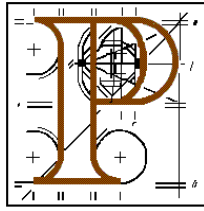


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 16/50473

An Bord Pleanála Reference Number: 05.246851

APPEAL by Clogheravaddy Windfarm Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 8th day of June, 2016 by Donegal County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Approximately 2.3 kilometres of three phase underground electrical cables laid in ducts, with communications cable, draw pits, jointing bays and associated works in the townlands of Clogheravaddy and Meenacahan, County Donegal. The underground cable will connect the permitted Clogheravaddy Wind Farm to the national grid at ESB Binbane Substation.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said Council, based on the reasons and considerations under and subject to the conditions 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

Having regard to the nature and scale of the proposed development, the Board considers that, subject to compliance with the conditions set out below, the proposed development would accord with National and local policies in respect of wind energy, would not have significant environmental effects or in any way undermine the fulfilment of requirements under the Environmental Impact Assessment Directive or the Habitats Directive, and would not have a significant effect on the European Site Lough Nillan Bog Special Protection Area (Site Code 004110), in view of that site's conservation objectives. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed a screening exercise, taking into account-

- the Natura Impact screening report submitted with the application in relation to potential impacts of the site having regard to the nature and scale of the proposed development and characteristics of the Lough Nillan Bog Special Protection Area (Site Code 004110),
- the Inspector's report and submissions on file,
- the consolidated Natura Impact Statement dealing with the proposed grid connection and the wind farm which it serves which was originally submitted with appeal PL 05E.244417,

in relation to potential impacts of the proposal having regard to the nature and scale of the proposed development and characteristics of the Lough Nillan Bog Special Protection Area (Site Code 004110).

The Board also had regard to the Appropriate Assessment carried out by it under appeal reference number PL 05E.244417 which included assessment of the proposed grid connection.

The Board concluded that no Appropriate Assessment issues arise and further concluded on the basis of the information available that the application for consent for proposed development, either individually or in combination with other plans or projects including the proposed wind farm which it will serve, would not be likely to have a significant effect on a European site and in particular Lough Nillan Bog Special Protection Area (Site Code 004110).

Environmental Impact Assessment

The Board concurred with and adopted the Inspector's report in relation to Environmental Impact Assessment. The Board also completed a screening exercise in relation to Environmental Impact Assessment that had regard to the nature and scale of the proposed development and the thresholds and criteria set out in Schedules 5 and 7 of the Planning and Development Regulations 2000, as amended. The Board concluded that the proposed development is not a prescribed class of development specified under Schedule 5 of the Planning and Development Regulations, 2001, as amended. The Board further had regard to the Consolidated Environmental Impact Statement submitted as part of appeal reference number PL 05E.244417 which included assessment of the grid connection the subject of the present application, and to the Environmental Impact Assessment carried out by the Board in respect of that application. The Board concluded that the proposed development would not be likely to have significant effects on the environment, either individually or in combination with other plans or projects including the wind farm which it will serve.

The Board noted that the planning authority had decided to refuse permission in part because it was considered that the proposed development would constitute a material contravention of the Development Plan; however, having regard to the provisions of Section 37(2)(b)(iii) and, in particular, to Government policy, as expressed in the Wind Energy Development Guidelines, the Board considered that planning permission should be granted for the proposed development.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 4th day of July,

2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures identified in the consolidated Environmental Impact Statement and consolidated Natura Impact Statement, submitted with the appeal submission on the 4th day of July, 2016 shall be implemented in full by the developer.

Reason: In the interest of clarity.

3. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

4. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 19th day of February, 2016 under An Bord Pleanála reference number PL 05E.244417, (planning register reference number 14/51305), and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under

