Our Case Number: ABP-316025-23

An Bord Pleanála

Development Applications Unit
The Manager
Newtown Road
Wexford
Co. Wexford
Y35 AP90

Date: 29 June 2023

Re: Wind energy development including 19 no. 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 submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

The Board will revert to you in due course in respect of this matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

pp

Niamh Hickey
Executive Officer
Direct Line: 01-8737145

Teil	**Tel**	(01) 858 8100
Glao Áitiúil	**LoCall**	1800 275 175
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64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Niamh Hickey

From:	Niamh Thornton
Sent:	Tuesday 27 June 2023 11:18
To:	SIDS
Subject:	FW: Your ref: ABP-316025-23 Our Ref: SID-2023-DG-03
Attachments:	SID-2023-DG-03.pdf

From: SIDS <sids@pleanala.ie>
Sent: Friday, June 23, 2023 11:58 AM
To: Niamh Thornton <n.thornton@pleanala.ie>
Subject: FW: Your ref: ABP-316025-23 Our Ref: SID-2023-DG-03

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Thursday, June 22, 2023 4:03 PM
To: SIDS <sids@pleanala.ie>
Subject: Your ref: ABP-316025-23 Our Ref: SID-2023-DG-03

A chara

Please find attached Nature Conservation observations/recommendations for the above mentioned SID planning application.

Please acknowledge receipt of the attached letter (as required under Article 29(2) of the Planning & Development Regulations 2001).

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at: manager.dau@npws.gov.ie

Kind regards,

Edel Griffin
Executive Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage
Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigí an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Newtown Road, Wexford, County Wexford, Y35 AP90

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Your Ref: ABP-316025-23
Our Ref: SID-2023-DG-03
(Please quote in all related correspondence)

22 June 2023

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to sids@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

Proposed Strategic Infrastructure Development (SID): proposed Development of Cloghercor Wind Farm at Cloghercor, Co Donegal

A chara

Further to the observations that were issued to you on 08/05/2023 please find attached further observations of the Department in relation to Nature Conservation.

The following observations are made by the Department in its role as a prescribed body under planning legislation and as the authority with overarching responsibility for nature conservation and the nature directives (i.e. the Birds and Habitats Directives) and wider biodiversity.

Proposed Application includes: Erection of 19 wind turbines with an overall blade tip height range from 185m to 200m, a rotor diameter range from 149m to 164m, a hub height range from 112m to 125m, and all associated works. The turbines proposed as part of the proposed project are expected to have a lifespan of up to 35 years. Following the end of their useful life, the wind turbines may be replaced with a new set of machines, subject to planning permission being obtained, or the site may be decommissioned fully, with the exception of the electricity substation.

The Department acknowledges the submission of an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) with the application. The Appropriate Assessment (AA) process (i.e. Article 6(3) and 6(4) of the Habitats Directive) is a key protection mechanism for the Natura 2000 site network, also known as European Sites. AA

is a focused and detailed impact assessment. The assessment cannot have lacunae or gaps, and must contain complete, precise and definitive findings and conclusions[i].

The Department has a number of concerns regarding this wind farm application, outlined under the headings below.

County Development Plan

The proposed windfarm location is along the Gweebarra Valley, which is contiguous with Glenveagh National Park.

The Department notes that the site location is marked as "Not Normally Permissible" on the 'New Donegal Wind Energy Map', Map 8.2.1 in the Variation to the County Donegal Development Plan 2018-2024 (As Varied)[ii] in respect of a Wind Energy Policy Framework, 2022.

In the same document, it is also a policy of Donegal County Council (Policy E-P-23) that wind farm developments must not be located within (a) the zone of visual influence of Glenveagh National Park and also 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. The conifer plantation site is visible from the Gweebarra Bridge, and may be visible from parts of Glenveagh National Park.

It is also a policy of Donegal County Council that the principle of the acceptability or otherwise of proposed wind farm developments shall include specific biodiversity related requirements including a) Loss of functionally linked habitat, b) Mortality due to collision with operational wind turbines, c) Disturbance displacement, d) Water quality (Donegal Development Plan, Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies. New Policy E-P-12).

Golden Eagle

The Department has concerns that the proposed wind farm is entirely within the home range of a Golden Eagle breeding pair, which nested in 2020 and each year since. The Department draws attention to Figure 7-9 – Indicative Home Range of the Golden Eagle breeding Pair in 2022 (p7-34, Ornithology Chapter), which shows the location of the entire proposed windfarm, completely within the indicative home range of the nesting eagle pair.

The Golden Eagle, *Aquila chrysaetos*, is a red listed bird of conservation concern[iii] on Annex 1 of the Birds Directive. The Golden Eagle Project has involved the successful reintroduction of Golden Eagles into the wild in Ireland. Considerable effort and resources have been spent on this project. The Golden Eagle re-introduction project began in 2001, and in 2017 three separate pairs of Golden Eagles successfully fledged a chick. There are five occupied eagle breeding territories to have produced and fledged wild chicks, all in Donegal. In 2018, from a total of five territorial pairs, two pairs bred successfully, raising two chicks and one chick respectively (Article 12 Report 2019[iv]).

The Cloghercor Golden Eagle pair raised a chick in 2020 at the eastern side of the wind farm site. The territory of this pair represents 20% of known national occupied breeding Golden Eagle territories. The Department is concerned that, due to disturbance and avoidance, the proposed windfarm would most likely result in the eagle pair failing to nest successfully or abandoning the territory, resulting in significant damage to the population of this high profile re-introduced raptor. Golden Eagles currently only breed in Donegal, and there is a limited capacity for Golden Eagle nest territories, with 8-10 potential ranges (Golden Eagle Trust *pers comm*).

The Department draws attention to Appendix 7-3 – Flightline Maps in EIAR Vol 3 Appendices. Seven Golden Eagle Flight Maps showing 99 individual flights recorded in the years 2020, 2021 and 2022. The pair nested in the south western part of the survey area in 2022, however, Golden Eagles are very sensitive to disturbance, and breeding did not continue after the pair was disturbed.

The Gweebarra River Valley is a vital commuting route as shown by Golden Eagle satellite tracking maps[v]. Wind updrafts in the Gweebarra Valley increase its significance as a commuting route and habitat connectivity for birds between protected habitats. The Gweebarra Valley is a natural corridor from Glenveagh for eagles and other birds, through valuable natural hunting territory. This links southwards via Achla Mountain to the Bluestack Mountains where there are also Golden Eagle territories. Local topography and weather are factors that need consideration as Golden Eagle and other birds' perception of the landscape would be expected to change with the proposed large turbine structures protruding above the forestry and likely covered in low cloud.

As noted in the Golden Eagle Report with this application, Golden Eagles generally avoid closed-canopy forestry plantations. Breeding Golden Eagles are considered to be very sensitive to human disturbance, and when disturbance occurs in early nesting, "Golden Eagles do not usually make second nesting attempts in the same season". Regarding construction disturbance, the EIAR states "Given the small size of the population and its low

recruitment rate, this would be a very significant short term negative impact at the international scale" (Chapter 7 Ornithology 7-76).

Mitigation measures presented against impacts to the Golden Eagles included changes in wind farm design, to position all turbines within forestry, and a habitat management plan for the eagles. The distances from nest sites to wind farm infrastructure are presented (Table 7.7, Distances of Golden Eagle nest sites from the wind farm site, the proposed wind farm infrastructure, and the proposed turbine locations), but the distance of nest sites from forestry plantation and therefore any forestry operations are not presented. As stated in the Golden Eagle report "Relatively little information available that is relevant to the potential disturbance impacts from major construction projects, with disturbance from forestry operations and aircraft activity being the closest analogues" (Ch. 7 Ornithology 7-76).

The reports state that the wind farm design has reduced the Golden Eagle collision risk by placement of all the turbines in forestry habitat, and avoidance of the areas with most suitable topography for Golden Eagle flight activity (areas with high GET scores). However, no plans for the future management regime of this forestry, over the 35 year lifetime of the windfarm, has been presented, and therefore any reduction in risk to the eagles cannot be assessed.

The modelling of Collision Risk for Golden Eagles states that with the additional collision mortality, most of the results from the Golden Eagle Population Models indicate that the Irish Golden Eagle population will continue to grow, but at a lower rate (p.7-85).

The Golden Eagle Project released 61 birds between 2001 and 2012, and 24 chicks have fledged in Donegal between 2007 and 2022, Golden Eagle Trust, *pers comm*). The survivors from these chicks must replace the remaining released birds, which is already happening as the older eagles die. The productivity rate of the Golden Eagle over the next 10 years will have a key impact on whether this small population becomes viable or not. Thus the importance of the five Donegal productive home ranges should be acknowledged in the continued survival of the National Golden Eagle population.

Regarding the Mitigation of displacement impacts to Golden Eagles, a Golden Eagle habitat management plan is proposed to compensate for the potential displacement impacts to Golden Eagles (see Appendix 7.9). The lands included in the Golden Eagle habitat management plan comprise 252 ha of bog and heath habitats (Figure 7-25), located immediately to the west of the application site. The total area of the indicative home range is around 90 km^2, or 9000ha, which is significantly larger than the 252ha Golden Eagle habitat management plan, and no assessment of potential nest sites in this area was presented. Studies from Scotland dismiss the theory that Golden Eagles become habituated to wind

turbines, with avoidance of operational windfarms shown from 59 GPS tagged birds at 80 wind farms[vi].

Whooper Swan

The surveys show 60 Whooper Swans recorded over 21 records with flight lines criss-crossing the turbine sites, mainly during spring and autumn migration. Up to 36 hours of vantage point (VP) watches were carried out for most of the VPs within the Whooper Swan wintering period, October to March. The EIAR states "The wind farm site appears to be on a regular spring and autumn migration route for Whooper Swan" (p 7-75).

Whooper Swan is of international importance, on Annex 1 of the Birds Directive, as well as being a migratory species. Article 4(2) of the Birds Directive requires Member States to take measures for regularly occurring migratory species, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes.
The Icelandic breeding population of Whooper Swan overwinters in Britain and Ireland (Balmer et al., 2013). The highest densities are widespread in lowland areas of Scotland, northern and eastern England as well as Ireland (Goodship et al., 2022). Their large size makes them less manoeuvrable than other smaller species, and flying accidents are known to be the major cause of death for these birds (Rees et al. 2002).

No mitigation measures are proposed in the EIAR for Whooper Swan crossing the wind farm site. The predicted collision risk is around 0.16-0.23 collisions per year, which equals around 6-8 collisions over the 35 year lifespan of the wind farm (Appendix 7.7). Proposed monitoring includes carcass searches with trials of searcher efficiency and scavenger removal. Weekly searches will be in October-November and late March / early April (the Whooper Swan migration period) and at least monthly for the rest of the year and will be reviewed after the completion of the first year of surveys to determine if a higher search frequency is required. The searches will continue each year until sufficient data has been collected to generate a statistically robust assessment of the collision mortality impacts to Whooper Swan.

Bats

Multiple studies have shown that wind turbines have been proven to cause death to bats by direct collision or by barotrauma to the lungs of bats flying in the vicinity of the rotor blades. The Department notes the mitigation measures regarding the 8 bat species recorded using the site, and turbine locations were highlighted with high risk and medium risk for Leisler's bats, common pipistrelle and soprano pipistrelle.

However, there remains concerns whether the mitigation and monitoring measures proposed have been proven to be effective, including clearing buffer zones and monitoring by carcass searches. For retention of a buffer between turbines and habitat features used by bats, the key message from research on multiple studies found "no studies that evaluated the effects of retaining a buffer between turbines and habitat features used by bats on bat populations" [vii]. Cleared keyhole buffer zones in Scotland have been shown to inadvertently create foraging patches for bats and therefore may act as an ecological trap[viii].

Haul Routes

The transportation plan shows requirements for the crossing of multiple bridges to reach the proposed site. The Department is unaware of any assessment of the works needed to address bridge integrity on the haul routes protected species. Species such as bats, dippers and grey wagtails use the vital gaps in the undersides of brides for roosting and breeding. Many of these old bridges may need bridge maintenance to accommodate the transportation plan for haul routes and turbine delivery route. Un-assessed and un-informed maintenance on these bridges can significantly affect the bats and birds relying on these bridges for breeding. There is at least one bridge identified by the RSA assessment (Appendix 2-1 of Traffic and Transport, Chapter 16), but there is no evidence of an assessment of this bridge for upgrade or wildlife. There is no reference to 'bat' or 'bird' in this chapter, nor in the Traffic Management Plan (Appendix 2.7). This suggests that an assessment of potential cumulative impacts to protected species has not been carried out on the haul routes or turbine delivery route.

Water Quality/Peat Slippage Risk

The Peat Stability Risk Assessment is noted (Appendix 2-9). The Department notes that most of the turbines are located on blanket peat (Fig 1, p. 10 Quaternary Geology Peat Stability Risk Assessment), with five separate watercourses draining from the proposed site into the Gweebarra salmonid River, part of the West of Ardara/Maas Road SAC. Proximity to a water course is used to assess the risk of peat stability at individual infrastructure elements in Section 5 of the report. Two are in areas of "high" landslide susceptibility and fifteen are in areas of "moderately high" susceptibility (p13, App 2-9).

The Department reminds the Board that effects of the recent Meenbog Peat Slippage on the River Finn Special Area of Conservation (SAC), the River Foyle and Tributaries SAC were at considerable distance (>60km) from the slippage. This event indicates that dilution over distance is not an adequate mitigation technique for preventing impacts to water quality and or habitat deterioration for Salmon.

Future Forest Management

The area of the proposed wind farm measures almost 2000 ha, predominantly within commercial confer plantation, planted on blanket bog, with some open peatland. The majority of the site is owned by Coillte with third-party owned areas.

The turbines are proposed to be located within the conifer forestry, which is suggested as a means of mitigation of ecological impact, however, the Department remains uncertain regarding future management plans for this forestry plantation as no management plans are presented within the application. In the absence of such information, the cumulative impact of turbine installations within the forestry alongside potential loss of future plantation around it cannot be accurately identified and evaluated. The Forestry Felling Report, Appendix 2-5 of the EIAR, does not address the planned management of the forestry beyond that required for the turbine and wind farm infrastructure.

The height of the turbines in relation to the height of the existing trees has not been presented, nor the future plans for those trees, which is another critical issue in relation to the mitigation of impacts of the turbines. As the placement of the turbines within the forestry plantation is a key mitigation strategy, referred to repeatedly in the Ornithology chapter of the EIAR, the lack of information regarding the future planned forestry management is a significant deficiency.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Julie Sullivan
Assistant Principal

[i] Case 521/12 T.C. Briels v. Minister van Infrastructuur en Milieu EU:C:2014:330

[ii] Variation to the County Donegal Development Plan 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework (Variation No.2), 2022

[iii] BoCCI; Lynas, P., Newton, S.F. & Robinson, J.A. (2009). The status of birds in Ireland: an analysis of conservation concern 2008-2013. Irish Birds, 8(2): 149-166.

[iv] Ireland's Article 12 Report 2019. Annex B - Bird species' status and trends report format (Article 12) for the period 2013-2018 https://cdr.eionet.europa.eu/Converters/run_conversion?file=ie/eu/art12/envxztxxq/IE_birds_reports_20191031-130157.xml&conv=612&source=remote#A091_B

[v] https://www.natural-research.org/ecological-research-charity/completed-projects/golden-eagle-satellite-tracking-republic-ireland

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

[vii] Berthinussen, A., Richardson O.C. and Altringham J.D. (2021) Bat Conservation: Global Evidence for the Effects of Interventions. Conservation Evidence Series Synopses. University of Cambridge, Cambridge, UK

[viii] Kirkpatrick L., et al. Bat use of commercial coniferous plantations at multiple spatial scales: Management and conservation implications. Biological Conservation, Volume 206, 2017. (https://www.sciencedirect.com/science/article/pii/S0006320716308461)