



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

Appropriate Assessment Determination
in accordance with
Section 177V(1) of the Planning and Development Act 2000 (as amended)
with regard to the
Variation to the County Donegal Development Plan 2018-2024
(as varied) in respect of a Wind Energy Policy Framework

January, 2023

Part XAB of the Planning and Development Act 2000 (as amended) requires, *inter alia*, that an Appropriate Assessment (AA) shall include a determination by the competent authority under Article 6.3 of the Habitats Directive as to whether or not a draft land use plan (or variation) would adversely affect the integrity of a European site and that an Appropriate Assessment be carried out before such plan is made. Therefore, in accordance with Section 177V(1) of said Act, Donegal County Council as the competent authority hereby determines that the Proposed Variation to the County Donegal Development Plan 2018-2024 (as varied) in respect of a Wind Energy Policy Framework will not, either individually or in-combination with other plans and projects, adversely affect the integrity of any European site.

In carrying out the Appropriate Assessment the Council has taken into account the relevant matters specified under Section 177V(2) of said Act including:

- The Natura Impact Report of the Proposed Variation in particular the conclusions contained therein.
- Written submissions and observations made regarding the Proposed Variation and associated Natura Impact Report during the public consultation process including submissions, information and advice from statutory consultees and prescribed authorities.

The reasons for the abovementioned Determination are as follows:

- Wording was added to Policy E-P-12 to strengthen the policy framework in relation to European sites and the potential impacts of wind energy developments, as follows:
 - 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”.

- 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”.*
- 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”.*
- Water quality: *“Any wind energy developments within 1 km of sensitive SPAs / SACs will need to ensure that potential adverse impacts on the European sites due to water quality impacts are assessed and, where required, mitigated. Possible assessments and 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”.*
- The Natura Impact Report of the Proposed Variation concluded that the Proposed Variation will not, either individually or in-combination with other plans or projects, adversely affect the integrity of any European site having regard to the recommendations outlined in the report.
- Mitigation will be required at the project level for wind energy developments. Potential impacts will be mitigated during the detailed design at the project level for wind energy developments. This will include measures as detailed in Policy E-P-12 to avoid significant adverse effects on European sites. The projects will also have to demonstrate compliance with other relevant national and European legislation, plans, and the Policies and Objectives of the CDP. Potential impacts will also be mitigated through detailed surveys, construction management plans and techniques, pollution control measures, monitoring and post construction reinstatement.