



An
Coimisiún
Pleanála

Direction
CD-022393-26
ABP-318782-24

The submissions on this file and the Inspector's report were further considered at a meeting held on 17/08/2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, as indicated in the draft Order hereunder. The Commission also decided that the amount to be refunded to the applicant is €12,229

Planning

Commissioner:

Date: 18/08/2026

Tom Rabbette

DRAFT ORDER

Reasons and Considerations

The Commission made its decision consistent with:

- (a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy,

national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

- (b) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

The Commission also had regard to the following in coming to its decision:

- European legislation, including of particular relevance:
 - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
 - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025)
 - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
- National and regional planning and related policy, including:
 - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the National Planning Framework First Revision 2025 and National Policy Objective 70.
 - Wind Energy Guidelines: Guidelines for Planning Authorities 2006 and the draft guidelines published in 2019.
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:

- Regional Spatial Economic Strategy for the Southern Region 2020-2032;
 - Clare County Development Plan 2023-2029.
- Other relevant national policy and guidance documents.
 - The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
 - The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites.
 - The submissions and observations made in connection with the planning application.
 - The further information provided by the applicant to the Commission received on 23rd day of May 2025 and 20th day of November 2025 and submissions received in response to same.
 - The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment: Stage 1:

The Commission considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the following European sites in respect of which the proposed development has the potential to have a significant effect are Lower River Shannon Special Area of Conservation (Site Code: 002165), Danes Hole, Poulnalecka Special Area of Conservation (Site Code: 000030), Ratty River Cave Special Area of Conservation (Site Code: 002316), Kilkishen House Special Area of Conservation (Site Code: 002319), River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), Lough Derg (Shannon) Special Protection Area (Site Code: 004058), and Slievefelim to

Silvermines Mountains Special Protection Area (Site Code: 004165) in view of those sites' conservation objectives.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the European Site for which potential to have a significant effect had been identified, in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development taking into account:

- The nature, scale and extent of the proposed development,

- The environmental impact assessment report and associated documentation submitted in support of the application,
- The submissions from the planning authorities, prescribed bodies and observers, and
- The Inspector's report.

The Commission considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Commission considered, and agreed with the Inspectors reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population & Human Health and Noise:

- A **major significant effect** outside of standard daytime working hours as a result of Horizontal Directional Drilling (HDD) works associated with the Independent Power Producers (IPP) cable and Grid Connection Route (GCR) at H49 and other nearby residential noise sensitive receptors. This effect can be mitigated and reduced to a minor (**not significant**) effect by a condition restricting HDD works to the hours of 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays only, if permission is granted.

Population & Human Health and Landscape & Visual:

- It is considered that the proposed development will give rise to **significant landscape and visual effects** for a small number of local residential receptors in the immediate area to the south of the site, as represented by VP17 (R471 at Cloughoolia). These effects will be somewhat mitigated by a combination of topography, screening, set back distances, orientation and design. however **significant residual effects** will remain.

Population & Human Health and Public Safety:

- It is considered that the proposed development will give rise to a **significant risk** to population & human health associated with a risk of major accident(s) as a result of **significant, adverse and long-term effects** on Aviation Safety.

Material Assets (Aviation):

- A **significant, adverse and long-term** construction and operational stage effect on Aviation Safety as a result of performance and degradation impacts on the Monopulse Secondary Surveillance Radar (MSSR) at Woodcock Hill and impacts on Instrument Flight Procedures (IFPs) and Navigational Aids (NAVAIDs). In the absence of in-service evidence that wind turbines erected within comparable ranges of enroute radar system do not generate deflections AirNav Ireland (ANI) contend that the proposed development will have adverse impacts on existing radar surveillance systems, which cannot be mitigated. ANI also contend that the shadowing effect of turbines will introduce coverage gaps in controlled airspace resulting in changes to the surveillance functional systems and degradation of the probability of detection. ANI change management systems approved by the Irish Aviation Authority do not allow for functional systems changes that are less safe than the original system. Based on the information on file it is not considered possible to mitigate against the potential for significant aviation related impacts, including through the imposition of a planning condition for such matters to be agreed at a later date. Other unresolved concerns in relation to IFPs and NAVAIDS are highlighted.

Major Accident(s) and Natural Disaster(s):

- A **significant risk of major accident** arising from potential degradation of existing surveillance radar and other aviation related operational impacts associated with **significant, adverse and long-term effects** on Aviation Safety. Based on the information on file, it is not considered possible to mitigate against the potential for **significant** aviation related impacts, including through the imposition of a planning condition for such matters to be agreed at a later date.

Climate:

- It is considered that subject to implementation of the full suite of mitigation measures, **no significant adverse effects** on Climate will arise. The development will have a **significant positive effect** on climate with the net reduction in greenhouse gas emissions over the operational lifetime of the project.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report and, subject to conditions, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable other than with regards to the effects arising from the significant risk to Aviation Safety arising from the proposed development (as indicated above in the reasoned conclusions). In doing so the Commission adopted the report and conclusions of the reporting Inspector.

Conclusions on Proper Planning and Sustainable Development and Reason for Refusal of Planning Permission:

1. The Commission is not satisfied, on the basis of the information lodged with the application, at further information stage, in response to the submissions and observations received, that measurable, evidence based, demonstratable and credible mitigation measures have been submitted by the applicant, that can remove all level of aviation related risk, likely to arise as a result of the

proposed development or that such measures can then be agreed and implemented to the satisfaction of AirNav Ireland, the Shannon Airport Group and the Irish Aviation Authority. Furthermore, as aviation related mitigation measures are required, the Commission is not satisfied, that the applicant has sufficient legal interest, or can acquire such interest to implement such mitigation measures on lands that have not been identified within the application site boundary, the applicant's landholding or within the applicant's control i.e. through a letter of consent from the appropriate landowner where necessary mitigation measures are required.

The Commission has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

A refusal of planning permission for this proposed development falls squarely within the spectrum of outcomes available to the Commission and in accordance with the above statutory and policy framework in particular as they relate to climate goals. In this context, it is not practicable, for the Commission to approve the development in a manner consistent with the Climate Act by imposing a condition requiring such matters to be agreed between parties where the necessary consents have not been demonstrated as achievable or the necessary mitigation measures required as credible and implementable.

Accordingly, the Commission is not satisfied that the proposed development would not endanger or would not interfere with the safety of aircraft or the safe and efficient navigation thereof. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be refunded to the applicant is **€12,229**