



An
Bord
Pleanála

Inspector's Report 308008-20

Development	Temporary 100m meteorological mast and ancillary site works
Location	Clogherachullion and Cloghercor, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2050720
Applicant(s)	Brookfield Renewable Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party & Third Party v. Decision
Appellant(s)	(1) Brookfield Renewable Ireland Ltd. (2) Coiste Timpeallacht Gaoth Beara
Observer(s)	(1) Garret McMahon; (2) Joseph Brennan; (3) Moira Miller; (4) Alun Evans.
Date of Site Inspection	4 th December 2020
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.13 ha and is located in an upland rural area in the townlands of Clogherachullion and Cloghercor, Co. Donegal. The nearest settlements to the subject site are Glenties, which is located approx. 9.2 km to the south-west and Doochary, which is located approx. 3.7 km to the north-east. The Gweebarra River is located approx. 2.5 km to the north of the site.
- 1.2. Access to the site is via the N250 travelling north-east from Glenties and thereafter via a narrow unclassified road which extends in a north/north-easterly direction towards Doochary. The site is located in a bogland area with mature conifer planting. Access to the site is via an existing forestry track, which extends from the unclassified roadway.

2.0 Proposed Development

- 2.1. The proposed development will consist of the erection of a temporary 100m meteorological mast that will be fixed to the ground by guy wires, together with all ancillary site works for a period of up to 5 years for the purpose of measuring local climate conditions and collecting meteorological data.
- 2.2. The development comprises a 20 m extension to an 80 m mast which has already been erected on the subject site as exempted development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission for 2 no. reasons issued on 30th July 2020, which can be summarised as follows:

1. In the absence of any wind energy policy in the current County Donegal Development Plan 2018-2024 to which the Planning Authority can refer, it is the opinion of the Planning Authority that to permit the proposed development would be premature and that it would infer the positive consideration of a

future wind energy development in an area where there is currently neither a presumption for nor against such a development. To permit the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within a rolling and undulating landscape, where long views of the site are afforded from the public road networks further to the north, it is the opinion of the Planning Authority that the proposed development has the potential to result in an unwelcome intrusion on the receiving landscape, which would be contrary to the provisions of policy NH-P-7 of the development plan and contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

- 3.2.2. Donegal County Council's Planning Officer considered that, in the absence of a wind energy policy in the development plan, the potential for a wind farm at this location cannot be considered. As such, given that there is presently neither a presumption for nor against any such development at this location, the Planning Officer considered it would be premature to grant permission in this instance, as it would provide inference to the positive future consideration of a wind energy application on the site.

- 3.2.3. The Planning Officer further considered that the development has the potential to impact negatively on the receiving landscape, having regard to its unspoiled and rolling nature.

3.2.4. **Other Technical Reports**

- 3.2.5. None.

3.3. **Prescribed Bodies**

- 3.3.1. **Transport Infrastructure Ireland:** TII has no observations to make on this application.
- 3.3.2. **Irish Aviation Authority:** Conditions recommended in the event planning permission is granted.

- 3.3.3. **Department of Defence:** No objection subject to condition.
- 3.3.4. **Dept. of Culture, Heritage & the Gaeltacht:** Not in a position to make a comment.
- 3.3.5. **An Taisce:** None received.
- 3.3.6. **The Heritage Council:** None received.

3.4. **Third Party Observations**

- 3.4.1. A total of 3 no. third party observations were made on the application from: (1) Joseph Brennan, Shallogans, Fintown, Co. Donegal; (2) Moira Miller, Derryloughan, Doochary, Co. Donegal; and, (3) Patricia Sharkey on behalf of Coiste Timpeallacht Gaoth Beara / Gweebarra Conservation Group, Cloghercor, Doochary, Co. Donegal.
- 3.4.2. The issues which are raised can be summarised as follows: (1) the proposed development is a stepping-stone towards a wind farm in an ultra-sensitive receiving environment with 14 no. European sites located within 15 km; (2) inadequate appropriate assessment; (3) impact on Annex I and II species, including the Golden Eagle; the Marsh Fritillary Butterfly, the Silver-Washed Fritillary Butterfly and many rare plants, including the Irish Orchid; (3) negative impacts on landscape, wildlife, flora and fauna, health, lifestyle, tourism, the environment and culture and tradition; (4) light and noise pollution; (5) likelihood of bird kills as the adjacent valleys form a natural corridor for bird travel; (6) impact on blanket bog which is particularly vulnerable to disturbance, with potential for landslides; (7) danger to air navigation.

4.0 **Planning History**

- 4.1. **Planning Authority Reg. Ref. S520/08:** The erection of a temporary 80 m metrological mast fixed to the ground by guide wires, together with all ancillary site works was considered to be exempted development in accordance with Section 2(i), 3 (i) and 177U of the Planning and Development Act 2000 (as amended) and Articles 9 (iv) and (vii) and Class 20A, Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended).
- 4.2. This development has been implemented on the subject site.

5.0 Policy and Context

5.1. Donegal County Development Plan 2018 – 2024

5.2. Energy

- 5.2.1. It is the aim of Donegal County Council, inter alia, to facilitate the development of a diverse energy portfolio by the sustainable harnessing of the potential of renewable energy in accordance with national energy policy and guidance. It is also an aim to facilitate the appropriate development of associated infrastructure to enable the harnessing of these energy resources and to promote and facilitate the development of Donegal as a Centre of Excellence for Renewable Energy.
- 5.2.2. **Policy E-P-2:** It is a policy of the Council to facilitate the appropriate development of renewable energy from a variety of sources, including, hydro power, ocean energy, bioenergy, solar, wind and geo-thermal and the storage of water as a renewable kinetic energy resource, in accordance with all relevant material considerations and the proper planning and sustainable development of the area.
- 5.2.3. **Policy E-P-10:** It is a policy of the Council that development proposals for wind energy shall be in accordance with the requirements of the Wind Energy Development Guidelines: Guidelines for Planning Authorities, 2006 (or as may be amended).
- 5.2.4. It is understood that on foot of a High Court Order (Record Number 2018/533JR) between Planree Limited and Donegal County Council dated 5th November 2018, certain provisions of the development plan, comprising section 6.5(c) and (f) of the Wind Energy standards at Part B: Appendix 3 “Development Guidelines and Technical Standards” and Map 8.2.1, were ordered to be deleted and/or removed. Thus, the development plan is to be read on foot of this Order pending any possible future variation of same.
- 5.2.5. On foot of the foregoing, the development plan does not currently include a wind energy map.

5.3. **Landscape**

- 5.3.1. The landscape of County Donegal is categorised into three layers of value, with the application site located in an area of “Moderate Scenic Amenity”, which is the lowest landscape designation. These areas are primarily landscapes located outside Local Area Plan Boundaries and settlement framework boundaries, that have a unique, rural and generally agricultural quality. These areas have the capacity to absorb additional development that is suitably located, sited and designed, subject to compliance with all other objectives and policies of the Plan.
- 5.3.2. **Policy NH-P-7:** Within areas of “High Scenic Amenity” (HSC) and “Moderate Scenic Amenity” (MSC) as identified on Map 7.1.1: Scenic Amenity, and subject to other objectives and policies of this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.
- 5.3.3. **Policy NH-P-9:** It is the policy of the Council to manage the local landscape and natural environment, including the seascape, by ensuring any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area.

5.4. **Wind Energy Guidelines 2006**

- 5.4.1. Guidance in relation to wind measuring masts is set out in Section 4.2 of the Guidelines, which states that planning permission for such developments should be granted for approximately a two-year period, in consultation with the developer, to allow a wind resource analysis to be carried out. The Guidelines further state that it would be inadvisable for a Planning Authority to grant planning permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan.

5.5. **Draft Wind Energy Guidelines 2019**

- 5.5.1. The 2006 Guidelines are under review, with Draft Wind Energy Guidelines published in 2019. Public consultation on the Guidelines is currently being reviewed. I note that the draft guidance in relation to wind measuring masts remains unchanged from that contained within the 2006 Guidelines.

5.5.2. Section 4.9.3 of the Draft Guidelines states that any structures exceeding 90 metres in height are considered obstacles to aerial navigation and will need appropriate aviation warning lighting.

5.6. Natural Heritage Designations

5.6.1. There are 14 no. Natura 2000 sites located within 15 km of the subject site, including: Coolvoy Bog SAC (site code: 001107); West of Adara/Mass Road SAC (site code: 000197); River Finn SAC (site code: 002301); Gannivegil Bog SAC (site code: 000142); Cloghernagore Bog and Glenveagh National Park SAC (site code: 002047); Lough Nillan Bog (Carrickatlieve) SAC (site code: 000165); Meenaguese Scragh SAC (site code: 001880); Rutland Island and Sound SAC (site code: 002283); Meenaguese /Ardbane Bog SAC (site code: 000172); Meentygrannagh Bog SAC (site code: 000173); Termon Strand SAC (site code: 001195); Derryveagh and Glendowan Mountains SPA (site code: 004039); Lough Nillan Bog SPA (site code: 004110); and Inishkeel SPA (site code: 004116).

5.6.2. A small watercourse is located approx. 60 m to the north-west of the proposed development. This stream flows into the Gweebarra Estuary approx. 1.7 km to the north-west of the site and which forms part of the West of Ardara/Mass Road SAC.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A **first-party appeal** has been lodged by Tobin Consulting Engineers on behalf of the applicant, the grounds of which can be summarised as follows:

- Donegal County Council's decision to refuse all planning applications relating to wind energy developments until an updated county wind strategy is available is inappropriate, given that national, regional and local policy documents provide a clear guidance framework for such developments;
- Given the slender nature of the mast, its colour and the prevailing weather conditions, the mast will assimilate into its receiving environment and will not have a detrimental impact on visual amenity;

- Map 8.2.1 (Wind Energy Strategy) of the Donegal County Development Plan 2018-2024 has been removed on foot of a legal challenge. The subject site was located in an area where wind energy developments were previously “open for consideration”. The development plan continues to provide clear guidance on locations where wind farms are considered inappropriate and the subject site falls outside of these areas;
- This exclusion does not extend to a range of other policies and objectives in respect of wind energy development, and as such, a significant local policy framework still exists within which appropriate decisions on wind energy applications can be made;
- Under the provisions of Class 20A, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended), 80 m masts can be determined to be exempted development. The current application represents the addition of 20 m above the mast which has already been installed on the site as exempted development, and will require no additional work to the existing support guy wires or foundations;
- A wind energy development at Lettergull Wind Farm has been granted permission by the Board (ABP Ref. 304685-19), notwithstanding the decision of Donegal County Council to refuse permission, for reasons which included the deficiencies in the wind energy policy framework;
- Refusal reason no. 1 refers to the advice of the Draft Wind Energy Guidelines which note that it would be inappropriate to permit a wind measuring mast in an area where there is a presumption against wind energy development. It is submitted that this presumption does not exist, and that the development should be considered on its individual merits and within the context of the overall policies and objectives of the development plan;
- The suggestion that by granting a temporary permission in this instance would infer a positive decision in respect of an undefined future wind farm application is not a credible or valid reason for refusal;
- The validity of refusing permission arising from a lack of policy was challenged under judicial view of proceedings taken by Element Power v ABP [2016 920 JR {IEHC 550}], with the Court noting that there is no provision in

the Planning and Development Act, 2000 (as amended) which empowered the Board to reject a proposed development on the basis that it would be premature pending the adoption of national/local strategies;

- 3 no. photomontage views of the proposed development have been prepared from the road network to the north of the subject site. These images illustrate that the proposed development will not be out of scale or character with the existing landscape context and will have no material bearing on visual amenity.

6.1.2. A **third-party appeal** has been lodged by Peter Sweetman & Associates on behalf of Coiste Timpeallacht Gaoth Beara c/o Patricia Sharkey, Cloghercor, Doochary, Co. Donegal. The appeal relates to the Appropriate Assessment of Donegal County Council and can be summarised as follows:

- The Natura Impact Screening notes that the site is proximate to the Mulnamin Beg Stream which flows into the West of Ardara/Maas Road SAC and that potential impacts on the overall hydrological system could arise in the absence of mitigation. As such, it is clear that this is a development which requires Appropriate Assessment, and for which none has been carried out;
- On the basis of the foregoing, the Section 5 Declaration for the existing mast on the site is not valid. As the development may impact on an SAC, An Bord Pleanála must refuse permission for both the existing 80 m mast and the proposed 20 m extension.

6.2. **Planning Authority Response (16th September 2020 and 21st September 2020)**

6.2.1. A response was received from the Planning Authority on 16th September 2020 and 21st September 2020. The Planning Authority reconfirms their reasons for refusing planning permission for the proposed development. It is also confirmed that screening for AA was carried out and it was determined that an AA was not required. The Planning Authority requests that the Board uphold their decision to refuse permission in this instance.

6.3. Observations

- 6.3.1. Four observations were made on this appeal case by: (1) Garret McMahon, No. 10 Ard Righ Place, Arbour Hill, Dublin 7; (2) Alun Evans, No. 100 Malone Road, Belfast, N. Ireland, BT9 5HP; (3) Joseph Brennan, Shallogans, Fintown, Co. Donegal; and (4) Moira Miller, Derryloughan, Doochary, Co. Donegal.
- 6.3.2. The issues which are raised can be summarised as follows: (1) Donegal County Council failed to acknowledge third-party concerns regarding 14 no. European sites located within 15 km of the subject site; (2) potential impacts on Annex 1 species, including the Golden Eagle and the importance of the Gweebarra River valley as a conduit for eagles dispersing from Glenveagh National Park throughout the county, with an active Golden Eagle nest noted to have been found in close proximity to the existing mast last Spring; (3) negative impact on the landscape resulting in scenic pollution on a unique bog landscape; (4) light pollution; (5) negative impact on wildlife, flora and fauna and health; (6) negative impact on culture and tradition, with walking rights-of-way being closed off.
- 6.3.3. The submission from Mr. Joseph Brennan is accompanied by correspondence from the Golden Eagle Trust, which notes the presence of a “significantly” close Golden Eagle nest site relative to the application site.

6.4. Further Responses

- 6.4.1. A first-party response to the third-party appeal was submitted by Tobin Consulting Engineers on 21st September 2020, which can be summarised as follows:
- The AA screening which was undertaken by Donegal County Council concluded that, any potential impacts on Natura 2000 sites on foot of the proposed development could be excluded, and no mitigation measures were proposed as a result of this exclusion;
 - No reference was made to potential impacts on the overall hydrological system in the AA screening report which accompanied the Section 5 Declaration on Exempted Development (Planning Authority Reg. Ref. S520/08 refers) or the current application, nor was any such refence made in the supporting planning reports;

- The reference that “potential impacts on the overall hydrological system could arise in the absence of mitigation” was included in the introductory section of the AA screening report prepared by Donegal County Council in its determination of whether a Stage 2 AA was required. However, DCC concluded that a Stage 2 AA was not required.

7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Principle of the Development
- Visual Impact
- Impact on Flora and Fauna
- Duration of Permission
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. **Principle of the Development**

7.3.1. Refusal reason no. 1 of the Notification of the Decision to Refuse Permission issued by Donegal County Council states, inter alia, that in the absence of any wind energy policy in the current County Donegal Development Plan 2018-2024, it is the opinion of the Planning Authority that to permit the proposed development would be premature and would infer the positive consideration of a future wind energy development in an area, where there is currently neither a presumption for nor against such a development.

7.3.2. As identified in Section 5.2.4 above, Section 6.5 (c) and (f) of the Wind Energy standards at Part B: Appendix 3 “Development Guidelines and Technical Standards” and Map 8.2.1 of the Donegal County Development Plan 2018-2024 were ordered to be deleted and/or removed on foot of High Court Order Record Number 2018/533JR. As such, the development plan does not currently include a wind energy map which identifies areas where wind energy projects may be considered.

7.3.3. While the first-party appellant submits that the subject site is located in an area where wind farm developments were previously “open for consideration” under map

8.2.1 of the development plan, this map no longer forms part of the statutory local plan, and as such, cannot be taken into consideration in the assessment of this appeal case.

- 7.3.4. Notwithstanding the foregoing, in my opinion, there are numerous policy objectives and statements remaining within the development plan which would enable the consideration of the proposed development. In this regard I note that it is the aim of Donegal County Council to facilitate the development of a diverse energy portfolio by the sustainable harnessing of the potential of renewable energy in accordance with national energy policy and guidance; to facilitate the appropriate development of associated infrastructure; and, to promote and facilitate the development of Donegal as a Centre of Excellence for Renewable Energy.
- 7.3.5. I further note that Policy E-P-2 confirms that it is a policy of Donegal County Council to facilitate the appropriate development of renewable energy from a variety of sources, including wind, while Policy E-P-10 confirms that it is a policy of Donegal County Council that development proposals for wind energy, shall be in accordance with the requirements of the Wind Energy Development Guidelines: Guidelines for Planning Authorities, 2006 (or as may be amended).
- 7.3.6. The 2006 Guidelines, and the Draft Wind Energy Guidelines 2019, state that it would be inadvisable for a Planning Authority to grant planning permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan. However, I consider that the Planning Authority's reasoning that the granting of permission in this instance would infer the positive consideration of a future wind energy development is contradictory, given that the Planning Authority also acknowledges that the site is located in an area where there is no current presumption for nor against such a development. In my opinion, the refusing of planning permission on this basis is inappropriate given that each application must be adjudicated on its merits.
- 7.3.7. I further acknowledge the precedent case for a wind energy development at Momeen and Lettergull, Co. Donegal as identified by the applicant's agent (ABP Ref. 304685-19). In this case, Donegal County Council issued Notification of the Decision to Refuse Permission for the proposed development for 2 no. reasons, including deficiencies in the local policy framework relating to wind energy developments. In

overturning this decision, the Board accepted the Planning Inspector's assessment that there was sufficient policy guidance at the national, regional and local level to determine the suitability of the proposed development.

7.3.8. I further note the judgement in relation to *Element Power Ireland Limited – v – An Bord Pleanála* [2016] 920 J.R. whereby the High Court determined that it could not find any provision in the Planning and Development Act, 2000 (as amended) which would entitle the Board to refuse permission for a 47 no. wind turbine development, based on the absence of national or local policy or strategy.

7.3.9. As such, I consider that there is sufficient policy guidance available to determine the suitability of the proposed development, subject to its compliance with all other relevant development plan provisions.

7.4. Visual Impact

7.4.1. Refusal reason no. 2 of the Notification of the Decision to Refuse Permission states, inter alia, that having regard to the location of the site within a rolling and undulating landscape, where long views of the site are afforded from the public road networks further to the north, it is the opinion of the Planning Authority that the proposed development has the potential to result in an unwelcome intrusion on the receiving landscape, which would be contrary to Policy NH-P-7 of the development plan.

7.4.2. In considering the foregoing, I note that Policy NH-P-7 states, that in areas of Moderate Scenic Amenity, and subject to other objectives and policies of the development plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.

7.4.3. In seeking to address this refusal reason, the first-party appeal includes 3 no. photomontages which have been prepared from 3 no. viewpoints (VP) on the public road network to the north of the site. VP no. 1 is located at the nearest local road to the north of the site at 1.3km from the mast site. VP nos. 2 and 3 are located on the local road to the north of the Gweebarra River, at 3 km north and 2 km north/north-west respectively from the subject site. The appellant's agent submits that these images confirm that the proposed development will not have a material impact on the character of the landscape and will have no material bearing on visual amenity.

- 7.4.4. In considering the issue at hand, I agree with the appellant's agent that the proposed development would not have an undue negative impact on the character of the landscape at this location. In reaching this conclusion I note that the proposed mast is largely absorbed within the skyline in VP no. 1, due to the nature and design of the proposed development. This viewpoint reflects my own on-site observations of the existing mast structure on approaching the subject site on foot from the adjoining public road.
- 7.4.5. In my opinion, VP nos. 2 and 3 demonstrate that the proposed development cannot readily be identified from these locations, and as such, no significant negative visual impact would arise. As such, given the nature, scale and design of the development, its temporary nature, and the designation of the receiving landscape as one of Moderate Scenic Amenity, I consider that the proposed development would have no undue negative visual impact on the character of the landscape at this location, and that the refusal of planning permission on this basis would be unreasonable.

7.5. Impact on Flora and Fauna

- 7.5.1. The observers submit that the proposed development will have a negative impact on local wildlife, flora and fauna, including the Golden Eagle, which is an Annex I species. Correspondence is included from the Golden Eagle Trust, which notes the presence of a "significantly" close Golden Eagle nest site relative to the subject site.
- 7.5.2. In considering the foregoing, I note that the site is not subject to any environmental designation. While I acknowledge the submission from the Golden Eagle Trust, I also note that an ecological walkover survey was undertaken by the applicant's agent, which confirmed that none of the habitats recorded within or in the vicinity of the proposed development area conformed with Annex I habitats. The survey also confirmed that no Annex I or Annex II species, or breeding/resting sites for Annex I or Annex II species, were recorded within, or in the vicinity of the proposed development site.
- 7.5.3. The proposed development includes Clydeale "afterglow" bird flight diverters, which are noted to be standard on meteorological masts of this size, and which will be attached to the evenly spaced guy wires to achieve wide coverage. I further note that the proposed development essentially comprises a 20 m extension to the existing 80 m mast which has already been erected on the site under the exempted

development provisions of Class 20A, Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended) (Planning Authority Reg. Ref. S520/08 refers). Having regard to the foregoing, in my opinion, no significant impacts are likely to occur to flora or fauna which would warrant a refusal of planning permission in this instance.

7.6. Duration of Permission

7.6.1. The applicant's agent submits that wind speeds are typically at their highest during winter months, but due to the variability in the Irish climate in recent years, a 5-year planning permission will provide greater accuracy and more reliable meteorological data. In considering the foregoing, I acknowledge that the Wind Energy Guidelines 2006, and the Draft Wind Energy Guidelines 2019, state that permission should be granted for wind measuring masts for a 2-year period. However, in this instance I consider that a 5-year period would be appropriate in the event the Board grants permission for the proposed development, given that the wind energy policy of Donegal County Council is currently under review.

7.7. Appropriate Assessment

- 7.7.1. The subject site is not located within or adjacent to any Natura 2000 sites. As such, there is no potential for **direct impacts** on any such site.
- 7.7.2. A small watercourse known as the Mulnamin Beg Stream is located approx. 60 m to the north-west of the proposed development. This stream flows into the Gweebarra Estuary approx. 1.7 km to the north-west of the site, which forms part of the West of Ardara/Mass Road SAC (site code: 000197). As such, using the source-pathway-receptor model, this site is most relevant for the purposes of AA screening.
- 7.7.3. Given that no pathways exist between the proposed development and the remaining 13 no. European sites located within 15 km of the subject site, there is no potential for impacts to arise to these sites on foot of the proposed development. As such, I consider that no further assessment is required in relation to same.
- 7.7.4. The conservation objectives and qualifying interests for the West of Ardara/Mass Road SAC (site code: 000197) are set out in the table below.

Conservation Objectives		Qualifying Interests
1.	To maintain the favourable conservation condition of estuaries [1130]	Estuaries [1130]
2.	To maintain the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide [1140]	Mudflats and sandflats not covered by seawater at low tide [1140]
3.	To maintain the favourable conservation condition of large shallow inlets and bays [1160]	Large shallow inlets and bays [1160]
4.	To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]	Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]
5.	To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]
6.	To maintain the favourable conservation condition of shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') [2120]	Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]
7.	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') [2130]	Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
8.	To maintain the favourable conservation condition of decalcified fixed dunes with <i>Empetrum nigrum</i> [2140]	Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140]
9.	To maintain the favourable conservation condition of Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150]	Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150]
10.	To maintain the favourable conservation condition of Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]	Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]
11.	To maintain the favourable conservation condition of Humid dune slacks [2190]	Humid dune slacks [2190]
12.	To restore the favourable conservation condition of Machairs [21A0]	Machairs (* in Ireland) [21A0]
13.	To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]	Oligotrophic waters containing very few minerals of sandy

14.	To restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]	plains (<i>Littorelletalia uniflorae</i>) [3110]
15.	To restore the favourable conservation condition of European dry heaths [4030]	Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletalia uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]
16.	To restore the favourable conservation condition of Alpine and Boreal heaths [4060]	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]
17.	To maintain the favourable conservation condition of <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]	European dry heaths [4030]
18.	To maintain the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) [6210]	Alpine and Boreal heaths [4060]
19.	To maintain the favourable conservation condition of <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]	<i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]
20.	To maintain the favourable conservation condition of Lowland hay meadows (<i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i>) [6510]	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]
21.	To restore the favourable conservation condition of Blanket bogs [7130]	<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]
22.	To maintain the favourable conservation condition of Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]	Lowland hay meadows (<i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i>) [6510]
23.	To maintain the favourable conservation condition of Alkaline fens [7230]	Blanket bogs (* if active bog) [7130]
24.	To maintain the favourable conservation condition of Geyer's Whorl Snail [1013]	Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]
25.	To restore the favourable conservation condition of Freshwater Pearl Mussel [1029]	Alkaline fens [7230]
26.	To maintain the favourable conservation condition of Marsh Fritillary [1065]	<i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]
27.	To maintain the favourable conservation condition of Atlantic Salmon [1106]	

28.	To maintain the favourable conservation condition of Otter [1355]	Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]
29.	To maintain the favourable conservation condition of Harbour Seal [1365]	Euphydryas aurinia (Marsh Fritillary) [1065]
30.	To maintain the favourable conservation condition of Petalwort [1395]	Salmo salar (Salmon) [1106]
31.	To maintain the favourable conservation condition of Slender Naiad [1833]	Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365] Petalophyllum ralfsii (Petalwort) [1395] Najas flexilis (Slender Naiad) [1833]

7.3.4 The proposed development has the potential to result in the following impacts on this European site: release of sediments and pollutants into surface water during the construction phase, potential for spillages of oils, fuels or other pollutants into groundwater during the construction and operational phases.

7.3.5 In my opinion, given the 60 m separation distance between the proposed development and the Mulnamin Beg Stream, the 1.7 km separation distance to the West of Ardara/Mass Road SAC, the nature, scale and temporary nature of the development and the absence of in-stream works, I consider that no likely significant effects would arise on foot of the proposed development to the aforementioned European site. I note that this conclusion reflects that of Donegal County Council and the applicant's AA screening report. In reaching this conclusion, I note that no mitigation measures have been taken into consideration for the purposes of this assessment, nor have any such measures been proposed by the applicant.

7.3.6 The site is not zoned under the development plan, and given its location in a rural area, is not likely to be subject to development pressure in the future. No developments were identified in the surrounding area that could lead to potential **in-combination effects** with the proposed development.

7.3.7 Thus, it is reasonable to conclude that based on the information on file, which I consider adequate in order to issue a screening determination, that the proposed

development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European site no. 000197 (West of Ardara/Mass Road SAC), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.8. Conclusion

- 7.8.1. In my opinion, there is sufficient planning policy at the national and local level to enable this planning application to be adjudicated on its merits. In my opinion, the proposed development would be acceptable at this location, having regard to its design and temporary nature, and its location in a landscape of Moderate Scenic Amenity. As such, I consider that the proposed development would be in accordance with the proper planning and sustainable development of the area and that planning permission should be granted in this instance.

7.9. Note

- 7.9.1. I note that the Donegal County Council S.48 Development Contribution Scheme 2016-2021 requires that a development contribution be paid in relation to wind anemometers, and as such, I recommend that an appropriate condition be attached in the event planning permission is granted in this instance.
- 7.9.2. I further recommend that a planning condition be attached which requires agreement with the Planning Authority, the Department of Defence and the Irish Aviation Authority regarding the exact nature of the obstacle lighting to be attached to the structure, having regard to the varying recommendations received in this regard.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to national planning policy relating to the development of sustainable energy sources and the over-arching policies of the planning authority as set out in the Donegal County Development Plan 2018-2024, including policy E-P-2, which seeks to facilitate the appropriate development of renewable energy from a variety of

sources, and having regard to the nature, scale and temporary nature of the development, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under Section 48 of the Act be applied to the permission.
3.	<p>This permission shall apply for a period of 5 years from the date of this Order. The meteorological mast and ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.</p> <p>Reason: To enable the impact of the development to be reassessed, having regard to changes in technology and design during the specified period.</p>
4.	<p>(a) The site shall be reinstated on removal of the meteorological mast and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>(b) In the event of the meteorological mast becoming obsolete and being decommissioned, the developers shall at their own expense, remove the structure and restore the site to its original condition.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>(a) A fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority, the Department of Defence and the Irish Aviation Authority prior to commencement of development.</p> <p>(b) The applicant shall contact the Irish Aviation Authority of the intention to commence crane operations with at least 30 days prior notification of the erection of the mast and to provide as constructed coordinates in WGS84 format, together with ground and tip height elevations to the Authority.</p> <p>Reason: In the interest of public and aviation safety.</p>
6.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to

	<p>secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement, including all necessary demolition and removal. The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory reinstatement of the site.</p>
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Louise Treacy
Planning Inspector

16th February 2021