Inspector's Report
ABP-320672-24

Development	Upgrading of existing access track and site entrance; construction of new access tracks and new site entrance; construction of a temporary bridge and all associated site works.
Location	Townlands of Faiafannan and Cunlin, 3.5km north of Killybegs Harbour, Killybegs, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	24/60903
Applicant(s)	Bradán Wind Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Bradán Wind Limited.
Observer(s)	Bríd Murphy.
Date of Site Inspection	11th February 2025.
Inspector	Heidi Thorsdalen

Contents

1.0 Site Location and Description

1.1. The site is located in the townlands of Faiafanna and Cunlin, approximately 3.5km north of Killybegs, County Donegal. The site comprises upland blanket bog used for sheep grazing. There is mature plantation coniferous forestry to the north and the west of the site. Cunlin Lough Stream is located within the site and Stragar stream is located approximately 180m north of the site. There are number of drains within the site which drains to the Cunlin Lough Stream. The stated site area in the application form is 5.16ha.

1.2. There is a ridge towards the western edge of the access track and a ridge to the east which is associated with steeper topography. The area in the centre of the site is relatively flat with gentler slopes along the Cunlin Lough Stream. The elevation ranges from 53 mAOD in the east to 137 mAOD in the west with slopes between approximately 1° and 13°.

1.3. The site can be accessed from the northwest via Conlin Road and from the southeast via Corporation Road. There are clusters of residential dwellings along these public roads to the east and southwest of the proposed access track. The nearest residential dwelling is located immediately south of the access yard, c. 60m from the proposed access track. The site of the permitted Bradán Wind Farm (ABP-314600-22) and its site entrance is directly west of the site, across Conlin Road.

1.4. The site is not located within any designated European sites. The nearest European sites are St. John's Special Area of Conservation (SAC) (Site code: 000191) located c. 6.8km to the south of the site and Slieve Tooey/Tormoe Island/Loughros Beg Bay SAC (Site code: 000190) located c. 7.1km north and northwest of the site.

2.0 Proposed Development

2.1. The development will consist of the upgrade of approximately 0.7km of existing access track and existing site entrance, the construction of approximately 1.2km of new access tracks and new site entrance, the construction of a 5.5m span temporary bridge and associated ancillary infrastructure. A 10-year planning permission is sought.

2.2. The planning application documentation states that the proposed access track will serve as a temporary access track for abnormal load deliveries for 1 no. turbine through the townlands of Faiafanna and Cunlin to permitted Bradán Wind Farm (ABP-314600-22, reg. ref. 22/51214). On completion of abnormal load deliveries, the proposed temporary bridge linking the Faiafanna and Cunlin townlands will be removed, and the remaining sections of the track will be become farm tracks for day-to-day farming activities.

2.3. **Site entrances:** The proposed development will be accessed through an existing entrance (east) off Corporation Road and a new entrance (west) off Conlin Road.

2.4. The Corporation Road access (east) is proposed to be temporary widen towards the south to facilitate abnormal load deliveries. The width of the existing entrance is c. 19m and The temporary access width to c. 41m (measurements taken from dwgs. 120-P2 and 111-P2). The existing access leads to one dwelling and a farmyard serving two farms, partially combined. There is also planning permission for a second dwelling off this access road (see Section 4.0 below).

2.5. The proposed site entrance (west) off Conlin Road is located c. 160 north from an existing field entrance. The width of the proposed entrance is c. 15m and is shown on dwgs. 120-P2 and 114-P2. The new entrance will be left in-situ for use by the landowner as an agricultural entrance on the completion of the works. This junction connects to the permitted site entrance for Bradán Wind Farm (ABP-314600-22) and the site entrance for the permitted Meenawley wind turbine (reg. ref. 23/51240, decision subject to third party appeal ABP-320079-24) on the western side of the Conlin Road.

2.6. **Access tracks:** Approximately 0.7km of existing access tracks will be upgraded and approximately 1.2km of new access tracks will be constructed. The proposed access tracks will have an overall width of 5m and a driveable width of 4m, except in areas where temporary widening is proposed.

2.7. The sections of excavated and floated tracks are denoted on the site layout plans, dwgs. 110-P2 to 114-P2. Excavated tracks are proposed in areas where peat depth is less than 1m and floated tracks are proposed in areas where peat depth exceeds 1m. Typical construction details are shown on dwg. 210-P1.

2.8. **Temporary bridge:** A 5.5m clear span temporary bridge is proposed for one of the Cunlin Lough Stream crossings (dwg. 113-P2). The bridge deck will be prefabricated off-site and brought to site using an articulated lorry. Concrete bridge abutments are proposed and will be setback minimum 1.5m from each embankment (dwg. 212-P1). Excavated tracks are proposed leading up to the embankments.

2.9. **Other watercourse crossings:** The second proposed crossing of Cunlin Lough Stream is proposed to be by floating tracks and flush crossing, as per dwgs. 112-P2 and 211-P2 (B2 details). There is an existing culverted crossing of Cunlin Lough Stream to the east along the existing farmyard access track which is to be upgraded (dwg. 111-P2). There is also an existing culverted crossing of a drain to the west within the site which is also to be upgraded (dwg. 113-P2). Precast concrete or High-Density Polyethylene (HDPE) pipe details are shown on dwgs. 113-P2 for location and 211-P2 (B3 details).

2.10. **Materials:** All material excavated over the course of the construction works will be retained on site and incorporated into the works where suitable. Estimated volumes of excavated materials have not been provided. Excavated topsoil will be stored in Temporary Repository Areas (not shown). Materials will be reused as fill, shaping and landscaping.

2.11. Materials to be imported is stated as follows:

- Aggregates, 5,680m^3
- Concrete, 30m^3
- Steel reinforcement 0.75 tonne

2.12. **Construction compounds:** Two temporary construction compounds are proposed. One (east) is located within the yard as per dwg. 111-P2 and the second one (west) is located close to the westerly site entrance as per dwg. 114-P2. Welfare facilities, parking and refuelling areas are shown for both compounds.

2.13. **Drainage:** Typical drainage details are shown on dwgs. 150-P1 and 151-P1 and the location of drains, silt ponds and buffered outfall are shown on dwgs. 111-P2 to 114-P2.

2.14. **Construction Phase**, includes as follows:

- Temporary widening and upgrade of c. 170m of existing access track from Corporation Road to an existing yard.
- Use of the c.60m of existing yard for access through and for temporary site compound set-up.
- Construction of c. 70m of new track from the yard to an existing track.
- Upgrade of c. 310m of existing access track from the yard.
- Construction of c. 560m of new track from the existing track to the proposed temporary bridge, includes flush crossing of Cunlin Lough Stream. Sections include excavated track and floated track.
- Construction of a temporary bridge crossing over Cunlin Lough Stream. Shown as excavated track leading to abutments.
- Construction of c. 240m of new track from the proposed temporary bridge to an existing track. Includes upgraded culverted crossing of drain and shown as floated track.
- Upgrade of c. 220m of existing access track. Shown as floated track.
- Construction of c. 330m of new track from the existing track to a new site entrance on Conlin Road. Includes area for construction compound. Shown as floated track with the exception of the last c. 25m to site entrance.

2.15. Construction works are anticipated to last 12 to 15 weeks.

2.16. **Construction traffic:** Road construction will require an estimated 284 deliveries of crushed rock and stone during the construction phase. Approximately 7 persons per day are anticipated for carrying out construction activities. Approximately 2 visitors to site per day to monitor and manage the works are anticipated. This will generate approximately 10 staff/visitor vehicle movements per day.

2.17. **Post-turbine delivery:** The access track constructed and upgraded as part of the development to accommodate abnormal loads will be integrated into the existing farms for use by the landowners for general farming and agricultural activities.

2.18. The proposed temporary bridge frame and deck will be removed, concrete abutments to be left in place. Temporary track and entrance widening will be reinstated. Works will take 4 to 6 weeks. Bridge can be reinstated to facilitate the

decommissioning of wind farm and/or if turbine component replacement is required during operational phase of wind farm. Reinstatement of temporary bridge and tracks will take 2 to 4 weeks.

2.19. **Turbine haul route:** The turbine haul route is from Killybegs Port to Carricknagore R263/L1325 Junction and then onwards to the proposed site entrance on Corporation Road.

2.20. Abnormal loads deliveries will require a 4m drivable road width. Sections of the route from the Carricknagore R263/L1325 Junction to the proposed Corporation Road site entrance are narrower than 4m and it is proposed to install temporary stone at the road edge to create the required 4m driveable width. Further temporary widening works are also required at road corners and junctions along the route, the extent of the temporary widening works is shown on dwgs. 1000 to 1005. Typical details for temporary road and Node widening works are contained in drawings 23613-1020 & 1021. These works do not form part of the proposed development.

2.21. **Documents submitted:**

- Construction & Environmental Management Plan (CEMP), (Mable Consulting Engineers, 6th June 2024)
- Archaeological and Cultural Heritage Scoping Report, Through Time Ltd., May 2024)
- Preliminary Traffic Management Plan (TMP), (Mable Consulting Engineers, 6th June 2024)
- Planning & Environmental Report (Mable Consulting Engineers, 30th May 2024)
- Ecological Impact Assessment (EcIA) Report (ID Environmental Consultants, 2nd June 2024)
- Appropriate Assessment (AA) Screening Report (ID Environmental Consultants, 2nd June 2024)
- Peat Stability Risk Assessment (RSK, June 2024)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Decision to refuse permission for one reason listed below:

1. *"It is a policy of the County Donegal Development Plan 2024-2030 that wind energy proposals (and associated infrastructure) shall have regard to "environmental impacts of associated development" – (Policy WE-P-3 refers). Having regard to the reports submitted in support of the application and in particular the Peat Risk Stability Assessment, the Planning Authority has concerns as to the viability of the proposed development in an area of oversaturated blanket bog with peat depths in excess of 5m where the risk of bog burst and/or slippage is found to be high. Further on the basis of the location of the subject site within the catchment of the Bungosteen River, a designated Freshwater Pearl Mussel Sensitive site, to permit the development has the potential to cause environmental pollution and permanent damage to upland blanket bog habitat. It is therefore considered to permit the development would materially contravene the policy provisions of the County Donegal Development Plan 2024-2030 and would be contrary to the proper planning and sustainable development of the area."*

3.2. Planning Authority Reports

3.2.1. Planner's report (30th July 2024) forms the basis for the refusal and in summary, this notes as follows:

- The site is located within an area of Moderate Scenic Amenity and falls within a Structurally Weak Rural Area as per County Donegal Development Plan 2024-2030. The site is within an area designated as Not Normally Permissible for wind energy development.
- The principle of the proposed development considered acceptable given it is to facilitate the installation of a permitted turbine subject to other issues. Incorrect reference to Meenawley single turbine, reg. ref. 23/51240 (subject to

appeal ABP-320079-24). The applicant references Bradán Wind Farm, reg. ref. 22/51214 (ABP-314600-22) in application documentation.

- The site is not located within any designated European sites and is located 7.5km from St. John's Point SAC.
- Relevant planning considerations not addressed in the application, considered further information matter.
- Reference to applicant's AA Screening and its conclusion that the proposed development would not, individually or cumulatively, impact negatively on any protected areas and that a NIS was not required.
- Archaeological monitoring during any excavation to be conditioned.
- Peat Stability Risk Assessment: Concerns regarding stability around overall landholding and there does not appear to be adequate measures included that would definitively prevent slippage or bog burst should same occur.
- Proposed access road is presented as an alternative to use of the local road network for the delivery a single turbine as permitted under application reg. ref. 23/51240.
- Serious concerns based upon information submitted that the proposed development could give rise to severe environmental issues in the form of land slippage and bog bursts. More detailed investigative research is required.
- Located within an area designated as Not Normally Permissible for wind energy development and within the catchment of the Bungosteen River that is a Freshwater Pearl Mussel Sensitive Area.
- For these reasons refusal is recommended. The applicant has use of a permitted haul route along public roads that can be pursued to facilitate the overall development.

3.2.2. Other Technical Reports

- Area Roads Engineer: Verbal discussion noted in planner's report. Concerns with regard to the volume of material to be imported, it should be much more.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. Four observation letters were received (Lisa McGill, Maragret Murphy, Andrew McKenna and Brid Murphy) to the planning applications, and matters raised are summarised below under relevant topics:

Requirements for the development:

- Two roads already constructed to access existing turbine developments, this would be a third road/access point.
- The adjacent development by Natural Forces Renewable Energy Ltd, reg. ref. 23/51240 (ABP-320079-24) proposes to access the site via the existing road network, and would it not make sense for the two projects to use the one existing road instead of ripping up untouched landscape.
- Overdevelopment to facilitate one turbine.

Biodiversity:

- Detrimental impact on a sensitive peat landscape. Bogs and untouched peatland should be protected.
- These peatlands in Cunlin, have swamps which are vital ‘carbon sinks’. Peatland if uprooted will release carbon dioxide into the atmosphere, propelling climate change.
- Heavy machinery across bogland will cause huge destruction to the natural habitat.
- The construction of a temporary bridge and permanent abutments changes the original landform and terrain, increases the risk of soil erosion, destroys the original ecosystem, habitat destruction, upsetting our national heritage peat land and wildlife.
- There are red squirrels living there.
- Risk of importing invasive plant species.

Peat stability and bog burst:

- Concerns that the peat landscapes could be impacted and the peat significantly disturbed by the development.
- The survey records peat depths greater than five meters deep, and to interfere with this would run the risk of landslides.
- The Peat Stability Risk Assessment by RSK lists three areas where there is a risk of bog burst (Figure 5). Given the environmental impact of such an event, it is too high a risk for the sake of one wind turbine. The recommendation of further investigation should be carried out in advance of planning approval being considered.
- Landslide is very possible with the topography of Donegal and the amount of rainfall.
- Subsidence is an unavoidable feature of floating roads and that the route is not suitable and would cause enormous damage to the existing bog. Reference to Briefing note 12 of the International Union for Conservation of Nature.

Hydrology and water quality:

- The construction of a temporary bridge and permanent abutments changes the original landform and terrain, and there is a big risk of increasing water quality pollution.
- Risk of pollution and run-off including from refuelling area into the river that runs to Killybegs.
- Impact on the low lying lake at Cunlin which floods over when there is heavy rain, and is a secluded habitat for numerous birds, mammals and insects.

Landscape:

- Impact on the countryside and landscape including the local landmark known as the ‘rocking stone’. This would also be of geological interest as to how it sits there on the top of the hill.

Residential amenity:

- Proximity of site entrance to residential dwelling including consideration of proposed development and linked developments.

- Traffic and local roads:
  - Concerns regarding suitability of narrow local roads to cater for heavy duty machinery and heavy traffic.
  - Current roads will be destroyed, and will cause hinderance, delays and disturbance of local residents.
  - The proposal is very unsafe and very dangerous for the school children walking to and from school.

  Other matters:
  - Why is a 10 year access permission needed. The 10 year access permission plan to come across bogland is for a bigger purpose.
  - A few meters of track past the shed at the entrance does not constitute 0.7km of existing track.
  - Concerns regarding potential felling of pine forest at the Cunlin site entrance. Tree felling requires separate permission.
  - Engineer should not be provided by the developer as risk is too great in relation to peat slide.
  - The intentions as to the access route are not clear, will this facilitate further applications for turbines that will further impact my amenity.

4.0 Planning History

4.1. Subject Site

4.1.1. None identified.

4.2. Other relevant developments within the vicinity

- **Reg. ref. 23/51240 (ABP-320079-24)**: Permission Granted, for construction of one Enercon E138 wind turbine on an 81m tower with an electrical rating of

4.2MW and an overall tip height of 149.61m, access road, on-site 20kV substation and associated works at Cullion, Killybegs, Co. Donegal. Turbine is referred to as Meenawley Single Wind Turbine. Third party appeal to the Board is pending.

- **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: Referenced to be at construction stage design development in reg. ref. 24/60903. Successful under RESS 3, quantity 4.2MW.
- **20/50850** – Extension of duration granted. Permission granted for a dwelling at Grant, at Faiafannan, Killybegs.
- **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.

5.0 Policy Context

5.1. National policy, plans and guidelines

5.1.1. National Planning Framework 1st Revision (April 2025)

National Strategic Outcome (NSO) 8 is to transition Ireland to a carbon neutral and climate resilient society. NSO 9 is for the sustainable management of environmental resources. National Polic Objective (NPO) 70 is 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.

5.1.2. **The National Development Plan 2021-2030**

The Plan sets out the investment priorities that will underpin the implementation of the NPF including climate action and national heritage.

5.1.3. **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.

5.1.4. **The Water Action Plan 2024,** Ireland's 3rd River Basin Management Plan sets out how Ireland will manage its water resources and catchments up to 2027 complying with the requirements of the Water Framework Directive (WFD) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. The plan sets out environmental objectives and targeted measures and actions aiming to achieve these objectives. Preventing no deterioration in water quality emphasis the role of enforcing statutory, regulatory measures, assessment of and mitigation measures put in place for new development and changes to land use or activities ensuring water quality is not adversely affected, and the role of the planning and development system in ensuring robust environmental assessment of the potential impacts of proposed development on water quality is carried out, and the transparency of the process.

5.1.5. **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 4.5 outlines general considerations in the assessment of wind energy developments, inter alia, impact on ground conditions and peat stability, site drainage and hydrological effects, such as water supply and quality and watercourse crossings, landscape and visual, natural heritage, cultural heritage, adequacy of local access road, cumulative effects, etc.
- Section 5.2 discusses impacts on natural heritage including direct loss of habitat, fragmentation and degradation of habitats through alterations and

disturbance, in particular arising from changes to hydrology that may alter the surface or groundwater flows and levels, and drainage patterns critical in peatlands and river headwaters. Impacts such as degradation and loss of habitats outside the development which may arise from pollution, siltation and erosion are also considered.

- Section 5.3 sets out the information that must be submitted with an application to adequately assess the impact on ground conditions and geology, including geological assessment, landslide and slope stability risk assessment, and assessment of any potential impacts of the development on groundwater, etc.
- Appendix 4 sets out best practice construction guidelines for reducing impacts on peatlands.

5.1.6. **Draft Revised Wind Energy Development Guidelines (2019).** 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, geology and ground conditions including peat stability, site drainage and hydrological effects including water quality and watercourse crossings, landscape and visual, natural heritage, cultural heritage, adequacy of local roads, cumulative effects, etc.
- Section 5.3.2 discusses main potential impacts on natural heritage such as direct loss of habitat, fragmentation and degradation of habitats, and degradation and loss of habitats outside the development.
- Section 5.4 sets out the information that must be submitted with an application to adequately assess the impact on ground conditions and geology including geological assessment, landslide and slope stability risk assessment, and potential impacts on groundwater, etc. Development in peatland areas need to demonstrate that sufficient account of the underlying hydrology has been

taken into account in the siting of the development. Carbon emissions balance should be demonstrated.

- Section 5.9 identifies environmental constraints, inter alia, residential amenities, designated sites protected habitats and species, ecological connectivity, areas with less stable ground conditions, peatlands, surface and ground waters, Water Framework Directive requirements, carbon emission from peat extraction, cultural heritage sites and interrelationships between sites, capacity of road network, etc.
- Section 6.12.4 discusses the impact of access roads on landscape.
- Appendix 4 sets out best practice construction guidelines for reducing impacts on peatland and outlines that carbon emissions balance should be demonstrated.

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 2: Environment – Natural Region sets out that peatlands and wetlands are the second most widespread land cover type (about 25%) in the region. The susceptibility of peatlands and their supporting wetland environs to hydrological change and pollutants (nutrients) are noted. Pro 5.5. seek to ensure efficient and sustainable use of all our natural resources, including inland waterways, peatlands, and forests in a manner which ensures a healthy society a clean environment and there is no net contribution to biodiversity loss arising from development supported in this strategy.

5.2.4. 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.

5.3. County Donegal Development Plan 2024-2030

5.3.1. The County Donegal Development Plan (CDDP) 2024-2030, except those parts of the plan affected by the Draft Ministerial Direction, came into effect on 26th June 2024 and is the operative plan. 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. Chapter 9 Natural Resources Development: The following objectives and policies pertaining to Renewable Energy and Wind Energy are noted:

- E-O-5: seeks to ensure the existing amenities of residential properties or other centres of human habitation are not adversely affected by wind energy developments.
- E-P-2: 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.
- 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 site is located within an area where wind farm developments are *"Not Normally Permissible".* 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 assessment criteria.
- WE-P-3: *"To ensure that the assessment of wind energy development proposals will have regard to the following*:

  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'."

- WE-P-5: seeks to ensure that all roads associated with the development are maintained or repaired.
- WE-P-7: seeks to ensure that the decommissioning and restoration of habitats post-wind farm operation are achievable and practical.
- WE-P-8: seeks to ensure that the assessment of wind energy 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.

5.3.3. **Chapter 8 Infrastructure:** The following **water quality** objectives and policies are noted:

- WW-O-1: *"To maintain, improve and enhance the quality of surface and ground waters as appropriate in accordance with the requirements of:*
  a. The EU Water Framework Directive including implementing the Programme of Measures contained with the River Basin Management Plan 2022-2027 and any subsequent plan.
  b. The European Communities (Surface Water) Regulations 2009.
  c. The European Communities (Ground Water) Regulations 2010."
- WW-P-2: *"Ensure that new developments:*

  a. do not have an adverse impact on surface and ground water quality, drinking water supplies, Bathing Waters and aquatic ecology (including Water dependent qualifying interests within Natura 2000 sites); and
  b. do not hinder the achievement of, and are not contrary to:
  i. The objectives of the EU Water Framework Directive.
  ii. EU Habitats and Bird Directives.
  iii. The associated Programme of Measures in the River Basin Management Plan 2022-2027 including any associated Water Protection or Restoration Programmes.
  iv. Drinking Water Safety Plan.
  v. The Guidelines on the Protection of Fisheries During Construction Works In and Adjacent To Waters (IFI, 2016)"

5.3.4. Chapter 11 Natural, Built, and Archaeological Heritage: The following biodiversity objectives and policies are noted:

- BIO-O-1: To preserve and enhance the biodiversity of the County in accordance with the relevant EU policies and national legislation.

- BIO-O-2: To have regard to the objectives of any extant National Biodiversity Action Plan and National Peatlands Strategy in all aspects of the sustainable development of the county.

- BIO-P-1: *"To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals:*
  a. Do not adversely affect the integrity of any European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas) including effects on ex-situ but functionally linked habitats, and species (e.g. Pearl Mussel) save where a plan must be carried out for imperative reasons of overriding public interest (IROPI).
  b. Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive and the Flora Protection Order.
  c. Protect and enhance features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major importance for wild fauna and flora and the ecological coherence of the Natura 2000 network.

- BIO-P-3: *"a. protect features of local biodiversity value (e.g. hedgerows/field boundaries, trees, woodlands, wetlands, water bodies, riverbanks and peatlands) which make a significant contribution to the biodiversity, biodiversity/ecosystem services, ecological connectivity, and associated visual amenity and/or rural character of the area.*

  b. Require that developments otherwise maximise the retention of and suitably integrate such features and provide new ecological corridors where appropriate…"

- BIO-P-4: *"Ensure that any development proposals do not lead to the introduction or spread of invasive species…"*

5.3.5. The following landscape objectives and policies are noted:

- Map 11.1: The site is located within an area of "Moderate Scenic Amenity".

- L-P-2: "To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and reflects

the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan."

5.3.6. The following archaeological heritage objectives and policies are noted:

- AYH-O-1: *"a. conserve and protect all forms of archaeological heritage…"*

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

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 Sites are St. John SAC located approximately 6.8km to the south of the site and Slieve Tooey/ Tormoe Island/ Loughros Beg Bay SAC (000190) located approximately 7.1km north and northwest of the site. Coguish Bog proposed Natural Heritage Area (pNHA) is located c. 5.5km northwest of the site and Crocknamurrin Mountain Bog NHA c. 5.9km to the northwest.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A 1st Party appeal has been lodged by Mable Consulting Engineers on behalf of the applicant Bradán Wind Limited. In summary, the grounds of the appeal note that the concerns set out as the reason for refusal in the Notification of Decisions to Refuse Schedule are ill-founded, and that the application documentation demonstrate, as follows:

- The proposed development is in line with the policy of the County Donegal Development Plan 2024-2030 that wind energy proposals (and associated infrastructure) shall have regard to environmental impacts of associated development (Policy WE-P-3). It would not materially contravene the policy provisions of the development plan and would not be contrary to the proper planning and sustainable development of the area.
- The proposed development does not traverse oversaturated blanket bog, avoids peat depths in excess of 2m, and is not sited in topography which is at

risk of bog burst and/ or slippage. The Peat Risk Assessment Report concluded that peat stability is generally good and that the risk of stability issue is generally low provided all appropriate mitigation measures, monitoring and best practice are followed.

- Includes Appendix B Peat stability response (RSK, 26/08/24). The Peat Stability Risk Assessment (PSRA) indicates that the depth of peat underlying the proposed track is shallow (<2m). The Factor of Safety is generally acceptable, and the risk of a large scale landslide is low. Exceptions apply to local zones, particularly in Zone 3 where the risk ranking results is high or very high due to incline, pockets of deep peat, saturated or flush conditions. Mitigation measures proposed to ensure impact on peat stability on site are minimised and hydrological / hydrogeological regime is maintained as far as possible. Residual hazards associated with floating track include compression and subsidence or where the load surcharge on peat is developed to quickly, the increased pressure shock load has the potential to lead to bog bursts. Mitigation and monitoring during construction and operation of proposed tracks will minimise the risk of localised stability issues.
- The proposed development lies within a sub-catchment distinct from the main Bungosteen Catchment and is hydrologically separated from Bungosteen Catchment, and will not impact on the Freshwater Pearl Mussel (FWPM) sensitive site. No records of Freshwater Pearl within this specific sub-catchment found. Following mitigation, there will be no significant residual effect on aquatic habitats or species as a result of the proposed development. Includes Appendix C Pearl Mussel Response (ID Environmental Consultants (27/08/24).
- The recommended ecological mitigation measures have been incorporated into the submitted Design Drawings and CEMP thus ensuring there is minimal impact to the local Blanket Bog, Water Courses and Water Quality. References Ecological Impact Assessment (EcIA) Report and Appropriate Assessment (AA) Screening Report.
- Peat Stability Risk Assessment recommendation: The peat stability risk assessment mitigation measures, monitoring and best practice measures into

the submitted design drawings and CEMP thus ensuring there is no risk to peat stability.

- Ecological Impact Assessment concludes that following implementation of mitigation measures, there will be no significant residual effect on these upland blanket bog and associated habitats. Potential short-term slight negative effect on this habitat during construction, given scale and abundance of this habitat locally, no permanent adverse residual impacts predicted.
- No significant residual effect on aquatic habitats or species following implementation of mitigation measures.
- AA Screening concludes that the proposed development is not likely to have any significant effects on nearby designated sites. Stage 2 not required.

6.2. Planning Authority Response

6.2.1. Planning authority's response dated 23rd September 2024 is summarised as follows:

- The reasons for refusal are relevant and appropriate, and that should permission be forthcoming for the proposed development, there is a risk of environmental damage beyond the limits of the site area.
- Relies upon the Planner's Report of 29th July 2024, all pertinent matters have been considered in the referenced reports.

6.3. Observations

6.3.1. One observation received by Bríd Murphy (dated 18th September 2024) and is summarised as follows:

- Interference with the natural topography of this sensitive area.
- They conclude there is a risk of bog burst.
- Peat stability Assessment suggests uncertainty of depths in saturated areas due to access restrictions. Recognised shallow bedrock with deep unstable peat that does equate to potential localised stability issues and challenging ground works.

- Table 7.1 recommends to allow the flush to continue without interruption at Cunlin Lough Stream.
- How can they predict rainfall before placing floating tracks?
- The permanent abutments to support tracks will interfere with the water table.
- Reference to history of bog burst and landslide in Donegal.
- Consider the topography of this sensitive area and reject this proposal.

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.
- Peat stability.
- Habitat.
- Surface Water and Groundwater including Freshwater Pearl Mussel.
- Other matters.

7.2. I have addressed Environmental Impact Assessment (EIA) screening, Appropriate Assessment (AA) screening and Water Framework Directive (WFD) screening below in Sections 8.0, 9.0 and 10.0, respectively. WFD should be noted as a **new issue**.

7.3. **Principle of the development**

7.3.1. The County Donegal Development Plan (CDDP) 2024-2030 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 access track is located within an area where wind farm development is “Not Normally Permissible”. Where a “Not Normally Permissible” area is subject to an 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.). There are no relevant wind farm planning history overlapping the site. There are existing and permitted wind farm developments directly west of the site including the permitted Bradán Wind Farm (ABP-314600-22 and reg. ref. 22/51214) for which the proposed development will facilitate abnormal load delivery access. I have reviewed the sieve mapping in Appendix B of the CDDP, and the "Not Normally Permissible" designation of the site appears to stem from a combination of GSI landslide susceptibility areas and freshwater pearl mussel catchment. The open for consideration sieve map analysis also identified peat bog and County Geological Site overlapping the site.

7.3.2. There are no recorded or known monuments or archaeological features within the site. The site is not within a flood zone. The site is located within an area of "Moderate Scenic Amenity" as per CDDP Map 11.1 and as per policy L-P-2 development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered. In this regard, I consider that the characteristics and scale of the proposed access track would not be inconsistent the character and amenity of the surrounding local rural agricultural landscape.

7.3.3. As noted, the proposed access track will provide an alternative abnormal route for the delivery of the permitted single wind turbine, referred to as Bradán Wind Farm. I note from the planner's report that the permitted abnormal delivery route for Bradán Wind Farm is via the existing road network. The Inspectors Report for ABP 314600-22, Section 3.2 refers to the permitted route as indicated on Figure 3.7, from Killybegs Port and "*along the Regional Road R263 before accessing wider local roads to the west and north of the site and approaching the proposed windfarm site along the Conlin Road from the north."* The applicant has stated that the proposed alternative access route was identified during the Bradán Wind Farm construction stage design development and is identified as the "*preferred route"* due to it having "*less impact on the surrounding road network"* and "*less impact on the surrounding community."*

7.3.4. Given the proposed development will facilitate the installation of a permitted wind turbine (Bradán Wind Farm, ABP-314600-22 and reg. ref. 22/51214) and the post-turbine installation use for the permanent track components will be local agricultural access, I concur with the planning authority that the principle of the proposed

development is acceptable subject to further planning and environmental considerations being satisfied.

7.4. **Peat Stability**

7.4.1. The planning authority's reasons for refusal include concerns as to the viability of the proposed development in an area of oversaturated blanket bog with peat depths in excess of 5m where the risk of bog burst and/or slippage is found to be high, and the potential to cause environmental pollution and permanent damage to upland blanket bog habitat. I note the applicant's appeal submission generally reiterates the findings of the Peat Stability Risk Assessment (PSRA), clarifying that the depth of peat underlying the proposed track is shallow (<2m), avoids oversaturated peat and is not sited in topography which is at risk of bog burst and/ or slippage. Clarification of risk ranking and residual hazards associated within floating tracks are also noted.

7.4.2. The PSRA has been prepared by RSK Ireland, and I note the credentials of the authors within. There are no records of previous landslide events within the site, and that the nearest record as per GSI is approximately 800m to the north. No indications of stability issues or mass movement of peat were observed at the site. As noted previously, the topography of the site is variable with elevation ranges from 53mAOD in the east to 137mAOD in the west with slopes between approximately 1° and 13°. There are ridges towards the western and eastern edges, whilst the middle of the site is noted as relatively flat. The substrate topology is observed to be moderately variable, reflecting variations in peat depth observed and potential for channelised areas in the central portion of the site. A number of watercourses, Cunlin Lough Stream, were observed within the site including a potential spring and flush area. A number of drains were also noted within the site. The PSRA reports that 330 peat probes were carried out along the route of the track and that shear vane testing was conducted at 5 no. sampling locations. Access restriction due to oversaturated areas were noted. No boreholes or trial pits, subsoil or sampling and analysis, or monitoring was undertaken.

7.4.3. The peat stability risk assessments for the site are presented in Table 9 and the risk assessment zones in Figure 5. For the most westerly section (Zone 1) and easterly sections (Zone 5, 6 and 7) of the track, the probe results indicate very shallow (0.01-

0.5m) to shallow peat (0.5-2.0m) and areas of no peat. The tracks in Zones 1 and 5 are new, whilst the majority of tracks in Zones 6 and 7 are existing and to be upgraded. Observed peat within these zones is noted as well drained and unsaturated. The factor of safety is acceptable (>1.3) and the risk very low to low with exception of Zone 7 where the risk is moderate to high due to the steep slope along the existing track. No peat is recorded in Zone 7 and the factor of safety is acceptable. I note the proposed western site entrance is within an area of very shallow peat, whilst the temporary construction compound appears to be in an area of very shallow to shallow peat.

7.4.4. For the western section of the track within Zone 2, the recorded peat depths are between 0 to 3.5m. A section of existing track traverses an area of moderately deep peat (2.0-3.5m), this is to be upgraded including an existing culverted crossing of a drain. The factor of safety in Zone 2 is acceptable (>1.3), and the risk is predominately low except for one point where this increases to **moderate** for a section of new track due to steep slopes in an area of very shallow peat.

7.4.5. The middle section of the site, Zones 3 and 4, comprises new tracks and the two proposed crossings of Cunlin Lough Stream. Field observations note saturated peat within this area with estimated extent shown on Figure 3. Peat depts recorded in Zone 3 along the proposed track were shallow (0.5 – 2.0m) with deeper peat (4.8m) recorded immediately to the north of the track and moderately deep peat (2.0m – 3.5m) recorded to the south. Very deep (>5m) areas of peat are recorded further north of the track. Peat is observed to be superficial at the proposed temporary span bridge crossing of Cunlin Lough Stream. Cunlin Lough Stream at the proposed eastern crossing is noted to be a likely spring and flush. The peat observed along the track in this location is of shallow depth (0.5 – 2.0m). The recorded peat depts along the proposed track in Zone 4 are very shallow to shallow with a mix of rocky and saturated areas of peat. The factor of safety is found to be acceptable (>1.3) for large sections of the track within the Zones 3 and 4, however there are sections of track where the factor of safety is Marginal Stable (1.0-1.3) and Unstable (<1) in particular in and around the Cunlin Lough Stream and areas of saturated peat. The peat stability risk levels are **Moderate** within Zones 3 and 4 except in and around the water crossings and saturated peat where the risk level is **very high**. The applicant expands on this in the appeal submission, setting out that the risk ranking result, in

particular in Zone 3 is high or very high due to incline, pockets of deep peat, saturated or flush conditions. The peat in the flat saturated area of Zone 3 and 4 is noted as weak and with a very low shear strength. The PSRA concludes that without mitigation measures there is a risk of bog burst, or localised stability issues e.g. collapse of side walls in excavations or minor movement of peat. Section 7 sets out recommendations and mitigations measures including monitoring. Mitigation measures include limiting the work footprint, supervision, seasonal restrictions, safe angle of response for side walls in all excavations, isolation and over pumping for instream works, floating tracks and water crossing design which allows the flush to continue under without interruption. The applicant's appeal submission outlines that mitigation measures, as far as possible, seeks to maintain peat stability and hydrological and hydrogeology regime. Residual hazards associated within floating tracks including compression and subsidence are outlined. The PSRA further concludes that the risk of stability issues is generally low provided all appropriate mitigation, monitoring and best practices are followed.

7.4.6. Table 4 (PSRA) sets out the risk ranking and suggested actions as per Table 5-4 of the Peat Landslide hazard and Risk Assessment (Scottish Government, 2017). As per the Scottish Government guidelines, where the risk level is high, the suggested action is to avoid these locations and where the risk is medium, avoidance or mitigation is recommended. I note the function of the risk levels can also be to identify areas where further investigations are required. In this regard, I note that the areas of oversaturated deep peat in the centre of the site have been avoided by rerouting the track further south. The rerouting has resulted in an additional crossing of the Cunlin Lough Stream and the crossing of an area of saturated peat albeit of shallower depth (0.5-2m) but with a likely spring and flush and with evidence of ponding. The relocation also requires instream works. I note that the PSRA recommends further surveys and investigations, and in particular for the centre of the site, where the variability of peat depths and bedrock depths were observed, and where there are potential for some channelised areas within the substrate topology. The PSRA notes that intrusive works in saturated peat areas could be challenging.

7.4.7. Having regard to the above, I note that extensive peat probing along the proposed route of the track has been carried out and that the peat depths for the majority of the proposed track does not exceed 2m. The exception to this is near the existing

western crossing of a drain where existing track appears to traverse an area of deep peat (3.5m). The peat in this area is noted as well drained, the factor of safety is stable and risk level low, and floating tracks are proposed as part of upgrading existing tracks. I am, as such, satisfied that the proposed route of the track has generally avoided areas of deeper peat.

7.4.8. My concerns relate mainly to the stability and bog burst risks within the central part of the site, Zones 3 and 4 and the two proposed watercourse crossings. I do not consider that the applicant has sufficiently demonstrated the effectiveness of mitigation in reducing the risk of peat stability and bog burst in this area. There is clearly variability in the substrate topology within this part of the site which is not reflected in the topography, and which can lead to increased risk given inclines and the proximity to areas of deep peat and watercourses. I note the recommendation within the PSRA for a GPR survey to provide a more comprehensive review of the substrate. Similarly, the hydrology and hydrogeology baseline of the site does not appear to be sufficiently recorded or understood given the uncertainty associated with the occurrence of a spring and flush, leading to groundwater flows and high saturation of peat within this section of the site. Changes to the surface water and groundwater flows within the site can impact on peat stability, and peat stability can impact on water quality. The reported very weak shear strength of the peat reflects the high water content. The PSRA references floating track for areas of peat greater than 2m as per the Scottish Government Guidance, however the proposed development as per the CEMP and EcIA proposes floating track for peat greater than 1m depth. It is as such, not clear from the PSRA if floating tracks is an effective mitigation measures for the middle of the site where there is saturated peat of shallow depth (0.5 – 2.0m) in proximity to watercourses. In this regard, the applicant's appeal submission notes the potential for residual hazards associated with the load surcharge including compression, subsidence and potential bog burst. In my view, it is not clear how floating tracks within this section of the site will address stability risks given the potential for residual effects as outlined. I further note the gaps in habitat survey data for this part of the site, in particular the lack of reference to natural watercourses and groundwater flows within the site and saturated peat and deep peat, which leads me to conclude that the characteristics of the aquatic ecosystem supporting the upland blanket bog within the site is not

sufficiently understood. I have addressed the potential impact on hydrology and hydrogeology and habitat under separate headings below.

7.5. In conclusion, I do not consider that the risk of peat stability or bog burst, albeit locally, as a result of the proposed development has not been adequately addressed. In my view, the hydrological and hydrogeological regime of the upland blanket bog within the site combined with the lack of information of the substrate have not sufficiently informed the siting of the access track within the middle of the site and for these reasons, it makes it difficult for me to draw a favourable conclusion on the effectiveness and/or the appropriateness of proposed mitigation measures including floating tracks and monitoring. I, therefore, do not consider that the potential environmental impact and risk of peat stability associated with the proposed abnormal wind turbine delivery access road as per policy WE-P-3 and the 2006 Wind Energy Guidelines and the draft 2019 guidelines has been adequately assessed.

7.6. **Habitat**

7.6.1. The planning authority's reason for refusal includes the potential to cause permanent damage to upland blanket bog habitat. I have addressed the peat stability above, this section considers the impact on the upland peatland habitat within the site.

7.6.2. In terms of field surveys, the Ecological Impact Assessment (EcIA) sets out that habitat survey at and in the vicinity of the development was carried out in April 2024. Habitats were classified as per Fossitt (A Guide to Habitats in Ireland, 2000) and according to Heritage Council (2011) and JNCC (2010) guidelines. Upland blanket bog (B2) was found to be the dominant habitat within the site and surrounding area, see EcIA Figure 3 Habitat Map and Site Layout. It is identified as a key ecological receptor and assigned a valuation level of High Local Importance. The upland blanket bog habitat is noted to be dominated by vegetation such as Purple moorgrass (Mollinia caerulea), Deergrass (Trichophorum caespitosum), Heather (Calluna vulgaris), Bell Heather (Erica cinerea) and Cottongrass (Eriophorum angustifolium). Drier soils showed characteristics of Natural Grassland (GS1). Patches of Wet Heath (HH3) and Exposed siliceous rock (ER1) were also found within the upland blanket bog habitat. The areas of Wet Heath are not shown on Figure 3. The blanket bog habitat was not found to conform with Annex 1 listed

habitat Blanket bogs (7130) or Northern Atlantic wet heaths with Erica tetralix (4010). It was considered to be significantly altered by the planting of conifers, drainage, farm track construction, former peat cutting and overgrazing by sheep.

7.6.3. There is reference to the proposed track being within the conifer plantation (WD4) in Section 6.2.2, however this appears to be a mistake as there are no forestry plantation habitats within the site. Conifer plantations are located to the north and the west of the site.

7.6.4. The EcIA notes that there are no rivers, streams or lakes within or directly adjacent to the site (Section 5.2). A large land drain which is to be crossed by the proposed transport route has been identified within the site (Table 6.9). The drain is noted to flow north and then east into the Cunlin River which is noted to drain both to Lough Nabrandon in the west and Killybegs Bay in the south. Cunlin River, is identified in the EcIA as a small fast flowing river in a river rocky channel 1m wide and less than 30cm deep along most of its extent. Section 6.6 refers to no significant aquatic habitat within the development area and no fisheries potential. The drain within the site is identified as Drainage Ditches (FW4) habitat. Cunlin River is identified as Upland Eroding River (FW1) habitat, a key ecological receptor and assigned a valuation level of High Local Importance.

It should be noted that the route of the track as shown on Figure 3 varies from the proposed track as detailed in the application drawings and the PSRA. Figure 3 shows the track further north through areas of oversaturated deep peat as identified within the PSRA and with one proposed crossing of the Cunlin Lough Stream.

7.6.5. The EcIA predicts a minor adverse permanent impact on the Upland Blanket Bog (B2) and a minor adverse temporary impact on the Upland Eroding River (FW1) habitat. Mitigation measures are set out in Section 8 of the EcIA including floating roads where peat depths exceed 1m and no storage of materials in areas of blanket bog as shown on Figure 3. Adoption of best practice mitigation measures will prevent siltation and pollution, and no significant negative impacts are expected on the aquatic environment. The Inland Fisheries Guidelines (2016) are also referenced, specifically, there will be no vehicle or plant movement or stockpiling of construction material/waste or no vegetation removed within a 50m buffer zone around watercourses during construction.

Having regard to the above, there appears to be gaps in the habitat survey of the site, in particular where it relates to the aquatic environment and the Cunlin Lough Stream and the upland blanket bog within the middle of the site. The references to Cunlin River, or rather Cunlin Lough Stream, are not correct. Cunlin Lough Stream flows south within the site and the proposed track will cross the stream in three locations, one existing and two new crossings. There is also an existing unnamed stream or drain which drains into the Cunlin Lough Stream within the site, and the existing culverted crossing is to be upgraded. As set out above, there is a potential spring and flush at the proposed eastern crossing and an extended area of saturated peat in and around the two proposed crossings of Cunlin Lough Stream. The track in this area is also adjacent to areas of oversaturated deep peat. Furthermore, having reviewed the submitted documentation, I do not consider it to be evident that this area has been significantly altered by planting of conifers, drainage, farm track construction, former peat cutting or overgrazing by sheep as per the EcIA. I further note there are no indication of bare ground in this middle saturated part of the site as per relevant site photos in the PSRA, Appendix D.

Given the questions arising from the habitat survey carried out for the site, I do not consider the EcIA to have adequately assessed the impact of the proposed development on habitats within the site, both Upland Blanket Bog (B2) and Upland Eroding River (FW1). Having regard to gaps in the habitat survey, I do not consider that the presence of Annex 1 listed habitat within the site can be ruled out. Furthermore, there is a risk that broad scale habitat mapping can miss variations in vegetation across upland landscape and as such, general habitat recording as per Fossitt Habitat classifications is commonly considered a “first step approach”. In my view, and as per recognised common practice, a more detailed botanical or vegetation classification survey e.g. the Irish Vegetation Classification (IVC) system is required for the areas of saturated peat and a likely flush within the centre of the site to determine the presence of Annex 1 listed habitat. This again, will assist in the understanding of the ecological and hydrological conditions of the peat in this area.

I note the mitigation measures appear to reflect the presence of watercourses within the site, however these do not necessarily represent the works proposed which include new watercourse crossings, instream works and temporary construction compound within the upland banket bog habitat.

Having regard to the gaps in the habitat surveys and the uncertainty regarding effectiveness and/or relevance of mitigation measures in the EcIA, it is my view that the applicant has not sufficiently demonstrated the biodiversity value of the upland blanket bog habitat within the site and that the proposed development will not adversely affect Annex I habitat type as per policy BIO-P-1 and policy BIO-P-3.

7.7. **Surface water and Groundwater including Freshwater Pearl Mussel**

7.8. The planning authority's reason for refusal sets out that the site is within the catchment of the Bungosteen River, a designated Freshwater Pearl Mussel Sensitive site, and that the development has the potential to cause environmental pollution. Observations have also raised concerns regarding interference with the water table as a result of the proposed bridge abutments and impact on water quality including downstream.

7.9. The site is located within a Freshwater Pearl Mussel Sensitive Area, a catchment of other extent populations (Bungosteen) as per the NPWS website[1]. NPWS sets out that catchment of other extent populations includes mussel populations which may lie (in part) within SAC, other nature conservation sites or in the wider countryside. Furthermore, conservation and protection of the freshwater pearl mussels are at the catchment level. Potential effects on these populations, *"including the potential to cause 'environmental damage' as per the Environmental Liability Directive and Regulations'*, from proposed development must be determined through ecological assessment. The NPWS notes that catchment distribution and abundance is not provided in its entirety to the public, and that data request for catchments and sub-catchments can be requested. The applicant has not referenced any such request for the Bungosteen catchment in their submission. The applicant notes that there are no records of the Freshwater Pearl Mussel within the specific sub-catchment were found in publicly available records.

7.10. I note the site is located within the southern part of the freshwater pearl mussel catchment. Cunlin Lough Stream which flows through the site on its way to Killybegs Harbour enters the catchment from the northwest. The Bungosteen River rises in the Croickanpeast Mountains and flows into Donegal Bay at Killybegs Harbour. Larger

[1] Freshwater Pearl Mussel Data | National Parks & Wildlife Service, website visited 30th May 2025.

tributaries which extend the catchment include Loughadeery River, Roechrow River and Stragar River. A tributary to the Stragar River is c. 180m north of the site, flowing in an east, southeast direction. The tributary marked up by the applicant in the appeal submission as Bungosteen River, does not reflect the actual catchment of the Bungosteen River as outlined above. Notwithstanding this, I concur with the applicant that the Cunlin Lough Stream does not appear to be hydrologically connected to the tributaries of the Bungosteen River. The site is however, in close proximity a tributary to the Stragar and located within the same groundwater body catchment, Donegal South and the WFD subcatchment Stragar_SC_010 as the Bungosteen FWPM catchment. Furthermore, I note the fishery potential of the Cunlin Lough Stream as it occurs within the site is not known, see habitat section above. As per catchment.ie, the ecological status of Cunlin Lough Stream is Good, and the river is currently achieving the Good objective under the Water Framework Directive (see **Appendix C** below).

7.11. Taking account of the requirement for conservation and protection at a catchment level, and given the insufficient information submitted with regard to the water environment characteristics and its ecological value as it occurs within the site, the surrounding area and the uncertainties with regard to relevant catchment abundance and distribution data, and the risk of impacts on surface water and groundwater quality, I cannot with any confidence rule out a potential impact of the proposed development on the Freshwater Pearl Mussel sensitive area as a result of the proposed development.

7.11.1. The applicant has not submitted a hydrology and hydrogeology impact assessment. The submitted water environment characteristics for the site is limited to those outlined within the PSRA, and as summarised in detail within this report. The proposals as outlined previously include for works in and around watercourses including instream works. There are potential groundwater flows within the site in the form of a spring and flush. Such occurrence could be an indication of a high water table, but also that the hydrological processes within the upland blanket bog within the site are more complex. In this regard, I also note that the vulnerability of the groundwater within the site is noted as extreme with smaller pockets of rock. The proposed development has the potential to impact upon these hydrological processes and alter the flow of surface and groundwater within the site. As outlined

previously, changes to the surface water and ground water flows within the site can impact on peat stability. Peat stability and the proposed works could impact on water quality, both surface water and groundwater.

7.11.2. Considering the above, I am not satisfied that the potential impact of the proposed development on the water environment has been assessed or that the proposed development will not result in adverse effects on both surface water and groundwater including water quality and water flows. For the same reasons, I also find it difficult to draw a favourable conclusion on the effectiveness or the appropriateness of proposed mitigation measures. In my view, it is, therefore, not possible to conclude that the proposed development will not have an adverse effect on surface water and groundwater quality as per policy WW-P-2, and as such, the proposed development does not satisfy the criteria of objective WW-O-1 to maintain, improve and enhance the quality of surface and ground waters in accordance with European requirements.

7.11.3. See **Appendix C** for WFD screening, where Cunlin Lough Stream_010 (IE_NW_37C080400), Donegal South Groundwater body and Killybegs Harbour (IE_NW_085_0000) are screened in for a Water Status Impact Assessment (WSIA) on the basis of there being insufficient information to rule out that the proposed development will not result in the deterioration of or compromise the attainment of Good status of these waterbodies.

7.12. Other matters

7.12.1. Traffic including residential amenity

Observations raised concerns about proximity of site entrance to residential dwelling. The proposed western entrance on Conlin Road is located c. 500m north of existing residential dwelling, and the existing entrance on Corporation Road is located adjacent to a number of residential dwellings. I note the permitted haulage route for Bradán Wind Farm is along this section of Corporation Road on the route north, and that the permitted site entrance is directly across the road on Conlin Road from the proposed western entrance. The construction of the access track will result in additional HGV traffic during the proposed 3 to 4 months construction phase. This is noted to be temporary and subject to a traffic management plan. There is no proposal to route general construction traffic for Bradán Wind Farm along the

proposed access track, however as noted the permitted route for such traffic is along the same section of Corporation Road and approaches Conlin Road from the north. I am, satisfied that traffic associated with the proposed development will be short term temporary, and can be adequately managed by a construction traffic management plan. There is no proposals for the Meenawley single turbine (reg. ref. 23/51240, ABP-320079-24) to use this route. If the board, however, is minded to grant permission, a condition limiting the use of the proposed private access track should be considered.

In terms of the haulage route between Killybegs Harbour and the Corporation Road access, this is as per permitted for the Bradán Wind Farm. The submitted Preliminary Traffic Management Plan indicates that works will be required to ensure a minimum road width of 4m and widening works at corners and junctions, these works are noted to be within the public road and does not form part of the proposed development. Works within the public road will require a Road Opening Licence. Nevertheless, as above, a Construction Traffic Management Plan should be conditioned if the Board is minded to grant permission.

7.12.2. **Duration of Permission**

A 10-year planning permission is sought. The applicant has not outlined any reason for why the extended permission duration is being sought. In this regard, and of relevance, I note the ten years permission granted for Bradán Wind Farm in October 2023 (ABP-314600-22 (reg. ref. 22/51214).

In the event the board is minded to grant permission, it would be reasonable to condition ten years, or a time limit that is concurrent with Bradán Wind Farm, for the proposed abnormal access delivery track.

7.13. Conclusion

7.13.1. I have earlier raised concerns regarding peat stability within the site which could result in adverse impact on water quality. I have also concluded that there are significant gaps within the habitat survey of the site which raises concerns regarding the appropriateness of the submitted ecological impact assessment. No hydrology and hydrogeology impact assessment has been submitted, which I consider

undermines the peat stability risk assessment, and makes it difficult to draw a favourable conclusion on the effectiveness and/or the appropriateness of proposed drainage and water quality mitigation measures. Therefore, the potential for adverse effects on surface water and groundwater including water quality and water flows during and after the construction cannot be ruled out. For these reasons, it is my view that the potential for the proposed development to impact negatively on Freshwater Pearl Mussel populations cannot be ruled out. The potential for adverse effects on upland blanket bog and Annex 1 habitat type can also not be ruled out.

7.14. I, therefore, do not consider that the potential environmental impact associated with the proposed abnormal wind turbine delivery access road as per policy WE-P-3 has been adequately assessed, or that it has been sufficiently demonstrated that the hydrology and hydrogeology regime of the upland blanket bog within the has been adequately taken into account in the siting of the development as per the 2006 Wind Energy Guidelines and the draft 2019 Guidelines. Furthermore, it is not possible to conclude that the proposed development will not have an adverse effect on surface water and groundwater quality as per policy WW-P-2, and as such, the proposed development does not satisfy the criteria of objective WW-O-1 to maintain, improve and enhance the quality of surface and groundwaters in accordance with European requirements. The proposed development, having regard to the gaps in the habitat surveys, has not sufficiently demonstrated the biodiversity value of the upland blanket bog habitat within the site and that it will not adversely affect Annex I habitat type as per policy BIO-P-1 and policy BIO-P-3. 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.

7.14.1. Notwithstanding the above, and as previously noted, the haulage route for Bradán Wind Farm as permitted under ABP-314600-22 (reg. ref. 22/51214) is via the existing road network. The reasons outlined by the applicant for seeking an alternative route for abnormal loads delivery relates to impact on local roads and local community, matters which I consider have already been assessed and found acceptable under the consented development.

8.0 Environmental Impact Assessment Screening

8.1. **Appendix A** contains my Environmental Impact Assessment (EIA) Pre-screening and Preliminary Examination.

8.2. The proposed development has been subject to preliminary examination for environmental impact assessment (see **Appendix A**). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 Appropriate Assessment Screening

9.1. **Appendix B** 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 AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely St John's SAC (000191), Slieve Tooey/ Tormoe Island/ Loughros Beg Bay SAC (000190), West Donegal Coast SPA (004150), Lough Nillan Bog (Carrickatlieve) SAC (000165), Lough Nillan Bog SPA (004110) and Durnesh Lough SPA (004145), in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.3. This determination is based on:

- The scale and characteristics of the development and the lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- No significant ex-situ impacts on wintering birds.

10.0 Water Framework Directive Screening

10.1. **Appendix C** contains my Water Framework Directive (WDF) screening.

10.2. I conclude that on the basis of objective information, there is insufficient information to rule out that the proposed development will not result in the deterioration of or compromise the attainment of Good status of Cunlin Lough Stream_010 (IE_NW_37C080400), Donegal South Groundwater body (IE_NW_G_047) and Killybegs Harbour (IE_NW_085_0000), these water bodies are consequently screened in for further assessment. A Water Status Impact Assessment (WSIA) is required.

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

11.0 Recommendation

11.1. It is recommended that the Board refuse planning permission for the proposed development for the following reasons and considerations.

12.0 Reasons and Considerations

1. Having regard to the nature and characteristics of the site, the uncertainty relating to peat stability, ~~no~~ the absence of an assessment of the impact on the hydrological and hydrogeological regime, the uncertainty relating to habitats and their importance, and the uncertainty as to the effectiveness of the proposed mitigation measures in dealing with peat stability and impact on water quality and water flows, the Board is not satisfied that the development will not have an adverse effects on surface water, groundwater, upland blanket bog habitat and the Freshwater Pearl Mussel Sensitive Area, Bungosteen Catchment. The proposed development is therefore considered to be contrary to the requirements of Policy WE-P-3, Objective WW-O-1, Policy WW-P-2, Policy BIO-P-1 and BIO-P-3 of the County Donegal Development Plan 2024-2030 and therefore, would not accord with 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

10th June 2025

Appendix A.1: Environmental Impact Assessment Pre-Screening

Form 1: EIA Pre-Screening	
Case Reference	**ABP-320672-24**
Proposed Development Summary	First party appeal. The development will consist of the upgrade of approximately 0.7km of existing access track and existing site entrance, the construction of approximately 1.2km of new access tracks and new site entrance, the construction of a 5.5m span temporary bridge and associated ancillary infrastructure. The proposed access track will serve as a temporary access track for abnormal load deliveries for 1 no. turbine through the townlands of Faiafanna and Cunlin to Bradán Wind Farm. A 10-year planning permission is sought. See **Section 2.0** of the Inspector's Report.
Development Address	Townlands of Faiafannan and Cunlin, 3.5km north of Killybegs Harbour, Killybegs, Co. Donegal
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	**Class 13.** Changes, extensions, development and testing (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:- (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 (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. **Class 3**. Energy Industry, (i) Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts. The proposed development is sub-threshold of Class 13, as follows: • The proposed development will facilitate the turbine delivery for permitted wind energy development, Bradán Wind Farm (ABP-314600-22 / reg. ref. 22/51214). • The proposed access tracks are for the purpose of delivering the permitted wind turbine, altering the haul route for construction and decommissioning, and forms a tangible 1.9km extension to existing permitted access tracks. • 13(i): the proposed development represents an extension and changes to a permitted sub-threshold Class 3(i), Part 2 development.

	• 13(ii): the proposed development will result in an increase by area only and not an increase relevant to Class 3(i) thresholds.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Senior Inspector: _____Date: _10th June 2025____

Appendix A.2: Environmental Impact Assessment Preliminary Examination

Form 2: EIA Preliminary Screening	
Case Reference	**ABP-320672-24**
Proposed Development Summary	First party appeal. The development will consist of the upgrade of approximately 0.7km of existing access track and existing site entrance, the construction of approximately 1.2km of new access tracks and new site entrance, the construction of a 5.5m span temporary bridge and associated ancillary infrastructure. The proposed access track will serve as a temporary access track for abnormal load deliveries for 1 no. turbine through the townlands of Faiafanna and Cunlin to Bradán Wind Farm. A 10-year planning permission is sought. See **Section 2.0** of the Inspector's Report.
Development Address	Townlands of Faiafannan and Cunlin, 3.5km north of Killybegs Harbour, Killybegs, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	• The stated site area is 5.16ha comprising of 1.9km access tracks. The average width of tracks is 5m. • 12-15 weeks construction programme followed by wind turbine delivery and subsequent farm use with temporary widening and bridge structure removed. • The site comprises upland blanket bog and approx. 1.27km to be lost. • Excavated materials to be used as part of fill/reprofiling/landscaping. • 5,680m^3 aggregates are to be imported to site for tracks, along with 30m^3 concrete (abutments/culverts) and steel (bridge). • Work near and within river, Cunlin Lough Stream. Two new crossings, one clear span and one flush and upgrading of two existing crossings. • Potential water quality impacts and changes to river channel during construction. See Appendix C for WFD screening. • Potential for dust and noise nuisance given site definition, scale and duration. • Peat depth varies from 0 to 4.8 m with site, deeper areas of peat avoided. Risk of bog burst in areas close

	to Cunlin Lough Stream and spring and flush area. Both excavated and floating tracks proposed. • Cumulative with permitted Bradán Wind Farm (ABP-314600-22 / reg. ref. 22/51214). The adjacent proposed turbine, reference ABP-320079-24 / 23/51240 is also of relevance.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	• The site forms part of three land agricultural land holdings. Existing use noted as sheep grazing. • The site is not located within a European Site, the nearest being St. John's Special Area of Conservation (SAC) (Site code: 000191), c. 6.8km to the south of the site. Any hydrological connections to European sites considered remote. See **Appendix B** for AA Screening. • The nearest natural heritage area (NHA) is Coguish Bog, proposed NHA c. 5.5km northwest of the site. • Within Margaritifera Sensitive Area (pearl mussel), Bungosteen • Upland blanket bog covers the majority of the site. • Cunlin Lough Stream crosses the track in 3 locations, flowing south to Killybegs Harbour (c. 1.4 km and 2.9km downstream which is a Nutrient Sensitive Area (NSA). There are also drains within the site. See **Appendix C** for WFD screening. • Topography is undulating with steeper slopes along ridges, and relative flat area in the centre along existing streams. • Peat probing indicates rock and very shallow to shallow peat well drained peat to east and west. Saturated peat observed within the middle of the site along watercourses and with pockets of oversaturated deep peats. • The underlying bedrock is of Poor Aquifer and the groundwater vulnerability is Extreme E or X where there is rock at surface. • The site is with a landscape of Moderate Scenic Amenity as per County Donegal Development Plan. The existing eastern track section is visible locally, the remainder of the track will have limited visibility. • No recorded archaeological or cultural heritage sites within or adjacent to the site. • Sparsely populated area. Some rural housing along local roads to the east and the west of the site. Closest residential receptor is located adjacent to the eastern access point. • Not within a flood zone.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	Significant environmental effects not anticipated for the following: • Potential for construction noise and dust. Mitigation measures in CEMP. Low impact, local, short term and not significant.

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	• Potential for hydrological and hydrogeological impacts. Likely to result in hydromorphological changes and changes to drainage of peat. Potential effects on water quality and water flows. Mitigation measures in CEMP to control pollutants, including silt and sedimentation and drainage measures. Effectiveness of mitigation measures not demonstrated given peat stability risk and unknow hydrological and hydrogeological regime. Potential for adverse temporary effects, although not considered likely to be significant in EIA terms. See **Appendix C** for WFD screening. • Peat stability risks. Avoids deeper areas of peat, and floating tracks proposed. Risk of bog burst within the centre of the site due to substrate, proximity to stream and/or saturated peat, and from use of floating tracks. Occurrence would be local in extent and not considered significant in EIA terms. Water quality impacts as above. • Loss of upland blanket bog habitat, considered to be of varying quality due to existing farming activities. Uncertainty relating to the habitat value of upland blanket bog within the centre of the site with flush area identified. Not connected to European site. Effects certain but not considered significant in EIA terms. • Increased HGV during construction and abnormal loads during delivery. Traffic management plan proposed. Temporary, local and not significant. • Potential cumulative construction effects with permitted Bradán Wind Farm (ABP-314600-22, reg. ref. 22/51214). Construction management within the control of the applicant/developer, can be mitigated. Temporary not significant. Potential for cumulative effects with proposed Meenawley Single turbine (reg. ref. 23/51240, ABP-320079-24), proposed access and entrance overlaps with Bradán Wind Farm and both developments appear to being progressed by the same developer. As above. Transboundary effects are not applicable.
Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of significant effects on the environment.	**EIA is not required.**

Senior Inspector: _____Date: _10th June 2025____

Appendix B: Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics **Case file: ABP-320672-24**	
Brief description of project	The development will consist of the upgrade of approximately 0.7km of existing access track and existing site entrance, the construction of approximately 1.2km of new access tracks and new site entrance, the construction of a 5.5m span temporary bridge and associated ancillary infrastructure. 10 years permission sought. The proposed access track will serve as a temporary access track for abnormal load deliveries for 1 no. turbine through the townlands of Faiafanna and Cunlin to Bradán Wind Farm (ABP-314600-22). Access track to be left in place for farm use. Temporary bridge removed and concrete abutments to be left in place. Temporary track/entrance widening will be reinstated. 1st party appeal. Refer to **Section 2.0** of Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	Site: Located in the townlands of Faiafanna and Cunlin, approximately 3.5km north of Killybegs, County Donegal. The stated site area in the application form is 5.16ha. The elevation ranges from 53mAOD in the east to 137mAOD in the west. The site comprises upland blanket bog used for sheep grazing. There is mature plantation coniferous forestry to the north and the west of the site. Habitat: The dominant habitat across the site is Upland blanket bog. Watercourses: Cunlin Lough Stream_010 flows through the site in a southeast to southwest direction to Killybegs Harbour. Stragar_010 is located to the north of the site, approximately 180m north of the site. There are number of drains within the site which drains to the Cunlin Lough Stream_010. European Sites: The site is not located within any designated European sites. The nearest European sites are St. John's Special Area of Conservation (SAC) (Site code: 000191) and Slieve Tooey/Tormoe Island/Loughros Beg Bay SAC (Site code: 000190), located c. 6.8km south and 7.1km northwest of site, respectively.
Screening report	**Yes** - Appropriate Assessment (AA) Screening Report (ID Consultants, 02/06/2024). The AA Screening Report, Section 3.5 concludes:

	"In our professional opinion and in view of the best scientific knowledge 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." Applicant has also submitted an Ecological Impact Assessment (EcIA) Report (ID Consultants, 02/06/2024). **Donegal County Council:** There is no AA screening determination by the planning authority. The planner's report references the findings and conclusions of the screening carried out by the ID Environmental Consultants.
Natura Impact Statement	No.
Relevant submissions	None.

Adjacent proposed single wind turbine development by Natural Forces Renewable Energy Ltd, reference ABP-320079-24 / reg. ref. 23/51240, see Section 4.0 of the inspector's report. Walkover bird surveys (2023/2024) as reported on within the Ecological Impact Assessment Report and Appropriate Screening Report (both by ID Environmental Consultants, April 2024) recorded 11 Whooper swans (7th March 2024) by Cunlin Lough Stream c. 100m north of the site (upstream). Other observations within 100m of the site or within the site, included Great Back-Backed Gull, Meadow Pipit and Redwing.

Applicant's AA screening report identified all European Sites within 15km of the site.

I have identified below the European Sites within Zone of Influence using the Source-pathway-receptor model.

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

European Site (code)	Qualifying interests[1] Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections[2]	Consider further in screening[3] Y/N
St John's SAC (000191)	Marine habitat, large inlets and bays 7 QIs Conservation Objectives (NPWS, 2015): CO000191.rdl	c. 6.8km south	Within the same WFD sub-catchment. Hydrological connection via Cunlin Lough Stream and Killybegs Harbour transitional water body considered remote.	**N**

			Location to distant for construction works emissions to affect habitat quality.	
Slieve Tooey/ Tormoe Island/ Loughros Beg Bay SAC (000190)	Coastal and terrestrial habitat, blanket bogs 10 QIs Conservation Objectives (NPWS, 2015): CO000190.rdl	c. 7.1km northwest	No hydrological connection identified. Location to distant for construction works emissions to affect habitat quality.	**N**
West Donegal Coast SPA (004150)	QIs – 8 bird species including chough, peregrine, fulmar, cormorant, shag, herring gull, kittiwake and razorbill First Order Site-specific Conservation Objectives (NPWS, 2022): CO004150.rdl	c. 9.2km southwest	Partially within the same WFD sub-catchment. No surface water connection. Any potential hydrological connection considered remote. Location to distant for construction works emissions to affect habitat quality. Possible indirect.	**Y**
Lough Nillan Bog (Carrickatlieve) SAC (000165)	Oligotrophic waters, blanket bogs Conservation Objectives (NWPS, 2016): CO000165.rdl	c 9.5km northeast	Partially within the same WFD sub-catchment. No surface water connection identified, and any potential hydrological connection considered remote. Location to distant for construction works emissions to affect habitat quality.	**N**
Lough Nillan Bog SPA (004110)	QIs – 4 bird species including merlin, golden plover, Greenland white-fronted goose, Dunlin. Conservation Objectives (NPWS, 2025):	c 9.5km northeast	Partially within the same WFD sub-catchment. No surface water connection, any potential hydrological	**Y**

	CO004110.pdf		connection considered remote. Location to distant for construction works emissions to affect habitat quality. Possible indirect.	
Durnesh Lough SPA (004145)	QIs – 2 bird species: Whooper swan (A038) Greenland white-fronted goose (A395) Conservation Objectives (NWPS, 2025): CO004145.pdf	19km southeast	No hydrological connection. Location to distant for construction works emissions to affect habitat quality. Possible indirect.	**Y**

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

AA Screening matrix

Site name **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) • Fulmar (Fulmarus glacialis) [A009] • Cormorant (Phalacrocorax carbo) [A017] • Shag (Phalacrocorax aristotelis) [A018] • Peregrine (Falco peregrinus) [A103] • Herring Gull (Larus argentatus) [A184] • Kittiwake (Rissa tridactyla) [A188] • Razorbill (Alca torda) [A200] • Chough (Pyrrhocorax pyrrhocorax) [A346]	Direct: None. Indirect: Potential ex-situ habitat displacement.	Given define site boundary, scale and characteristics of the development, no significant disturbance during construction or operation to any SCI breeding birds (ex-situ) that may occasionally use the area. Conservation objective to maintain or restore the favourable conservation condition of the QI species, will not be undermined.
	Likelihood of significant effects from proposed development (alone): No	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No other effects of magnitude that could add to other plans and projects.	
Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 2: Lough Nillan Bog SPA (004110) • Merlin (Falco columbarius) [A098] • Golden Plover (Pluvialis apricaria) [A140] • Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] • Dunlin (Calidris alpina schinzii) [A466]	Direct: None. Indirect: Potential ex-situ habitat displacement.	Given define site boundary, scale and characteristics of the development, no significant disturbance during construction or operation to any SCI breeding and wintering birds (ex-situ) that may occasionally use the area. Conservation objectives related to ensuring adequate supporting habitat outside of the SPA will not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No other effects of magnitude that could add to other plans and projects.	
Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 3: Durnesh Lough SPA (004145) • Whooper Swan (Cygnus cygnus) [A038] • Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	Direct: None. Indirect: Potential ex-situ habitat displacement.	Given define site boundary, scale and characteristics of the development, no significant disturbance during construction or operation to any SCI wintering birds (ex-situ) that may occasionally use the area including potentially migratory routes. Conservation objectives related to ensuring adequate supporting habitat outside of the SPA will not be undermined.
	Likelihood of significant effects from proposed development (alone): No	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No other effects of magnitude that could add to other plans and projects.
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
I conclude that the proposed development (alone) would not result in likely significant effects on St John's SAC (000191), Slieve Tooey/ Tormoe Island/ Loughros Beg Bay SAC (000190), West Donegal Coast SPA (004150), Lough Nillan Bog (Carrickatlieve) SAC (000165), Lough Nillan Bog SPA (004110) and Durnesh Lough SPA (004145). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.	

Screening Determination

Finding of no likely significant effects
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely St John's SAC (000191), Slieve Tooey/ Tormoe Island/ Loughros Beg Bay SAC (000190), West Donegal Coast SPA (004150), Lough Nillan Bog (Carrickatlieve) SAC (000165), Lough Nillan Bog SPA (004110) and Durnesh Lough SPA (004145), in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale and characteristics of the development and the lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- No significant ex-situ impacts on wintering birds.

Senior Inspector: _____ Date: _10th June 2025____

Appendix C: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	**320672-24**	**Townland, address**	Townlands of Faiafannan and Cunlin, 3.5km north of Killybegs Harbour, Killybegs, Co. Donegal
Description of project		First party appeal. The development will consist of the upgrade of approximately 0.7km of existing access track and existing site entrance, the construction of approximately 1.2km of new access tracks and new site entrance, the construction of a 5.5m span temporary bridge and associated ancillary infrastructure. The proposed access track will serve as a temporary access track for abnormal load deliveries for 1 no. turbine through the townlands of Faiafanna and Cunlin to Bradán Wind Farm. A 10-year planning permission is sought. See **Section 2.0** of Inspector's Report.	
Brief site description, relevant to WFD Screening,		• Rural location, approximately 3.5 km north of Killybegs. • The stated site area is 5.16ha. • The site comprises upland blanket bog used for sheep grazing. There is mature plantation coniferous forestry to the north and the west of the site. • Cunlin Lough Stream_010 is located within the site, this flows southwest and south towards Killybegs Harbour. There is potentially a spring and flush within the site (Peat Stability Risk	

	Assessment, RSK, June 2024) and groundwater flows. Stragar_010 is approximately 180m north of the site and flows southeast and south towards Killybegs Harbour. There are number of drains within the site which drains to the Cunlin Lough Stream. • There is a ridge towards the western edge of the access track and a ridge to the east which is associated with steeper topography. The area in the middle of the site is relatively flat with gentler slopes along the Cunlin Lough Stream. • Located in 37 Donegal Bay North catchment and subcatchment 37_3 Stragar _SC_010. The majority of the site is within the Cunlin Lough Stream_010 WFD River Sub Basin (IE_NW_37C080400), and a small section appears to cross into the Stragar_010 WFD River Sub Basin (IE_NW_37S020300). The groundwater body is Donegal South (IE_NW_G_047). • The site is within Margaritifera Sensitive Area (pearl mussel), Bungosteen. • The elevation ranges from 53mAOD in the east to 137mAOD in the west with slopes between approximately 1° and 13°. • Peat depts recorded within the site ranges from 0 to 4.8m, with very deep peat recorded in the centre of the site as per the submitted Peat Stability Risk Assessment (See **section 7.4** of the inspector's report). • Underlain by the Termon Formation (TE) which is a Dalradian banded semi-pelitic and psammitic schist. Bedrock comprises Dalradian Supergroup (Argyll Group). Exposed rocky outcrops in a number of places along the proposed access track have been noted. • Soil and subsoils are blanket peat. Bed rock is noted to be at surface towards the east and in small pockets towards the west.

	• Groundwater vulnerability is Extreme E for the majority of the site and X where there is bedrock at surface. • The bedrock aquifer is classified as a Poor (Pl) which is described as bedrock which is generally unproductive except for local zones. • The site is not within a flood zone and no history of flooding recorded.
Proposed surface water details	• Two new watercourse crossings proposed, one by temporary bridge span and one by floating track and flush crossing, dwgs. 112-P2 and 211-P2 (B2 details). • Upgrade of two existing culverts. Precast concrete or High-Density Polyethylene (HDPE) pipes details are shown on dwgs. 113-P2 for location and 211-P2 (B3 details). • Typical drainage details are shown on dwgs. 150-P1 and 151-P1 and the location of drains, silt ponds and buffered outfall are shown on dwgs. 111-P2 to 114-P2.
Proposed water supply source & available capacity	N/A
Proposed wastewater treatment system & available capacity, other issues	N/A
Others?	• Two temporary construction compounds are proposed as per dwg. 111-P2 (east) and dwg. 114-P2 (west). • Excavated topsoil will be stored in Temporary Repository Areas (not detailed on drawings).

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	**Distance to (m)**	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective e.g.at risk, review, not at risk**	**Identified pressures on that water body**	**Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)**
Cunlin Lough Stream	The proposed track crosses the river in 3 locations.	Cunlin Lough Stream _010 (IE_NW_37C080 400)	Good (2nd cycle, 2016-2021)	Not at Risk of achieving Good objective.	None.	Instream works for flush crossing and temporary crossing. Direct and indirect peat stability risk, water flow changes, surface water run-off.
Stragar	c. 200 (north)	Stragar_010 (IE_NW_37S020 300)	Poor (2nd cycle, 2016-2021)	At Risk of not Good objective.	Agriculture, abstraction, Hydromorphological, Industry.	Peat stability risk, indirect surface water run-off.
Donegal South Groundwater body (GWB)	N/A	Donegal South (IE_NW_G_047)	Good (2nd cycle, 2016-2021)	Not at risk.	None.	Peat stability risk, direct changes to spring,

						ground infiltration of surface water run-off.
Killybegs Harbour	c. 1.4km downstream, and c. 2.9km downstream	Killybegs Harbour (IE_NW_085_0000)	Moderate (2nd cycle, 2016-2021)	Review	Urban wastewater, industry.	Indirect via Cunlin Lough Stream.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
1.	Earthmoving and storage, track construction,	Cunlin Lough Stream _010 (IE_NW_37C080400)	Instream works. Changes to blanket peat habitat.	Peat stability risks, impact on water quality, water flows, hydromorphologic	Mitigation measures outlined in EcIA, CEMP and PSRA.	**Yes.** Peat stability risk and impact on water quality, water flows and	**Screened in.** There is a risk of deterioration of the status of the Cunlin Lough Stream and to

	water crossings		Direct and indirect surface water runoff.	al changes to river/ spring including physical characteristics, changes to the hydrological and hydrogeological regime of the upland blanket bog. Potential release of silts and suspended solids. Accidental spills or release of contaminants.		hydromorphological changes not sufficiently assessed.	the attainment of good status.
2.	Earth moving and track construction/upgrades	Stragar_010 (IE_NW_37S020300)	Indirect surface water runoff via drainage ditches.	Peat stability risk. Potential release of silts and suspended solids. Accidental spills	Mitigation measures including routing of the track, and control of surface water run off within CEMP.	**No.**	**Screened Out**

				or release of contaminants.			
3.	Earthmoving and storage, track construction, water crossings, construction compound	Donegal South (IE_NW_G_047)	Instream works, water table, change to water flows. Changes to blanket peat habitat. Ground infiltration of surface water.	Changes to spring, impact on water quality, water flows and water table. Increased nutrient pollution of groundwater.	Mitigation measures outlined in EcIA, CEMP and PSRA.	**Yes.** Peat stability risk and impact on water quality, water flows and hydromorphological changes not sufficiently assessed.	**Screened in.** There is a risk of deterioration of the status of GWB and to the attainment of good status.
4.	Earthmoving and storage, track construction, water crossings.	Killybegs Harbour (IE_NW_085_0000)	Downstream of Cunlin Lough Stream.	Increased nutrient pollution.	Mitigation measures outlined in EcIA, CEMP and PSRA.	**Yes.** Downstream of Cunlin Lough Stream, Nutrient sensitive area.	**Screened in.** There is a risk of deterioration.

OPERATIONAL PHASE							
5.	Surface water drainage, abnormal load movements, settlement of loading on peat.	Cunlin Lough Stream _010 (IE_NW_37C080400)	Surface water runoff. Peat stability and changes to hydrological and hydrogeological regime of upland blanket peat.	Peat stability risk from loading, surcharge including floating tracks. Impact on water quality and water flows. Release of spills and contaminants.	Drainage measures in CEMP. Monitoring of peat stability in PSRA.	**Yes.** As per construction.	**Screened in.** As per construction
6.	Surface water drainage, abnormal load movements, settlement of loading on peat.	Donegal South (IE_NW_G_047)	Spring and blanket peat habitat. Ground infiltration of surface water	Changes to spring, impact on water quality, water flows and water table. Increased nutrient pollution of groundwater.	Drainage measures in CEMP. Monitoring of peat stability in PSRA.	**Yes.** As per construction.	**Screened in.** As per construction.

7.	Surface water runoff	Killybegs Harbour (IE_NW_085_0000)	Downstream of Cunlin Lough Stream.	Increased nutrient pollution.	Drainage measures in CEMP. Monitoring of peat stability in PSRA.	**Yes.** As per construction.	**Screened in.** As per construction.
DECOMMISSIONING PHASE							
8.	Removal of temporary bridge crossing	Cunlin Lough Stream _010 (IE_NW_37C080400)	Similar to operational.	Similar to operational.	Similar to operational.	Yes.	**Screened in.**
9.	Removal of temporary bridge crossing	Donegal South (IE_NW_G_047)	Similar to operational.	Similar to operational.	Similar to operational.	Yes.	**Screened in.**
10.	Surface water runoff	Killybegs Harbour (IE_NW_085_0000)	Similar to operational.	Similar to operational.	Similar to operational.	Yes.	**Screened in.**

Senior Inspector: _____Date: _10th June 2025____