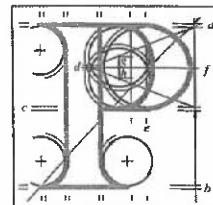


Our Case Number: ABP-316025-23



An  
Bord  
Pleanála

Donegal County Council  
Planning Department  
County House  
The Diamond  
Lifford  
Co. Donegal  
F93 Y622

Date: 08 June 2023

Re: Wind energy development including 19 turbines and all associated works.  
Townlands of Clogherachullion, Cloghercor, Derryloaghan, Aghayeevoge, Cashelreagh Glebe,  
Darney, Drumard, and Drumnacross Co. Donegal

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned case.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Niamh Thornton  
Executive Officer  
Direct Line: 01-8737247

CH08

Tell  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
LoCall  
Fax  
Website  
Email

(01) 858 8100  
1800 275 175  
(01) 872 2684  
www.pleanala.ie  
bord@pleanala.ie

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

## Niamh Thornton

---

**From:** SIDS  
**Sent:** Thursday 1 June 2023 16:36  
**To:** Niamh Thornton  
**Subject:** FW: SID Wind Fram - ABP-316025-23  
**Attachments:** Planning Report to ABP on SID Wind Farm (ABP-316025-23) Final.pdf

**From:** TERESA CONWAY <TCONWAY@Donegalcoco.ie>  
**Sent:** Thursday 1 June 2023 15:03  
**To:** SIDS <sids@pleanala.ie>  
**Cc:** FRANK SWEENEY (PLANNING) <FRANKSWEENEY@DONEGALCOCO.IE>  
**Subject:** SID Wind Fram - ABP-316025-23

A Chara

Please find attached Planning Report on ABP-316025-23 SID application.

Mise le meas  
Teresa  
On behalf of Frank Sweeney, A/Senior Ex. Planner

Teresa Conway  
Staff Officer  
Planning

0749153900



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

Email Disclaimer

Clásal Séanta Ríomhphoist



Our Reference no: P622/928(A)

Your Reference no: ABP-316025-23

1<sup>st</sup> June 2023

An Bord Pleanála  
64 Marlborough Street  
Dublin  
D01 V902

Re: Strategic Infrastructure Windfarm Development consisting of 19 turbines and all associated works in the townlands of Clougherachullin, Cloghercor, Derryloaghan, Aghayeevoge, Cashelreagh Glebe, Darney, Drumard, and Drumnacross, Co. Donegal

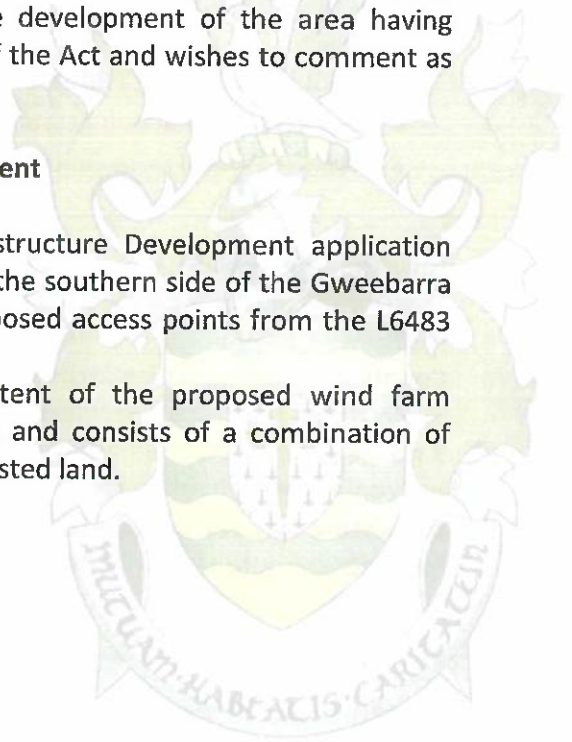
Dear Sir/Madam,

I refer to your referral of the above-stated Strategic Infrastructure Development to the Planning Authority for comment under Section 37E (4) Planning Development Act 2000 (as Amended) the authority has considered the likely effects of the development on the environment and the proper planning and sustainable development of the area having particular regard to the requirements of Section 34(2) of the Act and wishes to comment as follows:

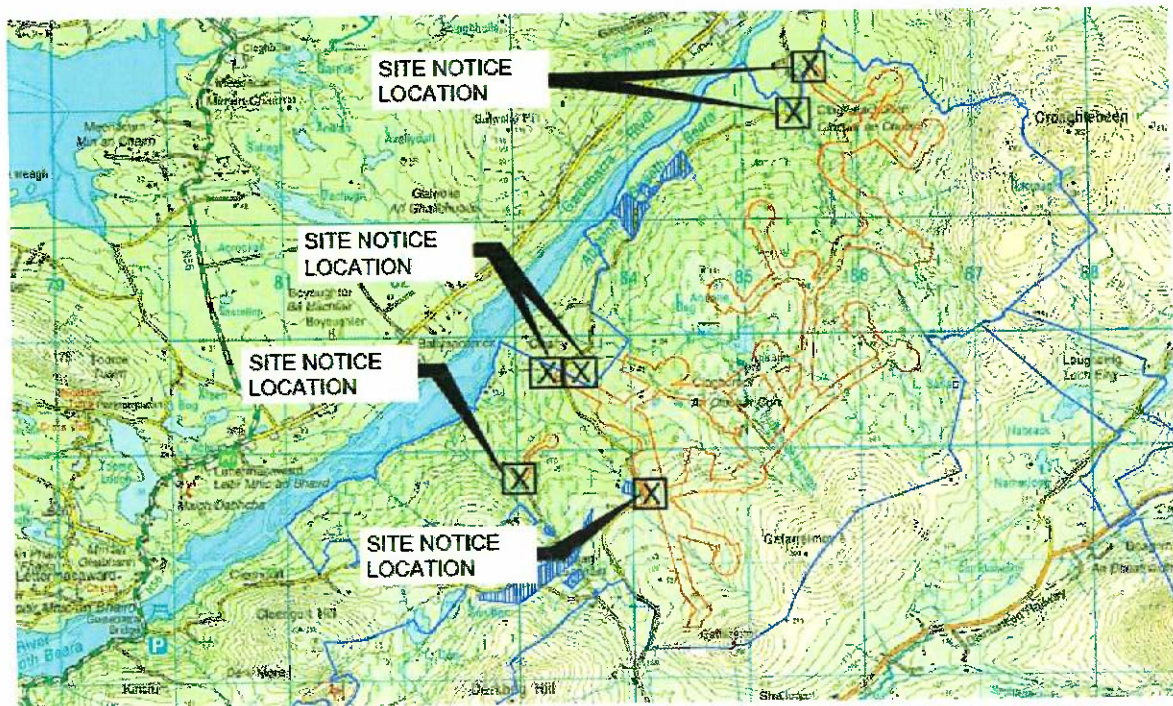
#### **Planning Authority's Assessment of proposed development**

The proposed Clogheracor Wind Farm Strategic Infrastructure Development application lodged with the An Bord Pleanála, is located on land on the southern side of the Gweebarra River between Doochary and Lettermacaward with proposed access points from the L6483 county local road.

Site location map below shows the location and extent of the proposed wind farm development site. The total site area is 1945 hectares and consists of a combination of mountainous bogland being utilised as grazing and afforested land.



**Figure 1: Location and Application Site**



## **Planning Policy Framework**

### National Energy Policy

The planning authority considers the development proposal is consistent with the aims and objectives of

- National Planning Framework
- Regional Spatial and Economic Strategy Northern and Western Region 2020, and
- National wind farm Guidelines

### Local Planning Policy

The Donegal County Council Development Plan 2018-2024 (as varied) is the principle policy instrument to manage change in land use within the County. Following the adoption of the County Development Plan 2018-2024 a Judicial Review of the plan in November 2018 resulted in the High Court omitting Map 8.2.1 from the County Development Plan. This map identified 3 no. geographical zoned areas for the development of wind farms within the County – the 3 no. zonings identified on the map were (i) areas suitable for augmentation of/improvements to existing windfarms, (ii) Areas Not Acceptable, and (iii) areas open to considerations. For information purposes only, the current site is located within an area which was designated “Open to Consideration”.

On 18th July 2022 the Council varied the County Development Plan 2018-2024 (as varied) wind energy policy framework (Variation No.2) which provided for a geographical map of the

County (Map 8.2.1 'Wind Energy') identifying 3 no. distinct areas under E-P-12 setting out the appropriateness of wind farm developments in these particular areas.

Under Policy E-P-12 it is a policy of the Council that the principle of the acceptability or otherwise of proposed wind farm developments shall be generally determined in accordance with the three areas identified in Map 8.2.1 'Wind Energy' and the specific biodiversity related requirements detailed below:

1. Areas in Map 8.2.1 Wind Energy:

**(a) Acceptable In Principle**

Wind energy development shall be generally acceptable in these areas.

**(b) Open to Consideration**

Wind energy development shall be generally open to consideration in these areas.

**(c) Not Normally Permissible**

- (i) Windfarm development proposals on previously undeveloped sites, inclusive of sites with a lapsed un-implemented permission (and where substantive works have not been undertaken) will not normally be permissible.
- (ii) The augmentation, upgrade and improvements of: existing windfarms; windfarm developments under construction; developments where permission has lapsed but substantial works have been completed, or on sites with an extant planning permission will be open to consideration where such proposals shall be generally confined to the planning unit of the existing development.

The site the subject of the SID application is within an area identified as windfarms "Not Normally Permissible". As the proposed wind farm is a new development proposal not reliant on an extant of previous permission or augmentation or upgrade of an existing windfarm the planning authority considers the development materially contravenes policy E-P-12 of the County Development Plan 2018-2024 (as varied).

A further consideration for the planning authority was the Minister of Local Government and Planning's actions following the Council's variation of the Development Plan - Variation No.2 – on the 18<sup>th</sup> July 22. On the 29<sup>th</sup> August the Minister issued a Notice of Intention to issue a direction to Donegal County Council to take certain specified measures. This Draft Direction included for the omission of Policies E-P-23 and E-P-24. These Policies read as follows:

**Policy E-P-23:** It is a policy of the Council that wind farm developments:

- (1) (i.) Must not be located within:
  - (a.) the zone of visual influence of Glenveagh National Park;
- (ii.) Must not be located within the following areas, subject to the possible exceptions set out in Policy E-P-12(1)(c)(ii):



- (b) the Gweebarra River Basin;
- (c) areas contained within 'Especially High Scenic Amenity' on Map 7.1.2 'Scenic Amenity';
- (d) Freshwater Pearl Mussel Catchments; and
- (e) St. John's Point.

(2) Must:

- a. Meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2021, or any subsequent related Guidelines; and
- b. Ensure a setback distance for visual amenity purposes of ten times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation, An exception may be considered for a lower setback requirement from existing or permitted dwellings or other sensitive properties to new turbines where the owner(s) and occupier(s) of the relevant property or properties are agreeable to same and where the noise requirements of the relevant Wind Energy Guidelines are capable of being complied with in all cases. In such exceptional reduced setback situations, the relevant parties must provide written confirmation to the satisfaction of the Planning Authority that they have agreed to a reduced setback and have no objection to the proposed wind energy development.

- (3) Shall, subject to compliance with sub-paragraphs (1) and (2) above and other relevant policies of this Plan, be acceptable where a setback distance for visual amenity purposes of ten times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation, has been achieved.

In all cases, whether in 'Acceptable in Principle', 'Open to Consideration' or 'Not Normally Permissible' areas, compliance with the setback distances required under Policy E-P-23 will be required. For re-powering or augmentation projects, the required setback distance shall be the required multiple of the new turbine height and no allowance shall be made in this regard for the established development.

**Policy E-P-24:** It is a policy of the Council that wind farm developments must ensure a setback distance for noise and shadow flicker purposes of ten times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation.

On the 20<sup>th</sup> December 2022 the Minister issued a formal Direction on the Wind Farm Variation No. 2 which was to omit Policy E-P-24 and amended the wording of Policy E-P-23 to read as follows:

**Policy E-P-23:** It is a policy of the Council that wind farm developments:

- (1) (i.) Must not be located within:
  - (a) the zone of visual influence of Glenveagh National Park;

- (ii.) Must not be located within the following areas, subject to the possible exceptions set out in Policy E-P-12(1)(c)(ii):
  - (a) the Gweebarra River Basin;
  - (b) areas contained within 'Especially High Scenic Amenity' on Map 7.1.2 'Scenic Amenity';
  - (c) Freshwater Pearl Mussel Catchments; and
  - (d) St. John's Point.

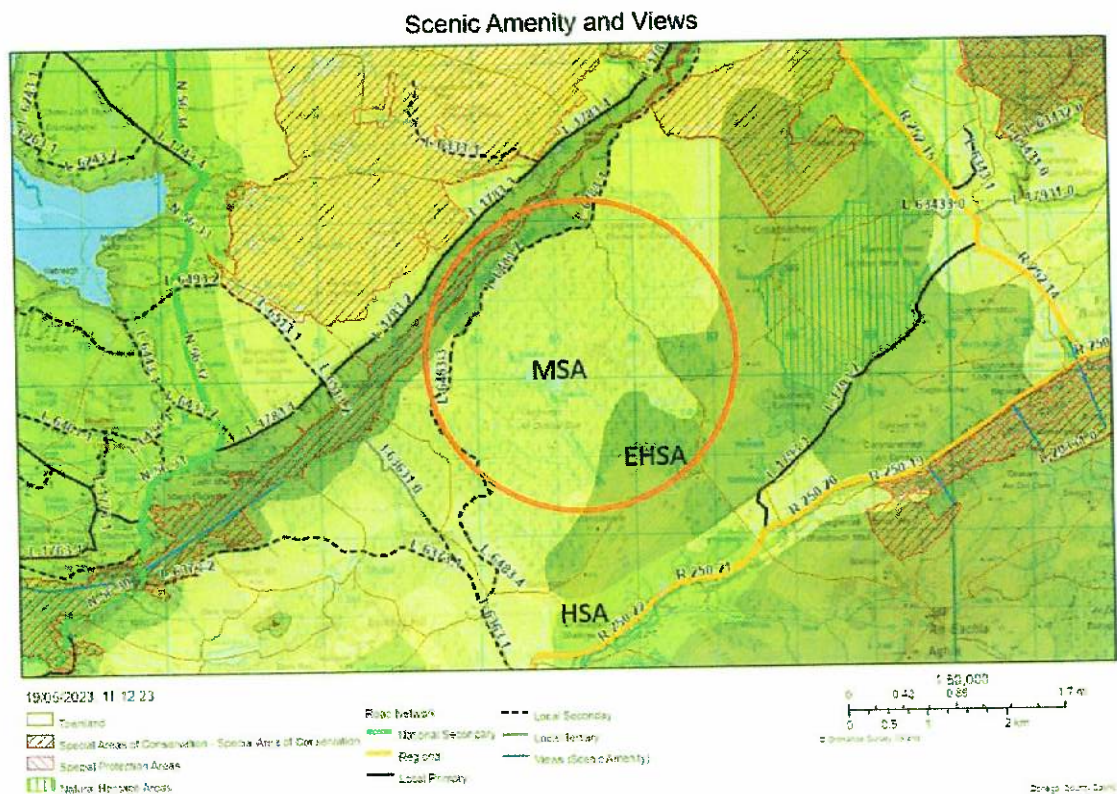
This Ministerial Direction had immediate effect and the wind energy variation (Variation No.2) was adopted having full regard to the Minister's Direction.

As the proposed SID windfarm development is located within the Gweebarra River Basin, where the river itself is a habitat for freshwater pearl mussels the planning authority considers that the proposed SID development materially contravenes policy E-P-23

#### **Landscape Scenic Amenity value of the site**

The development site is located on land designated in the County Development Plan 2018-24 (as varied) as being of Especially High, High Scenic and Moderate Scenic Amenity areas. Policy E-P-23 specifically precludes wind farm developments within Especially High Scenic Amenity areas and therefore the SID proposal would materially contravene this provision within the Development Plan. Furthermore, under policy NH-P-13 of the County Development Plan 2018-2024 (as varied) it is a policy of the Council *"to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'"*. There are designated views and prospects in both directions from the Gweebarra Bridge, that is, in a westerly direction towards the Gweebarra estuary; and eastwards up the Gweebarra River towards Doochary. The planning authority considers that the proposed wind farm will have a hugely detrimental visual impact on the designated views and prospects from the bridge towards Doochary. (See Map 2 below which illustrates the scenic amenity designations and designated views and prospects in the vicinity of the proposed development site.

**Figure 2: Scenic Amenity Areas and Views/Prospects**



**Figure 3: View up-river from Gweebarra Bridge**



The planning authority also considers that the proposed SID development if permitted would prevent or obstruct the attainment of a number of key Tourism objectives of the County Development Plan particularly TOU-O-3, TOU-O-4 and TOU-O-5 which seek to facilitate the development of tourism products and attractions associated with the Wild Atlantic Way. The planning authority considers that the proposed SID will impact detrimentally on the Wild Atlantic Way experience particularly the impact of the development when viewed from the iconic Gweebarra Bridge where there are unique and spectacular views to be had from both sides of the bridge which are arguably second to none along the entire Wild Atlantic Way. The proposed development, due to its nature and scale, would if permitted result in a significant



visual intrusion in the landscape particularly when viewed up-river from the bridge which is a designated view /prospect within the County Development Plan 2018-24 (as varied).

In conclusion the planning authority considers that the proposed SID should be refused by An Bord Pleanála on the grounds that the development materially contravenes a suite of development plan objectives and policies relating to wind farm developments and the intrusive and obtrusive impact of the proposed SID development on the rich landscape scenic amenities in the general area of the development site.

In accordance with Section 37E of the Planning & Development Act 2000 (as amended) the planning authority submitted the Planning Report to the Members of the authority at the Plenary Council Meeting of the 29<sup>th</sup> Ult. to seek the views of members on the proposed wind farm development.

It was evident at the Council meeting that there was universal opposition to the proposed wind farm development and the Members by resolution decided that the following additional concerns associated with the proposal be attached to this report.

#### Impact on Natura Sites

Members requested that the Board fully assess the impact of the proposed development on the qualifying interests of all designated EU Habitats. The designated sites include Derryveagh and Glendowan Mountains SPA with QIs including Red-throated Diver, Merlin, Peregrine, Golden Plover, and Dunlin; and Lough Nillan Bog SPA with QIs including Merlin, Golden Plover, Greenland White-fronted Goose and Dunlin.

The Members also referenced that there are 3 no. pairs of Golden Eagles whose habitats span over the mountainous upland bogs in southwest Donegal including the location of the proposed wind farm.

There are a no. of Special Areas of Conservation that the proposed development as the potential to have a significant adverse effect on. These are the West of Ardara/Maas Road SAC, Coolvoy Bog SAC, Gannivegil Bog SAC, and the River Finn SAC and members wanted the Board to specifically assess the effects of the proposed development on these EU designated Habitat sites.

#### Risk of landslide/peat stability

Members referenced the Geological Maps of Ireland and the similarities between the landscape of the application site and that of a previous SID wind farm development in the County at Meenbog. The Members advised that they had raised issues on the suitability of the Meenbog wind farm particularly in relation to peat stability to the Board during the assessment of this SID application and that the Board did not have proper regard to these concerns when it approved that SID wind farm. The Members did not want to see a repeat of the catastrophic Meenbog landslide/peat slippage event as this would have a serious detrimental impact on the freshwater pearl mussel population of the Gweebarra River as well as presenting a risk to planned extraction of water to augment the public water supply in the general Rosses area.

Transport.

The Members expressed concerns in relation to the capacity of the local road network to carry component parts of the wind farm - particularly having regard to the proposed length of turbine blades - during the construction phase of the proposed development.

In conclusion the Members expressed their opposition, and that of the local community, to the proposed wind farm development and considered that the proposed development would significantly impact detrimentally on the tourism potential of the area.

I trust the above is of assistance to An Bord Pleanála however should the Board have any queries in relation to the above then please contact the undersigned to discuss.

Yours sincerely,



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Frank Sweeney  
A/Senior Executive Planner  
Community Development & Planning Services  
31/05/2023

Ph. 0749172448/0876299660