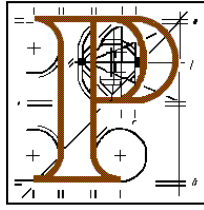


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Roscommon County

Planning Register Reference Number: 11/273

An Bord Pleanála Reference Number: PL 20.244347 (20.241069)

APPEAL by the Skyvalley Concerned Residents Group care of David Naughton of Skyvalley, Taughmaconnell, Ballinasloe, County Roscommon and by others against the decision made on the 17th day of August, 2012 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, 2016, the development now comprises erection of 19 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 three number temporary site compound areas, a permanent anemometer mast 85 metres in height, foundations, crane hardstandings, access tracks, underground cabling, avian monitoring system, 110 kV substation consisting of: substation building with a floor area of 221.4 square metres and substation compound with all associated equipment enclosed by a 2.4 metre high palisade fence, site entrance off the L7535, and proposed road works to include the upgrading and widening of the L7535 with associated works to access the site, all located at Boleyduff, Cam, Cloonacaltry, Cuilleenoolagh, Feacle, Miltown, Skeavally, Tawnagh and Tobermacloughlin, County Roscommon.

The development was revised by significant further information and a revised Natura Impact Statement submitted to the planning authority on the 8th day of June, 2012. The application is accompanied by an Environmental Impact Statement (EIS).

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 110 kV electricity substation in Monksland, Athlone, by means of an underground 38 kV or 110 kV cable under the L7535 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 2) wind farm.
3. Wintering bird survey (October 2014 to March 2015).
4. Overview of environmental information submitted 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 submitted with the application and appeal, including the Environmental Impact Statement (EIS) and the Natura Impact Statement (NIS) contained therein (Appendix 7.3), the later revision of June, 2012 submitted as additional information to the planning authority on the 8th day of June, 2012, and also including the additional information submitted to An Bord Pleanála on the 6th day of June, 2013 in relation to the application referred to on appeal file PL 20.244346, and the information submitted 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 Ballynamona Bog and Corkip Lough Special Area of Conservation (site code 002339), the Castlesampson Esker Special Area of Conservation (site code 001625), and the Lough Funshinagh Special Area of Conservation (site code 000611). It has also not been demonstrated that development works would not impact on Feacle Turlough to an extent which could impact on the qualifying interest bird species of Special Protection Areas in the vicinity which frequent this turlough.

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 Golden Plover and Lapwing at the River Suck Callows Special Protection Area (site code 004097) and other Special Protection Areas. 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. There is also a risk of contravening the conservation objectives for other birds, for example, Whooper Swan, Widgeon and Black Headed Gull, which use Feacle Turlough and which are qualifying interests for Special Protection Areas in the wider area.

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.