

An
Bord
Pleanála

Board Direction BD-015822-24 ABP-309770-21

The submissions on this file, the internal Ecologist Report prepared following the submission of further information and the Inspector's report were considered at a Board meeting held on 13/03/2024.

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

Reasons and Considerations

Having regard to

- (a) the nature of the proposed wind farm drainage, which utilises the existing peatlands drainage system within and outside of the site boundary, which has not been authorised by a grant of permission
- (b) the continuance of peat harvesting as the baseline scenario for the EIAR, including bird collision risk assessment and the assumed continuance of this land use
- (c) the uncertainty as to the effectiveness of the proposed mitigation measures in dealing with the combined issues of construction works on exposed peat and the wider exploited peat basins
- (d) if, hand peat harvesting is to cease permanently, there has been no assessment of the implications of a peatland rehabilitation plan on the local biodiversity as part of the EIA or in the NIS
- (e) the uncertainty relating to future land use at the 'optioned lands'

(f) the absence of evidence of sufficient legal control to support the management proposals for the 'optioned lands'

(g) the information presented in relation to peat depth

The Board considered that there is significant uncertainty relating to the effect on soils, water and ecology which precludes assessment of the full environmental effects in accordance with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The proposed development is, therefore, premature.

Furthermore, on the basis of the information provided by the applicant in relation to site drainage proposals and collision risk modelling for birds, and in the absence of an assessment of the future land use together with the proposed development, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European Site Lough Derravaragh Special Protection Area (Site Code: 004043), or any other European Site, in view of the site's Conservation Objectives.

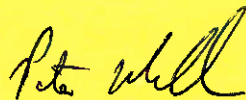
Having regard to the above, the Board was not satisfied that the proposed development would not adversely affect the integrity of the above-mentioned European Site in view of the site's conservation objectives.

In such circumstances the Board is precluded from granting permission.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be recouped from the applicant is €19,883.

Board Member



Peter Mullan

Date: 13/03/2024