

An
Bord
Pleanála

Board Direction
BD-014631-23
ABP-312385-22

The submissions on this file and the Inspectors' reports were considered at Board meeting held on 15/09/2023 and 20/11/2023.

The Board decided to refuse permission, generally in accordance with the Inspectors' recommendations, for the following reasons and considerations.

Reasons and Considerations

1. The proposed development is located on a site, which lies within an area designated for Especially High Scenic Amenity, as outlined under Policy NH-P-6 of the County Donegal Development Plan, 2018-2024 (as varied) 'it is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered'. Notwithstanding the potential contribution this proposed renewable energy project would have in meeting National renewable energy targets, it is considered that the proposal would result in a considerable and unacceptable adverse visual impact upon this upland environment designated as an Especially High Scenic Amenity area. It is considered that the proposed development sited at this location would constitute a highly obtrusive development that would detract from the existing natural character of the area, would undermine the setting of this unspoilt valley and would erode the landscape and visual quality of this rural area and compromise the scenic amenities of this visually sensitive and vulnerable area. The proposed wind turbines would, thereby, be excessively dominant features and a visually obtrusive form of development in this landscape, would materially conflict

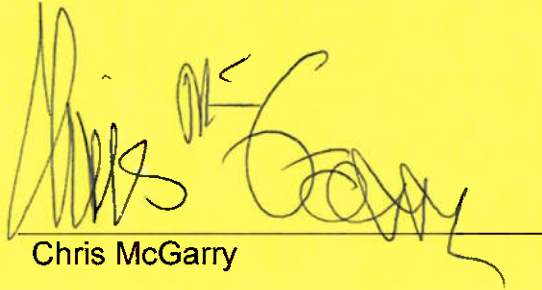
with policy NH-P-6 as set out in the Donegal County Development Plan 2018-2024 (as varied), and would seriously injure the landscape and visual amenities of the area. In addition, the proposed wind farm development is located on a site designated in an area where wind energy development is not normally permissible as defined in Map 8.2.1 of the County Donegal Development Plan 2018-2024 (as varied). The proposed development would therefore materially contravene the provisions of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The appeal site is located in a non-designated however regionally-important area for Merlin, the identified pair of Merlin confirmed to be breeding in the area are considered to be of national/international importance and the appeal site is identified as an important foraging habitat for Merlin, which is afforded protection under Annex I of the EU Birds Directive (2009/147/EC). The Board is not satisfied, based on the details submitted with the application and appeal, notwithstanding the mitigation measures set out to address the impacts on Merlin, that the proposed development would not have a significant adverse impact on Merlin. It is considered that the proposed development would be contrary to objectives NH-O-1 and NH-O-10, as well as policy NH-P-5, of the Donegal County Development Plan 2018-2024 (as varied), and, therefore, would be contrary to the proper planning and sustainable development of the area. In addition, given the close proximity of the proposed development to the Lough Nillan Bog SPA (004110) the Board is not satisfied, on the basis of the information provided with the application, that the proposed development would not adversely affect the integrity of this European site in view of the site's Conservation Objectives in relation to Merlin. In such circumstances the Board is precluded from granting permission.

3. The site of the proposed development is located within an area of significant ornithological value, as evidenced by the applicant's bird surveys in support of the application. It is considered that the siting, height, scale and operation of the proposed turbines would result in a significant risk of collision for the Annex I bird species Golden Eagle and White-tailed Eagles, as well as loss of habitat and displacement for raptors prevalent at this location. On the basis of the information

submitted in support of the application and specifically within the submitted Environmental Impact Assessment Report in respect of the Golden Eagle and the White Tailed Eagle, both of which are classed as 'high sensitivity to wind farm developments', it is considered that potential risks to the aforementioned Annex I species have not been adequately addressed in the form of scientific evidence and conclusions. The proposed development would, thus, have significant adverse impacts on the ornithological importance of the area by way of disturbance and displacement of protected bird species and potential for bird strikes and would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member



Chris McGarry

Date: 20/11/2023