



An
Bord
Pleanála

Board Direction
PL20.244347

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 16th 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 7.3), the later revision of June 2012 submitted as additional information to the planning authority on 8th June 2012, and also including the additional information submitted to An Bord Pleanála on 6th June 2013 in relation to the application referred to on file PL20.244346, and the information submitted on 18th 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 Ballynamona Bog and Corkip Lough Special Area of Conservation (site code 002339), the Castlesampson Esker (site code 001625), and the Lough Funshinagh Special Area of Conservation (site code 000611). It has also not been demonstrated that development works would not impact on Feacle Turlough to an extent which could

impact on the qualifying interest bird species of Special Protection Areas in the vicinity which frequent this turlough.

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 Golden Plover and Lapwing at the River Suck Callows Special Protection Area (site code 004097) and other Special Protection Areas. 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. There is also a risk of contravening the conservation objectives for other birds, e.g. Whooper Swan, Widgeon and Black Headed Gull, which use Feacle Turlough and which are qualifying interests for Special Protection Areas in the wider area.

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

Philip Jones

Date: 21st February 2017