

An
Bord
Pleanála

Board Order ABP-316025-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Donegal County Council

Application for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 10th day of March 2023 by Cloghercor Wind Farm Limited, care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Dublin.

Proposed Development: The proposed development comprises of the following:

- Erection of 19-number wind turbines with an overall blade tip height range from 185 metres to 200 metres, a rotor diameter range from 149 metres to 164 metres, a hub height range from 112 metres to 125 metres, and all associated foundations and hard-standing areas in respect of each turbine;
- Construction of new site entrance with access onto the L6483 local road for the construction phase (operational phase maintenance traffic only), and utilisation of a permitted forest entrance (PI. Ref. 1951040) to the L6483 as a second entrance to the wind farm for the construction phase;
- Improvements and temporary modifications to 4-number locations adjacent to the public road to facilitate delivery of abnormal loads and turbine delivery on the R262 and N56 in the townlands of Drumard, Darney, Cashelreagh Glebe and Aghayeevoge, County Donegal;

- Construction of an area of temporary hard standing to function as a blade transfer area to facilitate turbine delivery, with associated access to and from the public road R262, in the townland of Drumnacross;
- Construction of 2 number temporary construction compounds with associated temporary site offices, parking areas and security fencing;
- Installation of 1 number permanent meteorological mast with a height of 100 metres;
- 4 number borrow pits;
- Construction of new internal site access roads and upgrade of existing site roads, to include passing bays and all associated drainage;
- Construction of drainage and sediment control systems;
- Construction of 1 number permanent 110 kilovolt electrical substation including:
 - 1 number EirGrid control building containing worker welfare facilities and equipment store;
 - 1 number Independent Power Producer (IPP) control building containing High Voltage (HV) switch room, site offices, kitchen facilities, storeroom and toilet amenities.
 - All electrical plant and infrastructure and grid ancillary services equipment;
 - Parking;
 - Lighting;
 - Security Fencing;
 - Wastewater holding tank;
 - Rainwater harvesting equipment;
 - All associated infrastructure and services including site works and signage;
- All associated underground electrical and communications cabling connecting the wind turbines to the proposed wind farm substation;
- All works associated with the connection of the proposed wind farm to the national electricity grid, which will be via a loop-in 110 kilovolt underground cable connection (approximately 4.1 kilometres cable length in underground trenches along approximately 3.36 kilometres of site road) to the existing 110

kilovolt overhead line in the townland of Cloghercor, County Donegal, with 2 number new 16 metres and 21 metres high steel lattice end masts at each interface;

- Removal of 13 number existing wooden polesets and 1 number steel lattice angle mast between the 2 number proposed new interface end masts;
- 2 number watercourse (stream) crossings on the grid connection route;
- All related site works and ancillary development including berms, landscaping, fencing and soil excavation;
- Forestry felling to facilitate construction and operation of the proposed development and any onsite forestry replanting;
- Development of a permanent public car park with seating and picnic tables at the end of the construction phase of the development with a new entrance on the L6483;
- Permanent recreational facilities including marked walking trails along the site access roads, and associated recreation and amenity signage; and
- A 10-year planning permission and 35-year operational life from the date of commissioning of the entire wind farm is being sought.

All located within the townlands of Clogherachullion, Cloghercor, Derryloaghan, Aghayeevoge, Cashelreagh Glebe, Darney, Drumard, and Drumnacross County Donegal

Decision

Refuse permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

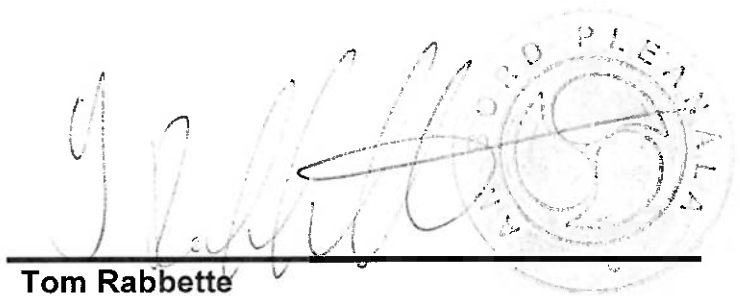
1. Notwithstanding the wide policy supporting renewable energy development at a national, regional and local level, the proposed development, which is located on designated lands where wind energy developments are 'not normally permissible' under Policy E-P-12 and in the 'Gweebarra River Basin', where it is a policy of the local authority that wind farm developments must not be located under Policy E-P-23 of the County Donegal Development Plan 2018-2024 (as varied), would not be acceptable in principle. It would not be in accordance with the proper planning and sustainable development and would materially contravene these provisions of the County Donegal Development Plan 2018 - 2024 (as varied),
2. The proposed development is not considered to be consistent with policies which seek to protect the landscape including NH-P-6, NH-P-13, NH-P-15, E-P-23 (i) (a) and TOU-P-5 of the County Donegal Development Plan 2018 -2024 (as varied). The site of the proposed development is located in an area which is designated as an area of Moderate Scenic Amenity (MSA) and adjacent to areas of Especially High Scenic Amenity (EHSA) and within a Protected View from Gweebarra Bridge up the Gweebarra River Basin. The proposed development would also be viewed from the Wild Atlantic Way a key tourist asset for the county and is within a zone of visual influence of Glenveagh National Park. The proposed development, by reason of its height, scale and siting below a ridge would be visually obtrusive and would interfere with the character of the landscape, with specific scenic amenity designations, which it is necessary to preserve. The proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be recouped from the applicant is **€67,353.00**.

A breakdown of the Board's costs is set out in the attached Appendix 1.

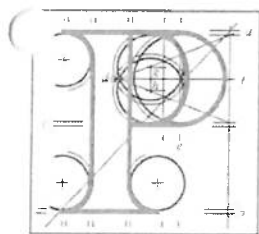
The image shows a handwritten signature in dark ink, which appears to be 'Tom Rabbette', written over a horizontal line. To the right of the signature is the official seal of An Bord Pleanála, which is a circular emblem with the text 'AN BORD PLEANÁLA' around the perimeter and a central design.

Tom Rabbette

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this th17 day of May 2024



An
Bord
Pleanála

**Board Order –
Appendix 1**

ABP-316025-23

Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-316025-23

Proposed Development: Wind energy development including 19 no. turbines and all associated works at townlands of Clogherachullion, Cloghercor, Derryloaghan, Aghayeevoe, Cashelreagh Glebe, Darney, Drumard, and Drumnacross Co. Donegal.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €5,258 Inspector 2 (application) €36,089	€41,347
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€41,347
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- € 4,500	€104,500
(4)	Observer fees paid	€4,200
	Total	€108,700
	Net amount due to be refunded to applicant	€67,353


Tom Rabbette

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 17th day of May

2024