



An
Bord
Pleanála

Board Order
ABP-315558-23

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 22/263

APPEAL by Bord na Móna Powergen Limited of Main Street, Newbridge, County Kildare against the decision made on the 13th day of December, 2022 by Galway County Council to refuse permission for the proposed development.

Proposed Development: The erection of a guyed wind monitoring mast, with instruments, 100 metres in height for a period of six years. The purpose of the proposed mast is to assess the suitability of the company's adjacent lands for wind farm development at Derryfadda, Ballyforan, Ballinasloe, County Galway as revised by the further public notices received by the planning authority on the 19th day of October, 2022.

Decision

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

Reasons and Considerations

The Board is not satisfied, on the basis of the information submitted with the planning application and appeal, including the revised Appropriate Assessment Screening Report and the Natura Impact Statement (NIS) submitted to the planning authority as additional information on the 19th day of October, 2022 and the additional information submitted as part of the appeal submission to An Bord Pleanála on the 13th day of January, 2023, having regard to the precautionary principle, that there is reasonable scientific certainty that the proposed development would not adversely affect the integrity of a European Site in the vicinity, in the light of the conservation objective and qualifying interests for which this site was designated. In particular, it is considered that there is a risk of contravening the conservation objective for the Golden Plover species within the River Suck Callows Special Protection Area (Site Code: 004097). It is considered that inadequate site specific and species-specific mitigation is proposed which would serve to restore the conservation status of the Golden Plover species, as required under the conservation objective. Accordingly, to grant the proposed development would be contrary to Policy Objective NHB 1 of the Galway County Development Plan 2022-2028 which seeks to protect and where possible enhance our natural heritage sites, designated under EU legislation, and to the proper planning and sustainable development of the area. Having

regard to the uncertainty which exists, in relation to the impact of the development on the qualifying interests and conservation objective and consequently, the integrity of the European Site in the area, the Board is precluded from granting planning permission by reason of Article 6(3) of the EU Habitats Directive and of Section 177V (3) of the Planning and Development Act 2000, as amended.



Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this *22ND* day of *July*, 2024