potential impacts on spatial distribution, connectivity, supporting habitat, and migratory routes. | Potential for ex-situ effects from disturbance, displacement, barrier and collision risk on QI species. |

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| Light-bellied Brent Goose (Branta bernicla hrota) [A046]<br>Common Scoter (Melanitta nigra) [A065]<br>Sanderling (Calidris alba) [A144]<br>Wetland and Waterbirds [A999] | | Conservation objective to maintain favourable conditions for QI species extends to supporting habitat and to avoid disturbance and displacement.<br><br>The application includes insufficient bird survey data to determine SCI bird distribution and flight activity and to evaluate the importance of the site, quantify predicted impacts and rule out the possibility of significant effects including the possibility of significant in-combination effects. |
| | **Likelihood of significant effects from proposed development (alone): YES** | |
| | **If No, is there likelihood of significant effects occurring in combination with other plans or projects?** | |
| | **Impacts** | **Effects** |
| **Site 4: Sheskinmore Lough SPA (004090)**<br><br>• Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] | Potential impacts on spatial distribution, connectivity, foraging and roosting, supporting habitat, and migratory routes. | Potential for ex-situ effects from disturbance, displacement, barrier and collision risk on QI species.<br><br>Conservation objectives relate to limiting barriers to connectivity/access and ensuring access to supporting habitats in important areas outside the SPA for foraging and roosting.<br><br>The application includes insufficient bird survey data to determine SCI bird distribution and flight activity and to evaluate the importance of the site, quantify predicted impacts and rule out the possibility of significant effects including the possibility of significant in-combination effects. |
| | **Likelihood of significant effects from proposed development (alone): YES** | |
| | **If No, is there likelihood of significant effects occurring in combination with other plans or projects?** | |
| | **Impacts** | **Effects** |
| **Site 4: Durnesh Lough SPA (004145)** | Potential impacts on spatial distribution, connectivity, foraging and roosting, supporting habitat, and migratory routes. | Potential for ex-situ effects from disturbance, displacement, |

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| • Whooper Swan (Cygnus cygnus) [A038]<br>• Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] | | barrier and collision risk on QI species.<br><br>Conservation objectives for both QI species relate to limiting barriers to connectivity/access and ensuring access to supporting habitats in important areas outside the SPA for foraging and roosting.<br><br>The application includes insufficient bird survey data to determine SCI bird distribution and flight activity and to evaluate the importance of the site, quantify predicted impacts and rule out the possibility of significant effects including the possibility of significant in-combination effects. |
| | **Likelihood of significant effects from proposed development (alone): YES** | |
| | **If No, is there likelihood of significant effects occurring in combination with other plans or projects?** | |

**Further Commentary / discussion**

I note the applicant's RFI AA Screening Report (23/04/24), Section 7.1 conclusion of "no possible significant effects or impacts" on European Sites in terms of direct habitat loss, displacement and barrier effect and collision risk is based on a rationale of no regular occurrence or low numbers of SCI bird species and/or no key habitats areas for SCI species. As outlined above, the duration of bird distribution and flight activity surveys was for approximately four months during the winter seasons (excluding one day multi-disciplinary walkover survey). An annual span of bird surveys has not been carried out and key seasonal periods of activity for SCI species have been missed. As stated previously, there is therefore, not sufficient bird survey data to determine SCI bird distribution and flight activity and to evaluate the importance of the site, quantify predicted impacts and rule out the possibility of significant effects.

As set out previously, the planning authority's AA Screening Determination concluded that the proposed development will not individually or in combination have an adverse effect on the integrity of a European Site – West Donegal Coast SPA (site code 004150). Furthermore, the planning authority recommends a condition for annual bird surveys for five years as a monitoring measure of the impact of the proposed development on the avifauna of the area. This measure shows a gap in the understanding of the potential impact of the proposed development on birds and the importance of the area to birds. The planning authority's EIA Preliminary Examination, Section B.2., point 2.2, notes that monitoring of all bird species is a condition of planning permission in response to potential effects on any protected, important or sensitive species which use the areas on or around the site, for example for breeding, nesting, foraging, resting, over-wintering, or migration as a result of the proposed development. I, therefore, concur with the observation to the appeal that the condition indicates that the planning authority considers that there is a possibility that the proposed development will result in significant effect on birds.

| **Step 4 Conclude if the proposed development could result in likely significant effects on a European site** |
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| Given the gap in bird survey data and the observation by the Department of Housing, Local Government and Heritage, it is not possible to exclude the possibility that the proposed development would result in significant effects on West Donegal Coast SPA (004150), Lough Nillan Bog SPA (004110), Donegal Bay SPA (004151) and Durnesh Lough SPA (004145) from ex-situ effects from disturbance, displacement, barrier and collision risk on bird species which are SCI features of the SPA sites. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage. |

**Screening Determination**

**Significant effects cannot be excluded**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this Appropriate Assessment Screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on European Sites, West Donegal Coast SPA (004150), Lough Nillan Bog SPA (004110), Donegal Bay SPA (004151) and Durnesh Lough SPA (004145), in view of the conservation objectives of a number of qualifying interest features of those sites. Appropriate Assessment is required.

This determination is based on:

- significant gaps in bird survey data and analysis;
- potential pathways between the site and the European sites; and
- the nature and extent of the proposed works associated with the proposed development and the operation of the wind turbine.

**Inspector:** _____ **Date:** _17th April 2025___