



Board Direction

Ref: 05.247194

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19th December 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, in accordance with the following reasons, considerations and conditions.

Reasons and Considerations

Having regard to:

- the limited increase in the scale of the proposed wind energy development compared to that authorised under the extant grant of permission made under Reg. Ref.09/30104,
- the Guidelines for Planning Authorities on Wind Energy Development issued by the Department of the Environment, Heritage and Local Government in June, 2006, and
- to the provisions of the Donegal County Development Plan 2012-2018 duly in force at the time of this decision, including the designation of the area containing the site as one where wind energy development was open for consideration and policy E-P-16 to support clustering of wind farms in the vicinity of grid connections,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant negative effect on the natural heritage or on the visual or residential amenities of the area, and that it would be in keeping with the proposed planning and sustainable development of the area.

Environmental Impact Assessment

The Board concurred with and adopted the screening assessment carried out by the Inspector in relation to the subject of environmental impact assessment. The Board was satisfied that significant effects on the environment are not likely to arise from the subject development, either alone or in combination with the permitted wind farm infrastructure, and therefore an EIS is not required in support of the planning application.

Appropriate Assessment

Screening (Stage I)

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Special Areas of Conservation (SACs) at Fawnboy Bog/Lough Nacung sitecode 000140 and Gweedore Bay and Islands sitecode 001141, are the European sites for which there is a likelihood of significant effects and that significant effects are not likely to arise from the development for the Special Protection Area at the Derryveagh and Glendown Mountains sitecode 004039, the Special Area of Conservation at Cloghernagore Bog and Glenveagh National Park sitecode 002047 or for any other Natura 2000 site.

Stage II

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the Special Areas of Conservation at Fawnboy Bog/Lough Nacung and Gweedore Bay and Islands in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered in particular –

- i) the likely indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically the impact on the quality of waters downstream of the appeal site,

- ii) the mitigation measures which are included as part of the current proposal and set out in the Natural Impact Statement, and
- iii) the Conservation Objectives for the said SACs,

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the SACs, having regard to their Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the sites' Conservation Objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application , except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The conditions of the parent permission issued under Reg. Ref. 09/30104 shall be complied with in the course of the authorised development unless a departure from those conditions is required to comply with the conditions of this permission or was explicitly proposed in the development described in the application for this permission. The appropriate period for the carrying out of the development authorised by this permission shall expire on the date when the appropriate period of the parent permission issued under Reg. Ref. 09/30104 expires.

Reason: In the interest of clarity

3. All the mitigation measures described in the Natura Impact Statement and the Environmental Report submitted with the application shall be

implemented in full in the course of development.

Reason: To protect the quality of waters and the natural heritage of the area

4. Standard wind farm noise condition

Reason: In the interest of residential amenity

5. Shadow flicker arising from the proposed development shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.

Reason: In the interest of residential amenity.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid

prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Board Member: _____ Date: 19th December 2016
Conall Boland