

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Roscommon County

Planning Register Reference Number: 10/541

An Bord Pleanála Reference Number: PL 20.244346 (20.239759)

APPEAL by Paul Donoghue of Glenrevagh, Dysart, County Roscommon and by others against the decision made on the 4th day of October, 2011 by Roscommon County Council to grant subject to conditions a permission to Gaeltech Energy Developments Limited care of IWCM Limited of Clondargan, Stradone, County Cavan.

PROPOSED DEVELOPMENT: As revised by further public notices published by An Bord Pleanála on the 22nd day of September, 2015, the development now comprises erection of 16 number wind turbines each with a hub height of 85 metres and rotor diameter of 100 metres, with an overall height of 135 metres; all associated site development works including two number temporary site compound areas, a permanent anemometer mast 85 metres in height, foundations, crane hardstandings, access tracks, underground cabling, site entrance off the R357; the construction of a 38kV switch room and control facility (85.5 square metres) with associated equipment and compound area enclosed by a 2.4 metres high palisade fence; change of use of existing residential dwelling (99.9 square metres) to office use associated with the wind farm, as revised by significant further information and revised plans submitted to the planning authority on the 19th day of August, 2011. The application is accompanied by an Environmental Impact Statement (EIS), all at Cronin, Gortaphuill, Glenrevagh (ED Turrock), Mullaghardagh, Tullyneeny and Turrock Townlands, Dysart, County Roscommon.

Significant further information submitted to An Bord Pleanála on the 18th day of May, 2015 included -

1. Supplementary Environmental Impact Statement information in respect of proposed connection from the subject site to the national electricity grid at an existing 110kV electricity substation in Monksland, Athlone, by means of an underground 38kV or 100kV cable under the L7602 local road and the R362 and R363 regional roads. This information includes mitigation measures and a Habitats Directive Screening Assessment report;
2. Report on hydrogeology/geotechnical aspects of the proposed (Phase 1) wind farm;
3. Wintering bird survey (October 2014 to March 2015);
4. Overview of environmental information on Avifauna.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

On the basis of the information provided with the application and appeal, including the Environmental Impact Statement (EIS) and the Natura Impact Statement (NIS) contained therein (Appendix 7.2) and subsequent revisions to the NIS submitted to the planning authority with additional information on the 10th day of August, 2011 and the later revision of June 2012 and also including the additional information submitted to An Bord Pleanála on the 6th day of June, 2013 and on the 18th day of May 2015, the Board is not satisfied, having regard to the precautionary principle, that there is reasonable scientific certainty that the proposed development would not adversely affect the integrity of European Sites in the vicinity in the light of the conservation objectives and qualifying interests for which these sites were designated.

In particular, it is considered that the hydrogeological and geotechnical investigations carried out do not demonstrate to a reasonable level of scientific certainty that the excavations and construction works required to carry out the development would not adversely impact on the turloughs which are qualifying interests of the Lough Croan Turlough Special Area of Conservation (site code 000610), the Four Roads Turlough Special Area of Conservation (site code 001637) and the Lisduff Turlough Special Area of Conservation (site code 000609).

It is also considered that it has not been demonstrated beyond reasonable scientific doubt that the development would not contravene the conservation objectives for some of the qualifying interests of the nearby Special Protection Areas. In particular, it is considered that there is a risk of contravening the conservation objectives for Greenland White Fronted Goose at Lough Croan Special Protection Area (site code 004139) and other Special Protection Areas, Golden Plover at Lough Croan Special Protection Area and other Special Protection Areas, and Lapwing at the River Suck Callows Special Protection Area (site code 004097) and other Special Protection Areas. There is also uncertainty in relation to the impact on the conservation objectives for Whooper Swans at the River Suck Callows Special Protection Area (site code 004097), and Black Headed Gulls at the Middle Shannon Callows Special Protection Area (site code 004096). It is considered that inadequate surveys and investigations have been carried out in relation to day and night movements, flight lines and foraging activities of Golden Plover and Lapwing.

Having regard to the uncertainty which exists, in relation to the impact of the development on the qualifying interests and consequently the integrity of the European Sites in the area, the Board is precluded from granting planning

permission by reason of Article 6(3) of the EU Habitats Directive and of Section 177V (3) of the Planning and Development Act 2000, as amended.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.