



COMHAIRLE
CONTAE AN CHLÁIR

CLARE
COUNTY COUNCIL

23rd January 2020

Your Ref: ABP-305972-19
Ref. No: P11-360

An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA
LDG- _____
ABP- _____
24 JAN 2020
Fee: € _____ Type: _____
Time: 9:40 By: Peadar

Appeal Re: Application for Permission for construction of a wind farm. The wind farm will comprise 6 wind turbines, with a hub height of 85 metres and rotor diameter of 82 metres, electrical substation and control building, internal road system, borrow pits, temporary construction compound and all associated site and ground works. The application is accompanied by an Environmental Impact Statement at Coor West Shanavogh East &, Shanavogh West.

A Chara,

With respect to the above appeal and in accordance with Section 131 of the Planning and Development Act, 2000, Clare County Council notes the appellant's grounds for appeal and responds as follows:

The Planning Authority has examined the refusal reasons cited by it in its original refusal of this permission and is satisfied that the reasons cited remain applicable to the proposed development. The current Clare County Development Plan 2017 – 2023, as varied, contains Policy Objectives that are equivalent to all of those referenced in the refusal reasons included in the decision made under P11/360. Clare County Council respectfully requests An Bord Pleanála to uphold the Council's decision in this instance.

Please also find attached the comments of the Council's Environmental Assessment Officer in respect of the appeal.

AN BORD PLEANÁLA
23 JAN 2020
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

An Roinn Pleanála
An Stiúthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



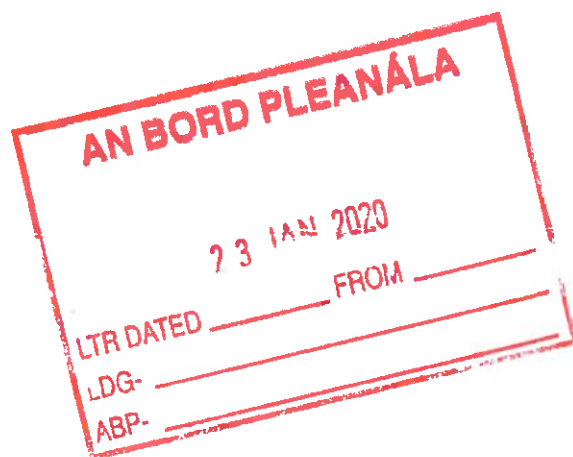


Yours Sincerely,



**Mark Kerin
Planning Department
Economic Development Directorate**

Note: If you have any queries on the appeal, please contact Mark Kerin, Planning Section, Clare County Council on telephone number (065) 6846409.



Tadhg MacNamara

From: Sheila Downes
Sent: 13 January 2020 11:57
To: planoff
Cc: Tadhg MacNamara
Subject: P.11-360 - Appeal to An Bord Pleanála

To: Area Planner

From: Sheila Downes Environmental Assessment Officer

Date: 13th January 2020

Planning Reference: P11-360 - for construction of a wind farm. The wind farm will comprise 6 wind turbines, with a hub height of 85 metres and rotor diameter of 82 metres, electrical substation and control building, internal road system, borrow pits, temporary construction compound and all associated site and ground works. The application is accompanied by an Environmental Impact Statement

I have reviewed the 3rd party appeal to An Bord Pleanála against the decision of Clare County Council to refuse permission 11/360 and note the following in relation to the initial case as determined by Clare County Council;

- With respect to the environmental concerns raised by the Planning Authority in 2011 in relation to this application the pertinent matters raised are still applicable.
- The Aughaveema catchment is currently classified as "not being at risk" under the Water Framework Directive and therefore the Good Status waterbody which comprises the headwaters of the catchment lie within close proximity to the proposed turbines and borrow pits together with areas proposed for clearfelling. (Ref: EPA Maps <https://gis.epa.ie/EPAMaps/>). There is therefore a risk to surface waters which was identified as contrary to the relevant objectives of the 2011-2017 County Development Plan and would now also be deemed contrary to the objectives of the current County Development Plan 2017-2023.
- While not located directly within a Hen Harrier SPA the general area is known to be an important foraging habitat for the Hen Harrier, which is afforded protection under Annex I of the EU Birds Directive. Within the intervening years since the initial application Clare County Council has acquired significant further information on the importance of the surrounding habitats for Hen Harrier arising from other proposed and permitted wind-farm developments in the vicinity and within the areas deemed to be "acceptable in principle". At the time of the original application the Planning Authority was not satisfied that the proposed development, by itself or in conjunction with existing and permitted wind-farm development in the vicinity, would not have significant adverse ecological impacts on the habitat and/or foraging grounds of the Hen Harrier. This would still be the case with the proposed development being in conflict with the objectives of the Clare County Development Plan.
- With respect to the Environmental Impact Assessment provided at the time of the original application the Planning Authority was not satisfied with the level and adequacy of information on the potential impacts of the proposed development and/or the significance of those impacts, on relevant aspects of the environment in accordance with the legislative requirements as set out in the Planning and Development Regulations 2001-2010. Given the implementation of the new Environmental Impact Directive 2014/52/EU on the effects of certain public and private projects on the environment (EIA Directive) the Planning Authority is not satisfied that the original application as received would meet the requirements of the 2014 EIA Directive.

Kind Regards
Sheila

Sheila Downes

BScEnv. Dip GIS. MSc. MCIWEM. C.WEM. CSci.

Environmental Assessment Officer

Planning Department

Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

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