



An
Bord
Pleanála

Board Direction
BD-016302-24
ABP-316025-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/05/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations. The Board also determined that the amount to be refunded to the applicant is as indicated hereunder.

Reasons and Considerations

1. Notwithstanding the wide policy supporting renewable energy development at a national, regional and local level, the proposed development, which is located on designated lands where wind energy developments are 'not normally permissible' under Policy E-P-12 and in the 'Gweebarra River Basin', where it is a policy of the Council that wind farm developments must not be located under Policy E-P-23 of the Donegal County Development Plan 2018-2024 (as varied), would not be acceptable in principle. It would not be in accordance with the proper planning and sustainable development and would materially contravene these provisions of the Donegal County Development Plan 2018 -2024 (as varied),
2. The proposed development is not considered consistent with policies which seek to protect the landscape including NH-P-6, NH-P-13, NH-P-15, E-P-23 (i) (a) and TOU-P-5 of the Donegal County Development Plan 2018 -2024

(as varied). The site of the proposed development is located in an area which is designated as an area of Moderate Scenic Amenity (MSA) and adjacent to areas of Especially High Scenic Amenity (EHSA) and within a Protected View from Gweebarra Bridge up the Gweebarra River Basin. The proposed development will also be viewed from the Wild Atlantic Way a key tourist asset for the county and is within a zone of visual influence of Glenveagh National Park. The proposed development, by reason of its height, scale and siting below a ridge would be visually obtrusive and would interfere with the character of the landscape, with specific scenic amenity designations, which it is necessary to preserve. The proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site of the proposed development is located within an area of significant ornithological value, which is of national importance to the Golden Eagle, as evidenced by the applicant's bird surveys in support of the application. It is considered that the nature and scale the proposed development would result in a significant risk of disturbance and displacement for the Golden Eagle present at this location. There is a significant risk that if nesting Golden Eagles are displaced by construction phase activities or the presence of turbines, the mitigation measures will not reduce this very significant impact. On the basis of the information submitted in support of the application and specifically within the EIAR and associated documents in respect of the Golden Eagle, it is considered that potential risk at a national level, of disturbances to the aforementioned species have not been adequately addressed in the form of scientific evidence and conclusions. The proposed development would, thus, have significant adverse impacts at a national level on the ornithological importance of the area by way of disturbance and displacement of the Golden Eagle, a protected bird of international importance, a red listed Bird of Conservation Concern, listed in Annex 1 of the Birds Directive and, at this location, one of five known breeding pairs at a national level and would, therefore, be contrary to the proper planning and sustainable development of the area.

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 refunded to the applicant is €70,699.00

Board Member


Tom Rabbette

Date: 14/05/2024