An Coimisiún Pleanála

Direction
CD-022528-26
ACP-323783-25

The submissions on this file and the Inspector's report were considered at meetings held on 28/09/2026 and 06/10/2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, as indicated in the draft Order hereunder.

The Commission also made a determination in relation to costs associated with the application as indicated in the Schedule of Costs (Appendix 1) attached.

Planning Commissioner: **Date:** 08/10/2026

Declan Moore

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission made its decision 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, 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.,

In performing its functions in relation to the making of its decision, the Commission had regard to:

(a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

- The relevant provisions of EU Directive 2011/92/EU as amended by Directive 2014/52/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment;
- Directive 2000/60/EC, the Water Framework Directive and in a manner which achieves or promotes compliance with the requirements of the Directive;
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive);

(b) National Policy and Guidance including:

- Project Ireland 2040: National Planning Framework, First Revision of the National Planning Framework;
- National Development Plan 2021-2030;
- The objectives and targets of the National Biodiversity Action Plan 2023-2030;
- Policy Statement on Security of Electricity Supply (November 2021);
- National Energy Security Framework (April 2022);
- National Energy and Climate Action Plan (2021-2030);

(c) Regional and Local Planning Policy, including in particular:

- The Regional Spatial and Economic Strategy for the Southern Region 2020-2032;
- The Clare County Development Plan 2023-2029;
- The nature, scale and layout of the proposed development and the location of proposed development upstream of a European Site, the Lower River Shannon Special Area of Conservation (Site Code: 002165), and its associated conservation objectives and qualifying interests;
- The pattern of development within the area and context of the receiving environment;
- The entirety of the documentation submitted by the developer in support of the proposed development, including the Environmental Impact Assessment Report, the Natura Impact Statement and the response to submissions made in February 2026;
- The range of mitigation measures set out in the Environmental Impact Assessment Report and the Natura Impact Statement;
- Measures proposed for the construction, operation and decommissioning of the development;
- The submissions received in relation to the application;
- 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 effect on a European Site;
- The Specialist reports prepared by the Inspectorate Environmental Scientist, Inspectorate Ecologist, external ecology consultant and external aviation consultant; and,
- The Inspector's report and recommendation.

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Lower River Shannon Special Area of Conservation (Site Code: 002165), River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) and the Mid-Clare Coast Special Protection Area (Site Code: 004182) in view of the sites conservation objectives and that an Appropriate Assessment was required. This determination is based on:

i. Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects,

ii. The mitigation measures which are included as part of the current proposal,

iii. The conservation objective for these European Sites,

iv. Views of prescribed bodies in this regard, and

v. Specialist reports from the Inspectorate Ecologist, Inspectorate Environmental Scientist and the external Ecologist.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, the mitigation measures contained therein, all relevant submissions, the internal specialist reports prepared by the Inspectorate Environmental Scientist and Inspectorate Ecologist, the external Specialist Report on Ornithology prepared by ERM and the Inspector's assessment. The Commission carried out an appropriate assessment of the implications of the proposal for those three sites in view of their site conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Commission considered, in particular,

- With respect to the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) and Mid-Clare Coast Special Protection Area (Site Code: 004182), that adverse effects on site integrity can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- With respect to the Lower River Shannon Special Area of Conservation (Site Code: 002165), that adverse effects on the site integrity of Lower River Shannon Special Area of Conservation (Site Code: 002165) cannot be excluded in view of the conservation objectives of this site and that reasonable scientific doubt remains as to the absence of such effects. The Commission's conclusion is based on the following:
    - The conservation objectives applicable to the Cloon catchment;
    - The recognised sensitivity of Freshwater Pearl Mussel to fine sediment and nutrient enrichment;
    - The historical importance of sediment as a limiting factor within the catchment;
    - The findings of the Inspectorate Environmental Scientist's Technical Note regarding mitigation effectiveness including:
        - Deficiencies in the design and mitigation proposals of the surface water management plan to appropriately intercept and remove silt generated by the proposed development from 79 settlement ponds and the failure to provide any design details, operational protocols, or environmental impact assessments regarding the toxicological risks or secondary ecological impacts that chemical additives (flocculants) could pose (if required) to the downstream freshwater pearl mussel;
        - Deficiencies in the design of the surface water management plan to retain nutrients generated during this development creates an unassessed risk of nutrient enrichment in the downstream catchment, which could cause eutrophication and jeopardize the critical habitat requirements of the freshwater pearl mussel population; and,

- The residual uncertainty associated with sediment and nutrient management,

- The conclusions of the Inspectorate Ecologist that insufficient evidence has been presented to demonstrate that adverse effects on Freshwater Pearl Mussel conservation objectives can be excluded beyond reasonable scientific doubt.

In overall conclusion, the Commission considered there is reasonable scientific doubt that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the Site's conservation objectives and qualifying interests.

Environmental Impact Assessment

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

(a) the nature, scale and extent of the proposed development,

(b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,

(c) the Screening for Appropriate Assessment and Natura Impact Statement and associated documentation submitted in support of the application,

(d) the planning authority reports, and the submissions received from the observers and prescribed bodies,

(e) the specialist internal and external consultants' reports and,

(f) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the developer, adequately identifies a number of the direct, indirect, and cumulative effects of the proposed development on the environment, other than the deficiencies identified below.

The Commission generally 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 developer and submissions made in the course of the application.

Reasoned Conclusions on the Significant Effects

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

1. In respect of biodiversity, there is a potential for significant effects to arise during the construction and operational phases of the proposed development to aquatic habitats and species, in particular, on Freshwater Pearl Mussel, Otter, Sea Lamprey, Brook Lamprey, River Lamprey, Atlantic Salmon, Amphibians and Damsel Fly There is reasonable scientific doubt that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the site's conservation objectives and qualifying interests. In addition, the proposed development will result in the loss of Annex I habitat (raised bog) and additional peatland habitat which will have a significant effect and will be offset by peatland enhancement measures detailed in the Biodiversity Management and Enhancement Plan.

2. In respect of water, there is an inadequate understanding of the baseline environment, key impacts and the likely effects on the water environment have not been identified or adequately assessed. In the absence of such information, there is a potential for significant effects to arise during the construction and operational phases to the environmental factor of water.

3. In respect of climate, there will be a long-term positive effect residual cumulative effect on climate as a result of the proposed development due to the displacement of carbon dioxide from the atmosphere arising from fossil fuel use in energy production.

4. In respect of material assets (aviation), there is inadequate information to fully assess the key impacts and the likely effects on material assets (aviation). In the absence of such information, there is a potential for significant effects to arise on the environment.

5. In respect of landscape, significant landscape and visual impacts arise during the operational phase of the proposed development given the placement of significant structures within the local landscape thereby changing the existing visual context. This will result in significant landscape effects within two kilometres of the proposed turbines and will result in significant visual effects on a small number of residential and local community receptors within two kilometres of the proposed turbines, where primary and open views towards the wind farm will be experienced.

6. In respect of risks of major accidents and/or disasters, specific risks regarding operational impacts to Material Assets (Aviation) have not been adequately addressed nor assessed in the application documentation.

The proposed development would therefore give rise to significant direct or indirect effects on the environment which, notwithstanding the climate-related benefits to the proposal, would not be acceptable for the reasons outlined below.

Proper Planning and Sustainable Development

The Commission, in performing its functions in a manner consistent with the applicable climate objectives as set out in Section 15 of the Climate Action and Low Carbon Development Act, 2015, as amended, considers that while the principle of a renewable energy development on this site is supported by national, regional and local policy there are specific and significant technical information deficits with the assessments undertaken in respect of the proposed development. In this particular circumstance;

i. Having regard to the nature, scale, and location of the proposed development, and in particular its location upstream of the Cloon (Clare)_020, a water body under the Water Framework Directive, which status is 'good', and which is also designated as a 'protected area' and as a Natura 2000 Site, the Lower River Shannon Special Area of Conservation (Site Code: 002165), where more stringent environmental objectives for water quality apply, the Commission is not satisfied that the proposed development is consistent with achieving those environmental objectives. The proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024.

ii. Having regard to the information provided with the application, including the Natura Impact Statement and scientific observations on the proposed development, the Commission considers that reasonable scientific doubt remains as to the implications for the proposed development on site integrity for the Lower River Shannon Special Area of Conservation (Site Code: 002165) specifically, it is considered that adverse effects on the Freshwater Pearl Mussel cannot be excluded beyond reasonable scientific doubt in view of the conservation objectives to restore its favourable conservation condition. The Commission cannot be satisfied beyond reasonable scientific doubt that the proposed development, individually, would not adversely affect the integrity of Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the Site's conservation objectives and qualifying interests, contrary to Objectives 11.47 and 15.17 of the Clare County Development Plan 2022-2029.

iii. Having particular regard to the Freshwater Pearl Mussel and on the basis of the information submitted with the application, the Commission cannot be satisfied that the mitigation measures proposed as part of the development would adequately mitigate the risk associated with the construction and operation of the proposed windfarm on the environment. In view of the above, it is considered that the proposed development would constitute an unacceptable risk to biodiversity, water and in particular the Freshwater Pearl Mussel.

iv. The proposed development would, therefore, be contrary to Objective 3.3 of the of the Clare County Development Plan 2022-2029, and 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 recouped **from** the applicant is **€9,543.**

A breakdown of the Commission's costs is set out in the attached Appendix 1.

Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this day of 2026

Notes

While the Commission agreed with the Inspector's reasoned conclusions with respect to significant direct and indirect effects of the proposed development on the environment, it did not agree that each of those effects constituted a reason for refusing the proposed development with respect to Proper Planning and Sustainable Development

A. In respect of material assets (aviation) and risks of major accidents and/or disasters (aviation).

   Information available to the Commission from the Applicant, Prescribed Bodies and the Commission's external aviation consultant, indicates that an assessment on potential impacts on signals and flight calibration conducted by FSCL (Flight Calibration Services Limited) should address this issue.

   While it may have been possible to condition the assessment in a grant of permission (if not for the substantive reasons for refusal), the Commission considered that any alterations to the proposed development, required in response to the findings of such an assessment, should themselves be subject to further assessment with respect to their potential environmental effects.

   Given the above, the Commission did not include aviation matters in the reasons for refusal.

B. In respect of significant landscape effects within two kilometres of the proposed turbines and significant visual effects on a small number of residential and local community receptors within two kilometres of the proposed turbines.

   The Commission agreed with the Inspector's reasoning that in the context of a climate emergency, 'the proposed development would be consistent with the Climate Act and National policy in support of renewable energy and a refusal of permission would not be warranted on the basis of residual visual effects on residential receptors' *(ref: 10.4.2 page 71 of the Inspector's report).*