

Planning and Development Acts 2000 to 2020

Planning Authority: Cavan County Council

Planning Register Reference Number: 19/447

APPEAL by Liffey Energy Limited care of Galetch Energy Services of Clondargan, Stradone, County Cavan against the decision made on the 22nd day of January, 2021 by Cavan County Council to refuse permission to the said Liffey Energy Limited.

Proposed Development: Ten year permission for (i) the erection of a single wind turbine with a maximum height of up to 169 metres and all associated site development, access and reinstatement works including turbine foundation, hardstanding area, site access tracks, one number temporary site entrance and underground electrical cabling at Kilquilly and Cloggagh, Ballyjamesduff; and (ii) temporary upgrade works at the R935/L6503 junction at Moynehall (Cavan) and along the L2502 at Moher (Denn ED) as amended by the revised public notice received by the planning authority on the 17th day of December, 2020 for development at this site at Kilquilly and Cloggagh, Ballyjamesduff, County Cavan; Moynehall (Cavan); Moher (Denn ED), County Cavan.

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.

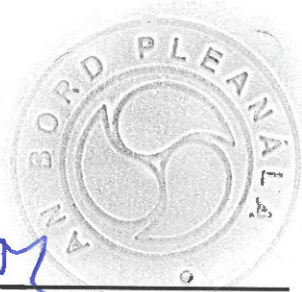
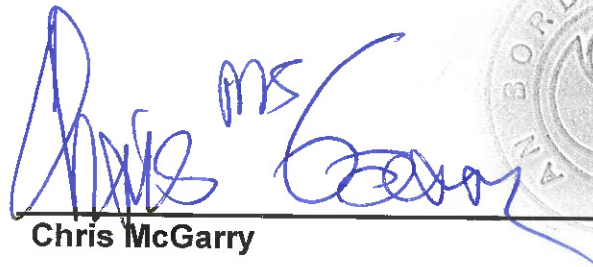
Reasons and Considerations

1. On the basis of the submissions made in connection with the application and appeal, the proposed development is deemed to be functionally connected to the existing turbine and associated infrastructure on adjoining lands, where both are identified as providing electricity to the Liffey Meats factory and processing complex and to constitute an extension of development already executed, in accordance with Category 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, whereby it would result in the development being of a class listed in paragraphs 1 to 12 of Part 2 of Schedule 5 and would result in an increase in size greater than an amount equal to 50 per cent of the appropriate threshold (5 turbines or output of greater than 5 megawatts in the case of wind turbines). In accordance with 172(1B) of the Planning and Development Act, 2000, as amended, an Environmental Impact Assessment Report, prepared by experts with the competence to ensure its completeness and quality, was required to be furnished with the application. In the absence of an Environmental Impact

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Assessment Report in this instance, the Board is precluded from giving further consideration to the granting of permission for the development.

2. Having regard to submissions made in connection with the application and appeal, regarding environmental impacts, including cumulative impacts of the development on the environment and including visual impact by reference to the existing and proposed turbines, the Board is not satisfied that the likelihood of significant effects on the environment can be excluded and in this context, the proposed development would be contrary to the proper planning and sustainable development of the area.



Chris McGarry

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

Dated this 23rd day of June 2021.