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CLOGHERCOR WIND FARM

PLANNING STATEMENT

March 2023



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Executive Summary

This Planning Statement has been prepared on behalf of Cloghercor Wind Farm Limited and accompanies a planning application for a 19-turbine wind farm and all associated infrastructure, at Cloghercor and Clogherachullion, in County Donegal (“the proposed development”).

The proposed development is located approximately 2 km south west of Doochary in west County Donegal and will have an electrical output of between 95-136.8 MW. The following sets out the reasoning explained in this Planning Statement why this site is suitable for the proposed development:

- The site is principally cloaked in extensive commercial conifer forest plantations, which are considered a typical transitional land use and well suited for wind energy development in terms of its scale and function.
- The site has excellent wind speed (typically 7+ m/s at 100 m) and located in a remote contained valley surrounded by elevated rolling ridges and hilltop summits located to the east, south and west. The proposed turbines will be heavily screened in the wider surrounds beyond the context of the Gweebarra River valley.
- There is an existing 110kV overhead line crossing the site, which the wind farm will loop into, thereby minimising the grid connection work.
- At 925 m from the nearest residential property, the proposed development is well in excess of the 800 m (4 x tip height) residential visual amenity ‘setback’ outlined in the Wind Energy Development Guidelines (draft revised 2019).
- The nearest residential dwellings north of the Gweebarra River corridor are some 1.4km from the nearest proposed turbines.

This Planning Statement describes how the proposed development will contribute significantly to Ireland’s ability to meet National and European targets, as set out under the Government’s Climate Action Plan 2023 (CAP23). This Plan is described as the Government’s ongoing and urgent response to the current climate crisis and security of supply crisis, where an additional 9,000 MW are needed onshore by the year 2030.

Ireland must now significantly increase levels of renewable energy by accelerating the delivery of 9 GW of onshore wind. It is currently estimated that as of May 2022, there is an installed wind energy capacity of 4,333 MW¹ in Ireland, which in the context of the above targets, leaves a gap of 4,667 MW to be installed. This translates to a doubling of installed capacity, which the proposed development will help to realise.

Furthermore, it is recognised that Ireland’s reliance on imported energy is much too high, at an estimated import dependency of circa 78% in 2021. This dependence makes Ireland highly susceptible to price fluctuations and vulnerable to volatile trade wars and political decisions.

The addition of between 95-136.8 MW of installed wind energy capacity arising from the proposed development, will improve the security of supply and reduce reliance on energy imports, and has the potential to meet up to 3% of the gap in energy targets identified above. The wind farm will supply sufficient electricity to power between 56,590 and 81,488 households with electricity each year, the equivalent of all households across County Donegal.

¹ <https://windenergyireland.com/about-wind/the-basics/facts-stats> (Accessed 18th January 2023)



The ongoing conflict in Ukraine and the associated energy security concern has highlighted the high level of dependency that Ireland has on energy imports. The proposed development will provide a significant contribution towards the production of indigenous clean and renewable energy for 35 years.

This Planning Statement confirms that the zoning designation for the proposed development site is likely to be interpreted as a Material Contravention. It is noted that under section 37G (6) of the Planning and Development Act, 2000 (as amended), An Bord Pleanála has the power to grant planning permission notwithstanding this likely material contravention and should grant planning permission in accordance with the matters that the Board is required to have regard to. Notwithstanding this, the Planning Statement will provide justification for the approval of the application by illustrating that it:

- does not give rise to any adverse environmental effects that the zoning designation is seeking to protect ; and
- meets the Tests for Material Contravention (under an appeal scenario).

This Planning Statement further argues that the zoning designation has no connection to the characteristics of the proposed development site and lastly, that National and Regional Policy is weighed strongly in favour of the proposed development.

This Planning Statement summarises the key environmental matters from the EIAR, noting with implementation of the mitigation measures an adverse significant impact is not predicted over the lifetime of the proposed development.



1.0 INTRODUCTION

The Planning Statement will address the zoning status as well as key environmental matters relevant to the proposed development site and deal with general matters of planning concern for all wind farm developments. The matters that underpinned the current zoning are explained and the key environmental matters are addressed. The Planning Statement is structured as follows:

- Section 1: Introduction
- Section 2: Site Zoning
- Section 3: Key Environmental Matters
- Section 4: Conclusion
 - Appendix 1: “Variation No. 2”
 - Appendix 2: Ministers Direction
 - Appendix 3: Chief Executives Report

This Planning Statement is complementary and should be read in conjunction with the detailed information provided in the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) and other supporting documents of the submitted planning application.

1.1 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development will consist of the installation of 19 no. wind turbines, a 110kV substation with underground grid connection and all associated works, including new entrances, approximately 16 km of new access roads and 2.5 km of upgraded access roads, cabling, compound areas, borrow pits, works associated with turbine delivery, and so on.

The proposed development will have an electrical output of between 95-136.8 MW and the proposed grid connection will comprise an approximate 4 km loop in connection to the existing Ardnagappary to Tievebrack 110kV line.

The proposed development will be located in the townlands of Cloghercor, Clogherachullion, and Derryloaghan, with improvement works planned along the turbine delivery route in the townlands of Drumnacross, Drumard, Agahayeevoige, Cashelreagh Glebe and Darney.

It will involve the implementation of a Biodiversity Management Plan within the proposed wind farm site and the implementation of a Golden Eagle Habitat Management Plan offsite on lands located over 3 km from the proposed wind turbines.

The distance to the nearest existing house from any proposed turbine, will be approximately 925 m.

The application seeks a 10-year planning permission and a 35-year operational life time.

A full and detailed description of the proposed development is provided in Chapter 2 of the EIAR.

1.2 SITE LOCATION & DESCRIPTION

This site has been prioritised above other candidate sites due to its suitability for wind energy development. Wind speeds are excellent, typically between 7 - 9 m/s at 100m, and with the

existing 110 kV overhead line present across the site minimum grid connection works are required.


The proposed development site is located approximately 850 m north east of Lettermacaward and 2.1 km south west of Doochary. The Glenties are located approximately 3.5 km to the south and a larger settlement, Dungloe town (An Clochán Liath), is located c. 10.5 km to the northwest.

The main urban centres in the region are Donegal Town, which is located 22 km to the southeast and Letterkenny Town which is located 30 km northeast of the proposed development site.

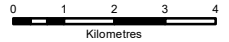
Please refer to Figures 1-1 and 1-2 for site location and layout maps, with pictures of the site (refer to Plates 1-1 to 1-4) below.



Legend *

 Proposed Wind Farm Site Boundary

*all land identified is within boundary of the Proposed Project



NOTES
1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING
2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE
3. DESIGNED TO BE INFORMED OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES
4. ALL LEVELS RELATE TO ORDNANCE SURVEY DATUM AT MAIN HEAD

A	08/03/2023	Final Issue	S.P. JS
Issue	Date	Description	By

Client: Cloghercor Wind Farm Ltd.

Project: Cloghercor Wind Farm

Title: Figure 1-1: Site Location Plan

Scale @ A4: 1:150,000

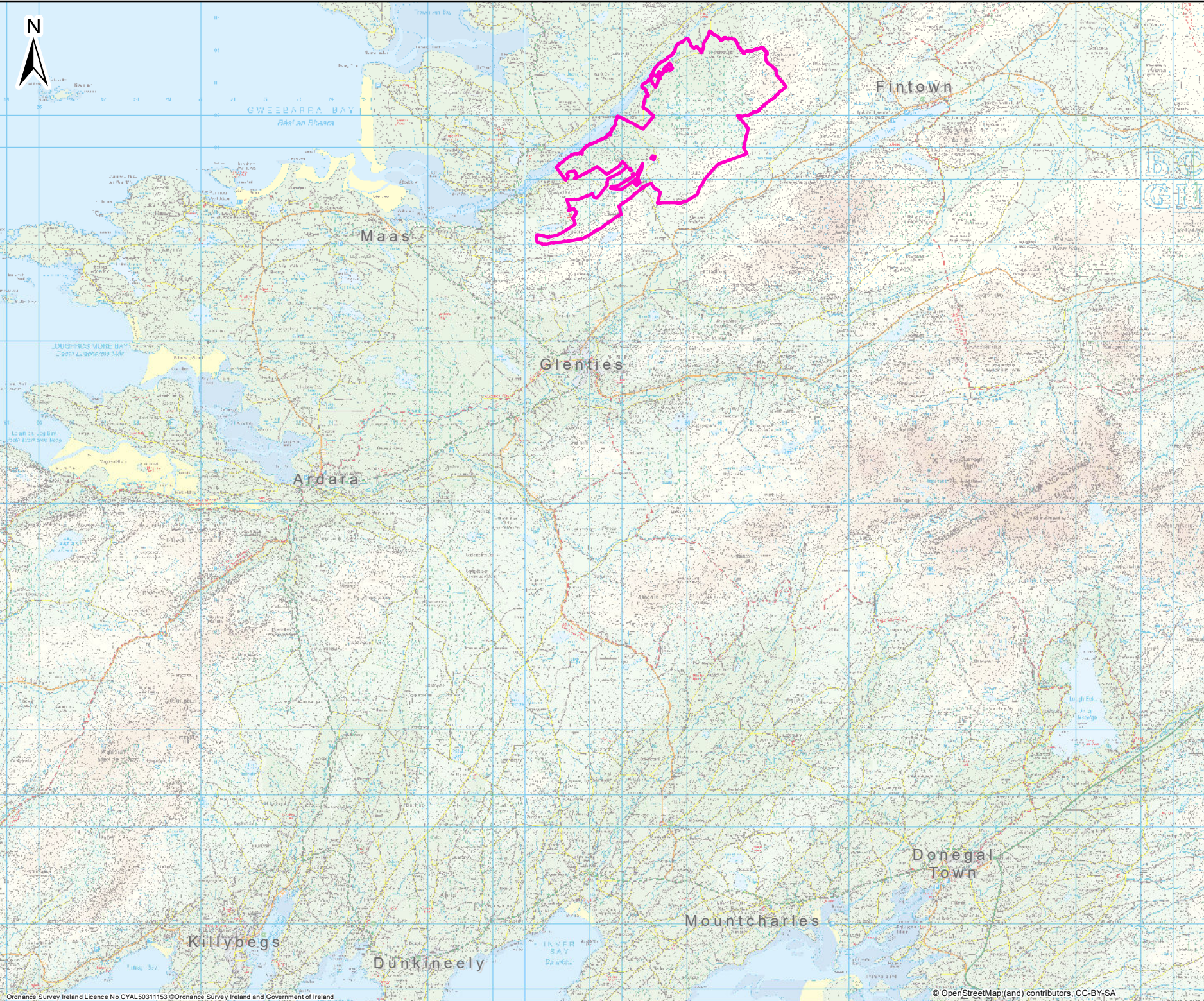
Prepared by:	S. Pezzotta	Checked:	J. Staunton	Date:	March 2023
Project Director:	O. Fitzpatrick				

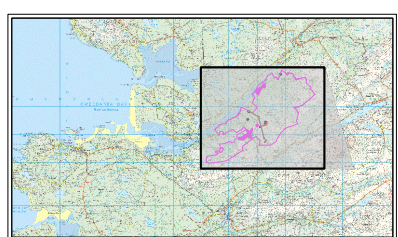
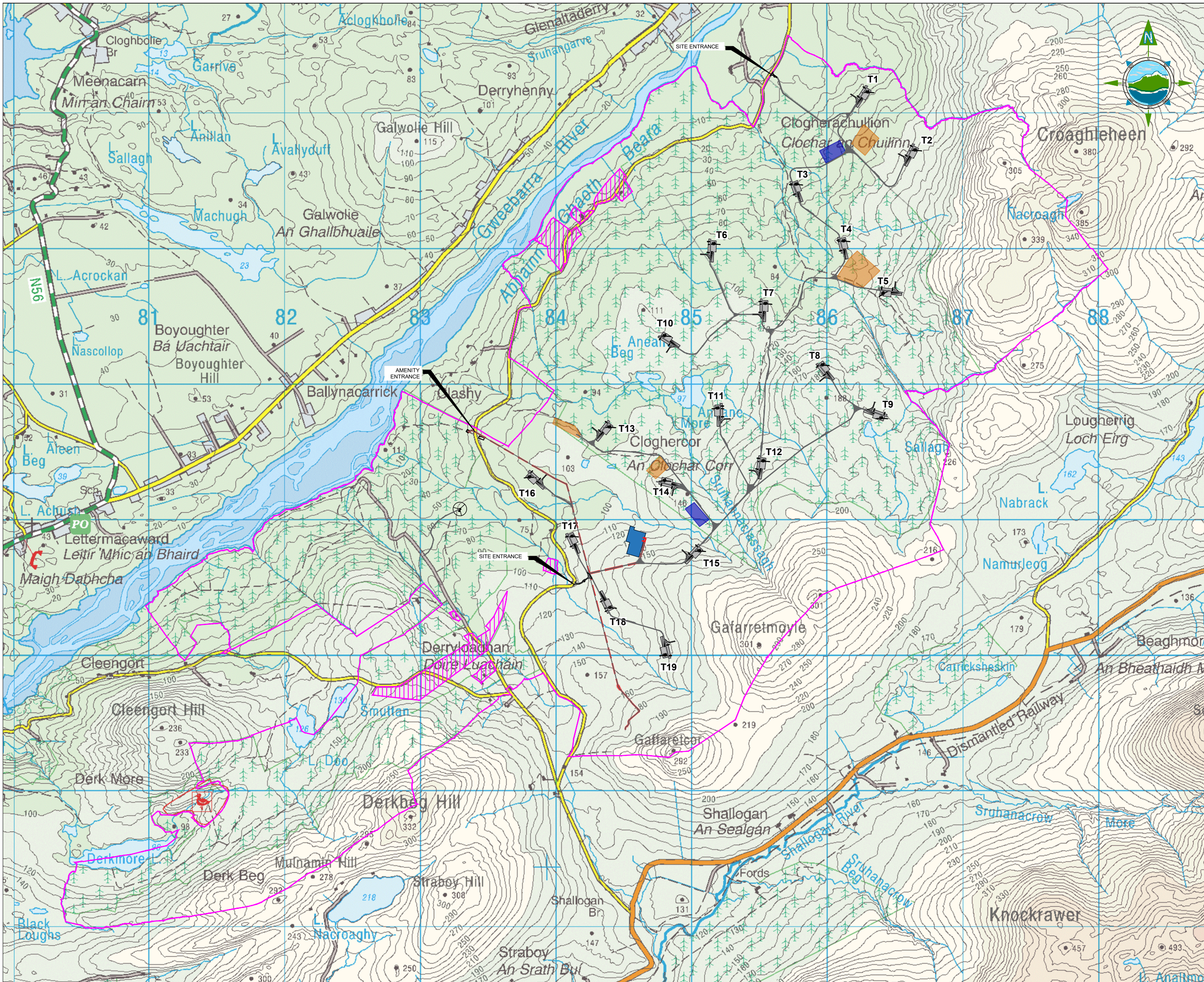
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Draft: A





LEGEND:

PROPOSED WIND FARM SITE BOUNDARY	
AREA EXCLUDED FROM BOUNDARY	
ACCESS ROADS WITH PASSING BAYS	
GRID CONNECTION ROUTE	
TURBINE HARDSTAND	
TURBINE LOCATIONS	
TEMP. CONSTRUCTION COMPOUND	
SUBSTATION LOCATION	
BORROW PIT LOCATIONS	
MET MAST LOCATION	

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Rev	Date	Description	By	Chkd.
A	07.03.22	INFORMATION ISSUE	EB	OF

Client:
CLOGHERCOR WIND FARM LTD.

Project:
CLOGHERCOR WIND FARM

Title:
SITE LAYOUT

Scale @ A3: 1:25,000
 Prepared by: O. Fitzpatrick Date: January 23
 E. Beggs
 Project Director: S. Tinnelly
 Drawing Status: Information

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Drawing No.: **Figure 1.2** Revision: **A**

The main site of the proposed development extends to approximately 1,945 hectares and is located within an already modified landscape of coniferous forestry used as a commercial crop. The planned turbines of the proposed development will be located within this existing forestry.

The terrain of the proposed development site provides natural screening from the surrounding areas as it slopes upward from the river valley to various mountain peaks along the northern, eastern and southern boundaries (as shown in Plates 1-1 to 1-4 below).



Plate 1-1: Scale of commercial conifer forest plantations within the Gweebarra River Valley context. View afforded from the L1783 local road north of the Gweebarra River.

The site drains to a number of tributaries surrounding the site boundary, these consist of tributaries of the Gweebarra River.

Topography, along with the soils and underlying geology varies throughout the site from 0 m Ordnance Datum (mOD) to 365 mOD. Generally, the site comprises 1.2 m peat thickness underlain by silty sand gravels with angular cobbles and boulders. Bedrock in the region is quite shallow and commonly occurs within 2 m of ground level.

Peat depths around the proposed development site are generally shallow, although there are small pockets of deeper peat around the wider site. The layout of the proposed development has been designed to avoid these deeper areas as much as possible.

The distance to the nearest existing house from any proposed turbine will be approximately 925 m. Furthermore, the nearest residential dwellings north of the Gweebarra River corridor are some 1.4 km from the nearest proposed turbines.



Plate 1-2: View to the south from within proposed wind farm site



Plate 1-3: View within proposed wind farm site to the south from between turbines T4/T7



Plate 1-4: Bedded granite exposed along firebreak in northeast of the wind farm area

1.3 NEED FOR THE DEVELOPMENT

When considering the need for the proposed development, it is important to place the development within the context of the current climate emergency, as declared by the Irish Government in 2019. The climate emergency requires immediate action to be taken to mitigate against the warming of the earth by in excess of 1.5°C. The Irish Government has set out their commitment to carbon neutrality by the year 2050 and 80% of our electricity needs to come

from renewable energy sources by the year 2030, in line with legally binding European Regulation and Climate Law.

The need for the scheme is set out in full in the submitted EIAR, however central to this context is the recently published *Climate Action Plan 2023 (CAP23)*.

CAP23 has been formulated in recognition of a substantial and continuing failure by Ireland to meet climate targets. The Plan recognises that Ireland is required to significantly increase levels of renewable energy and seek to accelerate the delivery of renewable energy sources by providing 9 GW of onshore wind by 2030. It should be noted that not all permitted projects will be built. This is due to other associated consenting regimes that occur post planning consent, such as grid connection policy, renewable energy support schemes, and so on. For this reason Ireland needs many multiples of permitted MW (projects) to achieve the actual MW target.

It is recognised that a significant step up is now required to meet 2030 targets and to deliver a decarbonised economy for Ireland by 2050. As of May 2022, there is an installed wind energy capacity of 4,333 MW² in Ireland, which leaves a gap of 4,667 MW to be installed in order to meet the above targets. This translates to a doubling of installed capacity, which the proposed development will help to realise.

The proposed development will provide up to 3% of additional wind energy which in turn will produce electricity sufficient to power all households in County Donegal.. The 274,626 to 395,461 MWh of electricity produced by the proposed wind farm will be sufficient to supply the equivalent of between 56,590 and 81,488 Irish households with electricity each year.

The need for the scheme is also driven by the current energy crisis.

Ireland's dependency on imported energy has grown steadily since the 1990's, with a sharp fall in 2016 following the opening of the Corrib gas field. Since 2016 as the Corrib gas field production capacity has declined, Ireland's import dependency has increased to circa 78% in 2021³.

This dependence on fuel imports makes Ireland highly susceptible to price fluctuations in the international supply market and vulnerable to volatile international trade wars and political decisions. This is very apparent in the current energy price situation.

The ongoing conflict in Ukraine and the associated energy security concern has highlighted the high level of dependency that Ireland has on energy imports. The proposed wind farm will provide a significant contribution towards the production of indigenous clean and renewable energy for 35 years.

The addition of between 95-136.8 MW of installed wind energy capacity arising from the proposed development, will improve the security of supply and reduce reliance on energy imports.

Lastly, it should be noted that there is a considerable economic benefit to the development of wind farms nationally and specifically at this location. In the National context, a Pöyry report published in March 2014 entitled *The Value of Wind Energy to Ireland* stated that the sector

² <https://windenergyireland.com/about-wind/the-basics/facts-stats> (Accessed 18th January 2023)

³ <https://www.seai.ie/publications/Energy-in-Ireland-2022.pdf>

could support 22,510 jobs in the construction stage and double the number of existing jobs in the operational phase by 2030. It also projected an investment of €4.8 billion in the time period from 2020 to 2030.

The potential local economic impact in the Donegal area will be positive by bringing employment to the area during construction. The construction of the proposed development will have an estimated capital cost in the region of between €123.5 million to €177.8 million and an estimated 11% of the total capital cost will relate to site works which has the potential to support local contractors and suppliers. The Lifecycle of an Onshore Wind Farm published by IWEA in March 2019 stated that “One recent 169 MW windfarm project estimated that €20 million was spent with local suppliers and contractors within 30 kilometres of the site during construction”.

The proposed development will be critical to addressing the challenges set out above.

2.0 SITE ZONING

The purpose of this Planning Statement is to address the zoning status of the proposed development site, demonstrating that there are no planning issues of concern, but instead reasoned justification to conclude that the planning application should be approved.

This section is structured as follows, with relevant appendix listed below:

- Site Zoning
 - Introduction
 - Material Contravention
 - Section 37G(6) of the Planning and Development Act, 2000 (As Amended)
- Justification for Approval
 - 37G(2) of the Planning and Development Act, 2000 (As Amended)
 - Landscape and Visual Impact Assessment (LVIA)
 - Tests for Material Contravention
 - Atypical Zoning
 - Donegal Wind Farm Zoning
 - Zoning Approach
 - Restrictive Land Availability for Wind Energy Projects
 - Policy Context
- Conclusion
 - Appendix 1 – “Variation No. 2”
 - Appendix 2 – Ministers Direction
 - Appendix 3 – Chief Executives Report

2.1.1 Introduction

The zoning for the proposed development site has recently been altered, where the proposed development was located within an area classified as “Open for Consideration” for wind development under the Donegal County Development Plan (CDP) 2018-2024 – Wind Energy Strategy Map 8.2.1, as illustrated below:

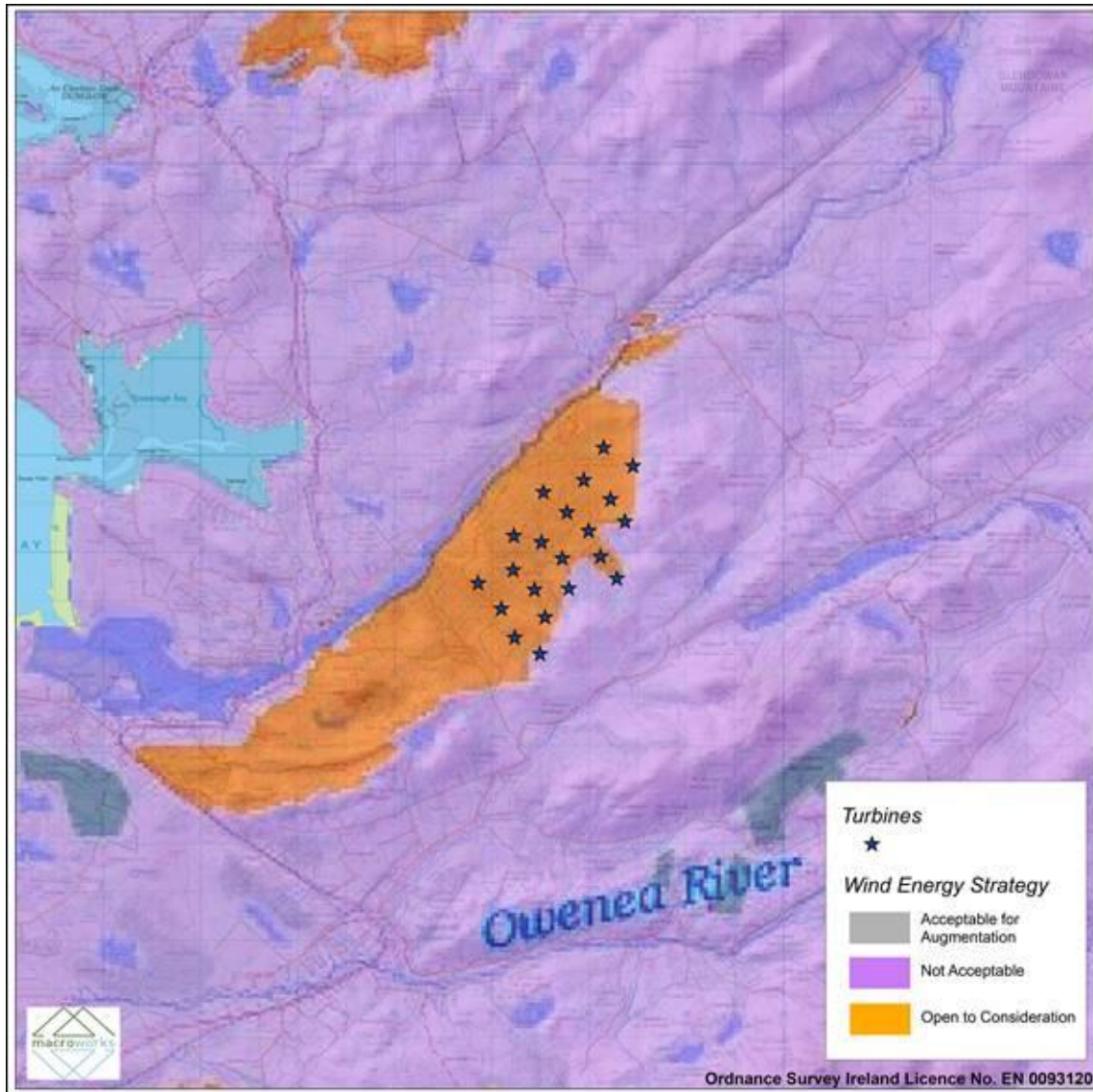


Figure 2-1: Proposed Development Site within previous Zoning “Open for Consideration” under the Donegal CPD 2018-2024 Wind Energy Strategy Map 8.2.1 (removed on foot of High Court Order)

A High Court Order issued in November 2018 required the removal of the Donegal CDP Wind Energy Map 8.2.1. This resulted in a gap in policy, which in turn resulted in the adoption of a variation to the CDP, namely “Variation No. 2” (refer Appendix 1). This variation was adopted in January 2023 and shows the proposed development to be located within an area designated “Not Normally Permissible,” as illustrated below:

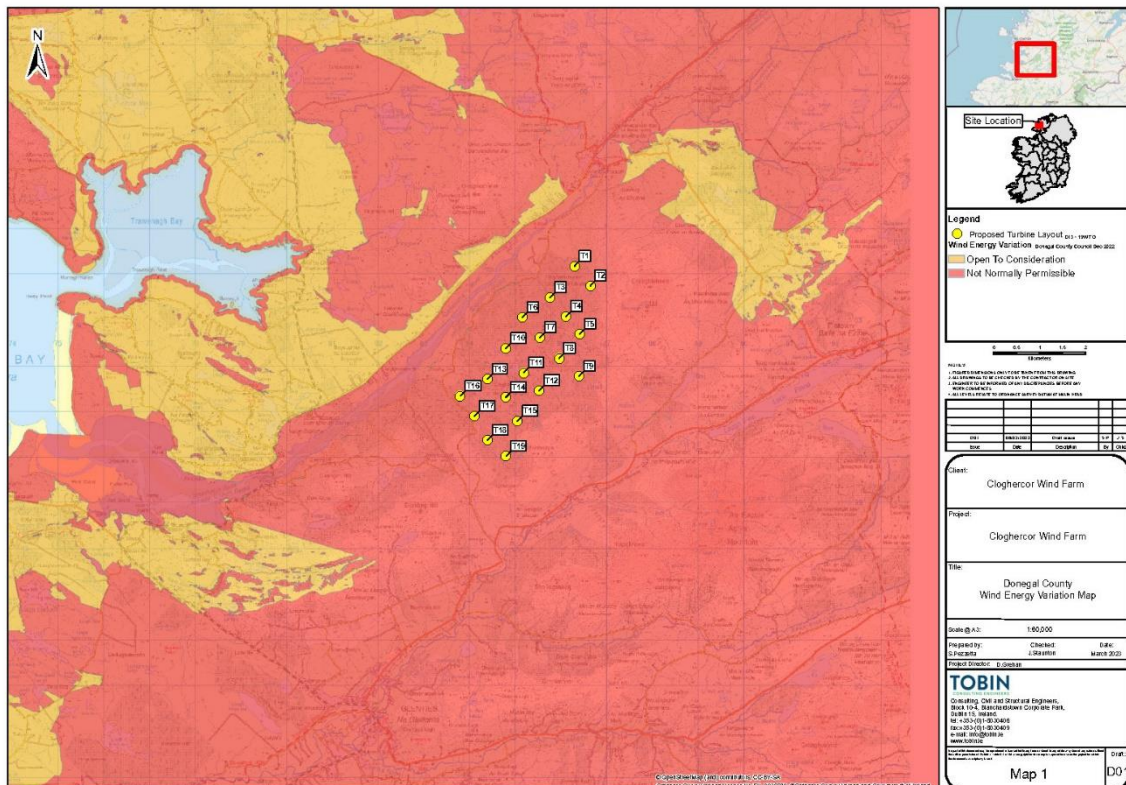


Figure 2-2 : Proposed Development Site within adopted Zoning “Not Normally Permissible” under Variation No. 2 of the Donegal CPD 2018-2024 - Wind Energy Strategy Map 8.2.1

The designation of the site as “Not Normally Permissible” as set out under the current Donegal CDP states that, “these areas are considered to have minimal capacity to accommodate windfarm development.”

Page 16 of Variation No. 2 states that, with respect to “Not Normally Permissible”:

“these areas were identified on foot of a comprehensive analysis of the environmental sensitivities and the wind energy potential of the County. On foot of this determination, and in-line with national guidelines, it follows that most windfarm developments will not normally be permissible. This should apply in particular to such proposals on previously undeveloped sites, inclusive of sites with a lapsed un-implemented permission (and where substantive works have not been undertaken). Notwithstanding, and having regard to previous planning assessments and decisions and the subsequent investment incurred, it is the position of Donegal County Council that a more balanced approach is required when dealing with windfarm proposals in these areas where, crucially, there is an already existing strong planning history. This refers to the following categories: Existing Windfarms; Developments Under Construction; Developments Where Permissions Have Lapsed But Where Substantial Works Have Been Completed; and Sites With a Live Permission but not yet started. For such sites, it is considered reasonable to allow for the consideration of proposals for the augmentation, upgrade and improvement of such developments..”

2.1.2 Material Contravention

The use of the word “normally” should be an important consideration when considering this planning application. It is noted that the wording does not exclude or rule out renewable energy development at this location.

We would politely assert that the zoning designation “Not Normally Permissible” is not absolute nor does it state “Not Permissible”. The designation “Not Normally Permissible” is not an absolute prohibition on wind development on such lands. Instead the wording implies that at least, in special circumstances, a case could be made as to why a specific wind project at a specific location on such lands should be permissible, and those circumstances as set out under Variation No. 2 do not appear exhaustive.

Notwithstanding this, the proposed development does not sit squarely within the exceptions set out under Variation No. 2 and it is therefore **likely** that the proposed development will be interpreted as a material contravention by An Bord Pleanála.

2.1.3 37G (6) of the Planning and Development Act, 2000 (As Amended)

It is noted that under section 37G (6) of the Planning and Development Act, 2000 (as amended), An Bord Pleanála has the power to grant planning permission notwithstanding this likely material contravention and should grant planning permission in accordance with the matters that the Board is required to have regard to. In this respect section 37G(6) states:

“The Board may decide to grant a permission for development, or any part of a development, under this section even if the proposed development, or part thereof, contravenes materially the development plan relating to any area in which it is proposed to situate the development”.

2.2 JUSTIFICATION FOR APPROVAL

2.2.1 37G (2) of the Planning and Development Act, 2000 (As Amended)

Section 37G (2) of the Planning and Development Act, 2000 (as amended) states:

(2) Without prejudice to the generality of *subsection (1)*, the Board shall consider—

(a) the environmental impact assessment report submitted under [section 37E\(1\)](#), any submissions or observations made, in response to the invitation referred to in [section 37E\(3\)](#), within the period referred to in that provision, the report (and the recommendations and record, if any, attached to it) submitted by a planning authority in accordance with [section 37E\(4\)](#), any information furnished in accordance with [section 37F\(1\)](#) and any other relevant information before it relating to—

(i) the likely consequences of the proposed development for proper planning and sustainable development in the area in which it is proposed to situate the development, and

(ii) the likely effects on the environment of the proposed development,

(b) any report or recommendation prepared in relation to the application in accordance with [section 146](#), including the report of the person conducting any oral hearing of the proposed development and the written record of any meeting referred to in [section 37F\(3\)](#),

(c) the provisions of the development plan or plans for the area,

(d) the provisions of any special amenity area order relating to the area,

(e) if the area or part of the area is a European site or an area prescribed for the purposes of section 10(2)(c), that fact,

(f) if the proposed development would have an effect on a European site or an area prescribed for the purposes of section 10(2)(c), that fact,

(g) the matters referred to in section 143, [that being –
(a) the policies and objectives for the time being of the Government, a State authority, the Minister, planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns or other areas, whether urban or rural,

(b) the national interest and any effect the performance of the Board's functions may have on issues of strategic economic or social importance to the State, and

(c) the National Planning Framework and any regional spatial and economic strategy for the time being in force.]

(h) any relevant provisions of this Act and of any regulations made under this Act.

The planning matters above are dealt with throughout this Planning Statement and detailed information provided in the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) and other supporting documents of the submitted planning application.

With respect to (g) above, please refer to section 2.2.3.2 below, which provides the relevant details for consideration.

2.2.2 Landscape and Visual Impact assessment (LVIA)

The proposed development does not give rise to any adverse environmental effects that the zoning designation is seeking to protect with respect to Landscape.

With respect to the recent change in zoning, it should be noted that the landscape context has not changed. It is considered that the site and its immediate surroundings represent a landscape area that should not be excluded from potential wind energy development. The site is principally cloaked in extensive commercial conifer forest plantations, which are considered an typical transitional land use and well suited for wind energy development in terms of its scale and function (See Plate 1-1).

This is further reinforced by the Moderate Scenic Amenity (MSA) designation that contains the site and wider valley, which are described as areas with "the capacity to absorb additional development that is suitably located, sited and designed". It is noted that MCA is the lowest of three scenic amenity classifications within the Donegal County Development Plan 2018 – 2024 (CDP).

In this instance, the site is a robust forested plateau in a broad landscape context that can absorb the scale and nature of wind energy development. It is contained by surrounding rolling ridges, influenced by an array of existing anthropogenic land uses and is well offset (>5 km) from some of the most susceptible landscape areas in County Donegal, such as the coastline and the remote, rugged uplands (as illustrated below in Figure 2-3: Zone of Theoretical Visibility).

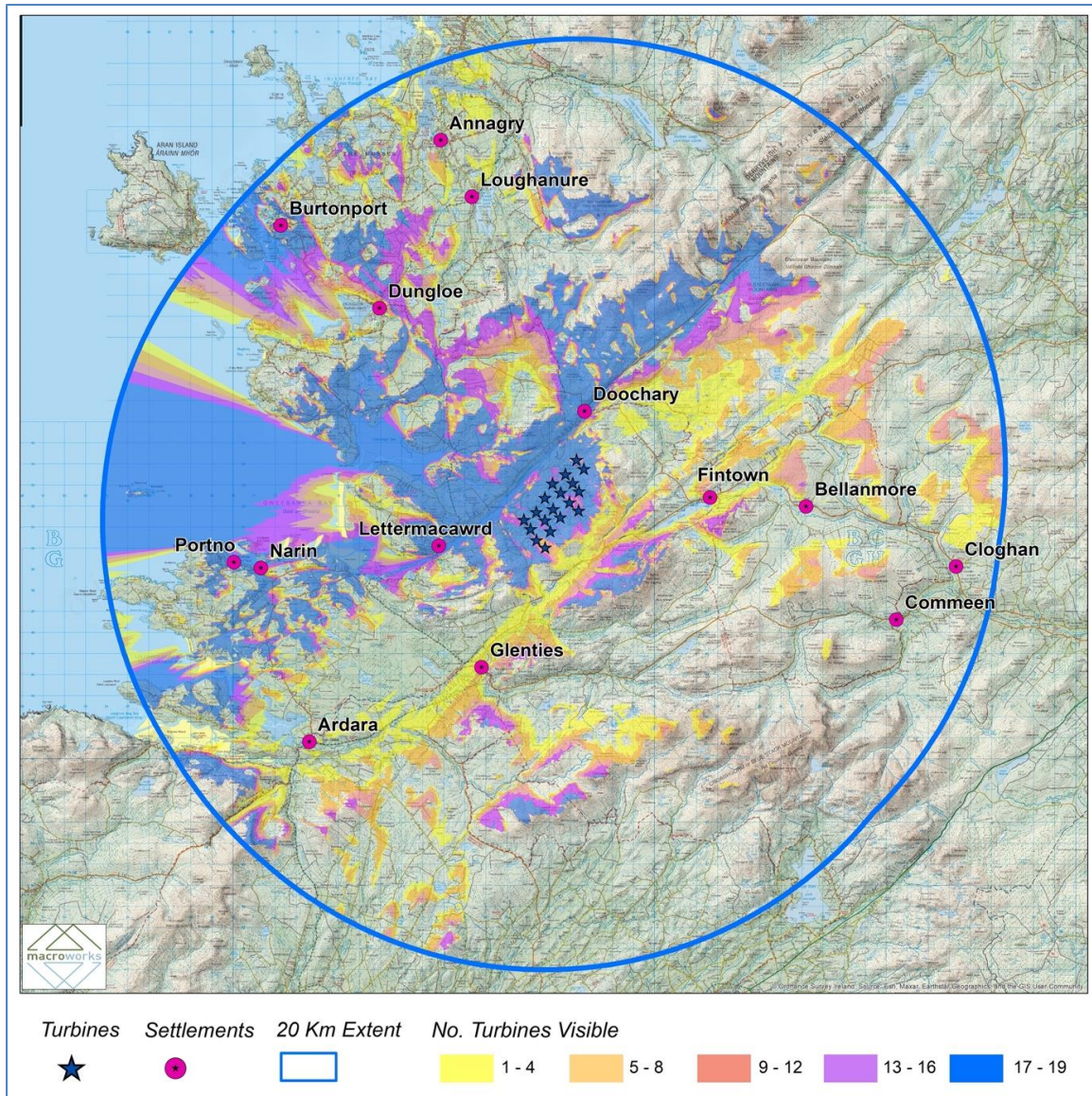


Figure 2-3: Bare-ground Zone of Theoretical Visibility (ZTV) Map based on a turbine tip height of 200m.

The proposed turbines are located along the southern extents of the Gweebarra River Valley, on sloping terrain, which the LVIA chapter of the EIAR describes as an area cloaked in extensive commercial conifer forest plantation.

The siting of the proposed development is in a remote contained valley, offset from some of Donegal's most sensitive landscape areas, such as the distinctive coastline and some of its most elevated uplands, all of which are located > 5 km from the nearest turbines. In addition, the site is located in a modified part of Donegal's landscape as it comprises extensive conifer forest plantations and existing overhead line infrastructure.

The proposed development layout has undergone a series of design refinements to reduce the potential for any strong negative aesthetic effects at the nearest local receptors, such as visually stacked turbines generating a sense of visual clutter. These measures were principally undertaken to mitigate impacts at some of the nearest local residential receptors, in addition to residential receptors located to the north of the Gweebarra River that will have a clear view of the proposed development. It is also worth noting that at 925 m to the nearest residential property, the proposed development is well in excess of the 800 m (4 x tip height) residential visual amenity 'setback' outlined in the Wind Energy Development Guidelines (draft revised

2019). Furthermore, the nearest residential dwellings north of the Gweebarra River corridor are some 1.4 km from the nearest proposed turbines.

The location of the proposed development within a contained valley context surrounded by elevated rolling ridges and hilltop summits located to the east, south and west means that the proposed turbines will be heavily screened in the wider surrounds beyond the context of the Gweebarra River valley.

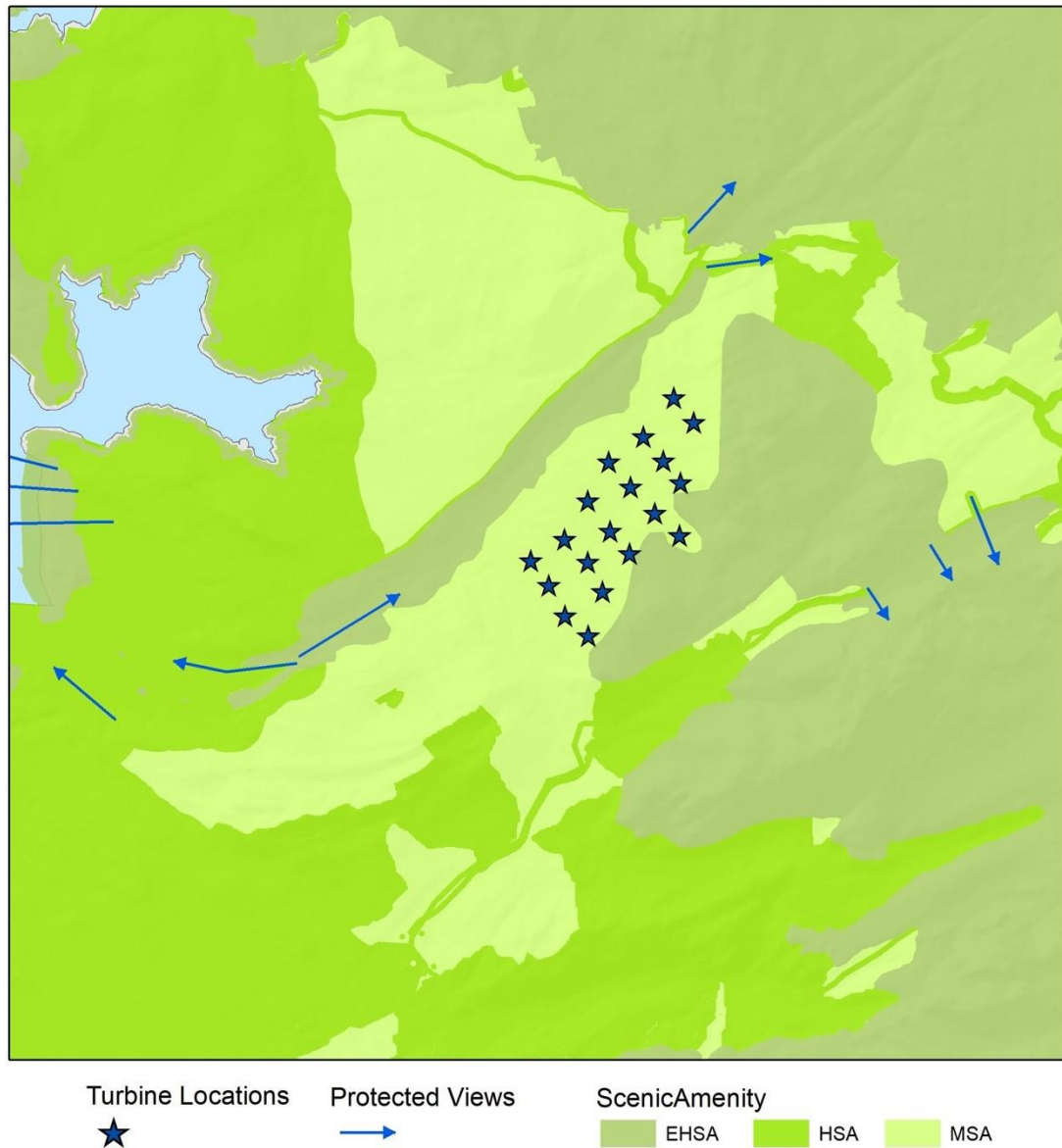


Figure 2-4: Excerpt from the current Donegal County Development Plan 2018-2024 showing scenic amenity designations in relation to the proposed development. Note: a viewpoint for assessment is included at all relevant designated views within the study area in the LVIA Chapter. No significant visual impacts were identified at any designated views.

The LVIA chapter highlights that the site is not a pristine landscape. It is heavily influenced by working transitional land uses in addition to some highly anthropogenic land uses.

The conclusion of the LVIA chapter of the EIAR states that the proposed development would not dominate the existing landscape, where “it is considered that the proposed Cloghercor Wind

farm is of a notable scale but appropriately sited in a broad-scale landscape context and will not give rise to any significant residual landscape effects, visual effects or cumulative effects.”

2.2.3 Tests for Material Contravention

Sections 37(2)(b) & (c) of the Planning and Development Act, 2000 (as amended) set out the tests that must be met, in certain circumstances, and where the Board wishes to grant permission for a development on appeal that would materially contravene the Development Plan.

The tests in section 37(2)(b) & (c) are clearly met by the proposed development.

Although not directly relevant to the process of this planning application for Strategic Infrastructure Development (SID), the tests are a good guide as to the appropriateness for granting planning permission for this specific site. Therefore, the proposed development can be considered favourable by An Bord Pleanála.

2.2.3.1 S.37(2)(b) & (c) of the Planning and Development Act, 2000 (As Amended)

Section 37 (2) of the Planning and Development Act 2000 (as amended) states the following in relation to material contravention:

“(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

In addition, the provisions of s.37(2)(c) should be noted:

a) Where the Board grants a permission in accordance with paragraph (b), the Board shall, in addition to the requirements of section 34(10), indicate in its decision the main reasons and considerations for contravening materially the development plan.

2.2.3.2 Section 37 (2) (b) & (c) Justification

The proposed development meets the test for items (i), (ii) and (iii) above and the reasons under s.37(2)(c) are provided below.

With respect to item (i) due to the scale of the proposed development, the development is considered to be of strategic, economic, national and social importance to the Region and the State, for the following reasons:

- The proposed development is in line with National and Regional policy as set out in Tables 2-1 and 2-2 below;

- The proposed development is in compliance with the Wind Energy Development Guidelines (2006);
- The proposed development will assist Donegal County Council to further national climate objectives and to mitigate against greenhouse gas emissions under Section 15 (1) of the Climate and Low Carbon Act, 2021 (as amended).

The capital investment required for a wind farm of this scale, will represent a significant economic contribution to the region, including the provision of community development funding (approximately €500,000 for the first 15 years of the project) upon commissioning and payment of substantial rate payments to Donegal County Council. The development of the wind farm will include commitments to improvements of local amenities through the inclusion of recreational facilities as part of the proposed development, as well as financial support from the community development fund for local community projects which will deliver social benefits for the immediate locality and the region.

The proposed development will create and support direct and indirect employment during the construction phase at local level, primarily through local construction workforce on site, and at a national level, through more specialised construction services and supply of building materials. It is anticipated that the wind farm will have the following effects locally:

- Development activities such as site monitoring/surveys, site investigations, legal fees, consultancy studies during pre-construction and construction works, etc.;
- Spending locally by construction employees; and
- Accommodation and sustenance will be required in the locality for those workers on site.

The construction of the proposed development will have an estimated capital cost in the region of between €123.5 million to €177.8 million⁴ and an estimated 11% of the total capital cost will relate to site works⁵ which has the potential to support local contractors and suppliers. The *Lifecycle of an Onshore Wind Farm* published by IWEA in March 2019 stated that “One recent 169MW windfarm project estimated that €20 million was spent with local suppliers and contractors within 30 kilometres of the site during construction”.

The proposed development, with an output of approximately between 95-136.8 MW, will constitute a significant addition to Ireland’s renewable electricity supply, contributing towards Ireland’s target of 9 GW of onshore wind capacity to be added to the national grid by 2030 as set out in the Government’s Climate Action Plan 2023. The action plan maintains the target from previous plans of 80% of electricity to be produced by renewable energy sources by 2030.

In Ireland as of May 2022, there is an installed wind capacity of 4,333 MW which leaves a gap of 4,667 MW of wind energy capacity to be installed in order to meet the 2030 targets. In essence, a more than doubling of current wind capacity is needed. In context of the current gap in wind capacity required to meet the 2030 targets, the proposed project would contribute up to 3% of the gap in national energy targets identified above. The wind farm will supply sufficient electricity to power between 56,590 and 81,488 households with electricity each year, the equivalent of all households across County Donegal. The wind farm will serve to provide a sustainable and renewable electricity source for the region in line with National and Regional renewable energy policy.

⁴ Using an average investment cost of €1.3 million per MW – SEAI, *A Macroeconomic Analysis of Onshore Wind Development to 2020* (2015)

⁵ Irish Wind Farmers Association - FAQ | Meitheal na Gaoithe Irish Wind Farmers Association (mnag.ie)

This is also reflected in the fact that Cloghercor Wind Farm Ltd., entered into pre-application consultation with An Bord Pleanála, who confirmed that the proposed development falls within the scope of paragraphs 37A(2)(a) and (b) of the Act. Accordingly, the proposed development has been determined to be Strategic Infrastructure Development (SID).

With regards to item (ii) above, it is argued that Variation No. 2 undermines the objectives of the Donegal County Development, as set out under section 2.5 below.

With respect (iii) above, the Government’s Project Ireland 2040 - National Planning Framework sets out the overarching policy and planning framework for the social, economic and cultural development of the country. The Plan covers a wide range of national policy objectives and National Strategic Outcomes (NSO) and in respect of the proposed development, sets out the following key objectives:

Table 2-1: National Planning Policy

Objective No.:	Policy:
National Policy Objective 54	Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.
National Policy Objective 55	Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

The proposed development is in keeping with the above objectives in terms of developing a sustainable renewable energy resource which can replace fossil fuels and contribute to a reduction in greenhouse gas emissions. Any forestry felling required to support the proposed development will be offset by the planting of replacement forestry in accordance with forestry management requirements, such that there will be no net loss in carbon sequestration from the development of the site. When the forestry replanting (and the associated balance of carbon) is accounted for, over the 35-year life of the wind farm it is anticipated that between 2,947,716 and 4,452,786 tonnes will be offset in the production of electricity (dependent on whether the minimum or maximum MWs are installed within the range).

The proposed development is also in keeping with the following objectives set out in the Regional Spatial & Economic Strategy (RSES) published by the North-western Regional Assembly:

Table 2-2: Regional Planning Policy

Objective No.:	Policy:
Regional Policy Objective 4.16	The NWRA shall co-ordinate the identification of potential renewable energy sites of scale in collaboration with Local Authorities and other stakeholders within 3 years of the adoption of the RSES. The identification of such sites (which may extend to include energy storage solutions) will be based on numerous site selection criteria including environmental matters, and potential grid connections.
Regional Policy Objective 4.17	To position the region to avail of the emerging global market in renewable energy by: <ul style="list-style-type: none"> ○ Stimulating the development and deployment of the most advantageous renewable energy systems ○ Supporting research and innovation ○ Encouraging skills development and transferability ○ Raising awareness and public understanding of renewable energy and encourage market opportunities for the renewable energy industry to promote the development and growth of renewable energy businesses ○ Encourage the development of the transmission and distribution grids to facilitate the development of renewable energy projects and the effective utilization of the energy generated from renewable sources having regard to the future potential
Regional Policy Objective 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.
Regional Policy Objective 4.19	Support the appropriate development of offshore wind energy production through the adequate provision of land-based infrastructure and services, in line with national policy and in a manner that is compatible with environmental, ecological and landscape considerations.
Regional Policy Objective 5.1:	The Assembly will support through Climate Change Action Plans (CARO) and Local Authorities the preparation and implementation of Local Climate Strategies which will, inter alia, address vulnerability to climate risks and provide prioritised actions in accordance with the guiding principles of the National Adaptation Framework.

2.2.4 Atypical Site Zoning

The purpose of this section is to demonstrate that the zoning designation “Not Normally Permissible” has no connection to the characteristics of the proposed development site, which we believe is justification for the approval of the proposed development.

2.2.4.1 Donegal Wind Farm Zoning

We respectfully put forward that the proposed development site has been improperly designated as ‘Not Normally Permissible’. We strongly believe that the use of the ‘Open to Consideration’ classification is logical, appropriate and justified.

The process of adopting Variation No. 2 provided a number of reasons as to why the Gweebarra River Valley was changed to “Not Normally Permissible”, which we would refute as follows:

Variation No. 2 Approach	Reasoning for Rebuttal
<p>b) The area joins two specific EHSA’s – The Gweebarra River and Lough Finne.</p>	<p>It is considered an inaccurate representation to state that Lough Finn is almost entirely screened from within this part of the Gweebarra River valley. Therefore, it is not considered a relevant constraint for the removal of an ‘open to consideration’ designation. Furthermore, whilst pleasant views are afforded from the immediate surrounds of the Gweebarra River valley, much of the area highlighted for removal from the ‘open to consideration’ designation is cloaked in dense commercial conifer forest and provides little clear visibility of the river context. This is further reinforced by the fact that this extensive area between the two EHSA’s is contained in the most robust and least sensitive scenic amenity classification – a Moderate Sensitive Amenity (MSA) designation. The MSA designation is described as an area with “the capacity to absorb additional development that is suitably located, sited and designed.” It is noted as the lowest of three scenic amenity classifications within the County Development Plan.</p>
<p>c) the vast environmental assets in the area – Meenmore West Bog; Coolvoy Bog;</p>	<p>While it is true that there are a number of significant environmental assets in the area, a similar statement could be used for many suitable wind farm locations in Ireland. Each project would need to be assessed based on any potential impacts that it may have on the surrounding environment. The sensitivities of the nearby environmental assets would need to be considered, and ultimately the planning authority will make a decision on this basis.</p> <p>Sites with high ecological value (such as Meenmore West Bog; Coolvoy Bog) are considered in detail in planning applications for renewable energy projects, in particular within the Appropriate Assessment documentation (as per the Habitats Directive).</p> <p>Coolvoy Bog SAC is located 300m upstream from the wind farm site. It is a Blanket bog SAC with no hydrological connection to the wind farm site.</p> <p>The Meenmore West Natural Heritage Area occurs adjacent to the south-east corner of the wind farm site, with a small section extending into the wind farm site. This Natural Heritage Area is designated for its blanket bog habitat. However, the proposed</p>

	wind farm infrastructure is over 1 km from the nearest points of the Meenmore West NHA.
d) vast mature forestry;	The mature forestry in the Gweebarra River Valley area is primarily classified as a commercial crop that will be harvested in rotation into the future. It is very common to locate wind energy developments within such landscapes around Ireland, for example the recently permitted wind farms in Co. Clare (ABP Ref. 308799) and Co. Kilkenny (ABP Ref. 309306). This would be considered an ideal location for the proposed development and supportive of developing wind farms here.
e) Lettermacaward Water Treatment Plant;	Donegal County Council has listed the presence of the Lettermacaward Water Treatment Plant as a reason to preclude the development of a wind farm in the Gweebarra River Valley. While it is correct to suggest that water sources for public water supplies should be given a high level of protection, this is something that can be designed around. Through the use of appropriate site design and construction methodology, runoff from any large infrastructural project, including wind farms, can be managed to ensure that there are no significant qualitative and/or quantitative impacts on the receiving and surrounding environment. There are many examples of water treatment plants being located in the same water catchments as wind farms around Ireland without issue and it is further noted that there is no obvious interaction between the two types of development that would warrant or justify this exclusion. The presence of water treatment plant suggests the landscape is robust and capable of absorbing such developments another reason to support wind farm development in this area.
f) there is potential for this area of the County to potentially play a leading role offsetting carbon emissions	The provision of a Wind Farm at this location would contribute to achieving this. Regarding the potential for the land to play a role in offsetting carbon emissions, while it is true that forestry and peatland do act as carbon sinks, they do so at a slow rate. It is further noted that forested peatlands are not normally considered to have this potential. ⁶ The combination of wind energy, forestry and peatland would offset far more carbon than the latter two alone. The use of wind energy reduces the amount of carbon that is released through burning fossil fuels in electricity production, thereby resulting in a decreased carbon loss to the atmosphere. A detailed carbon balance model was run for Cloghercor wind farm which accounts for any carbon losses due to peat excavation/drainage as well as felling of forestry, and it also looks at the carbon savings for the proposed turbines. This is then used to assess the significance of the projects' carbon and climate benefits. Once again, these decisions should be carried out based on the use of such detailed project specific models and assessments rather than excluding large areas from the possible development of wind turbines.

⁶ [Soil carbon balance of afforested peatlands in the maritime temperate climatic zone - Jovani-Sancho - 2021 - Global Change Biology - Wiley Online Library](#)

<p>g) proximity to one of Irelands leading Salmon Fisheries.</p>	<p>Appropriate site design and construction methodologies offer the necessary protections to salmon fisheries, and the standard construction and operation of wind farms has never been shown to negatively affect water quality. The record of 30 years of wind farm construction in Ireland demonstrates this.. There may also be similar environmental threats from other large scale developments aside from wind farms. A more suitable strategy would be to assess each project on it’s merits, thereby facilitating wind farms to be developed in suitable locations, whilst also protecting the salmon fisheries.</p>
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Furthermore, the designation of the site as “Not Normally Permissible” as set out under the current Donegal CDP states that, “these areas are considered to have minimal capacity to accommodate windfarm development.” This statement is fully at odds with expert analysis and assessments, submitted as part of this planning application, which demonstrates that the site is in fact capable of accommodating the proposed development, with no significant adverse impacts or issues anticipated.

2.2.4.2 Zoning Approach

There is a general lack of clarity around the methodology and scientific basis used to generate the new zoning for the proposed development site.

These concerns were raised directly with Donegal County Council through the submissions process for adoption of Variation No. 2, by a variety of stakeholders, including the Cloghercor Wind Farm Ltd., the Office of the Planning Regulator and the Minister for Housing, Local Government and Heritage.

In particular, it would have been useful if there was clear evidence provided that each of the parameters/factors that were used to form the areas marked as ‘Not Normally Permissible’ and ‘Open to Consideration’ were justified.

The Minister’s Direction comments as follows (p. 4 of Appendix 2):

“Specifically, the Variation as made does not have regard to the step-by-step analysis of areas suitable for wind energy (or sieve analysis) under section 3.5 of the guidelines, specifically including within the area designated as “Not Normally Permissible.”

With respect to the Gweebarra River Valley, Variation No. 2 states (p. 9 of Appendix 1):

“Whilst much of the river valley was already included in the ‘Not Normally Permissible’ areas, this proposal consolidated the ‘Not Normally Permissible’ designation having regard to the fact that the area joins two specific EHSA’s The Gweebarra River and Lough Finne, within the mapped area there are spectacular views of both EHSA’s Gweebarra River and Lough Finne, considering the vast environmental assets in the area – Meenmore West Bog; Coolvoy Bog; vast mature forestry; Lettermacaward Water Treatment Plant; there is potential for this area of the County to potentially play a leading role offsetting carbon omissions as well as its proximity to one of Irelands leading Salmon Fisheries.”

From this, it appears that the zoning status of the proposed development site was altered to consolidate or join-up two areas of ‘Especially High Scenic Amenity’ (EHSA) designation. This

consolidation has not been carried out based on the input or recommendation of experts in the various fields (landscape, ecology, soil stability, etc).

With respect to the Gweebarra River Valley, the Chief Executive comments (p.7 of Appendix 3):

“There is clearly genuine concern on the part of the public and Elected Members around the impact that wind farm development could have on this area. These concerns should be noted in the context of the fact that there is no other specific policy protection for the Gweebarra River Valley contained in the CDP.”

This comment demonstrates that there has been an attempt to apply an overly restrictive protection on the Gweebarra River Valley, in the absence of sound scientific analysis.

With respect to the zoning Designation, the Chief Executive goes on to recommend the following (p.8 of Appendix 3):

3.2.3 Recommendation

This is clearly a finely-balanced matter and I would fully acknowledge the concerns of the public and Elected Members. That said, on two previous occasions (ie. recommendations at pre-draft stage; and recommendations at Post-Draft stage) the Executive has concluded on the side of not precluding the principle of wind farm development in this area on the basis of the key evidential information available at this time. On the basis of the foregoing, and having regard to the role of the development management process in undertaking detailed assessments of any planning applications in this area, it is recommended that the principle of wind farm development should not be precluded in this area and thus I have no objection to Policy E-P-23 (1) (ii) (b) being omitted from the Variation.

It is not clear that the zoning of the Gweebarra River Valley as “Not Normally Permissible” was based on any robust, scientific or reasoned basis and furthermore, no logical explanation has been provided to explain why the zoning designation “open to consideration” was removed from the same. It is our opinion that excluding areas from the possible use for renewable energy developments should only take place where there is an opinion of an appropriate expert and a scientific basis for doing so. We fully respect the democratic process involved in adopting a zoning designation but would expect the decision process to be led in a scientific and logical way.

The recommendation above indicates that the Chief Executive of Donegal County Council does not accept the proposal from Councillors to exclude wind farm development from this area. Notwithstanding this recommendation, the zoning designation of “Not Normally Permissible” was retained.

2.2.4.3 Restrictive Land availability for Wind energy projects

Variation No. 2 of the Donegal CDP significantly constrains the area available for the construction of wind farms. This is a regressive approach contrary to the obligations of Donegal County Council (as the “relevant body”) under Section 15(1) the Climate Action and Low Carbon Development (Amendment) Act 2021, Section 17.

Variation no. 2 is undermining Ireland’s chance to meet nationally binding targets and Regional Policy, as set out in section 1.4 of this Planning Statement.

The CDP does not take account of typical industry constraints, which, when applied reduces the available area even more. Below is a constraints map indicating lands available for wind energy development. It is noted that there is no significant area of lands available (yellow areas) with the designation “Open in Principle” after applying the following typical constraints:

- Donegal CDP – Adopted Variation No. 2 Wind Energy Map
- Basic Wind Farm Development Constraints⁷:
 - 720 m setback from properties including dwellings
 - Setback to existing turbines of 450 m
 - 3.5* 150 (550 m) set back to existing powerlines
 - 25 m set back to existing watercourses
 - Exclusion of terrain with over 20° slope

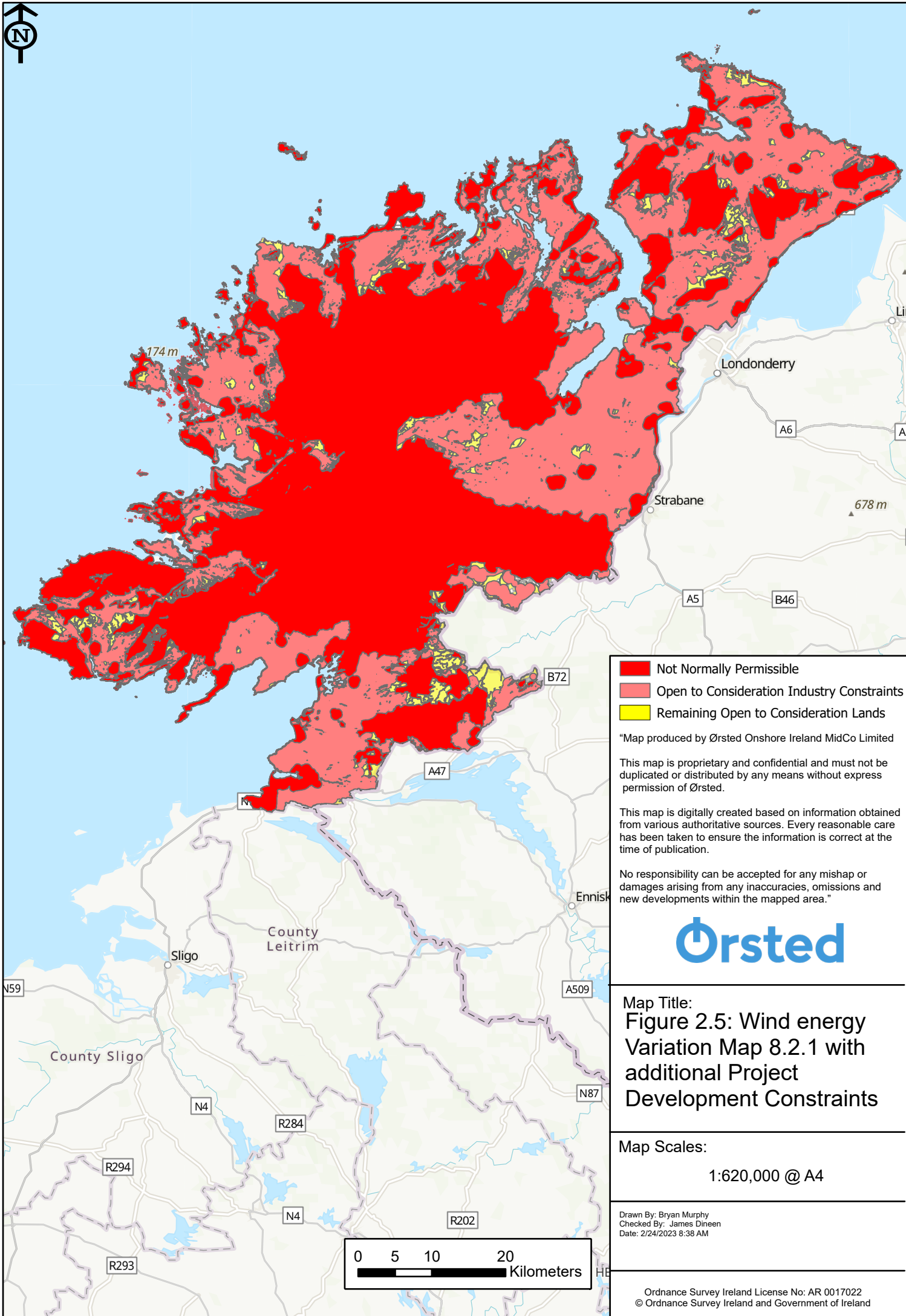
The map produced below demonstrates that Variation No. 2 of the Donegal CDP is not fit for purpose and is wholly incompatible with CAP23, because it fails to provide adequate amounts of zoned land for the delivery of wind energy development within County Donegal.

It is recognised that there is a level of urgency to respond to climate change and to secure the supply of energy, as well as to address the actions set out under CAP23, which seeks to significantly increase levels of renewable energy in Ireland and to accelerate the delivery of renewable energy sources, by providing 9 GW of onshore wind.

It is argued that the map illustrates a conflict with National and Regional level policy and at the very least a lack of ambition and commitment to transitioning Ireland to a low carbon economy.

Lastly, given the geographical location of county Donegal on the west coast of Ireland, with one of the best wind resources in Ireland, and the world and the relatively low population density in many areas, there is high potential for the county to contribute significantly more to achieving Ireland’s renewable energy targets for 2030 and 2050, and new onshore wind projects will need to form a significant part of that. However, under adopted Variation No. 2, this opportunity is significantly constrained.

⁷ Based on industry best practice. 4 times tip height setback to sensitive receptors, buffer to existing turbines to avoid wind turbulence, setback to powerlines for safety, minimal watercourse buffer to protect water quality, slope exclusion to ensure buildability



- Not Normally Permissible
- Open to Consideration Industry Constraints
- Remaining Open to Consideration Lands

"Map produced by Ørsted Onshore Ireland MidCo Limited

This map is proprietary and confidential and must not be duplicated or distributed by any means without express permission of Ørsted.

This map is digitally created based on information obtained from various authoritative sources. Every reasonable care has been taken to ensure the information is correct at the time of publication.

No responsibility can be accepted for any mishap or damages arising from any inaccuracies, omissions and new developments within the mapped area."



Map Title:
Figure 2.5: Wind energy Variation Map 8.2.1 with additional Project Development Constraints

Map Scales:
1:620,000 @ A4

Drawn By: Bryan Murphy
Checked By: James Dineen
Date: 2/24/2023 8:38 AM

2.2.5 Policy Context

Section 2.2.3.2 above demonstrates that National and Regional Policy is weighed strongly in favour of the proposed development, providing an appropriate planning balance that includes for national interests and issues of strategic economic and social importance to Ireland.

2.3 CONCLUSION

For all of the above reasons, An Bord Pleanála can be satisfied that, notwithstanding the zoning status of the site, the project is fully in accordance with policy, bringing substantial future benefits to the local area and Ireland’s commitment to transition to a low carbon economy. On balance the proposed development should be recommended for approval.

3.0 KEY ENVIRONMENTAL MATTERS

The key environmental issues relevant to the proposed development site and more general matters of concern for all wind farm developments, are as follows:

- Golden Eagle
- Other Biodiversity Matters
- Landslide Risk
- Tourism

3.1 GOLDEN EAGLE

Golden Eagles were recorded during vantage point watches and other survey work around the proposed development site. No occupied nests were recorded within the wind farm site itself.

It should be noted that, on foot of a single reported Golden Eagle Nest close to the wind farm site, the project team was expanded to bring on board Dr. Ewan Weston, who is an expert on Golden Eagles. Dr Weston has BSc in Zoology (First Class) and PhD in Ecology (Juvenile dispersal behaviour in the Golden Eagle *Aquila chrysaetos*). He has studied Golden Eagles throughout Scotland, especially population in north-east Scotland for the last 24 years. He worked on the project to provide expert opinion and guidance for survey design, site assessment, review of the Golden Eagle report and guidance on mitigation measures/best practice. He is a leading expert with respect to Golden Eagle, particularly regarding their interaction with wind farms, and so his involvement brings a high level of robustness and weight to the findings. He has numerous publications in peer-reviewed international scientific journals on the topic.

Construction and/or operational disturbance could cause nesting failure by the local pair of Golden Eagles, if they attempt to occupy this nest site close to the proposed wind farm site, or another nest site close to the wind farm. There are areas unlikely to be affected by construction works, due in part by the local topography shielding any visual/noise impacts and by existing disturbance occurring closer than the proposed works. If construction works did cause displacement of the Golden Eagles from a nest site they would have otherwise occupied, they will be able to find an alternative site elsewhere in their home range.

It is also possible that the presence of turbines could cause the eagles to avoid nest sites close to the wind farm site, although there does not appear to be any evidence regarding turbines causing displacement impacts to nesting eagles. However, Golden Eagles use multiple nest sites and population modelling undertaken has indicated that intermittent nesting failures by this pair will not have significant impacts on the Irish Golden Eagle population.

Avoidance of the turbines could cause displacement of eagles from up to 244 ha of potential foraging habitat, although the likely displacement impact is much smaller. A Golden Eagle habitat management plan will be implemented to mitigate for this potential displacement impact. This will involve management of around 250 ha of mainly open lands, including around 170 ha of bog and heath habitats. The objective of the habitat management plan will be to enhance populations of Red Grouse and Irish Hare, which are key prey resources for the Irish Golden Eagle population. Successful implementation of the Golden Eagle habitat management plan should offset the effects of any displacement impact to foraging Golden Eagles and may result in a net positive impact on Golden Eagle prey resources within the home range of this pair.

The indicative home range of the Golden Eagle pair in 2022 only extended across the Gweebarra Estuary to the west of the wind farm site. The analysis of Golden Eagle flightlines density indicates that the Golden Eagles use the high ground around Cleengort Hill as a stepping stone to commute across the Gweebarra Estuary. Therefore, the wind farm is not likely to create a significant barrier to this Golden Eagle pair.

The predicted collision risk for the proposed project would result in around 1-2 Golden Eagle fatalities over the lifespan of the wind farm. Population modelling indicated that, with the additional collision mortality, the Irish Golden Eagle population will continue to grow, but at a lower rate. This would delay the Irish Golden Eagle population reaching favourable condition by around two-five years under the worst-case collision risk scenario, or six-ten years under precautionary doubling of that collision risk scenario. This is not considered a significant impact.

It is noted that with respect to collision, recent studies have been published (Fielding et al. 2022)⁸ to suggest that Golden Eagles largely avoided the interior of the wind farm sites, noting that the displacement distance from the outer turbines was recorded as small. Despite the large population of Golden Eagles in Scotland, over 1,000 territorial Golden Eagles and substantially more non-territorial individuals, over 20 years only three Golden Eagle fatalities are known to have occurred. The paper cautions that this may be an underestimate but demonstrates that avoidance (disturbance) is the more likely impact. As noted earlier with the successful implementation of the Golden Eagle habitat management plan the effects of any displacement impact to foraging Golden Eagles should be offset.

3.2 OTHER BIODIVERSITY MATTERS

Designated Sites

The eastern corner of the wind farm site is part of the Meenmore West Natural Heritage Area, while the Derkmore Wood Nature Reserve and proposed Natural Heritage Area is adjacent to the western section of the wind farm site. There is no proposed wind farm infrastructure within 1 km of either of these sites and neither site will be affected by the wind farm development.

Habitats

The wind farm development will remove around 6 ha of wet heath and blanket bog habitat. However, new wet heath and bog habitat is likely to develop in the areas that are felled along the access roads and around the turbines. With implementation of the Biodiversity Management Plan and the Golden Eagle Habitat Management Plan, overall residual impacts on wet heath and blanket bog habitat are likely to be positive.

Aquatic Biodiversity

Several small streams drain the wind farm site to the Gweebarra Estuary. These streams do not have suitable habitat for the Freshwater Pearl Mussel and have little value as habitat for salmonid fish, lampreys, or eels.

• ⁸ Fielding, A.H., Anderson, D., Benn, S., Dennis, R., Geary, M., Weston, E. & Whitfield, D.P. (2022) Responses of dispersing GPS-tagged Golden Eagles (*Aquila chrysaetos*) to multiple wind farms across Scotland. *Ibis*, 164, 102–117.

The Owenea River catchment, a separate catchment from the wind farm site, is a Freshwater Pearl Mussel Sensitive Area. No works required for the proposed development including widening works for the turbine delivery route are located within the Owenea River catchment. Therefore, the proposed development would not have any impacts on the Freshwater Pearl Mussel and Atlantic Salmon populations in the Owenea River catchment.

Bats

The proposed development will include for mitigation and monitoring programme to remove any significant risk to bats.

Other Fauna

No potential Marsh Fritillary breeding habitat was found within the section of the wind farm site that will be developed.

No Otters, or signs of Otter activity, were recorded along the streams, or around the lakes, in the section of the wind farm site that will be developed.

Badger signs or sightings were recorded at two locations in open bog / heath habitat around the edges of the wind farm site during survey work for this project, and there are previous records from the western part of the wind farm site. However, no Badger signs were found during the protected species survey of areas around the proposed wind farm.

Red Squirrels are largely dependent on forest habitats. Therefore, the loss of conifer plantation habitat is assessed as a permanent slight negative impact on the Red Squirrel population at the county scale.

The other protected amphibian, reptile and mammal species are either only partially dependent on forest habitats (e.g., Pine Marten and Red Deer) or associated with non-forest habitats (e.g., Common Lizard and Irish Hare). For the species, that are partially dependent on forest habitats, the loss of forest habitat is likely to be compensated by development of a more diverse mixture of forest and open space habitat. The impact on some of the non-forest species may be positive. In particular, Common Lizard is likely to benefit from the net gain in wet heath and bog habitat. The creation of ponds as part of the Biodiversity Management Plan may result in a long-term positive impact to the local Common Frog population. The implementation of the Golden Eagle Habitat Management Plan is likely to result in a long-term positive impact to the local Irish Hare population.

3.3 LANDSLIDE

There is no evidence of peat instability on the site as a result of previous development. Areas of deep peat are avoided during construction thus minimising the risk of peat slippage. The design of the proposed project has sought to minimise peat stability risks. In addition to avoidance, the use of particular construction methodologies will be employed to minimise peat disturbance. Floating roads are proposed for areas within the wind farm site which have appropriate slope and ground conditions, in line with the Scottish Natural Heritage guidance document (Floating Roads on Peat, 2010). The use of floating roads avoids the need for removal of peat and impacting the local hydrogeology.

The potential for peat failure has been examined carefully with respect to the proposed development. Extensive site surveys relating to the soil and geological environment and ground investigations were undertaken from November 2021 to November 2022.

A planning stage peat stability risk assessment (PSRA) was carried out with the following findings of note:

- A qualitative and deterministic risk assessment and through the various design iterations initial control measures implemented a mitigation by design approach where turbines were moved to lower risk areas
- The findings of this PSRA indicate a “low” hazard ranking for instability related to the requirement for excavations on the site, subject to appropriate mitigation measures.
- Routine and common place mitigation measures will be put in place during the detailed design and construction of the scheme to reduce the likelihood of a failure.
- Required mitigation measures include stepping or battering back of excavations to a safe angle (as determined through a detailed slope stability assessment by a competent temporary works designer) or construction of a temporary sheet pile wall or rock fill berm to support the peat during construction.
- The site terrain is rolling and undulating and topographically confined, limiting the potential and scale of peat slide and debris runout distances.
- Deterministic stability assessments indicate that the materials are considered to be stable in the short (undrained) and long (drained) term, including under the influence of extreme weather events, hence justifying the “low” hazard rankings assigned.
- The PSRA has concluded that the site is suitable for the proposed development.

It is therefore concluded that following mitigation, the hazard ranking of the development is considered to be “low” for all areas.

3.4 TOURISM

The proposed development site is removed from the main tourist attractions of the region and views are mostly contained by the terrain of the environs. There will be no direct impact on the attractiveness on any of the nearest main sites to tourists visiting the region:

- The nearest section of the Wild Atlantic Way route along the N56 is situated some c.3 km west of the nearest turbine as it passes through the village of Lettermacaward on the N56 national secondary route. While there will be some views of the site from here, the landscape already contains wind turbines, and views of the site will be brief while passing along the route.
- The nearest walking trail, situated some c. 1.6 km north of the site at its nearest point, is a section of the Donegal Way – Slí na Rosann which passes along rolling terrain north of the site and through the small village of Doochary.
- A small section of Glenveagh National Park is located c. 1.5 km north-east of the site. The national park, centred around Lough Beagh, is surrounded by rolling upland mountains and ridges and encompasses numerous mountain trails and lakeside walks, in addition to Glenveagh Castle and Gardens. The site is not visible from Glenveagh Castle and Gardens.

While there are no designated tourist sites within or adjacent to the site, there are a number of relevant tourism attractions and public amenities within the vicinity of the wind farm including part of the Wild Atlantic Way route along the N56, walking/hiking trails, the Gweebarra River Estuary, and Glenveagh National Park. The proposed development will be visible from a number of these features in the area.

As the proposed development opens up this land for the public it enhances recreational facilities in the region for both the local community and visiting tourists. The current amenity in this region will be enhanced as the project includes for walking trails, car parking, seating/picnic areas with viewing points.

4.0 CONCLUSION

The Planning Statement has addressed the zoning status, as well as key environmental matters relevant to the proposed development site and dealt with general matters of concern for all wind farm developments.

It has explained how the zoning designation for the proposed development site has been altered in a way that is considered to be lacking in clarity and scientific basis. This has resulted in an illogical zoning designation, not tied to any anticipated landscape and visual impacts. It is argued further that the proposed development is not a material contravention, and notwithstanding this approach, the proposed development can also meet the tests for material contravention. Ultimately this Planning Statement has shown that the zoning designation undermines local, regional and national policy by demonstrating that Variation No. 2 of the Donegal CDP is not fit for purpose and is wholly incompatible with CAP23, as it fails to provide adequate amounts of zoned land for the delivery of wind energy development within County Donegal.

It has shown that the zoning designation for the proposed development site is likely to be interpreted as a Material Contravention of the Donegal County Development Plan. It is noted that under section 37G (6) of the Planning and Development Act, 2000 (as amended), An Bord Pleanála has the power to grant planning permission notwithstanding this likely material contravention and should grant planning permission in accordance with the matters that the Board is required to have regard to.

Notwithstanding this, the Planning Statement has provided ample justification for the approval of the proposed development, by illustrating that it:

- does not give rise to any adverse environmental effects that the zoning designation is seeking to protect; and
- meets the Tests for Material Contravention (under an appeal scenario).

This Planning Statement has shown that the adopted zoning designation has no real connection to the characteristics of the proposed development site.

Finally, it demonstrated that National and Regional Policy is weighed strongly in favour of the proposed development.

The matters dealt with in this Planning Statement provide An Bord Pleanála with justification for the approval of the proposed development, in accordance with the proper planning and sustainable development of the area.

A fundamental to be considered by An Bord Pleanála is the fact that the proposed development will contribute significantly to Ireland's ability to meet National and European targets, set out under the Government's Climate Action Plan 2023 (CAP23). Noting that this Plan is described as the Government's ongoing and urgent response to the current climate crisis. It is now widely recognised that Ireland has substantially and continually failed to meet past climate targets and that Ireland must now significantly increase levels of renewable energy by accelerating the delivery of up to 9 GW of onshore wind. It is currently estimated that as of May 2022, there is an installed wind energy capacity of 4,333 MW in Ireland, which in the context of the above targets, leaves a gap of 4,667 MW to be installed.

In context of this gap, the proposed development will contribute between 2 and 2.9% of additional wind energy to support in meeting the above targets. The 274,626 to 395,461

MWh of electricity produced by the proposed wind farm will be sufficient to supply the equivalent of between 56,590 and 81,488 Irish households with electricity each year.

The ongoing conflict in Ukraine and the associated energy security concern has highlighted the high level of dependency that Ireland has on energy imports. The proposed wind farm will provide a significant contribution towards the production of indigenous clean and renewable energy for 35 years.

The proposed development is directly compatible with the provisions set out in the Climate Action Plan 2023 and will directly contribute to the following objectives of the Plan:

- A reduction in greenhouse gas (GHG) emissions;
- Additional electricity generation and transmission infrastructure to achieve our renewable energy and emissions targets;
- Deliver the least cost pathway (in the long-term) to meeting the electricity sector targets;
- Input of renewable energy to the national grid to support renewable energy targets;
- Achieving decarbonisation of the electricity sector;
- The commitment that 80% of our electricity needs will come from renewable sources by 2030;
- Meeting Ireland’s Renewable Energy production targets by 2030 and 2040;
- Meeting the specific objectives and indicative targets for onshore wind energy in Ireland by 2030 (based on the indicative construction and commissioning schedule for the proposed development); and
- Provision of grid connection infrastructure to support the renewable energy output from the proposed development.

Lastly, the following factors should be considered when assessing the proposal:

- Wind speed at the proposed development site is excellent (7+ m/s at 100m) and existing overhead line infrastructure provides opportunity for a direct grid connection.
- The proposed development site is located in a modified part of Donegal’s landscape, principally cloaked in extensive commercial conifer forest plantations, which are considered a typical transitional land use and well suited for wind energy development in terms of its scale and function.
- The proposed development would not dominate the existing landscape, as it is in a remote contained valley context surrounded by elevated rolling ridges and hilltop summits located to the east, south and west and the proposed turbines will be heavily screened in the wider surrounds beyond the context of the Gweebarra River valley. The nearest residential dwelling is approximately 925 m from the nearest turbine.
- Notwithstanding the recent zoning designation change to the site, which changed from “open to consideration” to “not normally permissible” under the Donegal County Development Plan, it should be noted that the landscape context has not changed and it is considered that the site and its immediate surroundings should not be excluded from potential wind energy development based on landscape and visual constraints.
- The Moderate Scenic Amenity designation that contains the site and wider valley, are described as areas with “the capacity to absorb additional development that is suitably located, sited and designed” and should be noted as the lowest of three scenic designations set out under the County Development Plan.
- Golden Eagles were recorded during vantage point watches and other survey work around the proposed development site. No occupied nests were recorded within the wind farm site itself. With implementation of the management plan no significant impact is predicted on the Golden Eagle population.

- Landslide potential has been assessed as low for the proposed development site.
- There are no other environmental matters of concern.

Appendix 1 - Variation No. 2 of the Donegal County Development Plan 2018-2024

**Variation to the
County Donegal Development Plan 2018-2024 (As Varied)**

**in respect of a
Wind Energy Policy Framework
(Variation No. 2)**

**Incorporating Ministerial Direction Issued Under Section 31 of the
Planning and Development Act, 2000 (As Amended).**



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

**Community Development
& Planning Services
21st December 2022**

Explanation of the Content of the Variation

- The Variation consists of both textual and mapping changes.
- There are 18 no. **textual changes** and these are set out in Section 1.0: 'Textual Changes'.
- There is 1 no. **mapping change** and this is set out in Section 2.0: New Wind Energy Map.

1.0 Textual Changes

Note regarding the Text of the Variation.

The 'Variation' column (shaded in grey) in the table below contains the text of the Variation. In this regard:

- New additional text to be inserted is shown in **red**.
- Existing text to be deleted is shown in **blue strikethrough**.
- Text already omitted as a result of High Court Order made on the 5th day of November, 2018 is shown in **orange strikethrough**.
- Existing text to remain in the Development Plan is shown in black.

The other columns are for ease of reference only and do not form part of the Variation.

Table 1: Textual Changes and Associated References

Ref	Location in Plan	Type of Change	Variation
1	Part A Section 2A.1 Page 10 (end of 3 rd Paragraph)	Amend text	<p>...This approach is consistent with the national climate change and de-carbonisation agenda underpinning Section 10(2)(n) of the Planning and Development Act 2000 (as amended) and articulated in both: (i) the Government's White Paper on Energy Policy, (ii) the National Mitigation Plan. The Government's White Paper on Energy Policy—Ireland's Transition to a Low Carbon Energy Future 2015-2030 (DCNER) sets out a framework to guide policies and actions that take into account: Project Ireland 2040, National Development Plan; Climate Action and Low Carbon Development Act; Climate Action Plan 2021; the National Energy and Climate Action Plan (NECP) 2021-2030; and the National Adaptation Framework 2018 to ensure a transition to a low carbon and climate resilient society and taking into account European and International climate change objectives and agreements as well as Irish social, economic and employment priorities.</p>
2	Part A Section 2, Appendix 2	Delete existing statement in relation to the County Donegal Development Plan 2018-2024 in respect of Section 28 Wind Energy Development Guidelines.	<p>Section 8.2 (Energy) and Map 8.2.1 (Wind Energy) were prepared having regard to the Wind Energy Development Guidelines (2006), and the Interim Guidelines for Planning Authorities on Statutory Plans Renewable Energy and Climate Change (2017). The Plan provides for the identification of (i) areas 'Open to Consideration', (ii) areas identified as 'Not Acceptable' and (iii) areas identified as 'Acceptable in Principle' for Augmentation to existing Windfarms.' The identification of the said areas followed and evidential led methodology guided by the approach set out in the Wind Energy Guidelines. Chapter 8 together with objectives and policies of Chapter 7 (Natural and Built Heritage) provides an appropriate framework to guide the detailed consideration of wind energy proposals and this has been prepared having regard to the Guidelines.</p> <p>However, the Planning Authority is of the opinion that Section 5.0 of the Wind Energy Development Guidelines has not been implemented in relation to 'distance from the nearest turbines to any noise sensitive property' for the following reason. Whereas the Guidelines provide that: 'In general, noise is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500 metres', the Plan stipulates a minimum setback distance of ten times tip height (for noise reasons) which requirement will, having regard to standard heights of modern turbines, inevitably result in setback distances being significantly in excess of the 500m guide.</p> <p>The Council agreed this policy on foot of its consideration of a non-Executive report submitted to the Council in which a rationale was provided for the adoption of such a policy,</p>

Ref	Location in Plan	Type of Change	Variation
			<p>which rationale included references to scientific noise studies and case law in relation to noise disturbance from wind turbines. The report concluded that:</p> <p>In order to protect residential amenity in the face of emerging evidence shown above it is prudent to apply the precautionary principle until adverse effects can be scientifically discounted according to the recent CJEU judgement case ref# C-142/16. Also since the adoption of the current CDP we have had incidents of blade throw (Corkermore), turbine collapse (Loughderryduff) and Screggagh), fire (Cappagh Beg), which the set back would provide an adequate safety buffer.</p> <p>This Plan has carried over the proportional setback and other provisions of Variation no.2 from the previous Plan and while the policy provisions contained at Chapter 1.2 of the 2006 Guidelines are met as evidenced in the report endorsed by Council on May 2nd 2017 entitled 'Submission in relation to amendment document 'Option 3 Revised' to the Working Draft County Development Plan 2018-2024', this report recognises the particular environmental and spatial realities pertaining in the functional area of the Plan and while not slavishly copying the guidance in Section 5.0 the plan is consistent with and is aligned to the objectives of this guideline, by mitigating for the environmental implications under the headings it identified, as appropriate to Donegal. The research in the document analyses the development management tools incorporated in policy and objectives to show that the Plan can contribute significantly to national energy policy and decarbonisation even when compared to the most ambitious renewable energy policy targets.</p> <p>With regard to the above-noted Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017), these Guidelines include a provision paragraph 4(3) that any proposal to introduce or vary a setback distance or distances for wind turbines from specified land uses or classes of land use within the Development Plan may be permissible subject to it being SEA'd and that a material consideration of such proposals in the SEA would be whether the proposal would create a significant limitation or constraint on renewable energy projects including windfarms. The Guidelines further provide that any proposal to introduce or vary such a setback distance would require to demonstrate compliance with paragraph 4(2) that requires an indication of how the implementation of the Plan over the effective period will contribute to realising overall national targets on renewable energy and climate change targets, in particular wind energy production and potential resource (MW).</p>

Ref	Location in Plan	Type of Change	Variation
			<p>Arising from these requirements, the Council undertook a Strategic Environmental Assessment, and an Appropriate Assessment of the effects on the relevant provisions in the Plan, namely Section 6.5(f) of Section 6: Wind Energy Technical Standards, Appendix 3, Part B of the Plan. This included the preparation of an Environmental Report and a Natura Impact Report on this specific issue. The Council concluded as follows:</p> <p>“That inclusion of Section 6.5(f) will have a potential conflict with the status of SEOs AC1, AC2 and AC3 as it produces a minor limitation on the contribution to climate mitigation and renewable energy projects as outlined in this report. It has been shown that this effect in combination with the cumulative effects is likely to be mitigated to an acceptable extent by reason of the overall potential of the plan to contribute to any reasonable national policy target projections demonstrated within this Environmental Report.</p> <p>The Plan inclusive of Section 6.5(f) therefore:</p> <ul style="list-style-type: none"> (i.) Would not thereby significantly reduce the Councils potential support for the implementation of the National Climate Strategy 2007-2012 such as to result in a possible conflict unlikely to be mitigated to an acceptable level (SEO: AC1); and (ii.) Would not significantly reduce the Councils potential contribution to the reduction of all forms of air pollution such as to result in a probable conflict unlikely to be mitigated to an acceptable level (SEO: AC2); and (iii.) Would not significantly reduce the Councils potential to support and promote a shift from fossil fuel dependent energy to more sustainable energy such as to result in a probable conflict unlikely to be mitigated to an acceptable level (SEO: AC3); and (iv.) Permits the Plan to indicate how the Plan over its lifetime would contribute to reaching the targets as set forth in paragraph 4(2) of the interim guidelines; and (v.) Has (notwithstanding the fact that the proportionate setback distance referred to in Section 6.5(f) is already contained in the existing development plan and is not being varied by the draft plan) demonstrated detailed compliance with paragraph 4(2) of the interim guidelines in Donegal County Councils proposal to introduce or vary a mandatory setback distance or distances for wind turbines from specified land uses or classes of land use into their development plan or local area plan; (vi.) Has been subject to environmental assessment requirements, under the SEA and Habitats Directives; (vii.) Has materially considered the likely significant effects on climatic factors, in addition to other factors such as landscape and air, in SEA, where the mandatory

Ref	Location in Plan	Type of Change	Variation					
			<p>proportionate setback contained in Section 6.5(f) would potentially create a significant limitation or constraint on renewable energy projects, including wind turbines, within the administrative area of the plan.</p>					
3	Part A Section 2, Appendix 2	Insert new Section 28 statement in relation to the County Donegal Development Plan 2018-2024 in respect of Wind Energy	<p>The Plan's wind energy policy was prepared having regard to: the 'Wind Energy Development Guidelines, (2006)'; 'An Information Note: Review of the Wind Energy Development Guidelines 2006 – Preferred Draft Approach' (June, 2017)'; the 'Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July, 2017)'; the 'Draft Revised Wind Energy Development Guidelines (December, 2019)'; and Direction from the Minister for Housing, Local Government (on 21st December 2022) in relation to certain sections of the Variation made by the members on the 18th July 2022.</p> <p>As the contents of the Draft Guidelines are largely unchanged from earlier Guidelines with regard to set-back distances and map preparation methodology, the undernoted addresses alignment with the Draft Guidelines, and particularly the <i>specific planning policy requirements</i> (SPPRs), of which there are two, contained therein.</p> <table border="1" data-bbox="800 821 1890 1398"> <thead> <tr> <th data-bbox="800 821 1320 886">Section of Wind Energy Development Guidelines</th> <th data-bbox="1320 821 1890 886">Statement in relation to the Wind Energy Variation</th> </tr> </thead> <tbody> <tr> <td data-bbox="800 886 1320 1398"> <p><u>SPPR 1</u></p> <p>1) Ensure that overall national policy on renewable energy as contained in documents such as the Government's 'National Energy and Climate Change Plan 2021-2030', and the 'Climate Action Plan 2019', is acknowledged and documented in the relevant development plan or local area plan;</p> </td> <td data-bbox="1320 886 1890 1398"> <p>1) European and national policy on renewable energy is acknowledged and documented in Amendment Item 4. Amendment Item 4 specifically refers to the following</p> <ul style="list-style-type: none"> • The Climate Action Plan 2021- Securing Our Future • Climate Action and Low Carbon Development (Amendment) Act 2021 • National Energy and Climate Plan • National Adaptation Framework • Climate Ready Donegal 2019 </td> </tr> </tbody> </table>		Section of Wind Energy Development Guidelines	Statement in relation to the Wind Energy Variation	<p><u>SPPR 1</u></p> <p>1) Ensure that overall national policy on renewable energy as contained in documents such as the Government's 'National Energy and Climate Change Plan 2021-2030', and the 'Climate Action Plan 2019', is acknowledged and documented in the relevant development plan or local area plan;</p>	<p>1) European and national policy on renewable energy is acknowledged and documented in Amendment Item 4. Amendment Item 4 specifically refers to the following</p> <ul style="list-style-type: none"> • The Climate Action Plan 2021- Securing Our Future • Climate Action and Low Carbon Development (Amendment) Act 2021 • National Energy and Climate Plan • National Adaptation Framework • Climate Ready Donegal 2019
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Ref	Location in Plan	Type of Change	Variation	
			<p>2) Indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts) taking into account the 'sieve mapping approach' identified in the table (table 1 in Guidelines) below, in particular the potential contribution of the areas identified as 'Acceptable in Principle' and 'Open to Consideration'; and</p> <p>3) Demonstrate compliance with section 3.4 of these Guidelines (section 3.4 sets out the policies and objectives relating to wind energy that should be included in the development plan).</p>	<ul style="list-style-type: none"> • Draft Wind Energy Development Guidelines 2019 • Project Ireland 2040 Our Plan: The National Planning Framework and National Development Plan 2018-2027 <p>2) In the absence of detailed technical guidance, it is not possible to make such calculations with any degree of accuracy for a number of reasons as set out below. The information contained in the reasons also serves to provide a broad overview of the wind energy potential of the County. For a significant part of the County, the development of windfarms is not precluded (refer to the 'Acceptable in Principle' and 'Open to Consideration' designated areas on Map 8.2.1.).</p> <p>3) As of 2020 there were 301 operational turbines in Donegal and it is not possible to project how many of these will be replaced and what the generating capacity of any such replacement turbines might be. Of note is that Planning staff met the Sustainable Energy Authority Ireland (SEAI) regarding this matter and were advised that the developing technology of wind energy production also makes calculating potential output difficult.</p>

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			<p>The following points address compliance with Section 3.4 of the Guidelines:</p> <ul style="list-style-type: none"> • A positive and supportive statement of the importance of wind energy as a renewable resource is contained within Amendment No.4. • A new objective, E-O-7, is included as Amendment No.7 and sets out the referenced objective. • Map 8.2.1 entitled 'Wind Energy' designates areas as 'Acceptable in Principle', 'Open to Consideration' and 'Not Normally Permissible'. This Map was prepared using, as a basis, the methodology set out in Section 3.6 of the Draft Guidelines. Members, by resolution, made six amendments to the proposed map submitted by the Executive. One of the amendments was to include all 'Especially High Scenic Amenity' areas in the 'Not Normally Permitted' designation; however, these areas were already included in the 'Not Normally Permitted' designation. <p>All five remaining amendments also changed areas from 'Open to Consideration' to 'Not Normally Permissible'.</p> <p>Two of the changes were made at the Plenary Council Meeting of November, 2021:</p> <p>(1) The 'Lifford-Stranorlar Municipal District Areas at Risk of Landslides</p>

Ref	Location in Plan	Type of Change	Variation	
				<p>and Associated Environmental and Ecological Concerns'; This amendment was made due to the landslide event at the adjacent Meenbog windfarm site (an eventuality noted by the Members as being forewarned by an eminent Civil and Structural Engineer in a submission to the relevant planning application) and having regard to: o the presence of identified 'Moderately High' and Moderately Low' landslide susceptibility areas; and o the ecological and environmental sensitivities of the area, including the strategic Lough Mourne public water supply reservoir and associated known tributaries and unknown underground feeder supplies, and to the consequent imperative need to protect the catchment area by adopting a precautionary approach to this specific area.</p> <p>(2) All 'Moderately High' and 'Moderately Low' Landslide Susceptibility areas. This amendment was made due to the same concerns as set out at Point 1 above.</p> <p>At the January 2022 Plenary Council Meeting (deferred to 21st February</p>

Ref	Location in Plan	Type of Change	Variation
			<p>2022), four further amendments were proposed. These changes were confirmed at the Plenary Meeting of 6th April, 2022.</p> <p>(3) The Gweebarra River Valley Whilst much of the river valley was already included in the 'Not Normally Permissible' areas, this proposal consolidated the 'Not Normally Permissible' designation having regard to the fact that the area joins two specific EHSA's The Gweebarra River and Lough Finne, within the mapped area there are spectacular views of both EHSA's Gweebarra River and Lough Finne, considering the vast environmental assets in the area – Meenmore West Bog; Coolvoy Bog; vast mature forestry; Lettermacaward Water Treatment Plant; there is potential for this area of the County to potentially play a leading role offsetting carbon omissions as well as its proximity to one of Irelands leading Salmon Fisheries.</p> <p>(4) St. John's Point</p> <p>(5) Freshwater Pearl Mussel Catchment The EPA in its submission to the SEA Environmental Report– Scoping exercise observed that the 'Water Framework Directive</p>

Ref	Location in Plan	Type of Change	Variation
			<p data-bbox="1457 277 1877 748">protected areas (Salmon rivers, nutrient sensitive rivers, freshwater pearl mussel rivers etc.) and high status water bodies should be afforded particular protection in implementing the Variation. Considering this submission, the five river valleys of the Freshwater Pearl Mussel Catchments are included in the 'Not Normally Permissible' area so that the highest level of protection can be afforded to the designation which strengthens and responds to the submission made by the EPA.</p> <p data-bbox="1335 789 1850 971">Finally, the Direction of the Minister for Housing, Local Government (on 20th December 2022) reversed Amendments (1) and (2) referred to above thereby returning these areas to 'Open to Consideration' from 'Not Favoured'.</p> <ul data-bbox="1367 1011 1856 1354" style="list-style-type: none"> • It is an Objective (E-O-5) in Section 8.2.2 of the current County Donegal Development Plan that (...wind energy developments meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines...). Chapter 6 of the Guidelines set out in detail the Development Management considerations based on siting and design criteria that must be met in

Ref	Location in Plan	Type of Change	Variation	
				<p>accordance with objective E-O-5 of the existing Plan.</p> <ul style="list-style-type: none"> There are policies within the current County Donegal Development Plan relating to small scale and community windfarms, and this issue will be addressed during the forthcoming review of the County Donegal Development Plan.
			<p><u>SPPR2</u> With the exception of applications where reduced setback requirements have been agreed with relevant owner(s) as outlined at 6.18.2 below, planning authorities and An Bord Pleanala (where relevant), shall, in undertaking their development planning and development management functions, ensure that a setback distance for visual amenity purposes of 4 times the tip height of the relevant wind turbine shall apply between each wind turbine and the nearest point of curtilage of any residential property in the vicinity of the proposed development, subject to a mandatory setback of 500 metres from that residential property. Some discretion applies to planning authorities when agreeing separation distances for small scale wind energy developments generating energy primarily for on-site usage. The planning authority or An Bord Pleanala (where relevant), shall not apply</p>	<p>The Minister for Housing, Local Government directed the Council (on 20th December 2022) to remove two no. policies made in the Variation that had included a requirement for setback distances of 10 times tip height of wind turbines from residential receptors.</p>

Ref	Location in Plan	Type of Change	Variation
			<p>a setback distance that exceeds these requirements for visual amenity purposes.</p>
4	Part A Chapter 8: Natural Resource Development Section 8.2.1 Background, Page 148	Amend text	<p>This energy strategy has been prepared in the context of the European and national corporate policy frameworks as set out in the: EU Renewable Energy Directive, 2009; White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future, 2015-2030 (updated June 2020); National Mitigation Plan, 2018 (DCCA); National Planning Framework and National Development Plan February 2018 (DHPLG); National Adaptation Framework, January 2018 (DCCA); National Energy and Climate Plan 2021-2030; and the Government's Climate Action Plan 2021. The EU Renewable Energy Directive, 2009 (EU); and the Department of Communications, Energy and Natural Resources' Strategy for Renewable Energy 2012-2020, and White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future, 2015-2030'. The Government's National Renewable Energy Action Plan, 2010 (Irish Government submission to the European Commission) that sets out Ireland's National targets for generation of energy consumption from renewable energy sources by 2020 (as derived from EC Directive 2009/28). Within this context, Ireland is legally obliged to ensure that by 2020 at least 16% of all energy consumed in the state is from renewable resources. In Ireland, the Government has set an electricity target of 40% electricity consumption from renewable sources by 2020, together with a target of 10% in the transport sector and 12% renewable heat by 2020. The Government's 'Strategy for Renewable Energy 2012-2020' which recognises that the development of renewable energy is central to overall energy policy in Ireland, as it has the potential to reduce dependence on fossil fuels; to improve security of supply; and to reduce greenhouse gas emissions creating environmental benefits while delivering green jobs to the economy, thus contributing to national competitiveness.</p> <p>The government is committed to reducing greenhouse gas emissions and meet the target CO2 reductions set by EU and meet international obligations. The Climate Action Plan 2021 (DCCA), outlines a pathway to reduce Ireland's greenhouse gas emissions by 51% to 2030 through a suite of measures including that 80% of the Country's electricity shall be generated from renewable sources</p> <p>Project Ireland 2040, the governments overarching policy initiative to make Ireland a better country comprises both the National Planning Framework 2018 (NPF) and the National Development Plan 2018-2027 (NDP). The NDP identifies the importance of climate change</p>

Ref	Location in Plan	Type of Change	Variation
			<p>in National Strategic Outcome 8 (NSO8), to ensure a 'Transition to a Low Carbon and Climate Resilient Society', and in National Policy Objective 55, which seeks to 'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'; the NDP includes 'climate action' as one of its strategic investment priorities. The National Energy and Climate Action Plan (NECP) 2021-2030 takes into account energy and climate policies, the levels of demographic and economic growth identified in the NPF and includes all of the climate and energy measures set out in the National Development Plan 2018-2027. These documents set out a framework to guide energy policy between now and 2030, with the aim of improving Ireland's renewable energy output and reducing carbon emissions in accordance with the EU objective of a low carbon society by 2050.</p> <p>The Council also acknowledges Eirgrid's Strategy 2020-2025, entitled 'Transform the Power System for Future Generations' sets out plans for an estimated 25% growth in electricity demand by 2025, along with a target of net zero carbon emissions by 2050. the strategy of Eirgrid (the independent Electricity Transmission Operator) wherein it envisages that the North West can become a net exporter of power to the rest of the island, reducing its reliance on supply from outside. The strategy promotes an increase in power supply to accommodate and help attract future economic investment in the County. It proposes to make an additional investment in the North West of approximately €750m to upgrade almost 700 km of the existing transmission network and to build new circuits including 110 kV reinforcements between Killybegs (Binbane station) and Letterkenny and further integration of the Donegal and Northern Ireland networks. Energy resilience into the future will be influenced by continued investment in the electricity networks and infrastructure.</p> <p>Wind Energy Context</p> <p>The wind energy policies contained within this Plan are consistent with the broader European and national corporate energy policy agenda. Project Ireland 2040 (National Development Plan 2018-2027) identifies transitioning to a low-carbon and climate-resilient society as a vital strategic outcome. National Strategic Outcome 8, 'Transition to a Low-Carbon and Climate-Resilient Society', highlights the centrality of this to all elements of spatial policy, and is identified as one of its Strategic Investment Priorities. Renewable energy and specifically wind</p>

Ref	Location in Plan	Type of Change	Variation
			<p>energy are referenced in this regard. The National Planning Framework reiterates the UN Sustainable Goals: 7, Affordable and Clean Energy; and 13, Climate Action. These are transposed into National Policy Objectives 53 and 55 that both support and promote greater sustainable use of renewable energy. the emerging National Planning Framework also emphasizes the critical issues around energy. The 'Executive Summary: Issues and Choices' paper (February, 2017) notes that: 'Energy is critical to support Ireland's future growth.'</p> <p>Similarly, the Regional Spatial and Economic Strategy (RSES) 2020-2032 for the Northern and Western Regional Assembly, indicates continued emphasis on the provision of sustainable energy within Growth Ambition 5.</p> <p>Similarly, preliminary commentary in relation to the forthcoming Regional Spatial and Economic Strategy (RSES) indicates continued emphasis on the provision of sustainable energy in compliance with International, European and National energy targets.</p> <p>In terms of wind speed and consistency, Donegal is ideally located on the North-West Atlantic coast and this wind energy resource has already been harnessed to a significant degree. Thus Donegal already generates significant wind energy outputs relative to other counties in Ireland and has become an energy exporter, despite the limited available electricity grid infrastructure in the County and significant environmental and heritage designations covering over one-third of the County. It is therefore challenging to achieve a balanced approach to the identification of further suitable locations that will not detract from the scenic and environmental resource of the County.</p> <p>Donegal County Council acknowledges the importance of wind energy as a renewable energy source which can play a vital role in achieving national targets in relation to reductions in fossil fuel dependency and therefore greenhouse gas emissions.</p> <p>The Council's approach to wind energy has been prepared having regard to the draft Wind Energy Development Guidelines, 2019 DHPLG that clearly set out Ireland's objectives to support international obligations relating to climate change and renewable energy to achieve net zero carbon emissions by 2050. Whilst the importance of addressing climate change is at the fore of international and national policy, and the government's commitment to achieving targets as discussed above, there is a commitment to achieve this in a balanced way; the Draft Wind Energy Development Guidelines (2019) states that "<i>the development</i></p>

Ref	Location in Plan	Type of Change	Variation
			<p><i>plan must achieve a reasonable balance between responding to Government Policy on renewable energy and enabling the wind energy resources of the planning authority's area to be harnessed in a manner that is consistent with proper planning and sustainable development, taking into account the legitimate views of local communities."</i></p> <p>Map 8.2.1 entitled 'Wind Energy' designates areas considered suitable or unsuitable for new wind energy development in the County. These areas have been identified using a step-by-step sieve mapping analysis as a basis for constructing the map, by carrying out a comprehensive analysis of the environmental sensitivities and the wind energy potential of the County (in accordance with the Draft Wind Energy Development Guidelines 2019) subject to amendments made by resolution of the Council (refer to Section 28 Statement). In the event of a discrepancy occurring between Map 8.2.1 and the written objectives and policies contained in the Plan, the written text shall be the key material consideration and take precedence over Map 8.2.1.</p> <p>Planning Guidelines on Wind Energy Development, 2006 prepared by the (then) Department of the Environment, Heritage and Local Government. The review of the policy context guiding wind energy production has been augmented by the evidence base that is made up, in part, by the landscape character assessment process, the SEAI commissioned reports 'Examination of the Significance of Noise in Relation to Onshore Wind Farms' Marshall Day Acoustics. (November 2013), and 'Preliminary Report on Wind Turbine Noise Modelling RPS (March 2015), the Donegal County Council Interreg Iva project, 'Practical Implementation of Freshwater Pearl Mussel Measures' report 'Windfarm Development Guidance – Dr Tony McNally (June 2014), the Eirgrid reports, 'All Island Ten Year Transmission Forecast Statement 2015' and 'Generation Capacity Statement 2017-2026'.</p> <p>Arising from this process and in accordance with Policy E-P-12 and Map 8.2.1 and 'Wind Energy' section of Appendix 3, Development Guidelines and Technical Standards, Part B, Objectives and Policies of the Plan, the Plan identifies the following policy area designations as the means of determining the principle of the acceptability or otherwise of proposed new wind farm developments, and alterations to existing wind farms within the County.</p> <p>(a) Acceptable In Principle Wind farm developments shall be generally acceptable in principle in these areas.</p> <p>(b) Open to Consideration</p>

Ref	Location in Plan	Type of Change	Variation
			<p>Wind farm developments shall be generally open to consideration in these areas.</p> <p>(c) Not Normally Permissible Like the other two designations, these areas were identified on foot of a comprehensive analysis of the environmental sensitivities and the wind energy potential of the County. On foot of this determination, and in-line with national guidelines, it follows that most windfarm developments will not normally be permissible. This should apply in particular to such proposals on previously undeveloped sites, inclusive of sites with a lapsed unimplemented permission (and where substantive works have not been undertaken). Notwithstanding, and having regard to previous planning assessments and decisions and the subsequent investment incurred, it is the position of Donegal County Council that a more balanced approach is required when dealing with windfarm proposals in these areas where, crucially, there is an already existing strong planning history. This refers to the following categories: Existing Windfarms; Developments Under Construction; Developments Where Permissions Have Lapsed But Where Substantial Works Have Been Completed; and Sites With a Live Permission but not yet started. For such sites, it is considered reasonable to allow for the consideration of proposals for the augmentation, upgrade and improvement of such developments in accordance with the details set out in Policy E-P-12 below.</p> <p>(1) 'Open to Consideration': Within these locations, wind farm developments are open to consideration, subject to compliance with other objectives and policies of the Plan. These areas are open to consideration for appropriate wind energy proposals. They have been identified having regard to a range of factors, including wind energy potential (through the wind speed atlas www.seai.ie), existing grid connections, proposed grid connections, natural heritage designations and landscape sensitivity, road infrastructure and where potential conflict with natural heritage designations may be managed effectively.</p> <p>(2) 'Acceptable for augmentation of/improvements to existing windfarms': Within these locations, wind farm development would be unacceptable save as augmentation of, or improvements to, existing wind farm development subject to compliance with all other objectives and policies of the Plan. The Council recognises the opportunities arising from the use of more efficient turbines on established windfarms, as they generate much higher energy yields per turbine, thereby reducing the need for additional turbines. In most cases the</p>

Ref	Location in Plan	Type of Change	Variation
			<p>infrastructure, roads, hardstand, turbines, sub-station and fences have already been established, so there should be limited additional impact. Wind energy developments within these areas will be considered subject to compliance with all other objectives and policies of the Plan.</p> <p>(3) 'Not acceptable': Locations where Wind Farm Development would be unacceptable. Areas where wind energy proposals would be unacceptable have been identified having regard to their significant environmental, heritage and landscape constraints. These include; Special Areas of Conservation (SAC's) and Special Protection Areas (Natura 2000) sites, Natural Heritage Areas, areas identified as high and medium landscape sensitivity, areas of Fresh Water Pearl Mussel including the catchments identified in the Sub-Basin Management Plans for Clady, Eske, Glaskeelin, Leannan, Owencarrow and Owenea (as listed in S.I. 296 of 2009), important views and prospects, among others. It is considered that these areas have no capacity for wind energy development.</p> <p>The objectives and policies contained in this Section of the Plan set out a broad framework against which all windfarm proposals shall be considered. However, individual windfarm proposals are likely to give rise to additional issues covered by other provisions in the Plan and thus proposals shall also be subject to compliance with all other pertaining objectives and policies contained in this Plan.</p> <p>Within each of the wind energy area designations on Map 8.2.1, and along the interface between the designations, there may be small areas that do not fully meet the intent of the designation. Such anomalies shall be considered individually and in the context of all other objectives and policies contained within this Plan, should an application for development be submitted in these. The onus shall be on the applicant to make the case that the site does not meet the characteristics of the designation within which it is located, but ultimately it shall be a matter for the Planning Authority to adjudicate on such matters.</p>
5	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies Page 152	Amend text	<p>Wind Energy</p> <p>As well as implementing the undernoted policy framework, it will be the practice of the Council, in accordance with Article 22A of the Planning and Development Regulations 2001 (as amended) to require all windfarm developers to submit a Community Report with their planning application, which report shall be consistent with the relevant provisions of 'The Code of Practice for Wind Energy Development in Ireland, Guidelines for Community Engagement'; Department of Communications, Climate Action and Environment (December 2016). will also encourage all wind energy developers to engage in pre-planning consultation with the Planning</p>

Ref	Location in Plan	Type of Change	Variation
			Authority in relation to development proposals. Developers will also be encouraged to engage with the local community to investigate the potential for local community benefit that may arise, and/or arrangements for local community investment.
6.	Part A Chapter 8: Natural Resource Development Section 8.2.2 Objectives Page 151	Amend E-O-1	E-O-1: To develop sustainably a diverse and secure renewable energy supply portfolio to meet demands and capitalize on the County's competitive locational advantage.
7	Part A Chapter 8: Natural Resource Development Section 8.2.2 Objectives Page 151	Insert New Objective E-O-7	Objective E-O-7 To secure the maximum potential from the wind energy resources of the planning authority's area commensurate with supporting development that is consistent with proper planning and sustainable development.
8	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies Page 152	Delete Policy E-P-12	It is the policy of the council to: Consider the development of appropriate new wind energy developments within the areas identified as 'Open to Consideration' on the Wind Energy Map 8.2.1, subject to compliance with all other relevant objectives and policies contained within this plan and the following: (a)—Repowering Repowering is the process of replacing older turbines with newer ones that either have a greater capacity or more efficiency which results in a net increase of power generated. Repowering may also seek to extend the overall lifespan of the development. Proposals for repowering, shall not result in a net increase in turbines, and it shall be demonstrated that there is no adverse impact on the receiving environment; or (b)—Extension In areas located outside of Natura 2000 sites, proposals for an extension to an existing wind farm (of up to 20% in terms of permitted numbers of turbines or in cases where 5 or less turbines are permitted in a wind farm, one additional turbine) will be considered. The proposal will be required to demonstrate that the additional turbines may be served by the infrastructure serving the existing development; or Reapplication

Ref	Location in Plan	Type of Change	Variation
			<p>(c) In areas located outside of Natura 2000 sites, where an existing wind farm has been permitted and this permission has expired, a revised proposal will be considered within the planning unit of the previously permitted development, and where it is demonstrated that there is no increase in turbines.</p> <p>Not favorably consider wind energy proposals in those areas identified as 'Not Acceptable' on the Wind Energy Map 8.2.1</p>
9	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert new Policy E-P-12	<p>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:</p> <p>1. Areas in Map 8.2.1 Wind Energy:</p> <p>(a) Acceptable In Principle Wind energy development shall be generally acceptable in these areas.</p> <p>(b) Open to Consideration Wind energy development shall be generally open to consideration in these areas.</p> <p>(c) Not Normally Permissible</p> <p>(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.</p> <p>(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.</p> <p>2. Specific Biodiversity Related Requirements:</p>

Ref	Location in Plan	Type of Change	Variation
			<p>a) Loss of functionally linked habitat Developers of wind energy proposals on greenfield sites shall undertake a pre-construction appraisal of habitats. Should habitats suitable for supporting Special Conservation Interest bird species be present, developers will be required to undertake pre-construction bird surveys to confirm whether the site supports a significant proportion of bird populations (typically taken to be 1% of the population of a SPA, at time of designation). Depending on whether qualifying birds represent breeding or overwintering species, surveys will need to be undertaken in the breeding season or overwintering period (October to March). If a site represents functionally linked habitat, avoidance / mitigation measures will be required and the proposal will need to be supported by a bespoke Appropriate Assessment.</p> <p>b) Mortality due to collision with operational wind turbines Wind energy development proposals shall demonstrate that they can be delivered without resulting in adverse effects on the integrity of European sites. Vantage point surveys will be required to establish a) the overall use of the development site by Special Conservation Interest birds and b) more detailed usage by Special Conservation Interest birds of the turbine swept area taking account of specifications such as turbine height, blade length, nacelle (blade hub) rotation speed and the number of turbines. Mitigation measures may need to be delivered to ensure that any residual risks are appropriately avoided or reduced.</p> <p>c) Disturbance displacement To avoid potential permanent disturbance displacement impacts on Special Conservation Interest bird species, Donegal County Council will generally not support wind energy proposals within 1km of Special Protection Areas unless clear evidence from the applicant or scheme promoter can demonstrate no adverse effect on site integrity will arise.</p> <p>d) Water quality Any wind energy developments within 1 km of sensitive SPAs / SACs shall ensure that potential adverse impacts on the European sites due to water quality impacts are assessed and, where required, mitigated. Possible assessments and</p>

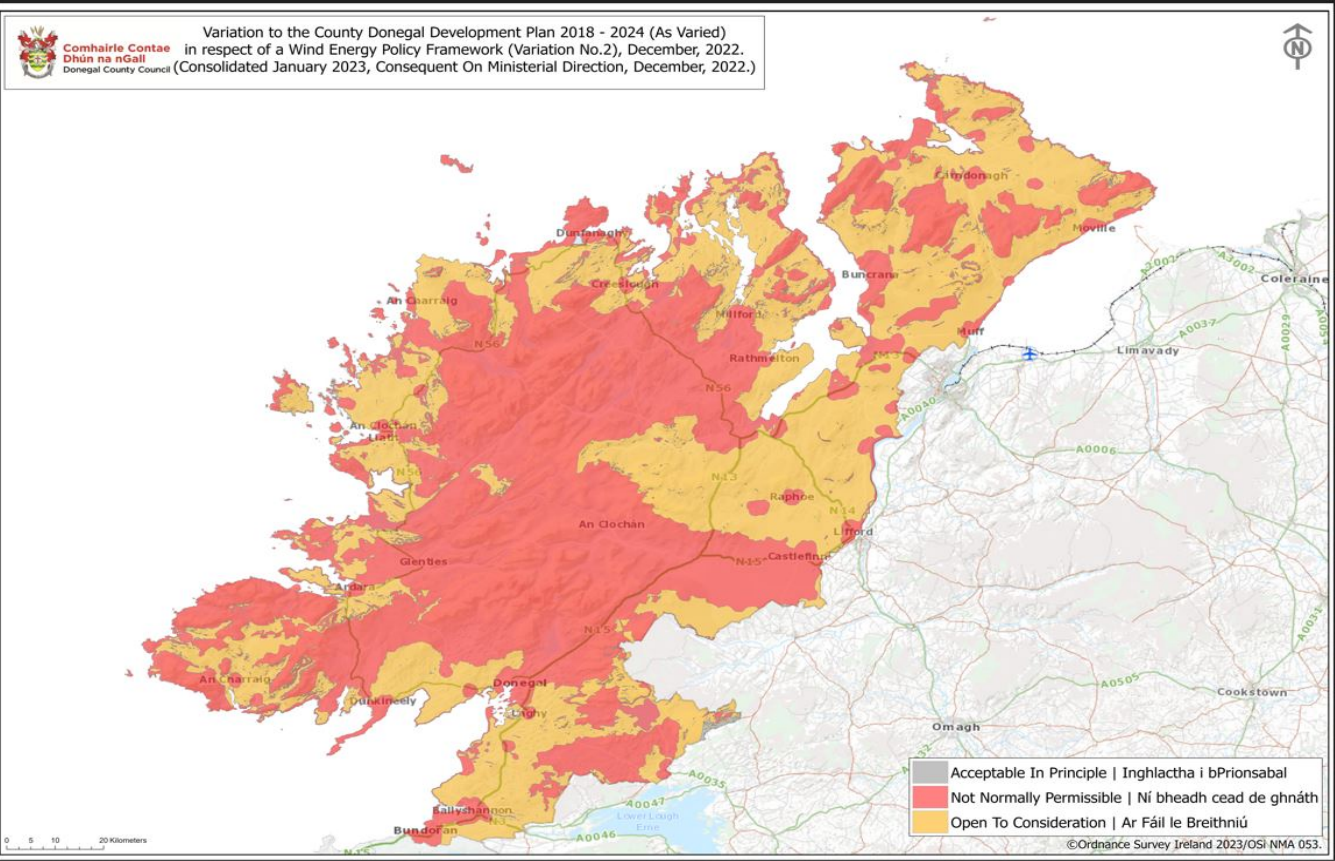
Ref	Location in Plan	Type of Change	Variation
			mitigation measures include, but are not limited to, water quality and ecological baseline studies, run-off / leachate modelling, delivery of Construction Environmental Management Plans (CEMPs) and Water Management Plans (WMPs) and compliance with industry good practice.
10	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies Page 153	Amend Policy E-P-13	Within the areas identified as 'Acceptable in Principle' and 'Open To Consideration' on Map 8.2.1, it is a policy of the Council to encourage the development of community windfarms/co-operatives to enable communities to generate their own electricity, income and to sell surplus back to the grid, in accordance with other objectives and policies of this Plan and the proper planning and sustainable development of the area
11	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies Page 153	Delete Policy E-P-16	It is a policy of the Council to support the strengthening and enhancement of the capacity of existing wind farms, within the local environmental capacity including the sustainable upgrade/replacement of older turbines with newer and more efficient models.
12	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert new Policy E-P-16	Policy E-P-16 It is a policy of the Council to: (a.) only grant planning permission for new wind measuring masts in areas designated as 'Acceptable in Principle' or 'Open to Consideration'.
13	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert New Policy E-P-22	Policy E-P-22: It is a policy of the Council to ensure that the proponents of wind energy projects have: a. Meaningfully and properly consulted with the local community and facilitated public participation in developing their proposals; and b. Demonstrated how the proposed development will be of enduring economic benefit to the communities concerned, through a form of community investment/ownership, benefit or dividend, or similar.

Ref	Location in Plan	Type of Change	Variation
			All Applications of this nature shall be accompanied by a 'Community Report' in accordance with the Wind Energy Guidelines 2021, and shall form an essential component of any application subject to 22A of the Planning and Development Act 2000 (as amended).
14	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert new Policy E-P-23 And Insert new 'definitions'	<p>Policy E-P-23: It is a policy of the Council that wind farm developments:</p> <p>(1) (i.) Must not be located within:</p> <p>(a.) the zone of visual influence of Glenveagh National Park;</p> <p>(ii.) Must not be located within the following areas, subject to the possible exceptions set out in Policy E-P-12(1)(c)(ii):</p> <p>(b) the Gweebarra River Basin;</p> <p>(c) areas contained within 'Especially High Scenic Amenity' on Map 7.1.2 'Scenic Amenity';</p> <p>(d) Freshwater Pearl Mussel Catchments; and</p> <p>(e) St. John's Point.</p> <p>Definitions</p> <p>Glenveagh National Park: Zone of Visual Influence:- The environmental and visual character of Glenveagh National Park consists of the geographic extent of the park and its immediate environs. The implementation of the relevant policy should not be interpreted as relating to lands with limited physical or visual connection to the park. The onus is on the applicant to demonstrate the extent of the potential impact a proposed wind energy development has on the National Park.</p> <p>Centre of Human Habitation:- 'Centre of human habitation' includes schools, hospitals, churches, residential buildings or buildings used for public assembly.'</p>
15	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert New policy E-P-25	<p>Policy E-P-25: It is a policy of the Council to require the preparation and effective implementation of Environmental Management Plans (EMPs) to manage the construction, operation, maintenance and decommissioning of windfarms, and to ensure that the decommissioning, post-operational restoration and restoration of habitats of redundant windfarm developments is achievable and practical once a wind energy development ceases</p>

Ref	Location in Plan	Type of Change	Variation
			to generate electricity. EMPs shall include monitoring and reporting provisions and mitigation measures and arrangements for supervision/oversight of construction works.
16	Part A Chapter 8: Natural Resource Development Section 8.2.3 Policies	Insert New policy E-P-26	Policy E-P-26: It is the policy of the Council that all applications for wind farm development located on peatland and bog, including the re-powering and augmentation projects, shall be accompanied by a 'Peat Stability Risk Assessment Report'.
17	Part B: Appendix 3, Development Guidelines and Technical Standards, 6.5 Wind Energy Page 197	Delete Technical Standard	6.5 — Wind turbines must meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2006, or any subsequent related Guidelines and in addition must not be located within: (a) — The zone of visual influence (ZVI) of the Glenveagh National Park; (b) — The zone of influence/flight path at Donegal Airport; (c) — Areas identified as locations where wind farm development would not be acceptable as identified on map 8.2.1, chapter 8 of the County Development Plan 2018-2024; (d) — Special Areas of Conservation (SACs) nor Special Protection Areas (SPAs) (e) — The 6 Fresh Water Pearl Mussel (S.I. 296 of 2009) catchments contained in the Freshwater Pearl Mussel Sub-Basin Management Plans for Glady, Eske, Glaskeelin, Leannan, Owencarrow and Owenea; (f) — A set-back distance of ten times the tip height of proposed turbines from residential properties and other centres of human habitation;
18	Part B Chapter 7: The Natural and Built Environment Section 7.1.3 Policies Page 135	Amend Policy NH-P-6	Policy NH-P-6: It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered. Without prejudice to the generality of the aforementioned, windfarm developments will not be acceptable in Especially High Scenic Amenity Areas save for: (i.) the limited circumstances set out under the section headed: 'Wind Energy-Context' (para. commencing: 'Map 8.2.1 entitled Wind Energy designates...'), contained within Amendment No.4 above; and (ii.) the possible exceptions set out in Policy E-P-12(1)(c)(ii.)

2.0 New Wind Energy Map

Table 2: New Wind Energy Map

Ref	New Map	Commentary
19	<p data-bbox="289 412 793 444">Insert Map 8.2.1 entitled 'Wind Energy'</p>  <p data-bbox="296 483 1052 548">Comhairle Contae Dhúna na nGall Donegal County Council (Consolidated January 2023, Consequent On Ministerial Direction, December, 2022.)</p> <p data-bbox="491 483 1045 537">Variation to the County Donegal Development Plan 2018 - 2024 (As Varied) in respect of a Wind Energy Policy Framework (Variation No.2), December, 2022.</p> <p data-bbox="1199 1219 1608 1292"> Acceptable In Principle Inghlactha i bPrionsabal Not Normally Permissible Ní bheadh cead de ghnáth Open To Consideration Ar Fáil le Breithniú </p> <p data-bbox="1352 1295 1608 1312">©Ordnance Survey Ireland 2023/OSI NMA 053.</p>	<p data-bbox="1648 412 1892 724">Map 8.2.1 replaces Map 8.2.1 that was previously omitted as a result of the High Court Order made on the 5th day of November 2018</p>

Appendix 2 – Direction in the Matter of Section 31 of the Planning and Development Act 2000 (as amended) Variation No. 2 to Donegal County Development Plan 2018 – 2024 (Ministers Direction)



DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
VARIATION NO. 2 TO DONEGAL COUNTY DEVELOPMENT PLAN 2018-2024

“Development Plan” means the Donegal County Development Plan 2018-2024

“Variation” means Variation No. 2 to the Donegal County Development Plan 2018-2024

“Planning Authority” means Donegal County Council

WHEREAS the Minister for Housing, Local Government and Heritage is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that:

- i. The Variation to the Development Plan has not been made in a manner consistent with and has failed to implement the recommendations of the Office of the Planning Regulator under Section 31 AM.
- ii. The Variation to the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.
- iii. The Variation to the Donegal County Development Plan 2018-2024 is inconsistent with the policy objectives of the National Planning Framework, specifically NPO 55.
- iv. The Variation to the Donegal County Development Plan 2018-2024 is inconsistent with the policy objectives of the Regional Spatial and Economic Strategy, specifically RPO 4.17.

- v. The Variation does not have regard to Ministerial Guidelines issued under Section 28 of the Act, specifically the Wind Energy Development Guidelines for Planning Authorities (2006).
- vi. No adequate reasons or explanations relating to the proper planning and sustainable development of the area have been provided to explain why the wind energy strategy is consistent with an overall strategy for the proper planning and sustainable development of the area.
- vii. The statement under Section 28(1A)(b) which formed part of the Variation to the Development Plan has not provided adequate evidence based analysis to demonstrate that the planning authority has formed the opinion that it is not possible to implement the policies and objectives outlined at (III) in the Statement of Reasons.

The Plan, as made, is not in compliance with the requirements of the Act.

And therefore the Minister is of the opinion that section 31 of the Planning and Development Act 2000 (as amended) apply;

NOW, THEREFORE, in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (as amended), the Minister for Housing, Local Government and Heritage hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Variation No. 2 to Donegal County Development Plan 2018-2024) Direction 2022.
- (2) The Planning Authority is hereby directed to take the following steps with regard to Variation No. 2 to the Development Plan:
 - a. Omit Policy E-P-23 (2) and (3) and associated endnote and Policy E-P-24.
 - b. Amend map 8.2.1 to change the designation of "Lifford -Stranorlar Municipal District Areas at Risk of Landslides and Associated Environmental and

Ecological Concerns” and “Moderately Low” and “Moderately High” landslide susceptibility areas identified as ‘Not Normally Permissible’ to ‘Open-to-Consideration’

STATEMENT OF REASONS

I. Pursuant to section 31(1)(ba)(i)

The Variation to the Donegal County Development Plan 2018-2024 is inconsistent with the policy objectives of the National Planning Framework, specifically NPO 55, which states that it is an objective to ‘promote of renewable energy ... generation at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050’, and the requirements for the planning authority to comply with, and the development plan to be consistent with, the aforementioned National Policy Objective under sections 10(1) and/or 13(7) read in conjunction with section 13(14);

II. Pursuant to section 31(1)(ba)(i)

The Variation to the Donegal County Development Plan 2018-2024 is inconsistent with the policy objectives of the Regional Spatial and Economic Strategy, specifically RPO 4.17, which states that it is an objective ‘To position the region to avail of the emerging global market in renewable energy by: [inter alia] Stimulating the development and deployment of the most advantageous renewable energy systems.’, and the requirements for the planning authority to comply with, and the development plan to be consistent with, the aforementioned Regional Policy Objective under sections 10(1A) and/or 13(7) read in conjunction with section 13(14);

III. Pursuant to section 31(1)(c)

The Variation does not have regard to Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement under the Wind Energy Development Guidelines for Planning Authorities (2006) in that the Variation of the Development Plan does not achieve a reasonable balance in responding to overall Government Policy on renewable energy, enabling the wind energy resources of the planning authority’s area to be harnessed in a manner that is consistent with proper planning and sustainable development in order to provide a plan-led context to the assessment of individual wind energy development proposals. No or no adequate reasons or explanations relating to

the proper planning and sustainable development of the area have been provided by the planning authority to explain why those aspects of the guidelines have not been implemented.

Specifically, the Variation as made does not have regard to the step-by-step analysis of areas suitable for wind energy (or sieve analysis) under section 3.5 of the guidelines, specifically in including within the area designated as 'Not Normally Permissible':

- (i) the "Lifford-Stranorlar Municipal District Areas at Risk of Landslides and Associated Environmental and Ecological Concerns"; and
- (ii) all "Moderately Low" and "Moderately High" landslide susceptibility areas from that area defined as "Not Normally Permissible".

IV. Pursuant to section 31(1)(c) and section 31(1)(b)

Further, the statement under Section 28(1A)(b) which formed part of the Variation to the Development Plan has not provided adequate evidence based analysis to demonstrate that the planning authority has formed the opinion that it is not possible to implement the policies and objectives outlined at (III), above, as contained in the guidelines, because of the nature and characteristics of the area or part of the area and to give reasons for the forming of that opinion and to explain why it is not possible to implement the policies and objectives. It is noted that whilst the 2000 Act does not expressly require a statement under s.28 (1A)(b) in respect of a variation to a development plan, the local authority should nonetheless provide adequate reasons or explanations relating to the proper planning and sustainable development of the area as to why it has not been possible to implement certain aspects of section 28 guidelines in respect of the Variation to the development plan;

V. Pursuant to section 31(1)(b)

No adequate reasons or explanations relating to the proper planning and sustainable development of the area have been provided to explain why the wind energy strategy is consistent with an overall strategy for the proper planning and sustainable development of the area.

VI. Pursuant to section 31(1)(a)(i) and (ii)

The Variation to the Development Plan has not been made in a manner consistent with and has failed to implement the recommendations of the Office of the Planning Regulator under Section 31 AM.

VII. Pursuant to section 31(1)(b)

The Variation to the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

GIVEN under my official seal,



Minister for Housing, Local Government and Heritage

20th day of December, 2022

Appendix 3 – Donegal County Council Chief Executives Section 31(8) Report on the Public Consultation

**Notice of Intention by
the Minister for Local Government and Planning
to Issue a Direction to the Council
on the Wind Energy Policy Framework Variation of
the County Donegal Development Plan 2018-2024
(As Varied)**

**Chief Executive's Section 31(8) Report
on the Public Consultation**



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

October 2022

1.0 Introduction

1.1 Background

The Director of Community Development and Planning's report to the Plenary Council meeting of September, 2022 set out in detail the background to the Minister's decision to issue a ***'Notice of Intention to Issue a Direction to Donegal County Council on Variation no.2 of the Donegal County Development Plan 2018-2024'*** (The Notice') under Section 31 of the Planning and Development Act, 2000 (As Amended) ['the Act'].

The Director's report noted statutory requirements for a period of public consultation on the Notice, and the preparation of a Chief Executive's Report to address the said public consultation outcomes.

1.2 Legislative Requirements of Report/How the Report is Organised

In accordance with Section 31(8) of the Planning and Development Act, the Chief Executive's report is required to:

- Summarise the views of any person who made submissions or observations to the planning authority;
- Summarise the views of and any recommendations (if any) made by the elected members of the planning authority;
- Summarise the views of and any recommendations (if any) made by the regional assembly;
- Make recommendations in relation to the best manner in which to give effect to the draft direction.

1.2.1 How the Report is Organised

- Section 2.0 Consideration of Submissions
- Section 3.0: Opinion of the Chief Executive
- Appendix A: List of persons that made submissions

1.3 Public Consultation

In accordance with Section 31(7) of Act, a maximum two-week period of public consultation commenced on 9th September 2022 and ran until 22nd September, 2022. Public notices advising of the statutory consultation process were placed in local newspapers, and relevant documents were made available for inspection in local offices and libraries and on the Council's website.

2.0 Consideration of Submissions

2.1 Overview

In total 96 no. submissions or observations were received during the consultation period, of these:

- 85 submissions received from the public comprised of:
 - 79 from individuals;

- 4 (of the above 75 submissions) from umbrella organisations identified respectively as Finn Valley Wind Action, Graffy Environmental Group, St John’s Point Residents Association and the Gweebarra Conservation Group; and
- 5 from the wind energy industry, or representatives thereof.
- 10 no. were received from elected members; and
- One submission was received from the Northern and Western Regional Assembly.

A full list of persons and bodies that made submissions or observations is provided in Table A.1 (Appendix A).

2.2 Public Submissions

All but one of the 79 submissions from the public expressed strong opposition to the Notice. The key issues referenced in these submissions included:

- the perceived detrimental impact on the scenic landscape and tourism industry of the County, with the Wild Atlantic Way being particularly cited in many submissions;
- concerns around the perceived dangers of opening up the principle of development within ‘Moderately High Landslide Susceptibility’ areas and ‘Moderately Low Landslide Susceptibility’ areas;
- opposition to the removal of the ten times tip height setback from residential receptors policies;
- opposition to the removal of the policy protection for the Glenveagh National Park;
- opposition to the removal of the policy protection for the Freshwater Pearl Mussel Catchment areas;
- opposition to the removal of the policy protection for the Gweebarra River Valley;
- opposition to the removal of the policy protection for St. John’s Point.

Other issues raised included criticism of the perceived removal of Elected Members’ powers and the disregard for public opinion as expressed in response to the Draft Variation public consultation exercise, and concerns around the impacts on wildlife, public health and water quality.

One submission from a member of the public supported the Notice citing: the need to meet on-shore renewable energy needs; that they objected to the proposed ten times tip height setback distance as it would leave no area of Donegal open to windfarm development, would not contribute to meeting greenhouse gas emissions targets, and nor would it follow ‘national guidance of 4 times tip height’.

2.3 Industry Submissions

All 5 submissions made on behalf on the wind energy industry strongly supported the draft Direction. This support was set in the context of a broad overview of the strategic importance of the onshore renewable energy industry. This included references to the following:

- Ireland’s 300+ operational wind farms represent an investment of over €7 billion, supports 5,000 jobs and annually pays more than €48 million in commercial rates to local authorities;
- Wind farms in 2021 provided 30 per cent of Ireland’s electricity;
- The production of renewable energy from wind farms is consistent with national policy including “The Climate Action and Low Carbon Development (Amendment) Act 2021”

(establishes the fundamental national policy position and the national objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally economy by 2050), and the “The Climate Action Plan 2021- Securing Our Future” (outlines a stricture to achieve this target including that 80% of the Country’s electricity shall be generated from wind energy);

- Production of off-shore wind energy has been highlighted in a number of submissions in relation to meeting the national energy targets (it is a government target that 5GW of electricity shall be generated from offshore wind). However, should planning permission not be given for such developments by the end of 2025, it is unlikely that these could be operable in advance of 2030; and
- The announcement of the REPowerEU plan in March 2022, a proposal for joint European action for more affordable, secure and sustainable energy, and to eliminate dependence on Russian gas before 2030, in response to the global energy market disruption caused by Russia’s invasion of Ukraine and associated concerns over Russia’s gas supply to the EU.

As well as the aforementioned support for the contents of the Draft Direction itself, a related issue raised, and suggestion made in some of the submissions was that, if the Draft Direction is finalised as per the Draft, then it would be necessary to amend Map 8.2.1 so that that map would be consistent with the manner in which the amenity designations referenced in Policy E-P-23 (ie. the zone of visual influence of Glenveagh National Park; the Gweebarra River Basin; areas contained within ‘Especially High Scenic Amenity’ Freshwater Pearl Mussel Catchments; and St. John’s Point) were being addressed in terms of the removal of protections contained in the Council-approved Policy E-P-23.

Several additional issues were raised in the industry submissions including:

- Request that policy E-P-16 be omitted, and revert to previous policy E-P-12;
- Request that Variation reflect renewable energy targets;
- Requests for the re-designation of particular sites from ‘Not Normally Permissible’ to ‘Open to Consideration’.
- Request that policy E-P-12 (c)(i) and (ii) be amended; and
- Request that areas of ‘High Landslide Susceptibility’ are also removed from Map 8.2.1.

On the basis that these issues were not addressed in the Draft Direction, it is not proposed to address them in this Report.

2.4 Summary submissions of Elected Members

All 9 of the individual submissions made by Elected Members, and the collective submission made on behalf of all six of the Glenties Municipal District expressed strong opposition to the Draft Direction. The key reasons given for this opposition include:

- Restricted timeframe for the consultation process, and therefore the lack of time to respond comprehensively;
- The Draft Direction is not reflective of the number of submissions made during public consultations on the Draft Variation and the strength of support for the Variation contained therein;

- That Councillors ‘worked tirelessly over the past number of years to come up with an agreeable policy position in consultation with our communities across the west of the County...’
- The fact that previously adopted policy by Donegal County Council for a setback distance of ten times tip height from residential receptors was not opposed by previous Ministers (and that ‘it was only by virtue of a subsequent audacious Judicial Review ... that aspects of wind policy such as ten times tip height were struck out...’);
- The ‘massive contribution’ that Donegal has already made to the wind energy output from the country.’
- Donegal County Council’s views on the ‘huge growth area for turbine development in the county, that is in the policy of augmentation and upgrading of existing but largely obsolete wind farms.’
- That should the Direction open up the principle of development in the five amenity designation areas referenced in Policy E-P-23 then this would be in contravention of NPO 55 in the NPF that seeks to ‘promote renewable energy ... at appropriate locations’.
- That should the Direction open up the principle of development in the five amenity designation areas referenced in Policy E-P-23 then this would be significantly detrimental to the County’s tourism industry.
- That the Council’s policy on landslide susceptibility was adopted taking into consideration the major ‘ecological disaster’ that occurred in Meenbog, and wind farm developments on areas of carbon rich peat bog that act as carbon sinks would be ‘a contradiction in terms’.

Finally, it should be noted that the collective submission of the Members of the Glenties Municipal District includes a formal proposal to amend E-P-23 as follows:

“...add after the clause that there will be no turbines within the Zone of Visual Amenity (of Glenveagh);

- a. No turbines in Freshwater Pearl Mussel river catchments
- b. No turbines in Gweebarra River Basin
- c. No turbines in EHSA.”

2.5 Summary of Submission from the Northern Western Regional Assembly

The Assembly agrees with the following elements of the draft direction:

- a. To omit policy on 10 times turbines tip height setback from the curtilage of a dwelling) contained within Policy E-P-24 and E-P-23(2)(b)&(c); and
- b. To amend Map 8.2.1 to:
 - (i) Change areas of ‘Moderately High’ and ‘Moderately Low’ landslide susceptibility from ‘Not Normally Permissible’ to ‘Open to Consideration’.
 - (ii) Change the ‘Lifford-Stranorlar Municipal District Areas at Risk of Landslides and associated Environmental and Ecological Concerns’ area from ‘Not Normally Permissible’ to ‘Open to Consideration’.

The Assembly agrees with the stated reasons of the Minister and, in relation to (ii) above, note that the ecological and environmental sensitivities of the areas was referenced by Members in making

their decision but no evidence was provided to support the veracity of these sensitivities and whether these would justify the exclusion of this entire area.

As regards the draft direction to omit the environmental sensitivities referenced in the adopted policy E-P-23, the Assembly is of the opinion that the draft Direction does not provide a narrative nor justification for the removal of these elements. The Assembly also notes that these sensitivities are identified as 'Not Normally Permissible' in Map 8.2.1 and that the draft Direction does not require adjustments to the map that would provide for consistency with the deletion of Policy E-P-23. The Assembly also observes that Policy E-P-13 is the key policy that gives effect to Map 8.2.1 and that removal of this policy has not been required in the draft Direction and it is therefore reasonable to interpret it was not the intention to omit E-P-23 in its entirety, and had it been, it would be referenced in other associated documents. The Assembly further states that any such change would have to be informed by SEA and that this also would have been alluded to in associated documents. Finally, the Assembly also notes that its submission to the Proposed Variation supported the 5 specific areas for safeguarding in E-P-23(1) and that this was consistent with the RSES.

To summarize, the Assembly supports the draft Direction in respect of proposed measures to:

- a) Remove Policy E-P-24 and E-P-23 (2) and (3)
- b) Amend Map 8.2.1 to change 'Moderately High' and 'Moderately Low' landslide susceptibility areas from 'Not Normally Permissible' to 'Open to Consideration'; and change Lifford-Stranorlar Municipal District Areas at risk of landslide and associated environmental and ecological concerns from 'Not Normally Permissible' to 'Open to Consideration'.

The Assembly does not support the draft Direction in respect of the omission of Policy E-P-23(1) for the reasons stated above.

3.0 Opinion of the Chief Executive

The structure of this section of the report reflects the respective elements of the Draft Direction.

3.1 Policy E-P-23 (as it refers to Glenveagh National Park)

3.1.1 Analysis of Submissions

28 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. Those opposed to the Draft Direction highlighted the relationship and importance of Glenveagh to tourism in the County, and concern that development of windfarms within Glenveagh and its zone of influence would negatively impact Glenveagh National Park, and by virtue the tourism industry and the landscape amenity of this areas. Several submissions also referred to negative impacts on the natural environment.

6 submissions from Elected Members made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction.

1 industry submissions specifically referenced Glenveagh and supported the Draft Direction in this regard but did not elaborate on this.

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to Glenveagh.

3.1.2 Observations

Glenveagh National Park is the second largest national park in Ireland, set within a natural landscape of bog, mountains, lakes, and home to a number of internationally important flora and fauna. This is reflected in the area being designated as both an SAC and SPA. The area is rich in cultural and historical heritage associated with the 'land evictions'. Glenveagh Castle is of significant built heritage value and is currently the subject of a project to develop a national 'Museum Standard' visitor attraction. Glenveagh is a major tourist and leisure attraction for Donegal. Visitor numbers up to July 2022 were 100,000, with a further 28,500 recorded during August.

The critical value of Glenveagh National Park for the County and Region is reflected in a number of other policy provisions in the CDP including:

T-P-27: It is a policy of the Council to facilitate appropriate tourism based transport developments and programmes associated with strategic tourism assets (e.g. Glenveagh National Park and Slieve League).

NH-P-14: It is a policy of the Council to protect the character of the following approach roads to Glenveagh National Park:

- Glendowan to Doochary Road.
- Dunlewey to Termon Road.
- Churchill to Termon/Dunlewey Road.
- Muckish Gap to Cabiber Bridge.

For these reasons, the Glenveagh National Park and Zone of Visual Influence was included in both the policy E-P-23 and Map 8.2.1 originally recommended by the Executive.

3.1.3 Recommendation

On the basis of the foregoing, it is recommended that wind farm development should not be permitted within Glenveagh National Park, or its zone of visual influence, and that policy E-P-23(1)(i)(a) should not be omitted from the Variation.

3.1.4 Additional Observation

By way of further assistance, the following is noted. The 'Not Normally Permissible' designation of this part of the County in Map 8.2.1 was informed by three layers of evidence – the National Park status; the SAC; and the SPA. Even if the mapping is changed to reflect the policy approach in the Draft Direction as per suggestions made in industry submissions, the Map would still show the area as being 'Not Normally Permissible' owing to the presence of the SAC and SPA.

3.2 Policy E-P-23 (As it refers to the Gweebarra River Valley)

3.2.1 Analysis of Submissions

15 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. The main reasons given for opposing this aspect of the Draft Direction were in relation to the richness of the natural habitats and wildlife in the River Valley with the centre of the valley being included within the West of Ardara/Maas Road SAC. Red deers and eagles were also specifically referenced. The visual and scenic amenity of the valley was also referenced as was, to a lesser extent, the potential impacts on tourism within the County.

1 submission from an Elected Member made specific reference to this issue expressing opposition to this aspect of the Draft Direction noting that ‘it was the basin of the largest natural salmon fishery in Ireland.’

2 industry submissions specifically referenced Gweebarra and supported the Draft Direction in this regard. Both industry submissions relied on their respective submissions to the Proposed Variation public consultation. In those submissions they states that it was ambiguous why sensitive and visually vulnerable parts of the County, including the Gweebarra Estuary and coastline are within areas ‘Open to Consideration’, whilst the site of the Gweebarra River is proposed to be within areas designated as ‘Not Normally Permissible’. They also suggested there was no scientific basis for this proposed policy, and that excluding this area from consideration for wind energy development should only take place where there is a supporting statement and scientific basis from an appropriate expert.

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to the Gweebarra River Valley.

3.2.2 Observations

There is clearly genuine concern on the part of the public and Elected Members around the impact that wind farm development could have on this area. These concerns should be noted in the context of the fact that there is no other specific policy protection for the Gweebarra River Valley contained in the CDP. Meanwhile, the industry regards at least part of the area as having development potential.

The key elements of evidence available at this time are that the subject area is designated as ‘Moderate Scenic Amenity’ in Map 7.1.1: ‘Scenic Amenity’. On the other hand, the ‘West of Ardara/Mass Road SAC follows the river running through the centre of the valley and has Qualifying Interests including *Margaritifera margaritifera* (Freshwater Pearl Mussel) and *Salmo salar* (Salmon); and, similarly, the immediate corridor of the River and an area immediately to the east of the subject area are designated as ‘EHSA’.

3.2.3 Recommendation

This is clearly a finely-balanced matter and I would fully acknowledge the concerns of the public and Elected Members. That said, on two previous occasions (ie. recommendations at pre-draft stage; and recommendations at Post-Draft stage) the Executive has concluded on the side of not precluding the principle of wind farm development in this area on the basis of the key evidential information available at this time. On the basis of the foregoing, and having regard to the role of the development management process in undertaking detailed assessments of any planning applications in this area, it is recommended that the principle of wind farm development should not be precluded in this area and thus I have no objection to Policy E-P-23 (1) (ii) (b) being omitted from the Variation.

3.3 Policy E-P-23, (and areas of Especially High Scenic Amenity)

3.3.1 Analysis of Submissions

21 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. Almost half of the public submissions opposed to the removal of this specific part of the policy expressed concern about the effects on tourism and specifically the Wild Atlantic Way, and the importance of landscape quality as a tourism asset. A further 31 submissions refer to the potential effects of windfarms on 'scenic landscapes' but didn't specifically refer to EHSAs, the subject of the draft Direction.

6 submission received from Elected Members made specific reference to this issue with all expressing opposition to this aspect of the Draft Direction.

1 industry submissions specifically referenced EHSA designations and supported the Draft Direction in this regard.

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to EHSAs.

3.3.2 Observations

EHSAs are identified in the CDP as the most valuable landscape designation in the County. They are considered to be "sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal" and as having "extremely limited capacity to assimilate additional development"¹.

The critical value afforded to EHSAs is reflected in a number of other policy provisions in the CDP including:

¹ County Donegal Development Plan 2018-2024

- NH-O-7:** To protect the areas of Especially High Scenic Amenity from intrusive and/or unsympathetic developments.
- NH-P-6:** It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered. (nb. this is the version of the policy agreed when the CDP was first adopted in 2018; see also 'Additional Observations' below).
- EX-P-2:** It is a policy of the Council not to permit new extractive industry proposals in areas of Especially High Scenic Amenity or in areas of High Scenic Amenity. Furthermore, such proposals....
- MRCM-P-10:** It is a policy of the Council to ensure that development proposals do not adversely compromise the recreational amenity and environmental quality of coastal areas including Flag Beaches, Natura 2000 sites and areas of Especially High Scenic Amenity.
- TC-P-6:** It is a policy of the Council that proposals for new telecommunications support structures, antennae and dishes will not be permitted within Areas of Especially High Scenic Amenity.
- RH-P-11:** It is a policy of the Council that, with the exception of proposals within Areas of Especially High Scenic Amenity - where the following developments will not be acceptable - proposals for holiday home developments in rural areas will be considered in the following circumstances, subject to environmental and heritage designations, amenity considerations, traffic safety and public health considerations and compliance with all other relevant policies of this Plan:
- (a) Where policy referring to 'resource related tourism projects' can be demonstrated by the applicant.
 - (b) Where the proposal is for rental purposes only, (maximum 5 units) as part of a farm diversification plan.

3.3.3 Recommendation

Having regard to the value attached to the EHSA's in the CDP, it is recommended that wind farm development should not be permitted within the areas of Especially High Scenic Amenity and that policy E-P-23 (1) (ii) (c) should not be omitted from the Variation.

3.3.4 Additional Observation

By way of further assistance:

- It is noted that if this provision is omitted in the final Direction, there will be an inconsistency with Map 8.2.1 as the Map identifies all EHSAs within the 'Not Normally Permissible' designation; and

- The observation contained in the submission of FuturEnergy Ireland seeking to ensure that Policy NH-P-6 is rendered consistent with the Draft Direction is also relevant. The said adopted Policy as contained in the Variation is as follows:

Policy NH-P-6: *It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered. Without prejudice to the generality of the aforementioned, windfarm developments will not be acceptable in Especially High Scenic Amenity Areas save for: (i.) the limited circumstances set out under the section headed: 'Wind Energy-Context' (para. commencing: 'Map 8.2.1 entitled Wind Energy designates....'), contained within Amendment No.4 above; and (ii.) the possible exceptions set out in Policy E-P-12(1)(c)(ii.).*

3.4 Policy E-P-23 (and Freshwater Pearl Mussel Catchments – FWPMC's)

3.4.1 Analysis of Submissions

22 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. The public opposition generally noted how inconceivable the idea of putting turbines in these areas was and the long (100 years +) life expectancy of FWPMs, and that 'Ireland holds a tiny number of this ancient species.'

6 submissions from Elected Members made specific reference to this issue, with all expressing opposition to this aspect of the Draft Direction. The reasons given by Councillors for opposing this proposal included that in 2018 the then Minister did not oppose a similar policy decision of the Council at this time; and that protection of the FWPM is 'of course underpinned by the Habitats Directive and a cursory review of case law in Ireland will throw up numerous cases where wind farm developments have been halted for the protection of FWPM.'

2 industry submissions specifically referenced Gweebarra and supported the Draft Direction in this regard. Tobin Consulting Engineers on behalf of Cloghercor Windfarm Ltd. noted that: 'there are similar risks to FPM populations/catchments from any large-scale developments, and these risks are not limited to wind farms. Appropriate site design and construction methodologies will provide the necessary protections to FPM catchments.'

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to the FWPMC's.

3.4.2 Observations

In the Chief Executives Report on the Public Consultation regarding the Proposed Variation dated June 2022 (S5.2: Map 8.2.1, Table of Chief Executives Response, Row 8); a rationale for 'Freshwater Pearl Mussel Catchments' remaining within areas 'Open to Consideration' is detailed, wherein it is stated that, "...on the basis that the size and extent of these areas was such that it would be unreasonable to determine that the principle of windfarm development should be precluded but that

the potential for impacts on the resource should be flagged for potential developers, authorities and all other interested parties by inclusion in the Open to Consideration designation. Thus detailed project level assessments could inform decisions on a case by case basis. This conclusion was informed by consultation with environmental agencies during preparatory work on the project.”

The CDP contains other policy protections for the FWPM including:

NH-O-6: To protect and improve the integrity and quality of Designated Shellfish Waters, and Freshwater Pearl Mussel Basins and to take account of any relevant Shellfish Reduction Program or Fresh Water Pearl Mussel Sub-basin Plan.

NH-P-4: It is a policy of the Council to require the consideration of Freshwater Pearl Mussel and any relevant Freshwater Pearl Mussel Sub-basin Plans in all development proposals that fall within their basin of catchment.

3.4.3 Recommendation

On the basis of the foregoing, it is agreed that the principle of wind farm developments within FWPMC’s should not be precluded, and therefore I have no objection to the omission of Policy E-P-23 (1) (ii) (c).

3.4.4 Additional Observation

By way of further assistance it is noted that if this provision is omitted in the final Direction, there will be an inconsistency with Map 8.2.1 as the Map identifies all FWPMC’s within the ‘Not Normally Permissible’ designation;

3.5 Themed Response 5: St Johns Point

3.5.1 Analysis of Submissions

8 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. All of these expressed concern that windfarm development would negatively affect the high quality, sensitive scenic landscape of St Johns Point and also would have potential negative effects on the natural ecological environment particularly within St Johns Point SAC (000191), at the southern end of St Johns Point and along the coastline.

1 submission from an Elected Member made specific reference to this issue, expressing opposition to this aspect of the Draft Direction.

2 industry submissions specifically referenced St John’s Point and supported the Draft Direction in this regard.

The submission from the NWRA re-iterated its position as set out in its submission to the Proposed Variation received in June 2022 wherein it supported the safeguarding of the 5 specific areas referenced in Policy E-P-23(1), which support was consistent with the RSES. On this basis the NWRA states that they do not support the Draft Direction as it refers to St. John’s Point.

3.5.2 Observations

In the existing County Donegal Development Plan 2018-2024, St Johns Point is part-designated Especially High Scenic Amenity (EHSA) and part High Scenic Amenity (HSA) in Map 7.1.1 'Scenic Amenity'. This was the key influence on the Executive's recommended mapping of St Johns Point in Map 8.2.1 in the recommended draft Proposed Variation with part falling within an 'Open to Consideration' area in Map 8.2.1, and part falling within an area designated as 'Not Normally Permissible'. This recommendation was not accepted by Members. Instead, they decided that the entire area should be designated as 'Not Normally Permitted' in the Proposed Variation.

In the Chief Executives Report on the public consultation regarding the Proposed Variation dated June 2022 (S5.2: Map 8.2.1, Table of Chief Executives Response, Row 11) I subsequently concluded that there was a rationale for the inclusion of all of St John's Point in the 'Not Normally Permissible' area for the following reasons: *"Having regard to: the relative narrowness of the headland; the scattered rural settlement pattern; the existence of an SAC around the coastline of the headland and at its southern end and the designation of same as Especially High Scenic Amenity; and the outcome of the public consultation exercise, it is considered reasonable to retain the designation of this area as 'Not Normally Permissible'."*

3.5.3 Recommendation

On the basis of the foregoing, it is recommended that wind farm development should not be permitted within the St. John's Point headland and that policy E-P-23 (1) (ii) (e) should not be omitted from the Variation.

3.5.4 Additional Observation

By way of further assistance it is noted that if this provision is omitted in the final Direction, there will be an inconsistency with Map 8.2.1 as the Map identifies all of St. John's Point within the 'Not Normally Permissible' designation.

3.6 Policies E-P-23 (2) and E-P-24 In Relation to Ten Times Tip Height Setback.

3.6.1 Analysis of Submissions

44 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction for reasons concerning human health and negative impact on their private properties.

7 submissions from Elected Members made specific reference to this issue, with all expressing opposition to this aspect of the Draft Direction.

3 industry submissions specifically referenced this issue and supported the Draft Direction in this regard.

The submission from the NWRA supports the Draft Direction and the reasons given by the Minister as they refer to this issue.

3.6.2 Observations

The draft Proposed Variation recommended by the Executive included a policy requiring a minimum setback distance of four times tip height from residential receptors. This recommendation was made having regard to the four relevant Guidelines or Draft Guidelines in place at the time:

- ~ The 2006 Guidelines, whilst advising that ‘noise was unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500m’, did not specify minimum or maximum separation distances.
- ~ A key aspect of the Preferred Draft Approach, 2017 was to identify a preferred visual amenity setback of 4 times the turbine height between a wind turbine and the nearest residential property, subject to a mandatory minimum distance of 500 metres.
- ~ The Interim Guidelines, 2017 do not contain any specific requirements in relation to setback.
- ~ The Draft Guidelines, 2019 include an SPPR (SPPR2) stipulating that: ‘With the exception of applications where reduced setback requirements have been agreed with relevant owner(s) ... planning authorities and An Bord Pleanala shall ... ensure that a setback distance for visual amenity purposes of 4 times the tip height of the relevant wind turbine shall apply between each wind turbine and the nearest point of curtilage of any residential property in the vicinity of the proposed development, subject to a mandatory setback of 500 metres from that residential property.’ The SPPR goes on to further stipulate that: ‘The planning authority or An Bord Pleanala (where relevant), shall not apply a setback distance that exceeds these requirements for visual amenity purposes.’

I consider that the recommendation was reasonable, particularly given the time that has elapsed since the 2006 Guidelines were published and that more recent national documents (albeit in Draft form) indicate a move at the national policy level towards a four times tip height approach, notwithstanding that the public submissions and those of the Elected Members clearly support the ten times tip height policies.

3.6.3 Recommendation

Having regard to the polar opposite positions of the public and Elected Members of Donegal on the one hand, and the Minister/OPR on the other, and having regard also to the effective rejection by the Minister/OPR of my previous recommendation to the Members for a four times tip height setback policy (as referenced above), it is respectfully submitted that this is a matter for the Minister/OPR.

Should the Minister proceed with this element of the Draft Direction, it is recommended that a broad assessment criteria-based policy would be required in line with the following:

It is a policy of the Council to ensure that the assessment of wind energy development proposals will have regard to the following:

- *Sensitivities of the county’s landscapes;*
- *Visual impact on protected views, prospects, designated landscape, as well as local visual impacts;*
- *Impacts on nature conservation designations, archaeological areas, county geological sites, historic structures, public rights of way and walking routes;*
- *Local environmental impacts, including those on residential properties, such as noise and shadow flicker;*
- *Visual and environmental impacts of associated development, such as access roads, plant and grid connections from the proposed windfarm to the electricity transmission network;*
- *Scale, size and layout of the project and any cumulative effects due to other projects;*
- *The impact of the proposed development on protected bird and mammal species;*
- *The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009); and*
- *The protection of drinking water sources.”*

3.7 Amendment to Map 8.2.1 In Relation To Moving Landslide Susceptibility Areas and Part Of The ‘Lifford- Stranorlar MD From ‘Not Normally Permissible’ to ‘Open to Consideration’ In Map 8.2.1.

3.7.1 Analysis of Submissions

66 of the public submissions made specific reference to this issue with all of them being opposed to this aspect of the Draft Direction. Reasons given included increased risk of landslides, loss of ecological habitat and loss of carbon sink associated with development of windfarms and associated infrastructure on peat bogs. 16 submissions made specific reference to the bog slide in Meenbog in 2020, and related concerns over the potential that this could occur in another similar peat bog landscape.

9 submissions from Elected Members made specific reference to this issue, with all expressing opposition to either or both specific aspects of the Draft Direction.

4 of the 5 industry submissions specifically referenced this issue and supported the Draft Direction in this regard. One in particular suggested there should be a new policy to ensure that applications for windfarm developments be accompanied by a Peat Stability Risk Assessment Report (of note is that such a policy was included in the adopted Variation – new Policy E-P-26 refers).

The submission from the NWRA supports the Draft Direction and the reasons given by the Minister as they refer to this issue. The submission notes that, with regard to peat stability issues, there are other mechanisms in the Plan, and project assessment process which should be followed, as outlined in the Wind Energy Guidelines (2006) (Section 4.5).

3.7.2 Observations

In the draft Proposed Variation recommended by the Executive the subject ‘Moderately High Landslide Susceptibility’ and ‘Moderately Low Landslide Susceptibility’ and ‘Lifford-Stranorlar Municipal District Areas at Risk of Landslides and Associated Environmental and Ecological Concerns’

were included within the 'Open to Consideration' designation in Map 8.2.1 on the basis of consultations with environmental agencies and desktop research during preparatory work on the project.

I note the strong concerns of the public and Elected Members in relation to the landslide risk issue. I note in particular the concerns of the Stranorlar MD Members arising from the landslide at Meenbog in their area, and their observation that this landslide occurred in an area identified as being at Moderate risk in the Geological Society of Ireland's 'National Landslide Susceptibility Mapping' and that it was as a result of this event that 'Elected Members formally proposed that areas in the Lifford-Stranorlar Municipal District that are currently deemed as at risk to landslide would be deemed 'not normally permissible'. In contrast, I note also the concerns of the industry in this regard. The submission of 'Statkraft' summarises the position quite succinctly: *'The (GSI) mapping is a high-level approach that does not reflect the actual susceptibility of a landslide occurrence with respect to any proposed or ongoing activity in any particular area, Additionally, this approach does not take into account if, historically, there has been no recorded landslide events in a given area. As a result, there are large areas with some level of landslide susceptibility within which there are no recordings of landslide events.'* Notwithstanding, having regard to pre-draft consultations with environmental agencies, and having regard also to the submissions of statutory bodies on foot of the public consultation, I consider the original approach of the Executive ie. the placing of these areas in the 'Open to Consideration' designation to be reasonable and balanced from the perspective of potential landslide risk.

I also note environmental concerns raised in a particular submission from the Cathaoirleach of the Lifford-Stranorlar MD. In his submission the Cathaoirleach refers to the fact that 'Meenbog Hill where the recent serious peat slide occurred is presently undergoing remedial works and investigations on the effects of the damage ... will take years to reverse.' The Cathaoirleach also states that: 'The environmental damage to the local surface water and underground water courses is still unknown...'; and that 'East Donegal water supply is sourced in Lough Mourne which is adjacent to Meenbog which is adjacent to Lissmulladuff.'

In terms of the carbon sink qualities of such areas, I note that this issue was addressed, albeit briefly, in the Draft Revised Wind Energy Development Guidelines, (December 2019). Thus in Appendix 4: *'Best Practice For Wind Energy Development in Peatlands'* it is *'recommended that consideration of carbon emissions balance is demonstrated when the development of wind energy developments requires peat extraction'*. In other words, the carbon sink qualities of peat bogs should not be an automatic reason to preclude consideration of wind farm development; rather, it is a matter to be considered in the overall balanced assessment of such proposals.

3.7.3 Recommendation

Clearly, this is another highly sensitive matter and I would again fully acknowledge the concerns of the public and Elected Members. That said, on two previous occasions (ie. recommendations at pre-draft stage; and recommendations at Post-Draft stage) the Executive has concluded on the side of not precluding the principle of wind farm development in the subject areas on the basis of the key evidential information available at this time and on consultations with relevant statutory bodies. On the basis of the foregoing, and having regard to the role of the development

management process in undertaking detailed assessments of any planning applications in this area, it is recommended that the principle of wind farm development should not be precluded in these areas and thus I have no objection to the amendment of Map 8.2.1 so that the said areas would be included within the 'Open to Consideration' as opposed to 'Not Normally Permitted' designation.



**John G McLaughlin,
Chief Executive,
Donegal County Council.**

Dated: 19th October 2022

Appendix A

Names of those who made submissions

Ref	Name
1	Ann Marie Maguire
2	Tom Jackson
3	Rosemary Tindal
4	Geraldine Mc Hugh
5	Pearse Mc Hugh
6	Mary Shovlin
7	Carl Scanlon
8	E Scanlon
9	Edward Byrne
10	Martin Byrne
11	M&F Scanlon
12	Kathleen Byrne
13	Damien Scanlon
14	Marie Scanlon
15	Siobhan and Pat Browne
16	Michael Quinn
17	Ben Austin
18	George Sproule
19	Patricia Sharkey, Gweebarra Conservation Group
20	Andrea Redmond
21	Karen Kelly
22	Eibhiín Ní Bhreaslain
23	Carolyn Robinson
24	Mary Kelly
25	Barry Saunders
26	Aine Maguire
27	Sharon Moss
28	Eamon Moss
29	Patricia Moss
30	Cathal Moss
31	Sarah Conaghan
32	John Conaghan
33	Dan Keeley
34	Anthony Molloy (Cllr)
35	Kurt Lohse
36	Deva Evans
37	Brendan Gallagher
38	Shauna Conoaghan
39	Siobhan Sharkey
40	Jim O'Donnell
41	Eithne Gallagher
42	Rónán Galvin
43	Anita McCrea
44	Charlene Mc Clintock on behalf of Finn Valley Wind Action
45	Deborah Micklin

Ref	Name
46	Cllr Anthony Molloy
47	David Toye
48	Maire Rooney
49	Cllr Noreen Mc Garvey
50	Anne Marie O'Donnell
51	Seamus Mc Menamin
52	Allaye O'Connor
53	Louis and Joan Hanlon
54	Martin Coyle
55	Martin Ferry
56	Richard Torin
57	Hughie Mc Carron
58	Moira Miller
59	Anne Brennan
60	Patricia Sharkey
61	Michelle Murphy
62	Daniel mc Geehan
63	Grace mc Geehan
64	Cllr Noel Jordan
65	Cllr Niamh Kennedy
66	Charlene Mc Clintock
67	Patricia O'Brien
68	Patrick O'Brien
69	Brid O'Brien
70	PJ O'Brien
71	Bernadette O'Brien
72	Graffy Environmental Group
73	Dr Eithne Carlin
74	Cllr Gary Doherty
75	Joseph Brennan
76	Beth-Ann Roch
77	Cllr Gerry Mc Monagle
78	Alun Evans
79	Cheryl Quinn
80	Sinead O'Malley
81	Ruth O'Brien
82	Martin O'Brien
83	Karen O'Brien
84	Brendan O'Brien
85	A Gallagher
86	Michelle Boyle Gallen
87	Harley Newman Planning Consultants
88	Susan Amji
89	Cllr Crawford
90	Fiona Timony on behalf of NWRA
91	John Staunton on behalf of Tobin Engineering
92	Cllr Maire Therese Gallagher
93	Adrian Garvey on behalf of Statkraft Pure Energy
94	Cllr Michael Cholm Mac Giollaesbuig

Ref	Name
95	Clr Patrick Mc Gowan
96	Denis Devane on behalf of Wind Energy Ireland