

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/51990

APPEAL by Cuilfeach Teoranta care of Harley Planning Consultants Limited of 1 Melmount Park, Strabane, County Tyrone, Northern Ireland against the decision made on the 30th day of November, 2021 by Donegal County Council to refuse permission to Cuilfeach Teoranta.

Proposed Development: A 10 year permission for an amended wind farm development, with an operational life of 30 years from the date of the first commissioning, in lieu of the previously permitted wind farm development (An Bord Pleanála appeal reference number: PL 05B.237656) consisting of (a) erection of eight wind turbines with both a Nordex 133 and an Enercon 126 model assessed, with only one type of the identified turbine models to be erected in the townlands of Graffy, Meenamanragh, and Dalraghan More, Glenties; (b) associated access tracks and hardstands, underground cable connections and peat recovery areas in the townlands of Graffy, Meenamanragh, Dalraghan More, Glenties; (c) a meteorological mast 80 metres high in the townland of Graffy, Glenties; (d) a substation and a temporary construction compound in the townland of Meenagrubby, Glenties; (e) an underground grid connection, circa 7.5 kilometres long, from the proposed substation at Meenagrubby to the Tievebrack electricity station at Drumnalough through the townlands of Meenagrubby, Meenamanragh, Graffy, Banganboy, Stracashel, Meenamalragh, Drumconcoose and

Drumnalough, Glenties; (f) road strengthening, verge widening and culvert extensions along the delivery road through the townlands of Lugaveen, Tieveragh, Dalraghan More, Meenamanragh and Graffy and a new road section at Lugaveen to facilitate deliveries of turbines; all at Graffy, Meenamanragh, Dalraghan More, Meenagrubby, Tievebrack, Banganboy, Stracashel, Drumconcoose, Drumnalough, Lugaveen, Glenties, Co. Donegal.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations



1. The proposed development is located on a site, which lies within an area designated as an Area of Especially High Scenic Amenity in the County Donegal Development Plan, 2018-2024 (as varied), in relation to which it is the policy, as set out under Policy NH-P-6 as follows, "it is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered". Notwithstanding the potential contribution this proposed renewable energy project would have in meeting National renewable energy targets, it is considered that the proposal would result in a considerable and unacceptable adverse visual impact upon this upland environment designated as an Especially High Scenic Amenity area. It is considered that the proposed development sited at this location would constitute a highly obtrusive development that would detract from the existing natural character of the area, would undermine the setting of this unspoilt valley, and would erode the landscape and visual quality of this rural area and compromise the scenic amenities of this visually sensitive and vulnerable area. The



proposed wind turbines would, thereby, be excessively dominant features and a visually obtrusive form of development in this landscape, would contravene policy NH-P-6 as set out in the Donegal County Development Plan 2018-2024 (as varied), and would seriously injure the landscape and visual amenities of the area. Furthermore, the proposed wind farm development is located on in an area where wind energy development is not normally permissible as set out in Map 8.2.1 of the County Donegal Development Plan 2018-2024 (as varied). The proposed development would, therefore, materially contravene the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. The appeal site is located in a non-designated however regionally-important area for Merlin, the identified pair of Merlin confirmed to be breeding in the area are considered to be of national/international importance and the appeal site is identified as an important foraging habitat for Merlin, which is afforded protection under Annex I of the EU Birds Directive (2009/147/EC). The Board is not satisfied, based on the submissions made in connection with the application and appeal, notwithstanding the mitigation measures set out to address the impacts on Merlin, that the proposed development would not have a significant adverse impact on Merlin. It is considered that the proposed development would be contrary to objectives NH-O-1 and NH-O-10, as well as policy NH-P-5, of the Donegal County Development Plan 2018-2024 (as varied), and, therefore, would be contrary to the proper planning and sustainable development of the area. Furthermore, given the close proximity of the proposed development to the Lough Nillan Bog Special Protection Area (site code: 004110), the Board is not satisfied, on the basis of the submissions made in connection with the application and appeal, that the proposed development would not adversely affect the integrity of this European site in view of the site's Conservation Objectives in relation to Merlin. In such circumstances the Board is precluded from granting permission.

3. The site of the proposed development is located within an area of significant ornithological value, as evidenced by the applicant's bird surveys in support of the application. It is considered that the siting, height, scale and operation of the proposed turbines would result in a significant risk of collision for the Annex I bird species Golden Eagle and White-tailed Eagles, as well as loss of habitat and displacement for raptors prevalent at this location. On the basis of the information submitted in support of the application and specifically within the submitted Environmental Impact Assessment Report in respect of the Golden Eagle and the White Tailed Eagle, both of which are classed as high sensitivity to wind farm developments, it is considered that potential risks to the aforementioned Annex I species have not been adequately addressed in the form of scientific evidence and conclusions. The proposed development would, thus, have significant adverse impacts on the ornithological importance of the area by reason of disturbance and displacement of protected bird species, and potential for bird strikes. The proposed development would, therefore, 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 1st day of December 2023.