



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: P15/860

Appeal by the Conserve Kilmaley Group care of Eoghan McGuane of Kinturk, Connolly, Ennis, County Clare and by others against the decision made on the 20th day of January, 2017 by Clare County Council to grant subject to conditions a permission to Brookfield Renewable Ireland Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork.

Proposed Development: Construction of a wind farm comprising 11 number turbines with a maximum tip height of up to 131 metres and associated turbine foundations, hardstanding areas and drainage, tree felling and replanting, eight number clear span stream crossings, upgrade of existing and provision of new site tracks and associated drainage, three number borrow pits and two number material storage areas and associated ancillary infrastructure, use of an existing access junction to the proposed development from the public road, all associated drainage, on-site electrical substation including two control buildings and welfare facilities, a wastewater holding tank, and groundwater well, fencing, and associated ancillary infrastructure, underground MV electrical cabling and associated communications cabling between the turbines and proposed on-site substation, underground HV electrical cabling and associated communications cabling between the proposed

on-site substation and the permitted Slieve Callan substation (planning register reference number 13/558), temporary developments/works associated with the construction phase including one number temporary construction site compound and associated ancillary infrastructure. A 10-year planning permission is sought for this development. An Environment Impact Statement and a Natura Impact Statement accompany this application, all at Doolough, Booltiagh, Glenmore, Carncreagh, Furroor, Slaghbooly, Tullaghboy, Kinturk, Glenletternafinny, Knocknalassa, Cloonlaheen East, Clonlaheen Middle and Shanavough East, County Clare. The proposed development was revised by further public notice received by the planning authority on the 18th day of November, 2016.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to:

- the Wind Energy Development Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006;
- the pattern of development in the area, including the proximity of existing dispersed residential dwellings predominantly to the east, north and northwest of the application site;
- the noise impact assessment carried out by the applicant and the failure to apply appropriate noise criterion for what may be defined as a low noise environment contrary to the recommendations of the Wind Energy Development Guidelines;
- the spatial extent and height of existing constructed and/or permitted wind energy developments that are as yet not constructed/commissioned within the vicinity of the site;

the Board was not satisfied that the proposed wind farm (including as reduced from 11 number to 10 number wind turbines by condition in the decision of the planning authority), taken cumulatively with other wind energy development in the vicinity, would not seriously injure the amenities of residential property in the vicinity by way of noise effects.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018