



An
Coimisiún
Pleanála

Commission Order

ABP-321285-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 24/60411

Appeal by EDF Renewables Ireland Limited care of MKO of Tuam Road, Galway against the decision made on 23rd day of October, 2024 by Clare County Council to refuse permission.

Proposed Development: Construction of seven number wind turbines with the following parameters: Total tip height range of 179.5 metres to 180 metres; Rotor diameter range of 149 metres to 155 metres; Hub height range of 102.5 metres to 105 metres. Construction of associated foundations, hardstand and assembly areas. All associated wind farm underground electrical and communications cabling connecting the turbines and mast to the proposed electrical substation. Construction of one number permanent 38kV electrical substation, including a single storey control building with welfare facilities, all associated electrical plant and equipment, security fencing, entrance on to new access road, all associated internal underground cabling, drainage infrastructure, wastewater holding tank, retention separator tank, and all ancillary works in the townland of Killeagy (Goonan), County Clare. A Battery Energy Storage System within the 38kV electrical substation compound; one number permanent meteorological mast of circa 36.5 metres in height, associated foundation and hard-standing area in the townland of Shannaknock. The permanent upgrade of one number existing site entrance off the L7080 ('The Gap Road') for the provision of construction and operational access.

Provision of three number new permanent site entrances off the L7080 for the provision of construction and operational access. Provision of three number new temporary site entrances off the L7080 for the provision of construction access. Upgrade of existing tracks/roads, including the L7080 and the provision of new site access roads, four number watercourse crossings, junctions and hardstand areas. One number temporary construction compound with temporary offices and staff facilities in the townland of Killeagy (Goonan). One number temporary storage area in the townland of Killeagy (Goonan). One number borrow pit in the townland of Killeagy (Goonan). Peat and spoil management; tree felling to accommodate the construction and operation of the proposed development; operational stage site and amenity signage and all ancillary apparatus and site development works above and below ground, including soft and hard landscaping and drainage infrastructure. A 10-year planning permission and 35-year operational life of the wind farm from the date of commissioning of the entire wind farm is sought. A design flexibility opinion issued by Clare County Council on the 22nd April, 2024 accompanies this application. The details unconfirmed in this application are the turbine tip height, rotor diameter and hub height, the range of parameters under which the turbine dimensions will fall are specified on this notice and in the design flexibility opinion that accompanies this application, all in the townlands of Kilbane, Killeagy (Ryan), Shannaknock, Killeagy (Stritch), Killeagy (Goonan), Ballymoloney, Magherareagh and Lackareagh Beg, County Clare.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Commission 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 and the appeal, and
- (l) the report of the Inspector.

Appropriate Assessment - Stage 1:

The Commission considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all 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 Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Derg (Shannon) Special Protection Area (Site Code: 004058), the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), the Glenomra Wood Special Area of Conservation (Site Code: 001013) and the Lower River Shannon Special Area of Conservation (Site Code: 002165) are the European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment – Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Lough Derg (Shannon) Special Protection Area (Site Code: 004058), the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), the Glenomra Wood Special Area of Conservation (Site Code: 001013) and the Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission 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.

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment:

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

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the planning authority, prescribed bodies and observers, and
- (d) the Inspector's report.

The Commission 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 Commission 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 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:

- 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 18-24 months 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 Commission 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 below, 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 Commission 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, the 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. The proposed development would make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future, would not seriously injure the residential amenities of the area, would not adversely affect population and human health, natural heritage, biodiversity, cultural heritage or tourism, would 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 proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the 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 of 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 Commission 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 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 the Natura Impact Statement, together with the application documentation. Prior to commencement of development, the developer 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 36.5 metres 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 conditions of this Order.

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 conditions of this Order.

Reason: To protect the integrity of European Sites.

7. Prior to commencement of development, details of the external finishes to the 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 shall be 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 interest of traffic safety.

9. Prior to 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 site.
- (b) Details of road improvement and strengthening works along the L-3022 and the L-7080, including arrangements for the reinstatement of roadside vegetation and landscaping.

- (c) Details of the lane width re-instatement works on the R466 and full junction reinstatement works where openings and changes of direction are proposed.
- (d) Details of the 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 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 Transport Infrastructure Ireland.

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 specialist 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 and the Natura Impact Statement. 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 proposed 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 the IFI shall be given at least one week's 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, Mondays to Fridays, inclusive, and between 0800 hours and 1400 hours on Saturdays, 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 hours, 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 hours 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 proposed 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 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 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 Coimisiún 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 the Irish Aviation Authority, the developer shall submit for the 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, shall be implemented in full, except as maybe otherwise be required in order to comply with the archaeological conditions of this permission. The developer 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, on-site 38kV substation compound and all other ground disturbance required for the development. No groundworks shall 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 shall be required.
- (c) No site preparation and/or construction works shall be carried out on site until the Archaeologist's report has been submitted to, and approval to proceed 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 developer 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 shall 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 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 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 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 one 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 planning 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 Coimisiún 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 planning 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 Coimisiún 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 Coimisiún 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.



Tom Rabbette

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

Dated this 11th **day of** July **2025.**