



An
Bord
Pleanála

Board Order
ABP-311044-21

Planning and Development Acts 2000 to 2021

Planning Authority: Clare County Council

Planning Register Reference Number: 20/658

APPEAL by Cahermurphy Wind Farm No. II Opposition Group care of Peter Sweetman and Associates of 113 Lower Rathmines Road, Dublin and by MCRE Windfarm Limited care of MKO of Tuam Road Galway against the decision made on the 15th day of July, 2021 by Clare County Council to refuse permission for the proposed development.

Proposed Development: Construction of up to 10 number wind turbines with a maximum overall blade tip height of up to 170 metres and associated hardstand areas. One number permanent meteorological mast with a maximum height of up to 170 metres. One number 38kV permanent electrical substation which will be constructed at one of two possible locations on site: either Option A in Carrownagry South Townland or Option B in Cahermurphy Townland. The electrical substation will have one number control building with welfare facilities, all associated electrical plant and equipment, security fencing, all associated underground cabling, wastewater holding tank and all ancillary works. All associated under-ground electrical and communications cabling connecting the turbines to the proposed on-site substation. All works associated with the connection of the proposed wind farm to the national electricity grid via an underground cable to the existing Booltiagh 110kV substation. Upgrade of existing tracks, roads and provision of new site access roads and hardstand areas. Junction access road works. Two

number borrow pits. One number temporary construction compound. Site Drainage. Forestry felling to facilitate construction and operation of the proposed development. All associated and ancillary site development works. The application is seeking a ten-year planning permission and 30-year operational life from the date of commissioning of the wind farm, all in the townlands of Cahermurphy, Knocknahila More South, Carrownagry South, Caheraghacullin and Drummin, County Clare, together with the development of an underground grid connection cable to the National Grid in the townlands of Cahermurphy, Drummin, Doolough, Glenmore, and Booltiagh, County Clare, as revised by the further public notices received by the planning authority on the 21st day of May, 2021.

Decision

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

Reasons and Considerations

1. Having regard to the site characteristics, including the upland and sloping nature of the terrain, the fact that blanket bog is the dominant soil type at the site, and to the significant volumes of peat and other unsuitable material requiring excavation, handling and long-term storage on site in two large repositories excavated to depths of between 11 metres and 15 metres below ground level with the likely requirement for the construction of high retaining stone buttresses to contain the stored soils, it is considered that there is insufficient information provided in relation to the ground conditions associated with the location of the proposed repositories, or of the nature, extent and geotechnical properties of the soils which would be excavated in the first instance, and those peats and other unsuitable soils which would be stored in the repositories. Notwithstanding the stability checks undertaken on the

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perimeter berms associated with the repositories, the Board is not satisfied that the details furnished of the proposed repositories, which are evidently based on general guidelines and assumptions, and to be later confirmed by the designer prior to construction, provide sufficient evidence to ensure that the proposed repositories would be effective in the safe storage of the significant volume of peat and other unsuitable soils likely to be generated during the earthworks phase of the proposed development and, consequently, would be adequate to ensure the protection of the environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided in connection with the planning application and the appeal, including the requirement for the removal of 63 hectares of breeding/foraging area suitable as a habitat for the Hen Harrier, an Annex I bird species, it is considered that, when taken in conjunction with other windfarms in the area and, notwithstanding the mitigation measures proposed, including alternative habitat enhancement and management proposals with third-parties, in the absence of definitive details, including deliverable agreements with landowners for the implementation of these mitigation measures and having regard to the precautionary principle, the proposed development would result in unacceptable cumulative adverse ornithological impacts (for Hen Harrier in particular) which would be contrary to Objectives CDP 14.7 and CDP 14.11 of the Clare County Development Plan 2017-2023 (as varied). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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3. On the basis of the information provided in connection with the planning application and the appeal, including the Updated Natura Impact Statement (dated May 2021) and the information provided generally, the Board is not satisfied that it has been demonstrated that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Carrowmore Point to Spanish Point and Islands Special Area of Conservation (Site Code: 001021), the Carrowmore Dunes Special Area of Conservation (Site Code: 002250) and the Mid-Clare Coast Special Protection Area (Site Code: 004182). In such circumstances, the Board is precluded from granting permission for the proposed development.

Patricia Callery

Patricia Callery

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 13 day of March 2023.