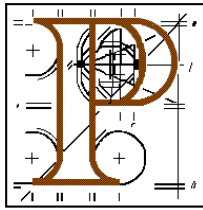


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 16/50989

An Bord Pleanála Reference Number: PL 05.247194

APPEAL by Peter Crossan of Cloneary, Bawnboy, County Cavan against the decision made on the 18th day of August, 2016 by Donegal County Council to grant subject to conditions a permission to Gineadoir Gaoithe Teoranta care of Harley Newman Planning Consultants of Bohullion, Burt, County Donegal in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: An amendment to the ten year planning permission granted under planning register reference number 09/30104 for five number wind turbines (as extension of existing Cronalaght windfarm). The proposed amendment will consist of a decrease of hub height from 80 metres as permitted to 72.5 metres and an increase in the rotor diameter from 90 metres as permitted to 105 metres. The overall tip height of the turbines will remain unchanged at 125 metres as granted permission. The application also includes permission for associated minor alterations of permitted crane hardstand and assembly areas to serve the windfarm and all associated ancillary site development works at Meenderrygamph, Gweedore, 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:-

- (a) the limited increase in the scale of the proposed wind energy development compared to that authorised under the extant permission granted under planning register reference number 09/30104,
- (b) the “Wind Energy Development Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in June, 2006, and
- (c) the provisions of the Donegal County Development Plan 2012-2018 duly in force at the time of this decision, including the designation of the area containing the site as one where wind energy development was open for consideration and policy E-P-16 of the planning authority to support clustering of wind farms in the vicinity of grid connections,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant negative effect on the natural heritage of the area, would not seriously injure the visual or residential amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Board concurred with the screening assessment carried out by the Inspector in his report in relation to the subject of environmental impact assessment and adopted his 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 infrastructure, and, therefore, an Environmental Impact Statement would not be required in support of the planning application.

Appropriate Assessment

Screening (Stage I)

The Board concurred with the Inspector's screening assessment and adopted his conclusion that the Special Areas of Conservation (SACs) at Fawnboy Bog/Lough Nacung (Site Code 000140) and Gweedore Bay and Islands Site Code 001141), are the European sites for which there is a likelihood of significant effects and that the proposed development would not be likely to have significant effects on significant effects on the Special Protection Area at the Derryveagh and Glendown Mountains Special Protection Area (Site Code 004039), the Special Area of Conservation at Cloghernagore Bog and Glenveagh National Park (Site Code 002047) or for any other Natura 2000 site.

Stage II

The Board considered the Natura Impact Statement and all other relevant submissions and completed an appropriate assessment in relation to the impacts of the implications of the proposed development for the Special Areas of Conservation at Fawnboy Bog/Lough Nacung and Gweedore Bay and Islands (Site Code 001141) in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered in particular –

- (i) the likely indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, specifically the impact on the quality of waters downstream of the appeal site,
- (ii) the mitigation measures which are included as part of the current proposal and set out in the Natural Impact Statement, and
- (iii) the Conservation Objectives for the said Special Areas of Conservation,

In completing the Appropriate Assessment, the Board accepted the conditions of the Inspector in relation to the Appropriate Assessment, as set out in the Inspector's report and adopted the conclusions of the Inspector in respect of the potential effects of the proposed development on the Special Areas of Conservation, having regard to their Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the sites' Conservation Objectives.

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. 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 conditions of the parent permission issued under planning register reference number 09/30104 shall be complied with in the course of the authorised development unless a departure from those conditions is required to comply with the conditions of this permission or was explicitly proposed in the development described in the application for this permission. The appropriate period for the carrying out of the development authorised by this permission shall expire on the date when the appropriate period of the parent permission issued under planning register reference number 09/30104 expires.

Reason: In the interest of clarity.

3. All the mitigation measures described in the Natura Impact Statement and the Environmental Report submitted with the application shall be implemented in full in the course of development.

Reason: To protect the quality of waters and the natural heritage of the area.

4. Wind turbine noise arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed the greater of:

(a) 5 dB(A) above background noise levels or

(b) 43 dB(A) L90,10min

when measured externally at dwellings or other sensitive receptors. All of the noise mitigation measures set out in the submitted documentation shall be fully complied with.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-rating of particular turbines. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with Respect to Community Response," as amended by ISO Recommendations R 1996-1. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within six months of commissioning of the wind farm

Reason: In the interest of residential amenity.

5. Shadow flicker arising from the proposed development shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.

Reason: In the interest of residential amenity.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. 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.