



An
Coimisiún
Pleanála

Direction
CD-020176-25
ABP-321285-24

The submissions on this file and the Inspector's report were considered at a meeting held on 19/06/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Tom Rabbette

Date: 09/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Board 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 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), and otherwise had regard to:

- (a) the National Biodiversity Action Plan 2023-2030
- (b) National policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases,
- (c) the provisions of the Wind Energy Development Guidelines – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June 2006,
- (d) the policies set out in the Regional Spatial and Economic Strategy of the Southern Regional Assembly,
- (e) the policies of the planning authority contained within the Clare County Development Plan, 2023-2029,
- (f) the character of the landscape in the area of the site and in the wider area of the site,
- (g) the pattern of the existing and permitted development in the area,
- (h) The distance between the turbines and surrounding dwellings and other sensitive receptors from the proposed development,
- (i) The Environmental Impact Assessment Report submitted,
- (j) The Natura Impact Statement submitted,
- (k) The submissions and observations made in connection with the planning application,
- (l) The report of the Inspector.

Appropriate Assessment - Stage 1

The Board 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 Board 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 Lough Derg (Shannon) SPA (004058), River Shannon and River Fergus Estuaries SPA (004077), Glenomra Wood SAC (001013) and the Lower River Shannon SAC (002165)).

Appropriate Assessment – Stage 2

The Board 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 Board 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 site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board 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 Board 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 site's Conservation Objectives. In overall conclusion, the Board 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 Board 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 Board 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 Board 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 Board 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 and Human Health. Long-term significant positive impact on Renewable Energy Production and Reduction in Greenhouse Gas Emissions. A minor significant effect at BNAL06 for BESS operational noise where the rating level exceeds the background sound level by a maximum of +3dB during the nighttime.
- Noise. A minor significant effect at BNAL06 during the nighttime as result of predicted BESS noise levels. This effect will be mitigated by the fact that the exceedance remains below the BS 4142 threshold indicating a potential 'adverse' effect and by the actual (lesser) operating noise

conditions as opposed to the worst-case scenario in the noise modelling carried out.

- **Landscape & Visual.** Significant landscape and visual effects will occur in respect of regional road R466 and Scenic Road SR26 as represented by VP04 (Scenic Route SR26 Cloonyconry More), the East Clare Way as represented by VP13 (Killeagy/ECW), and from a small number of local residential receptors in the immediate area of the site including Kilbane village, as represented by VP14: (Kilbane). These effects will be mitigated by a combination of topography, screening, distance, set back distances and design etc. however significant residual effects will remain.
- **Traffic.** Short term, residual significant effects will arise for motorised and non-motorised traffic on the local and regional roads west of the Shannon for the 18-24mts construction period. The arrangements for the management of same are reasonable, and the temporary nature of the impacts associated with the construction of a development of this nature are acceptable.

The Board 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 compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so the Board adopted the report and conclusions of the reporting Inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Climate Action and Low Carbon Development Act 2015 (as amended), CAP24 and CAP25, National Biodiversity Action Plan 2023-2020, the National Planning Framework (First Revision), the Regional Spatial and Economic Strategy of

the Southern Region 2020-2032 and the provisions of the Clare County Development Plan, 2023-2029. It would:

- make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future,
- not seriously injure the residential amenities of the area,
- not adversely affect population & human health, natural heritage, biodiversity, cultural heritage or tourism,
- not have an unduly adverse impact on the landscape, and
- would be acceptable in terms of traffic safety, aviation and convenience.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest or clarity.

2. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. The permission shall be for a period of 35 years from the date of the commissioning of the wind turbines. The wind turbines and related ancillary structures shall then be decommissioned and removed unless, prior to the

end of the period, planning permission shall have been granted for their continuance for a further period.

Reason: To enable the relevant planning authority to review the operation of the wind farm in the light of the circumstances then prevailing.

4. The following design requirements shall be adhered to:
 - (a) The wind turbines shall be designed with a hub height ranging from 102.5 metres to 105 metres, a rotor blade diameter from 149 metres to 155 metres, and blades that result in an overall tip height of 179.5 metres to 180 metres, in accordance with the turbine parameters assessed in the environmental impact assessment report and Natura Impact Statement, together with application documentation. Prior to the commencement of development, the applicant shall confirm the actual detail of the turbines to which this condition relates to the Planning Authority.
 - (b) The wind turbines, including masts and blades, shall be finished externally in a light grey colour.
 - (c) The meteorological mast shall be no more than 36.5m high.

Reason: In the interest of clarity and visual amenity

5. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment (EIAR), and associated documents are implemented in full in conjunction with the timelines therein, except as may be otherwise required in order to comply with the following conditions.

Reason: To protect the environment.

6. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Natura Impact Statement (NIS) and associated documents are implemented in full in conjunction with the timelines therein, except as may be otherwise required in order to comply with the following conditions.

Reason: To protect the integrity of European sites.

7. Prior to the commencement of development, details of external finishes to substation buildings, BESS and all associated structures, including security fencing, CCTV and interface mast, shall be submitted to the planning authority for written agreement.

Reason: In the interest of clarity and visual amenity.

8. No haulage of stone or timber vehicles is permitted on the L-7004 Kilbane to Broadford Road or on the L-7080 from the windfarm site through the 'Gap Road' to Killaloe.

Reason: In the interests of traffic safety.

9. Prior to the commencement of development, the following shall be submitted to the Planning Authority for written agreement:

- (a) A Stage 2 Road Safety Audit (RSA) in accordance with TII requirements, which shall include all site entrances (permanent and temporary) and the proposed widening and upgrade of Local Road L7080 (Gap Road) from Kilbane Village to the subject site.
- (b) Details of road improvement and strengthening works along the L-3022 and the L-7080, including arrangements for reinstatement of roadside vegetation and landscaping.
- (c) Details of lane width re-instatement works on the R466 and full junction reinstatement works where openings and changes of direction are proposed.
- (d) Details of pre and post construction condition survey of proposed haul routes, bridges/structures along the route, weight of abnormal loads, and arrangements for maintenance of routes/structures during construction and repair of any damage.
- (e) A revised detailed Construction Traffic Management Plan, to include arrangements for the management of construction traffic on the public road, arrangements for alternative routes, details of source and volume of

aggregate material to be sourced on/off site, haul routes, phasing programme for construction works (including with other wind farms), and means to keep the public road free of dirt and debris.

Reason: In the interest of visual amenity and traffic safety.

10. The delivery of large-scale turbine components for the construction of the wind farm shall be managed in accordance with a finalised Traffic Management Plan, which shall be submitted to, and agreed with the planning authority prior to the commencement of development. This plan shall provide details of the road network to be used by construction traffic, including oversized loads, and detailed arrangements for the protection of bridges, culverts and other structures to be traversed, as may be required. The plan shall also contain details of how the developer intends to engage with relevant parties and notify the local community in advance of the delivery of oversized loads. Any proposed works to the national road network to facilitate turbine delivery shall comply with the requirements of TII.

Reason: In the interest of public safety and residential amenity.

11. The developer shall retain the services of a suitably qualified and experienced Ecologist (to perform the role of Ecological Clerk of Works) to undertake pre-construction surveys at the various project elements, immediately prior to commencing work to check for the presence of protected species in the vicinity, and to oversee and ensure the implementation of all environmental mitigation and monitoring measures during construction and operation of the wind farm.

Reason: To protect biodiversity.

12. The developer shall retain the services of a suitably qualified and experienced bat and bird specialists to undertake appropriate bat and bird surveys of the site, in accordance with the mitigation and monitoring arrangements set out in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS). Details of the surveys to be undertaken and associated reporting requirements shall be developed following consultation with, and agreed in writing with, the planning authority prior to commencement of

development. These reports shall be submitted on an agreed date annually for five years, with the prior written agreement of the planning authority. Copies of the reports shall be sent to the Department of Housing, Local Government and Heritage.

Reason: To ensure appropriate monitoring of the impact of the development on the avifauna and bat species of the area.

13. The construction of the proposed development shall be managed in accordance with a final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(a) The CEMP shall include but not be limited to operational controls for dust, noise and vibration, waste management, protection of soils and groundwaters and surface waters, protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, waste management, project roles and responsibilities.

(b) The CEMP shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development and shall clearly describe all identified likely archaeological impacts, both direct and indirect and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

(c) Works near watercourses shall be carried out in consultation with and in accordance with IFI standards Guidelines on the Protection of fisheries during Construction work in and adjacent to Waters (IFI, 2016) and IFI shall be given at least 1 weeks advance notice of felling operations at the site.

(d) The CEMP shall include a draft decommissioning plan for the turbines, to include reuse and/or recycling of turbine components. A revised plan shall be submitted and agreed in advance of decommissioning.

Reason: In the interest of environmental protection and residential amenity.

14. Commissioning and construction works shall be limited to the hours of between 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1400 hours on Saturday and shall not be permitted on Sundays or public holidays.

Reason: To protect the amenities of nearby residential properties.

15. The operation of the proposed development, by itself or in combination with any other permitted wind energy development, shall not result in noise levels, when measured externally at nearby existing noise sensitive locations, which exceed:

(a) For the daytime period of 0700 to 2300, in quiet environments, where background noise is less than 30dB(A)L90 T10, a maximum noise level of 40dB(A)L90 T10.

(b) For daytime periods of 0700 to 2300 where background noise level exceeds 30dB(A)L90 T10, the greater of 5 dB(A) above background noise levels, or 45 dB(A)L90 T10.

(c) 43 dB(A)L90 T10 at all other times.

Reason: In order to protect the amenities of noise sensitive properties in the vicinity of the development.

16. Prior to the commissioning of the windfarm, the developer shall submit to and agree in writing with the planning authority a Noise Compliance Monitoring Programme (NCMP). The NCMP shall include a detailed methodology for all sound measurements, including frequency of monitoring (initially six months, with confirmatory monitoring in the third-year post commissioning) and recording of results, which shall be made publicly available. The NCMP shall also include any mitigation measures such as the de-rating of particular turbines if required and shall be fully implemented during the operation of the windfarm.

Reason: In order to protect the amenities of noise sensitive properties in the vicinity of the development.

17. (a) Appropriate software shall be employed on each of the turbines to ensure that there will be no shadow flicker at any existing nearby dwelling. Turbine shutdown shall be undertaken by the wind energy developer or operator in order to eliminate the potential for shadow flicker.
- (b) A report shall be prepared by a suitably qualified person in accordance with the requirements of the planning authority indicating compliance with the above shadow flicker requirements at dwellings. Within 12 months of the commissioning of the wind farm, this report shall be prepared and submitted to, and agreed in writing with, the planning authority. The developer shall outline proposed measures to address any recorded non-compliances, controlling turbine rotation if necessary. A similar report may be requested by the planning authority at reasonable intervals thereafter.

Reason: In the interest of residential amenity

18. In the event that the developer does not utilise the government's Renewable Energy Support Scheme (RESS), prior to the commencement of development, a community gain proposal shall be submitted to the planning authority for written agreement. In default of agreement, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interest of the proper planning and sustainable development of the area.

19. In the event that the proposed development causes interference with telecommunication signals, effective measures shall be introduced to minimise interference with telecommunication signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to and agreed in writing with the planning authority prior to the commissioning of the turbines and following consultation with relevant authorities.

Reason: In the interest of protecting telecommunication signals and residential amenity.

20. (a) Prior to commencement of development and following consultation with the Department of Defence and Irish Aviation Authority, the developer shall submit for written agreement of the planning authority, details of an aeronautical obstacle warning light scheme.
- (b) Prior to commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the as constructed tip heights and WGS-84 format co-ordinates of the turbines and wind monitoring mast together with ground and tip height elevations at each turbine location.
- (c) The developer shall notify Shannon Airport Authority, Air Nav Ireland and the Irish Aviation Authority of the intention to commence crane operations at least 30 days prior to their erection in accordance with S.I. 215 of 2005 Irish Aviation Authority (Obstacles to Aircraft in Flight) Order.

Reason: In the interest of aviation safety.

21. All mitigation measures in relation to Archaeology as set out in Chapter 14 of the Environmental Impact Assessment Report (EIAR) shall be implemented in full, except as maybe otherwise required in order to comply with the archaeological conditions of this permission. The applicant shall retain/engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to:

- (a) Carry out pre-development archaeological testing in areas of proposed ground disturbance, including but not limited to, turbine base locations, hardstands, roads, compounds, onsite 38kV substation compound and all other ground disturbance required for the development. No groundworks may take place in the absence of the Archaeologist without his/her express consent.
- (b) Submit an archaeological impact assessment report for the written agreement of the Planning Authority, following consultation with the National Monuments Service of the Department, in advance of any site

preparation works or groundworks, including site investigation, works/topsoil stripping/site clearance/enabling works and construction works. The report shall include an archaeologist impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation *in situ*, preservation by record (archaeological excavation) and/or monitoring may be required.

- (c) No site preparation and/or construction works shall be carried out on site until the Archaeologists report has been submitted to and approval to process is agreed in writing with the Planning Authority. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

22. The applicant shall retain/engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to:

- (a) Carry out Archaeological Monitoring of all site clearance works, topsoil stripping and groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No groundworks may take place in the absence of the Archaeologist without his/her express consent.
- (b) Should archaeological remains be identified during the course of Archaeological Monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the Planning Authority, in consultation with the National Monuments Service of the Department, regarding appropriate mitigation (*preservation in situ/excavation*).
- (c) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority following consultation with the National Monuments Service of the Department, shall be complied with by the developer.

- (d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the Planning Authority and the National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

23. On full or partial decommissioning of the wind farm, or if the wind farm ceases operation for a period of more than 1 year, the turbines and all decommissioned structures shall be removed, and foundations covered with soil to facilitate revegetation. These reinstatement works shall be completed to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

Reason: To ensure a satisfactory reinstatement of the site upon cessation of the project.

24. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as 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 completion of the development.

25. 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

reinstatement of the site upon cessation of the project, coupled with an agreement empowering the local authority to apply such security or part thereof to secure such reinstatement. The form and amount of the security shall be as 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 completion of the development.

26. 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 the 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.