

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 16/50564

An Bord Pleanála Reference Number: PL 05.246871

APPEAL by Louis and Joan Hanlon of Glenview, Tullyard, Glenties, County Donegal and by Anne Murphy and Joseph Brennan of Winterwood, Beechwood Avenue, Ballybofey, Lifford, County Donegal against the decision made on the 10th day of June, 2016 by Donegal County Council to grant subject to conditions a permission to Maas Wind Limited care of Harley Newman Planning Consultants of Bohullion, Burt, County Donegal in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development comprising 11 number crane hardstand and assembly areas, and five number turning heads to serve the windfarm permitted under planning register reference numbers 08/31039 and 14/50070 and all associated ancillary site development works at Loughderryduff and Maas Townlands, Ardara, County Donegal.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars 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 permitted development on site, to the pattern of development in the area and to the limited nature of the proposal to serve an already permitted development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

The Board concurred with the screening assessment carried out by the Inspector in relation to the subject of environmental impact assessment and adopted her conclusions in this regard. The Board is satisfied that the proposed development would not be likely to have significant effects on the environment, either individually or in combination with the permitted wind farm, and therefore an Environmental Impact Statement is not required in support of the planning application.

The Board completed an Appropriate Assessment in relation to potential impacts on Natura 2000 Sites and having regard to the Natura impact statement and the Inspector's report and submissions on file, the Board concluded that, on the basis of the information available, the proposed development either individually or in combination with other plans or projects would not adversely affect the integrity of the West of Ardara/Maas Road Special Area of Conservation (site number 000197) in view of the site's conservation objectives.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed revisions to hardstanding areas and turning circles would have a minor impact in visual terms, particularly given the already permitted development which they propose to serve. Furthermore, the Board is satisfied that no further technical justification for the proposed works was necessary as they represented practical measures to facilitate completion of the permitted project.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Lands shall be re-instated on decommissioning of windfarm which they serve.

Reason: In the interest of orderly development.

3. 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 section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2016.