



Planning and Development Acts 2000 to 2020

Planning Authority: Donegal County Council

Planning Register Reference Number: 20/50720

Appeal by Coiste Timpeallacht Gaoth Beara care of Patricia Sharkey care of Peter Sweetman and Associates of 113 Lower Rathmines Road, Dublin and by Brookfield Renewable Ireland Limited care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Dublin against the decision made on the 30th day of July, 2020 by Donegal County Council to refuse a permission/outline permission to Brookfield Renewable Ireland Limited care of Tobin Consulting Engineers of Block 10-4 Blanchardstown Corporate Park, Dublin for the proposed development.

Proposed Development: The erection of a temporary 100 metres meteorological mast that will be fixed to the ground by guy wires, together with all ancillary site works for a period of up to five years for the purpose of measuring local climate conditions and collecting meteorological data in the townlands of Clogherachullion and Cloghercor, 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 national planning policy relating to the development of sustainable energy sources and the over-arching policies of the planning authority as set out in the Donegal County Development Plan 2018-2024, including policy E-P-2, which seeks to facilitate the appropriate development of renewable energy from a variety of sources, and having regard to the nature, scale and temporary nature of the development, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report, the Inspector's Report and submissions on file.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European Site which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on this European Site in view of the site's conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site West of Ardara/Maas Road Special Area of Conservation (Site Code: 000197), or any other European site, in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

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 the 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. This permission shall apply for a period of 5 years from the date of this Order. The meteorological mast and ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the impact of the development to be reassessed, having regard to changes in technology and design during the specified period.

3. (a) The site shall be reinstated on removal of the meteorological mast and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) In the event of the meteorological mast becoming obsolete and being decommissioned, the developers shall at their own expense, remove the structure and restore the site to its original condition.

Reason: In the interest of orderly development.

4. (a) A fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority, the Department of Defence and the Irish Aviation Authority prior to commencement of development.
- (b) The developer shall contact the Irish Aviation Authority of the intention to commence crane operations with at least 30 days prior notification of the erection of the mast and to provide as constructed coordinates in WGS84 format, together with ground and tip height elevations to the Irish Aviation Authority.

Reason: In the interest of public and aviation safety.

5. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement, including all necessary demolition and removal. The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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.

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

Dated this day of 2021