



An  
Bord  
Pleanála

Board Order  
ABP-312728-22

---

## Planning and Development Acts 2000 to 2022

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 211226**

**Appeal** by Cathal McMahon and Lisa Carkill care of Peter Sweetman and Associates of Shangri La, Newtown, Bantry, County Cork and by Slieveacurry Limited care of MKO of Tuam Road, Galway against the decision made on the 20<sup>th</sup> day of January, 2022 by Clare County Council to refuse permission for the proposed development to Slieveacurry Limited.

**Proposed Development:** Construction of a renewable energy development which will consist of the provision of the following: (i) Eight number wind turbines with an overall ground-to-blade tip height in the range of 175 metres maximum to 173 metres minimum; a blade length in the range of 75 metres maximum to 66.5 metres minimum; and hub height in the range of 108.5 metres maximum to 100 metres minimum. (ii) A 30-year operational life from the date of full commissioning of the development and subsequent decommissioning. (iii) A meteorological mast with a height of 30 metres. (iv) All associated underground electrical cabling (33kV) connecting the proposed turbines via Ring Main Unit (RMU) to the 110kV substation in the townland of Knockalassa. (v) Permanent extension to the 110kV substation at Knockalassa comprising extension to the existing substation compound, provision of a new control building with welfare facilities and all associated

electrical plant and equipment for an additional 110kV bay and security fencing. (vi) Upgrade of access junctions. (vii) Upgrade of existing tracks/roads and provision of new site access roads and hardstand areas. (viii) Two number borrow pits. (ix) Two number temporary construction compounds. (x) Site Drainage. (xi) Forestry Felling. (xii) Operational stage site signage. (xiii) All associated site development ancillary works and apparatus. The Proposed Development will have an operational life of 30 years from the date of commissioning of the development and the application seeks a ten-year planning permission, all in the townlands of Glendine North, Fahanlunaghta More, Curraghodea, Letterkelly, Cloghaun More, Tooreen, Silverhill, Doonsallagh East and Knockalassa, County Clare (approximately 6.5 kilometres to the east of Miltown Malbay).

## **Decision**

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

## **Reasons and Considerations**

1. Having regard to:
  - (a) the upland and sloping nature of the terrain;
  - (b) the high rainfall levels prevalent at this location;
  - (c) blanket bog being the dominant soil type at the site and the importance of assessing any biodiversity impact on this natural resource;
  - (d) the mapped trending faults intersecting the wind farm site;
  - (e) the high density of drainage channels throughout the site, both natural and man-made;
  - (f) the timing of construction works outside of the breeding season for birds coinciding with wetter periods;

- (g) the areas of trees to be clear felled, with peat soils and subsoils subsequently exposed;
- (h) the water crossings and crossing upgrades required;
- (i) the existence of deep peat at turbine locations and along existing and proposed access roads;
- (j) the significant volumes of peat and other spoil material requiring excavation, handling, storage and management on the site;
- (k) the instability associated with the works and movement of waste material, including the necessity for placement of substantial volumes of waste peat and other spoil materials in two large repositories on bogland hilly terrain;
- (l) the construction of high retaining stone buttresses required to contain waste peat and other spoil;
- (m) the peat-dominated nature of the soils at the repository locations;
- (n) the lack of a clear understanding of the land and ground conditions associated with the development of the proposed spoil repositories, including matters relating to the final construction of the repositories, the drainage of the peat repositories, measures required for the control of groundwater, the type and condition of rock at the repository locations, the hillside siting of the repositories, and the associated clear felling of forestry;
- (o) the construction works culminating in interference with the natural terrain by the development of the turbine bases and the hardstanding areas, the construction of access roads cutting across contours on bogland, the provision of preferential flow paths for surface waters, and road widening and improvement works along existing internal roads; and
- (p) the proposed highly complex system of drainage and the very precise nature of the application of many of the proposed conceptual measures required for their safe functionality on a blanket bog dominated site;

and on the basis of the information submitted with the application and appeal, the Board cannot be satisfied that the proposed development would adequately mitigate the risk of failure to contain the spoil in the proposed repositories as a consequence of the development of the proposed wind farm, with potential for causing pollution of waterbodies within, and in the vicinity of, the site. Furthermore, the Board is not satisfied, on the basis of the information submitted with the application and appeal, that the proposed repositories would be effective in providing for the permanent retention of peat and other materials and that the mitigation measures, inclusive of the proposed drainage system, would be adequate to ensure the protection of the environment. In view of the above, it is considered that the proposed development would present a significant risk of adverse environmental impact on the sensitive natural habitats of the site and of the wider area and would constitute an unacceptable risk of pollution of watercourses in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application and appeal including the Natura Impact Statement, and in light of the assessment of the Board by reference to the issues set out in reason number 1 above, including the risk of pollution of watercourses in the area, the Board cannot be satisfied that the proposed development, either individually or in combination with other projects, would not adversely affect the integrity of European Sites' - Inagh River Estuary Special Area of Conservation (Site Code:000036), Carrowmore Point to Spanish Point and Islands Special Area of Conservation (Site Code:001021), and Mid-Clare Coast Special Protection Area (Site Code:004182) in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.

3. Based on the information submitted with the application and appeal, the Board noted the range of bird species of conservation value that have been observed on, over and in close proximity to the site indicating this to be an ecologically sensitive area of significant ornithological value and of value to the Annex II species, Marsh Fritillary. In the absence of data monitoring the impacts, if any, of existing wind farm developments in this area on these birds and species of conservation value and their habitats, together with the particular sensitivity of some species such as Golden Plover and Hen Harrier to relatively low levels of mortality, the Board cannot be satisfied that the cumulative environmental assessment of the likely effects of the proposed development on avifauna can reasonably exclude the possibility of a significant impact. In this regard, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.



**Una Crosse**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 16<sup>th</sup> day of May 2024.