

Planning and Development Act 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 24/60495

APPEAL by Mid Cork Electrical Limited against the decision made on the 13th day of December, 2024 by Donegal County Council to refuse permission for the proposed development.

Proposed Development: (As revised by the further public notice received by An Coimisiún Pleanála on the 25th day of April, 2025). The development will consist of the construction of three new culverts to replace existing culverts and all associated site works along the N15 National Route, all at Barnesmore Gap, in the townland of Tawnawully Mountains, County Donegal.

Decision

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

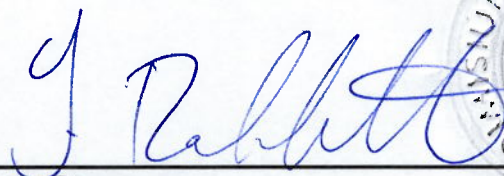
Reasons and Considerations

1. Having regard to the information submitted with the application and appeal and within the planning authority submissions and having regard to the planning history of the site, it is considered that the proposed works are associated with the grid connection to Meenbog Windfarm as permitted under An Coimisiún Pleanála Appeal Number: ABP-300460-17. The Commission notes the Court of Appeal Judgement [2024] IECA 300 which deemed Meenbog Windfarm to be unauthorised development. The proposed works are considered premature pending resolution of the status of Meenbog Windfarm. To permit the development would be premature and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the submissions made in connection with the planning application and the appeal, the Commission is not satisfied that the application has been made by a person who has (a) sufficient legal estate or interest in the land the subject of the application to enable the person to continue the existing use of, or carry out the proposed works on, the land, or (b) the approval of the person who has such sufficient legal estate or interest. The applicant has not demonstrated appropriate legal consent and the development is considered premature on this basis.

3. On the basis of the information provided with the application and the appeal, and having regard to the information set out within the submissions on file, and in light of the Stage 2 Appropriate Assessment undertaken, the Commission cannot be satisfied that the development, either individually, or in combination with other plans or projects, would not be likely to have a significant effect on the Lough Eske and Ardnamona Wood Special Area of Conservation (Site Code: 000163), in view of the Site's conservation objectives, by reason of the absence of sufficient detail on the impact of the proposed culvert works on the hydrology and channel flow of the Lowerymore River and habitat loss (blanket bog), the adequacy of the proposed mitigation measures and potential impact on Freshwater Pearl Mussel *Margaritifera* which is a Qualifying Interest of the Special Area of Conservation. In such circumstances, the Commission is precluded from granting permission.

Note:

In deciding to refuse permission for the proposed development, the Commission concurred with all four of the Inspector's recommended reasons for refusal. In deciding to apply recommended refusal reasons numbers 2 and 3 (in addition to recommended refusal reason number 1), the Commission did not consider these recommended refusal reasons to be new issues given the matters raised in the planning authority's further information request and the applicant's response to same, and the Commission, therefore, decided to apply recommended refusal reasons 2 and 3 in addition to recommended refusal reason number 1. The Commission agreed with the Inspector that recommended refusal reason number 4 may be considered a new issue in the context of the appeal but decided not to pursue that matter in this particular instance given the other substantive reasons for refusal.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 11th day of June 2026.

