

An  
Bord  
Pleanála

**Board Direction**  
**BD-016029-24**  
**ABP-312728-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/04/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. Having regard to:

- (a) The upland and sloping nature of the terrain;
- (b) The high rainfall levels prevalent at this location;
- (c) Blanket bog being the dominant soil type at the site and the importance of assessing any biodiversity impact on this natural resource;
- (d) The mapped trending faults intersecting the wind farm site;
- (e) The high density of drainage channels throughout the site, both natural and man-made;
- (f) The timing of construction works outside of the breeding season for birds coinciding with wetter periods;
- (g) The areas of trees to be clear felled, with peat soils and subsoils subsequently exposed;
- (h) The water crossings and crossing upgrades required;
- (i) The existence of deep peat at turbine locations and along existing and proposed access roads;

- (j) The significant volumes of peat and other spoil material requiring excavation, handling, storage and management on the site;
- (k) The instability associated with the works and movement of waste material, including the necessity for placement of substantial volumes of waste peat and other spoil materials in two large repositories on bogland hilly terrain;
- (l) The construction of high retaining stone buttresses required to contain waste peat and other spoil;
- (m) The peat-dominated nature of the soils at the repository locations;
- (n) The lack of a clear understanding of the land and ground conditions associated with the development of the proposed spoil repositories, including matters relating to the final construction of the repositories, the drainage of the peat repositories, measures required for the control of groundwater, the type and condition of rock at the repository locations, the hillside siting of the repositories, and the associated clear felling of forestry;
- (o) The construction works culminating in interference with the natural terrain by the development of the turbine bases and the hardstanding areas, the construction of access roads cutting across contours on bogland, the provision of preferential flow paths for surface waters, and road widening and improvement works along existing internal roads; and
- (p) The proposed highly complex system of drainage and the very precise nature of the application of many of the proposed conceptual measures required for their safe functionality on a blanket bog dominated site;

on the basis of the information submitted with the application and appeal, the Board cannot be satisfied that the proposed development would adequately mitigate the risk of failure to contain the spoil in the proposed repositories as a consequence of the development of the proposed wind farm, with potential for causing pollution of waterbodies within and in the vicinity of the site. Furthermore, the Board is not satisfied on the basis of the information submitted with the application and appeal, that the proposed repositories would be effective in providing for the permanent retention of peat and other materials and that the

mitigation measures, inclusive of the proposed drainage system, would be adequate to ensure the protection of the environment.

In view of the above, it is considered that the proposed development would present a significant risk of adverse environmental impact on the sensitive natural habitats of the site and of the wider area and would constitute an unacceptable risk of pollution of watercourses in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application and appeal including the Natura Impact Statement, and in light of the assessment of the Board by reference to the issues set out in reason No. 1 above including the risk of pollution of watercourses in the area, the Board cannot be satisfied that the proposed development, either individually or in combination with other projects, would not adversely affect the integrity of European Sites Inagh River Estuary SAC (Site Code: 000036), Carrowmore Point to Spanish Point and Islands Special Area of Conservation (Site Code: 001021), and Mid-Clare Coast Special Protection Area (Site Code: 004182) in view of the sites Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.
  
3. Based on the information submitted with the application and appeal, the Board noted the range of bird species of conservation value that have been observed on, over and in close proximity to the site indicating this to be an ecologically sensitive area of significant ornithological value and of value to the Annex II species, Marsh Fritillary. In the absence of data monitoring the impacts, if any, of existing wind farm developments in this area on these birds and species of conservation value and their habitats together with the particular sensitivity of some species such as Golden Plover and Hen Harrier to relatively low levels of mortality, the Board cannot be satisfied that the cumulative environmental assessment of the likely effects of the proposed development on avifauna can reasonably exclude the



possibility of a significant impact. In this regard, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

#### **Note 1**

The Board noted the Inspectors reason for refusal related to noise impact. However, having considered the totality of the documentation and submissions on file relating to the issue of potential noise impact and with specific reference to the reports of the applicant's professional acoustic consultant, AWN Consulting Ltd., the Board determined that sufficient information was before it to enable an independent objective assessment of this matter. While the Board noted the concerns expressed in respect of the mitigation measures which the Inspector considered were either absent or deficient, the Board had regard to the location of the site within a Strategic Area as set out in the County Development Plan and to the distances from the turbines to the most proximate residential receptors, which as stated by the Inspector are at a distance of in excess of 500m from the turbines. The Board also noted that mitigation of noise by curtailment by way of the employment of technology was accepted practice in respect of modern windfarm development and that the agreement of same was an accepted form of post consent agreement. The Board did not share the Inspectors view that the absence of specific details on same comprises a gap in information or would not allow the Board to undertake a comprehensive assessment. In respect of the potential for impacts to arise from low frequency noise and amplitude modulation the Board considered that the approach put forward by the applicant's acoustic expert was satisfactory. The Board considered that the expert findings set out in the EIAR were robust in respect of the consideration of direct and indirect impacts and the most appropriate mitigation measures to employ within the specific context of the subject site.

#### **Note 2**

The Board noted the location of the site and the location and designations of the Burren and Cliffs of Moher UNESCO Global Geopark to the north and north-west,

the sensitive coastline to the west, and areas of significant tourism, amenity and archaeological value, as well as designated scenic routes, walking trails and cycling routes, inclusive of the Wild Atlantic Way, which the Board agreed, form an integral part of the tourism resource of the area. However, the Board having regard to the totality of the documentation submitted with the application and appeal, did not share the Inspectors view that the development as proposed would constitute a highly obtrusive development that would erode the landscape and visual quality of area or wider landscape, seriously injure the amenities of residents in the area or exacerbate the cumulative impact of wind farm development from tourism and amenity sites on the coastline, and compromise the scenic amenities of this visually sensitive and vulnerable area.

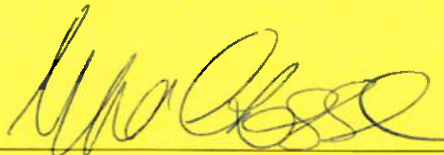
The Board noted the location of the site within a designated 'Settled Landscape' in the Clare County Development Plan 2023-2029 and also noted the location of the designated heritage landscape which is located to the north and northwest. In coming to its conclusions the Board had regard to objectives 11.47 and 14.7 of the Development Plan which require that proposed developments strike an appropriate balance between facilitating renewable and wind energy-related development and protecting the residential amenities of neighbouring properties and taking into consideration their effects on views from the public road towards scenic features or areas. While the Board considered that the wind turbines will be visible within the local context within this settled landscape, the Board did not share the Inspectors view that the turbines would have a high level of visibility from coastal tourist and amenity areas, scenic routes and from the Burren and Cliffs of Moher UNESCO Global Geopark. While the turbines are visible from views from a number of long range views from coastal locations and from more proximate locations along scenic routes, as outlined in the photomontages submitted with the application, the Board did not consider that the impact would be adverse as the settled landscape within which the turbines are located comprises a wide range of existing uses such as rural housing, existing turbines and a mix of forestry and agriculture.

While the Board agreed that the turbines would be visible from residential properties in the area, given the distance of the turbines from the most proximate residential



properties the Board did not consider that the impact would seriously injure the residential amenity of such properties. In respect of the concerns expressed by the Inspector in relation to the cumulative visual impact arising, the Board did not share the Inspectors view that the proposal would constitute a highly obtrusive development or that the windfarm would comprise excessively dominant features and a visually obtrusive form of development in this landscape, which would contribute to the erosion of the visual and environmental amenity of the area. The Board did not share the Inspectors view that the development would materially conflict with the objectives as set out in the Clare County Development Plan having regard to the pattern of development in the area, the distance of the site from heritage and protected landscapes and the location of the site within a strategic area for such development as set out in the current Development Plan.

**Board Member**



Una Crosse

**Date:** 09/04/2024