



An
Bord
Pleanála

Inspector's Report ABP314046-22

Development	Erection of meteorological mast to measure and record meteorological data and associated works for a period of 5 years.
Location	Meenlecknalore, County Donegal.
Planning Authority	Donegal County Council.
Planning Authority Reg. Ref.	2250700.
Applicant	Edward Gallagher.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant	Edward Gallagher.
Observers	(i) Tarlach Bonner, (ii) Richard Tobin, (iii) Bernard Saunders, (iv) Patrick Melly (v) Ryan Moore
Date of Site Inspection	19 th September 2022
Inspector	Paul Caprani.

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1.0 Introduction

ABP314046-22 relates to a first party appeal against the decision of Donegal County Council to refuse planning permission for the erection of a meteorological mast to record meteorological data at Meenlecknalore to the west of the N56 National Secondary Route at approximately 3 kilometres to the south of Dungloe in West Donegal. Donegal County Council issued notification to refuse planning permission on the basis that the proposed development is located within an area designated as being of high scenic amenity and that the proposed development would result in an unwelcome intrusion on the receiving landscape. Three observations were also submitted by landowners in the vicinity all objecting to the proposed development on visual amenity grounds.

2.0 Site Location and Description

- 2.1. The appeal site is located within a large expanse of bogland interspersed with areas of newly planted areas of immature conifer forest approximately 3 kilometres south of the village of Dungloe. It is located approximately 1.3 kilometres to the west of the N56 in the vicinity of Meenlecknalore Lough which is located on the western side of the N56. A local third class road approximately 1 kilometre to the west of the site runs northwards towards the settlement of Dungloe.
- 2.2. The mast is located at a height approximately 40 metres above ground level. The land surrounding the site slope downwards in a north-westerly direction towards the hill at Croaghnastrallog c.1.6 kilometres to the north-east of the site. The area surrounding the proposed mast is sparsely populated.

3.0 Proposed Development

- 3.1. Planning permission is sought for the erection of a meteorological mast with a maximum height of 100 metres. The mast is to be erected for the purposes of measuring and recording meteorological data in the area. The proposed

development is for a temporary 5-year operation after which time it will be fully decommissioned and removed.

- 3.2. The mast comprises of a narrow lattice structure less than 1 metre in diameter which is to be secured to the ground by a series of mast guy wires secured to an anchor head in the ground at distances of c.30 and 50 metres from the mast. A series of anemometers and wind vanes are to be attached at various heights upon the mast. A lighting rod is proposed at the top of the mast and a solar panel and data logger are to be provided at the base of the mast.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Donegal County Council refused planning permission for a single reason which is set out in full below.

Policy NH-P-7 of the County Donegal Development Plan 2018 – 2024 (as varied) states that within areas of high scenic amenity and moderate scenic amenity, as identified in Map 7.1.1 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. Having regard to the open and unspoilt nature of the mountainous landscape, where long views of the site are affordable from public roads in all directions, 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 the aforementioned policy and furthermore contrary to the proper planning and sustainable development of the area.

The applicant has advised that given the nature and purpose of the proposed development, the Planning Authority has serious concerns that to permit the development as proposed would give rise to an unreasonable expectation that further development at this location in the form of a windfarm may also receive favourable consideration should such a development be proposed.

4.2. Planning Authority's Assessment

- 4.2.1. The planning application was lodged with Donegal County Council on 3rd May, 2022.
- 4.2.2. A report from the National Roads Design Office states that the application does not affect the progression of any current national road projects.
- 4.2.3. A report from Transport Infrastructure Ireland states that it has no observations to make.
- 4.2.4. A report from Inland Fisheries Ireland state that work methods and materials must not impinge upon any nearby watercourses. The use of cement/concrete on site will require careful management. Best practice will require that the proposal fully accords with publication "*Guidelines for the Protection of Fisheries during Construction Works in and Adjacent to Waters*".
- 4.2.5. A report from the Irish Aviation Authority states that it has no observations to make in respect of the proposed development.
- 4.2.6. A number of letters of objection were submitted in respect of the proposed development raising concerns regarding the visual impact arising from the proposed development. The contents of these letters have been read and noted.
- 4.2.7. A report from the Department of Defence request that should planning permission be granted, the mast should be illuminated in accordance with the specifications set out in the submission.
- 4.2.8. A further submission from the Irish Aviation Authority states that the IAA must be notified at least 30 days in advance if the structure is to be erected in the vicinity of an aerodrome.

4.3. Planner's Report

- 4.3.1. The report sets out details of the site location and description and details of the proposed development as well as a summary of the various observations submitted objecting to the proposal.
- 4.3.2. With regard to the planning history, it is noted that an erection of a wind measuring mast with ancillary construction access road was lodged with Donegal County

Council under Reg. Ref. 99/102. The planner's report does not indicate whether or not planning permission was granted for this development.

- 4.3.3. It is also noted that reference was made on an adjoining site to an application for a 6 turbine windfarm development outside Dungloe with a total output of 25.2 megawatts. The planning application reference number of PP5945. Details of this application could not be found on the Donegal County Council website but it appears from the planning report that this application may have related to a pre-application consultation.
- 4.3.4. In terms of planning policy, it is noted that the site is located within an area designated as high scenic amenity in the County Development Plan where Policy NH-P-7 applies. It is also noted that Gannivegil Bog SAC (Site Code: 000142) is located approximately 1.2 kilometres to the east of the site.
- 4.3.5. In terms of the principle of development, the planner's report notes that meteorological masts are an essential precursor in the decision making process as to whether or not a windfarm can be located on a particular site. As a result of pre-planning under PP5945 it is indicated that there were visual amenity concerns with regard to a proposed windfarm development at this location. Further public consultation for a proposed variation of the Donegal Development Plan 2018 – 2024 is currently on-going and until a decision is taken by Council Members in respect of the variation any development of the nature proposed is considered to be premature. It would be unreasonable to give a positive indication that further development in the form of a windfarm may receive favourable consideration when this has previously continued to give rise to serious concerns on the grounds of visual amenity. The proposal is generally considered acceptable in terms of access and public health.
- 4.3.6. In terms of appropriate assessment it is noted that the subject site is located approximately 1.2 kilometres west of Gannivegil Bog. The applicant has not given any detail of a potential hydrological link notwithstanding the fact that an assessment through EPA mapping indicates that such a link may exist. Should a grant of planning permission be considered for the proposed development, an ecological report would be requested through further information to ascertain whether there would be any potential negative impact on the protected area.

- 4.3.7. On the basis of the above report Donegal County Council issued notification to refuse planning permission for the proposed development.

5.0 Planning History

- 5.1. The planning history associated with the site is referred to in the planner's report above. Also attached is a relevant planning appeal file ABP 308008-20. It relates to a similar meteorological mast development at Clogherachullion approximately 9 kilometres to the south-east of the site. Donegal County Council issued notification to refuse planning permission for the proposed development for 2 reasons. The first reason notes that the site is located in an area designated as moderate scenic amenity and in the absence of any wind energy policy in the current county development plan the proposed development would be deemed premature. The second reason for refusal specifically related to the contravention of Policy NH-P-7 and that the proposal would result in an unwelcome intrusion on the receiving landscape. The Board on foot of the Inspectors recommendation, overturned the decision of Donegal Co Council and granted planning permission for the Meteorological Mast.

6.0 The Appeal

- 6.1. A first party appeal on behalf of the applicant was received from Galetch Energy Services. The grounds of appeal are outlined below.
- 6.2. It is stated that the proposed development is for a temporary 5-year operation after which the mast will be fully decommissioned and removed unless a further planning permission is granted. Thus, after 5 years has elapsed the proposed development will be completely absent from the landscape.
- 6.3. It is noted that similar sized masts of up to 80 metres in height are classed as exempted development under Class 20(a) of the Planning and Development Regulations 2001 (as amended).
- 6.4. It is noted that there are no protected views or prospects listed in the county development plan which are orientated towards the site. While the site is located in an area of high scenic amenity (which is a medium landscape designation) these

areas are identified as having the capacity to absorb sensitively located development of a scale, design and use that will enable assimilation into the receiving landscape.

- 6.5. Reference is made to other planning policies and objectives which are considered relevant in the context of the appeal, and these include Objective NH-O-5, Policy NH-P-7 and Policy NH-P-13 all of which relate to landscape and scenic amenity issues.
- 6.6. The Wind Energy Development Guidelines for Planning Authorities 2006 states that planning permission for meteorological masts should be granted for an approximate period of 2 years to allow a wind resource analysis to be carried out.
- 6.7. It is noted that the Wind Energy Strategy in the County Development Plan was quashed by the High Court (Record No. 2018/533JR). As such there is currently no presumption against wind energy development at any location in County Donegal. It is noted that under the previous plan the proposed development was identified as an area 'open for consideration' for wind energy development.
- 6.8. A landscape and visual appraisal has been prepared and accompanies the appeal¹ at Annex II. It is argued that the landscape and visual appraisal clearly indicates that the proposed development is of a nature and scale which allows it to integrate with the surrounding landscape. The photomontages, it is argued, clearly demonstrate that, given the nature and scale of the proposed development including its narrow profile and colour, it will not be readily identified from any long or medium range and will not result in any significant negative visual impact. The only vantage point which the development will be readily visible will be VP4 a local public accessible location which affords views of the proposed development site. All other vantage points it is argued will result in the proposed development being largely imperceptible in the landscape. Thus, it is argued that the proposed development will have no likely significant negative impact on the character of the landscape at this location and therefore a refusal of planning permission is unreasonable and unwarranted.
- 6.9. A separate Landscape Visual Appraisal Report is attached to the grounds of appeal. It concludes that the visual impact associated with the proposed development is

¹ The Board will note that the photomontages did not accompany the original appeal, but they have been specifically requested from the applicant by the Board.

assessed as being slight. On this basis it is argued that the proposed development fully accords with the various objectives set out in the development plan in respect of visual amenity and landscape protection.

7.0 Appeal Responses

It appears that Donegal County Council have not submitted a response to the grounds of appeal.

7.1. Observations

- 7.1.1. A total of 5 observations were submitted some in favour and some against the development. The details of which are set out below.

Observation by Bernard Saunders

This observation argues that the proposal will have a wholly negative and detrimental impact on an area designated as being of high scenic amenity.

If renewable energy sources are needed to tackle to the current crisis in global warming, then undesignated areas with a lower level of scenic amenity would be considered more appropriate. Notwithstanding the information submitted in the Landscape and Visual Appraisal Report in the grounds of appeal, alternative sites with low or moderate significance have the potential for greater absorption to change and are fundamentally more suitable for such structures. It would not be unreasonable to expect several areas to have firstly been identified as potentially suitable areas and then the preferred location to be proposed and supported with clear evidence of environmental impact.

The visualisation pack included in the grounds of appeal makes no reference to the diagonal guy wires required to stabilise the mast to create a pyramid structure.

Furthermore, the vantage points identified are carefully selected to show the development from vantage points further away from the site. Areas of high scenic amenity encompass areas of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form part of the identity of the county. To simply propose the erection of such structures without any consideration of wider impact on the environment including local flora and biodiversity is completely misjudged, reckless and at odds with the core principle of

the intended purposes of sustainability. The erection of a mast at this particular location will undoubtedly cause more harm than good and An Bord Pleanála are respectfully requested to refuse this application and seek an alternative area which is less scenic and of environmental significance than the area proposed.

Observation from Richard Tobin

Concerns are also expressed in this observation in relation to the visual amenity impact from the proposal. It is argued that the proposal would dominate the landscape over a vast swathe of surrounding countryside. The height of the proposed mast is unprecedented in the area and the supporting guy wires will exacerbate the visual impact.

The lacuna in policy in respect of windfarms in the county has created a 'free for all/gold rush' type of situation where all areas are deemed suitable for windfarm development. This goes against the grain of democracy where elected representatives and their appointees are left largely irrelevant. If more turbines are needed, then they should be augmented to existing windfarms where the infrastructure is already in place and therefore reducing the risk of environmental damage and creating a smaller carbon footprint.

Observation from Tarlach Bonner

This landowner lives within a mile of the proposed development, and it is considered that the proposed mast would be a precursor to windfarm development on the same site and this will impact on the wildlife and beautiful scenery of the area and will also impact on tourism.

Observation from Patrick Melly

This observation supports the proposed development. The suitability of the site's designation as being of high scenic amenity is questioned. It is an area of mostly 'burn out forestry' which is not considered pleasing on the eye. It is considered that the mast would visually contribute to the area.

Observation from Ryan Moore

This observation also supports the development. It is difficult to understand how the Council can have concerns about granting a mast 100m in height for 5 years, when a mast 80m in height can be erected for a period of 15 months under Class 20A of Part 1 of the Exempted Development Regulations (2001). Permission was refused on the basis that a grant of permission would lead to the expectation that a future windfarm development may be acceptable at this location. The refusal is therefore based on a hypothetical proposition for a future development that is not currently before the planning authority. There are no views or prospects listed in the development plan which would be adversely affected by the proposed development. Contrary to what is stated in the planner's report, the area in which the mast is to be located is not unspoilt, it is currently traversed by a 110kV powerline. The recent upgrade of the N56 has also impacted upon the natural environment and degraded the unspoilt nature of the area. Commercial forestry in the area which was recently the victim of wildfires also degrades the existing environment in which the mast is being placed. The area in which the site is located should be considered an 'industrial area' rather than an 'unspoilt area' as suggested in the planner's report. Refusing planning permission for one a particular development on the basis that it may lead to application for another development in the future is unreasonable and is contrary to case law (*Kelly v ABP* [222]1992 IEHC).

It is noted that the Board already granted planning permission for 110kV powerline in the area and this, it is argued represents a valid and relevant precedent for the proposed development. The Board's decision in granting permission for the 110kV powerline specifically noted in its reason to grant permission that the proposal '*would be acceptable in relation to its impact on the scenic and other amenities of the area*'. Finally, it is noted that the site is located in a designated 'Strategic Infrastructure Corridor' as indicated in Map 5.3.1 of the current county development plan.

8.0 Planning Policy

8.1. Donegal County Development Plan 2018 – 2024

Energy

- 8.1.1. 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.
- 8.1.2. **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.
- 8.1.3. **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).
- 8.1.4. 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.
- 8.1.5. On foot of the foregoing, the development plan does not currently include a wind energy map.

8.2. Landscape

- 8.2.1. The landscape of County Donegal is categorised into three landscape class values², with the application site located in an area of “High 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.
- 8.2.2. **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.
- 8.2.3. **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.

8.3. **Wind Energy Guidelines 2006**

- 8.3.1. 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.

² Areas of Especially High Scenic Amenity (EHSA), Areas of High Scenic Amenity (HSA), Areas of Moderate Scenic Amenity (MSA).

8.4. Draft Wind Energy Guidelines 2019

- 8.4.1. 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.
- 8.4.2. 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.

8.5. Natural Heritage Designations

- 8.5.1. The subject site is not located within or contiguous to a designated Natura 2000 site. The nearest Natura 2000 site is the Gannivegil Bog SAC (Site Code: 000142) which is located approximately 1.3 kilometres to the east of the site. The Cloghernagore Bog and Glenveagh National Park SAC is located approximately 2 kilometres to the north of the site. There are no other Natura 2000 sites within the vicinity that could be impacted upon as a result of the proposed development.

9.0 Planning Assessment

- 9.1. I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the issues raised in the Planning Authority's reason for refusal which in essence argues that the proposed development would have an unacceptable impact on the visual amenities of the area and would be contrary to Policy NH-P-7 of the County Development Plan and as such is contrary to the proper planning and sustainable development of the area. The Planning Authority also has serious concerns that to permit the development as proposed would give rise to an unreasonable expectation that further development at this location in the form of a windfarm may also receive favourable consideration. I note that the above issues were also reflected in the various observations submitted with the application. On the basis of the above and having regard to the absence of other concerns in respect of the proposed development I consider that the Board can

restrict its deliberations to the issues raised in the reason for refusal issued by the Planning Authority and these issues are assessed in detail below.

9.2. Principle of Development

- 9.2.1. The current application before the Board merely relates to the construction of a meteorological mast on the subject site. Any assessment therefore as to whether or not the subject site or the areas surrounding the subject site is suitable for a windfarm development is premature. Any subsequent application for a windfarm development should it materialise would be assessed on its own merits, in accordance with the provisions of the development plan and the proper planning and sustainable development of the area. Planning permission should not be refused purely on the basis that a grant of planning permission in this instance may or may not result in an application for development which may not be considered favourably at some future point in time.
- 9.2.2. On foot of a High Court order Donegal County Council were required to remove Section 6.5(c) and (f) of the Wind Energy Standards at Part B: Appendix 3 “Development Guidelines and Technical Standards” and also Map 8.21 of the Development Plan which set out preferred areas for wind energy within the county. There is therefore, currently a lacuna in strategy with regard to the location of windfarm developments in the county. Thus, while Donegal County Council argue in its grounds of appeal that a grant of planning permission for the proposed development would give rise to an unreasonable expectation that further development at this location may also receive favourable consideration, whether or not a windfarm development at some future date may or may not be considered favourably cannot be determined at this juncture. Any expectation as to whether the proposed development is appropriate at the location in question can only be determined in my view in the context of an adapted wind energy strategy/ map for the County indicating preferential areas suitable for windfarm development.
- 9.2.3. Likewise, while the first party appellant submits that the subject site is located in an area where windfarm developments were previously “open for consideration” under Section 8.2.1 of the development plan this map no longer forms part of the statutory local plan and as such cannot be relied upon in support of a windfarm development at this location. It is my considered view that any application for a windfarm

development at this location should be based on the adoption of a windfarm energy map for the county and any application can be considered on this basis. While it could be argued that the granting of planning permission for a meteorological mast at this location may be premature pending the adoption of a windfarm map/strategy for the county, the opposite would also apply in that a refusal of planning permission for a proposed meteorological mast could also be deemed premature in the absence of such a strategy.

9.2.4. Furthermore, while no wind energy map indicating the preferred areas for windfarm development is presently adopted for the county there are numerous policy objectives and statements remaining within the development plan which generally support the provision of renewable energy within the county. I note that Policy E-P-2 confirms that it is the policy of Donegal County Council to facilitate the appropriate development of renewable energy from a variety of sources including wind while Policy EP10 confirms that proposals for wind energy shall be in accordance with the requirements of the Wind Energy Development Guidelines for Planning Authorities.

9.2.5. Furthermore, there is sufficient policy guidelines at national level and regional level which would support wind energy development in general. The Climate Action Plan 2021 sets to a road map for taking decisive action to half our emissions of greenhouse gases by 2030 and to reach net zero emissions by 2050. One of the more important measures set out in the Climate Action Plan is to increase the proportion of renewable energy up to a target of 80% by 2030. These legally binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021. Chapter 10 of the same plan highlights the importance of mobilising private sector investment in the transition to a low carbon economy. In addition to the Climate Action Plan the National Policy Framework also highlights the national target of achieving a transition to a competitive low carbon climate resilient and environmentally sustainable economy by 2050. MP054 seeks to reduce the carbon footprint nationally by integrating climate into the planning system in support of national targets for climate policy mitigation and adaptation objectives as well as setting targets for greenhouse gas emissions reduction. MP055 seeks to promote renewable energy generation at appropriate locations within the built and natural environment in order to met the national objective towards achieving a low carbon economy by 2050. I further note the judgement in relation to Element Power Ireland

Limited versus An Bord Pleanála (2016) 920 where the High Court determined that it could not find any provision in the Planning and Development 2000 (as amended) which would entitle the Board to refuse planning permission for a turbine development based on the absence of national and local policy or strategy. Thus, in my opinion there is sufficient policy guidance available to suggest to the Board that the subject site may be suitable for renewable energy project and that planning permission for a meteorological mast should not be refused on the basis of a lacuna in the Wind Energy Strategy for the county, it should be assessed on its merits. A grant of planning permission for a mast at this location does not imply consent for any application for a future windfarm development; it merely seeks to record and assess the wind regime in the area thereby determining whether the site might be suitable for a windfarm development at some later date. Furthermore, there is a predisposition towards supporting and encouraging renewable energy nationally and the local absence of short-term windfarm strategy at development plan level should not preclude or presume against future renewable energy projects at the subject site.

9.3. Visual Impact

- 9.3.1. The Planning Authority's reasons for refusal also considers 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. Map 7.1.1 of the Development Plan entitled "Scenic Amenity" indicates that the subject site is located in an area of "high scenic amenity". The Board will note that areas of high scenic amenity are not the highest designation contained in the development plan in terms of landscape sensitivity. There are three landscape types:
- Areas of moderate scenic amenity.
 - Areas of high scenic amenity.
 - Areas of especially high scenic amenity.
- 9.3.2. The subject site therefore attracts a medium designation in terms of landscape. Policy NH-P-7 states that within areas of "high scenic amenity" and "moderate scenic amenity" as identified in Map 7.1.1 Scenic Amenity and subject to other objectives and policies in this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate with and reflect the character and amenity designation of the landscape.

- 9.3.3. In addressing this refusal the first party appeal includes a landscape and visual appraisal which includes a methodology and approach in accordance with the Landscape Institute Guidelines for Landscape and Visual Impact Assessment (3rd Edition 2013). It sets out details of the visual appraisal criteria including the visual sensitivity of the landscape and the magnitude of change which would be derived from the implementation of the development. It describes in detail the landscape and visual character of the area and notes that the subject site is located in an area of high scenic amenity. The proposed development is assessed from five separate visual viewpoints ranging from 1.2 to 5.3 kilometres from the site from the north, south, east and west of the site. It concludes in respect of each of the viewpoints that the impact arising from the proposed development is either low or medium. The only exception is Viewpoint 4 a local road which is considered to be the closest publicly available viewing point to the west of the subject site approximately a kilometre away. The visual impact from this vantage point is described as medium.
- 9.3.4. Having inspected the site and read the landscape assessment submitted with the grounds of appeal I would generally agree with the appellant that the proposed development would not have an undue negative impact on the character of the landscape at this location. While the site and its surroundings are open and exposed, the wider area possesses significant amounts of commercial forestry and a 110kV power line runs across lands in the vicinity of the site. In this regard I would not concur with the local authority planner's conclusion that the mast would be located in an 'unspoilt area'.
- 9.3.5. The mast in question although c.100 metres in height comprises of a thin latticed structure which would not be particularly overbearing or prominent when viewed from public vantage points in the area. Also having inspected the site and having regard to the slender nature of the structure I do not consider that the proposal would be readily identifiable from vantage points in the wider area in excess of a kilometre from the subject site. While the proposed cable supports, or guys would contribute to the visual appearance of the structure, the support cables are very slender and would not be readily discernible from vantage points other than those in the immediate vicinity of the subject site. Thus, given the nature, scale and design of the proposed development together with its temporary nature of 5 years I consider that the proposed development would not have an undue negative visual impact on the

character of the landscape at this location and would not significantly or materially adversely affect the visual amenities of the area.

- 9.3.6. Finally, the planners report argues that the proposed development could have a adverse ecological impact on the surrounding environment. I do not agree with this assertion. The receiving environment is not considered sensitive in ecological terms and the works to be carried out on site are very minor in nature and will result in minimal construction impacts. If the Board are minded to grant planning permission, it is not considered that an ecological assessment is required in this instance. Should the Board disagree with this conclusion, it can always request such a report prior to determining the application.

9.4. **Appropriate Assessment**

- 9.4.1. As referred to above the subject site is not located within or contiguous to a designated Natura 2000 site. In terms of natural heritage designation the nearest Natura 2000 sites are located in excess of a kilometre from the subject site. Having regard to the modest nature of the proposed mast which will involve negligible amounts of excavation for both the construction of the mast and the insertion of the support anchors to stabilise the guy cables, it is not considered that the proposed development will give rise to significant levels of construction activity on the site. Furthermore, there appears to be no direct hydrological connection between the subject site and any of the Natura 2000 sites in the wider vicinity.
- 9.4.2. Having regard to the nature, scale and design of the proposed development together with the nature of the receiving environment, the separation distance between the site and the nearest European site and the absence of any direct hydrological connection between the proposed development and the nearest European sites it is concluded that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 **Conclusions and Recommendation**

Notwithstanding the lack of a definitive wind energy map which designates preferred areas for windfarm development within the county of Donegal, I consider that there is sufficient planning policy at national and at local level to enable the planning

application to be adjudicated on its merits in accordance with the proper planning and sustainable development of the area. Having regard to national policy which generally seeks to encourage and support the development of renewable energy within the State it is my opinion the proposed development would be acceptable at this location having regard to both its design and its temporary nature. I do not consider that the development of the size and scale proposed would have an unacceptable impact on the landscape notwithstanding its location in an area designated as being of high scenic amenity (HSA). As such, I consider the proposed development would not be premature pending the final adoption of a Wind Energy Strategy for Donegal and the proposed development would be in accordance with the proper planning and sustainable development of the area. I therefore recommend that planning permission be granted subject to conditions set out below.

11.0 Reasons and Considerations

Having regard to national policy relating to the development of sustainable energy sources and the overarching 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 conditions set out below, the proposed development of a meteorological mast at this location would not seriously injure the visual amenities of the area or the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. 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.

Reason: To enable the impact of the development to be reassessed, having regard to changes in technology and design during the specified period.

3. (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.
- (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.

Reason: In the interest of orderly development.

4. (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.
- (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.

Reason: In the interest of public and aviation safety.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

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 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.

Reason: To ensure the satisfactory reinstatement of the site.

Paul Caprani,
Senior Planning Inspector.

11th October, 2022.