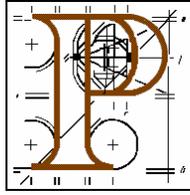


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Clare County

Planning Register Reference Number: P09/828

An Bord Pleanála Reference Number: PL 03.236950

APPEAL by Booltiagh Wind Limited care of DP Energy Ireland Limited of Mill House, Buttevant, County Cork against the decision made on the 20th day of May, 2010 by Clare County Council to refuse permission.

PROPOSED DEVELOPMENT: Erection of a two wind turbines with tower heights up to 80 metres and total tip heights up to 115 metres with ancillary equipment for generation of electricity at Booltiagh Townland, near Connolly, County Clare.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. It is policy, under CDP52 of the County Clare Development Plan 2005-2011 and ENV 3 of the West Clare Local Area Plan 2009-2015, that proposals for development will be considered where it can be clearly demonstrated that there will be no direct or indirect impact upon protected species and/or their habitats. These policies are considered to be reasonable. The appeal site consists primarily of blanket bog and is identified as an important foraging habitat for the hen harrier, which is afforded protection under Annex 1 of the EU Birds Directive. The Board is not satisfied, based on the details submitted with the application and appeal, that the proposed development, by itself and in conjunction with existing and permitted windfarm developments in the vicinity, will not have a significant adverse ecological impact on the habitat of the hen harriers. It is considered, therefore, that the proposed development would contravene the policies set out above and would be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied that the Environmental Impact Statement and the supplementary information submitted by the applicant, provides adequate information on the potential impacts, and/or the significance of those impacts, of the proposed development on relevant aspects of the environment, to enable it to assess, in a full and complete manner, the impact on the environment in accordance with the legislative requirements as set out under Article 94 of the Planning and Development Regulations, 2001 to 2009, as amended. Furthermore it is considered that:
 - (a) there is a failure to adequately describe the nature and extent of works to be carried out on the site, in particular, the impacts on habitats arising on the site due to construction activities associated with the development, including the proposed undergrounding of the 110kV overhead power lines, and
 - (b) there is a failure to either wholly or adequately address the inter-relationship between the topics identified in paragraph (2)(b) of Schedule 6 to the said Regulations.

Accordingly, the Board is not satisfied that the proposed development would not have significant adverse impacts on the environment and that the proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2010.