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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 17/902**

**APPEAL** by Ballylongford Windfarm Group care of JOAM Consulting of Harbour View, Cromane Lower, Killorglin, County Kerry against the decision made on the 6<sup>th</sup> day of November, 2017 by Kerry County Council to refuse permission.

**Proposed Development:** Construction of a windfarm consisting of eight wind turbines with an overall ground to blade tip height of up to 126.5 metres. The development will also include battery units, upgrading of existing access tracks and the provision of new internal access roads, the development and improvement of existing entrances onto the public road network, the provision of a wind anemometry mast (height up to 80 metres), one number peat deposition area, underground electricity cables/cabling, two electricity substations with control room and associated equipment, temporary construction compound and all ancillary site and ground works. The applicant is seeking a ten-year planning permission and operational period of 25 years. All in the townlands of Aghanagran Middle, Aghanagran Lower, Ballyline West and Tullahennell South, Ballylongford, County Kerry. The development will also consist of the connection of the proposed development, via underground electricity cables, to the existing Electricity Supply Board substation at Kilpaddoge, Tarbert. The underground cable will be located in the townlands

of Aghanagran Lower, Ballyline West, Ballymacasy, Lislaughtin, Glancullare South, Gurteenavallig, Meelcon, Carhoona, Farranawana, Doonard Upper, Doonard Lower, Tarbert and Kilpaddoge, County Kerry.

## **Decision**

**REFUSE permission for the above proposed development in accordance with 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**

Having regard to the location and scale of the proposed development and the ground conditions on the site, it is considered that, on the basis of the information submitted with the planning application and the appeal and in the absence of a Natura impact statement and the necessary ecological surveys to inform same, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, in view of the sites' conservation objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, the hydrological conditions and proximity of Ballylongford Creek which is included in the Lower River Shannon Special Area of Conservation (Site Code: 002165), that adequate information has been provided on the impact of the proposed development either individually or in combination with the adjacent windfarm, on the European Sites, and considered that a Natura impact statement would be required to remove all reasonable scientific doubt as to the effects of the proposed development on the European Sites concerned, having regard to the sites' conservation objectives.

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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**