

An Bord Pleanála



STRATEGIC INFRASTRUCTURE DEVELOPMENT

PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

An Bord Pleanála Reference Number: 05.PA0040

(Planning Authority: Donegal County Council)

APPLICATION for permission under section 37E of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an environmental impact statement and a Natura impact statement, lodged with An Bord Pleanála on the 3rd day of February, 2015 by Planree Limited care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway.

PROPOSED DEVELOPMENT:

Proposed wind farm development and all associated works with provision for the following:

- (i) Up to 49 number wind turbines with a maximum overall blade tip height of up to 156.5 metres and all associated hard-standing areas.
- (ii) Two number permanent meteorological masts up to a maximum height of 110 metres.
- (iii) Two number 110kV electrical substations, each with two number control buildings, associated electrical plant and equipment, and waste water holding tank.
- (iv) All associated underground electrical and communications cabling connecting the turbines to the proposed substations and connecting the proposed substations to the permitted 110kV Clogher substation in the townland of Cullionboy, County Donegal.

- (v) New access junctions and improvements to sections of the public roadway to facilitate delivery of abnormal loads.
- (vi) Upgrade of existing and provision of new site access roads and associated drainage.
- (vii) Nine number borrow pits.
- (viii) Six number temporary construction compounds.
- (ix) All associated site development works, all in the townlands of: Gortnamuck, Raws Lower, Raws Upper, Egglybane, Tievebrack (ED Cloghard), Belalt, Owennagadrah, Ballyarrell Mountain or Cornashesk, Cronalaghy, Lismullyduff, Corradooey, Corlea, Meenagolan, Meenreagh, Meenahinnis, Gortahork (ED Gleneely), Carn, Corraffrin, Kinletter, Tievecloghoge, Trusk, Taughboy, Meenbog and Croaghonagh. The proposed underground cable connection to the national grid will run under the existing road network through the townlands of Cashelnavean, Tawnawully Mountains, Keadew Upper, Friarsbush, Ardinawark, Keadew Lower, and Cullionboy, County Donegal.

This application is seeking a 10-year permission and a 25-year operational life from the date of commissioning of the wind farm.

DECISION

REFUSE permission under section 37G of Planning and Development Act, 2000, as amended, for the above proposed development based on the reasons and considerations set out below.

DETERMINE under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs 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 the submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

In making its decision, the Board had regard to the following:

- the location of the proposed development in an area deemed open for consideration for wind developments in the County Donegal Renewable Energy Strategy, albeit in close proximity to Especially High Scenic Areas, to the Northern Ireland border and to a number of designated and protected areas in both jurisdictions (including Pettigo Plateau Nature Reserve Special Protection Area (site code 004099) and Lough Nillan Bog Special Protection Area (site code 004110)),
- the nature of the site in a generally open landscape characterised by blanket bog, commercial forestry and multiple watercourses,
- the documentation submitted in support of the planning application, including the environmental impact statement and the Natura impact statement (as received by the Board on the 3rd day of February, 2015),
- the submissions received from observers, and the applicant's response to submissions (as received by the Board on the 2nd day of October, 2015), and
- the report and recommendation of the Inspector and the report of the Board's consulting ecologist.

The Board considered that the information contained in the environmental impact statement and the Natura impact statement is inadequate in that it does not enable a comprehensive assessment of the potential impact of the proposed development to be undertaken on populations of birds listed in Annex I of the EU Birds Directive 2009/147/EC due to:

- (a) the failure to carry out viewshed analysis of vantage points,
- (b) the failure to carry out systematic, vantage point surveys at the key times of dusk and dawn in order to identify commuting corridors for species such as Whooper Swan and Greenland White-fronted Goose (both Annex I species),

- (c) the failure to survey water bodies outside the survey area but within the 15-kilometre buffer zone, which may be utilised by species such as the Whooper Swan and Greenland White-fronted Goose in order to identify any potential flights paths between these water bodies,
- (d) the failure to comprehensively identify potential bird mortality associated with turbine collision owing to deficient surveys,
- (e) the failure to satisfactorily address secondary habitat loss/disturbance for birds associated with avoidance, and
- (f) the failure to identify potential cumulative impacts through a “barrier effect”.

The Board is not satisfied that:

- (i) the development as proposed would not have a significant adverse effect on the ecological environment, and
- (ii) would not adversely affect the integrity of certain European Sites in view of those sites’ conservation objectives.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

SCHEDULE OF COSTS

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be refunded to the applicant is €995.

A breakdown of the Boards costs is set out in the attached Appendix 1.

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

Dated this day of 2016.