



An  
Bord  
Pleanála

**Board Direction**  
**PL20.244346**

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The submissions on this file, the Inspector's report, and the reports of the consultant ecologist and hydrogeologist engaged to advise on this case, were further considered at a meeting of all available Board Members held on February 16<sup>th</sup> 2017.

The Board decided, on a vote of six to two, to refuse permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

On the basis of the information provided with the application and appeal, including the Environmental Impact Statement (EIS) and the Natura Impact Statement (NIS) contained therein (Appendix 7.2) and subsequent revisions to the NIS submitted to the planning authority with additional information on 10<sup>th</sup> August 2011 and the later revision of June 2012 and also including the additional information submitted to An Bord Pleanála on 6<sup>th</sup> June 2013 and on 18<sup>th</sup> May 2015, the Board is not satisfied, having regard to the precautionary principle, that there is reasonable scientific certainty that the proposed development would not adversely affect the integrity of European Sites in the vicinity in the light of the conservation objectives and qualifying interests for which these sites were designated.

In particular, it is considered that the hydrogeological and geotechnical investigations carried out do not demonstrate to a reasonable level of scientific certainty that the excavations and construction works required to carry out the development would not adversely impact on the turloughs which are qualifying interests of the Lough Croan Turlough Special Area of Conservation (site code 000610), the Four Roads Turlough Special Area of Conservation (site code 001637) and the Lisduff Turlough Special Area of Conservation (site code 000609).

It is also considered that it has not been demonstrated beyond reasonable scientific doubt that the development would not contravene the conservation objectives for

some of the qualifying interests of the nearby Special Protection Areas. In particular, it is considered that there is a risk of contravening the conservation objectives for Greenland White Fronted Goose at Lough Croan Special Protection Area (site code 004139) and other Special Protection Areas, Golden Plover at Lough Croan Special Protection Area and other Special Protection Areas, and Lapwing at the River Suck Callows Special Protection Area (site code 004097) and other Special Protection Areas. There is also uncertainty in relation to the impact on the conservation objectives for Whooper Swans at the River Suck Callows Special Protection Area (site code 004097), and Black Headed Gulls at the Middle Shannon Callows Special Protection Area (site code 004096). It is considered that inadequate surveys and investigations have been carried out in relation to day and night movements, flight lines and foraging activities of Golden Plover and Lapwing.

Having regard to the uncertainty which exists, in relation to the impact of the development on the qualifying interests and consequently the integrity of the European Sites in the area, the Board is precluded from granting planning permission by reason of Article 6(3) of the EU Habitats Directive and of Section 177V (3) of the Planning and Development Act 2000, as amended.

**Note:** In not accepting the Inspector's recommendation to refuse permission on grounds of the visual impact of the proposed development on the character of the landscape, the Board had regard to the provisions of the Roscommon County Development Plan 2014 - 2020, which includes a landscape character assessment and in which the receiving landscape environment in this instance is described as being of moderate value, and one of the largest landscape character areas in the county. The Board considered that this landscape was a robust landscape which was capable of accommodating windfarm development of the scale proposed. Furthermore, the Board noted that the location of the proposed development was within an area designated in the County Roscommon Renewable Energy Strategy, incorporated into this Development Plan, as being a "most favoured" area for renewable energy.

*[Please issue a copy of this Direction with the Board Order.]*

**Board Member**

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Philip Jones

**Date:** 21<sup>st</sup> February 2017