

An
Bord
Pleanála

Board Direction
BD-014130-23
ABP-310789-21

The submissions on this file and the Inspector's reports were considered at Board meetings held on 02/11/2022, 16/12/2022 and 02/10/2023.

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

Reasons and Considerations

1. Having regard to:

- (a) The classification of the site by Geological Survey Ireland as being of low to moderately high landslide susceptibility;
- (b) The high density of historical landslides in this area, including within the site itself;
- (c) The numerous mapped faults in the area, including two within the site;
- (d) The upland and sloping nature of the terrain;
- (e) The high rainfall levels prevalent in this location;
- (f) Blanket bog being the dominant soil type at the site and the importance of assessing any biodiversity impact on this natural resource;
- (g) The low permeability of the limestone bedrock on the site, leading to a high water table;

- (h) The high density of drainage channels throughout the site, both natural and man-made;
- (i) The timing of construction works outside of the breeding season for birds coinciding with wetter periods;
- (j) The expansive areas of trees to be clear felled, with peat soils and subsoils subsequently exposed;
- (k) The extensive water crossings and crossing upgrades required;
- (l) The deep peat at turbine locations and along existing and proposed access roads;
- (m) The significant volumes of peat and other spoil material requiring excavation, handling, storage and management on the site;
- (n) The instability associated with the works and movement of waste material, including the necessity for placement of vast volumes of waste peat and other spoil materials in three large repositories on bogland hilly terrain;
- (o) The construction of high retaining stone buttresses required to contain waste peat and other spoil;
- (p) The peat-dominated nature of the soils at the repository locations;
- (q) The lack of a clear understanding of the land and ground conditions associated with the development of the proposed peat repositories, including matters relating to the final construction of the primary repository, the drainage of the peat repositories, measures required for the control of groundwater, the type and condition of rock at the repository locations, and the hillside siting of the northernmost repository and the associated clear felling of forestry;
- (r) The construction works culminating in interference with the natural terrain by the development of the turbine bases and the hardstanding areas, the construction of access roads cutting across contours on bogland, the provision of preferential flow paths for surface waters, and road widening and improvement works along existing internal roads; and

(s) The proposed highly complex system of drainage and the very precise nature of the application of many of the proposed measures required for their functionality;

on the basis of the information submitted with the application and appeal, the Board cannot be satisfied that the proposed development would adequately mitigate risk associated with a potential landslide as a consequence of the development of the proposed wind farm, with potential for causing pollution of waterbodies within and in the vicinity of the site. Furthermore, the Board is not satisfied on the basis of the information submitted with the application and appeal, that the proposed repositories would be effective in providing for the permanent retention of peat and other materials and that the mitigation measures, inclusive of the proposed drainage system, would be adequate to ensure the protection of the environment.

In view of the above, it is considered that the proposed development would present a significant risk of adverse environmental impact on the sensitive natural habitats of the site and of the wider area and would constitute an unacceptable risk of pollution of watercourses in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application and appeal, including the Natura Impact Statement, and in light of the assessment of the Board by reference to the issues set out under reason no. 1 above, including the risk of pollution of watercourses in the area, the Board cannot be satisfied that the proposed development, individually, or in combination with other plans or projects would not adversely affect the integrity of European Sites, Lough Gill SAC (Site Code: 001976), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627), and Cummeen Strand SPA (Site Code: 004035), in view of the sites' Conservation objectives. In such circumstances is precluded from granting permission.

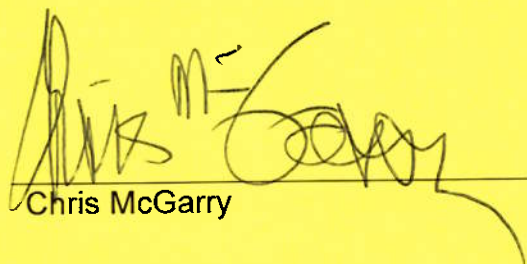
3. On the basis of the information submitted with the application and appeal, the Board noted the range of bird species of conservation value that have been observed on, over and in close proximity to the site indicating this to be an ecologically sensitive area of significant ornithological value. In the absence of data monitoring the impacts, if any, of existing wind farm developments in this area on these birds of conservation value and their habitats together with the particular sensitivity of some species such as Whooper Swan, Golden Plover and Hen Harrier to relatively low levels of mortality, the Board cannot be satisfied that the cumulative environmental assessment of the likely effects of the proposed development on avifauna can reasonably exclude the possibility of a significant impact. In this regard, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Note 1: the Board noted the Inspector's recommended reason for refusal related to visual impact. In this regard, the Board considered the totality of the documentation on file, including the information prepared by the professional consultants for the applicant, the assessment of visual impact as prepared by the planning authority and the submissions from third parties and observers, and noted that this information in combination, enabled the making of an independent objective assessment of the visual impact of the proposed development by the Board. The Board agreed with the assessment and determination of the planning authority that the proposed development would not have unacceptable direct, indirect or cumulative effects on landscape. In reaching this shared conclusion to that of the planning authority, the Board considered that the introduction of a wind farm into a landscape which already has a considerable number of windfarms (70 number turbines located along a ridge that straddles the Leitrim, Roscommon and Sligo borders) could be readily assimilated without causing an adverse cumulative effect and that the overall absorption capacity of the landscape along with the significant distance to key views of the proposed development, would present a visual change which would not of itself constitute a significant negative or adverse impact. In overview, and having had full regard to the documentation and submissions on file, the Board determined

that the issue visual impact would not warrant a refusal of permission in this instance.

Note 2: The Board noted the Inspector's recommended reason for refusal related to noise impact as set out in his second report dated 22/02/2023. However, having considered the totality of the documentation and submissions on file relating the issue of potential noise impact and with specific reference to the report of the applicant's professional consultant, Awn Consulting dated 08/12/2022, the Board determined that sufficient information was before it to enable an independent objective assessment of this issue. The Board concluded that the potential impact of noise from the proposed development was not such that a refusal of permission was warranted. In this regard the Board shared the opinion of the planning authority to the effect that the proposed development would not be unacceptable in terms of noise impact, and that ordinarily (i.e. notwithstanding the substantive reasons for refusal set out above) this issue could be addressed by means of condition/s attached to a grant of permission.

Board Member



Chris McGarry

Date: 13/10/2023

