



An
Bord
Pleanála

Observation on a Planning Appeal: Form.

Your details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

Henry Wilkinson

(b) Address

Ballyvohane, Kildysart, Ennis, Co Clare

Agent's details

2. Agent's details

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal process we will post information and items to you or to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) **Planning authority**

(for example: Ballytown City Council)

Clare County Council

(b) **An Bord Pleanála appeal case number (if available)**

(for example: ABP-300000-19)

ABP – 317616-23

Case reference: PAX03.323783

(c) **Planning authority register reference number**

(for example: 18/0123)

ACP case reference number – 323783-25

(d) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

Located in the townlands of Glenconauun More, Craghera and Cloonkett, Co. Clare.

Observation details

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

GROUNDINGS OF OBJECTION (PLANNING REASONS & ARGUMENTS)

1. Non-Compliance with the Habitats Directive (92/43/EEC)
The proposed development is in close proximity to the Shannon Estuary. Special Area of Conservation (SAC, (002165).) and hydrologically connected to Gortglass Lake, a proposed Natural Heritage Area (pNHA). Under the Habitats Directive, Ireland is legally obliged to maintain or restore Annex I habitats and Annex II/IV/V species to favourable conservation status. The submitted documentation fails to demonstrate that the wind farm will avoid significant adverse effects on these protected features.
Article 17 conservation assessments indicate that many Irish habitats and species are already in unfavourable or declining condition, necessitating a high standard of environmental protection.

2. Risk to Annex II Species and Sensitive Lake Habitat at Gortglass Lake (pNHA).
Gortglass Lake supports sensitive clear-water acid-lake ecology and is noted for the potential presence of Arctic Char (*Salvelinus alpinus*), an Annex II species of European importance.
The development lies within the same hydrological catchment, creating risks including:
 - Sedimentation
 - Nutrient loading
 - Hydro-morphological change
 - Pollution during constructionThe applicant has not demonstrated compliance with EU and national law regarding avoidance of significant impacts on the lake's conservation value or its function as a local water supply.

3. Impact on Local Water Supply and Hydrological Integrity.
Gortglass Lake serves as a local drinking water source. Proposed turbines and access roads could cause:
 - Groundwater pathway disruption
 - Mobilisation of silt and contaminants
 - Altered surface-water drainage

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- Cumulative impacts with existing land uses
No robust hydrological risk assessment or mitigation plan is provided to guarantee the protection of drinking water quality.
- 4. Impacts on Protected Birds – White-Tailed Eagle, Hen Harrier, Whimbrel & Curlew.
The Shannon Estuary and surrounding areas support White-Tailed Eagles (*Haliaeetus albicilla*), Hen Harriers (*Circus cyaneus*), Whimbrel (*Numenius phaeopus*), and Curlew (*Numenius arquata*), all listed under:
 - EU Birds Directive (Annex I)
 - Irish Wildlife Act (protected species)

Flight corridors from NPWS data cross Kildysart and adjoining inland areas, placing the proposed 150 m turbines within collision-risk zones for these species. The applicant has not provided:

- Adequate vantage-point survey coverage
- Multi-season flight-path data
- Population-level impact modelling

Consequently, the EIA fails to meet the required scientific standard for assessing impacts on these protected birds.

- 5. Landscape and Visual Impact on the Shannon Estuary Character Area
The Shannon Estuary is a High Amenity and Visually Sensitive area under the Clare County Development Plan. The proposed 14 turbines (150 m) will create a large-scale industrial visual element highly visible from:
 - Kildysart shoreline
 - Shannon Estuary viewpoints
 - Gortglass and surrounding rural communitiesThis constitutes a material adverse visual impact, contrary to development plan policy.
- 6. Non-Compliance with Clare County Development Plan 2023–2029
Key policies not addressed include:
 - Renewable Energy Objective – wind farms must avoid significant environmental harm.
 - Water and Natural Heritage Policies – protect pNHAs, water bodies, and local water supplies.

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- Landscape Character Objectives – preserve estuary views and sensitive rural landscapes.
The proposal fails to satisfy these requirements.
- 7. Insufficient Environmental Impact Assessment (EIA) and Inadequate Mitigation
The EIA lacks:
 - Precise hydrological modelling for Gortglass Lake
 - Multi-year ornithological flight-path data for White-Tailed Eagles, Hen Harriers, Curlews and other EU protected bird species.
 - Worst-case construction risk modelling
 - Cumulative assessment with existing Clare wind farms
 - Quantification of noise, shadow flicker, and construction impacts on residentsThe absence of robust assessment means residual impacts remain uncertain and potentially significant.
- 8. Failure to Demonstrate Overriding Public Benefit or Site Suitability
The site is highly sensitive, near protected habitats, species, and a drinking-water source.
No alternative locations or layouts have been adequately considered.
Renewable energy objectives do not override environmental law obligations when risks to protected habitats or species are significant.
- 9. Legal Conflict: Climate-Mitigation Claims vs. Obligations to Protect and Restore Peatlands

The proposed Cloonkett Wind Farm is promoted as contributing to European climate and carbon-reduction targets. However, the construction of turbines, access roads, and associated infrastructure on bog and wetland areas risks releasing stored carbon and degrading high-value habitats, potentially resulting in net greenhouse gas emissions. This creates a direct conflict between the claimed climate benefits and Ireland's legal obligations under EU environmental law.

EU and Irish Legal Obligations:

- **Habitats Directive (92/43/EEC):** Ireland is required to avoid deterioration of natural habitats and to restore degraded habitats to favourable conservation status. (eur-lex.europa.eu)
- **EU Nature Restoration Law (NRL):** Binding restoration targets require Member States to bring degraded habitats, including drained peatlands, to good condition by 2030 (30%), 2040 (60%), and 2050 (90%). (europeanmovement.ie)

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

- **European Commission Enforcement:** Ireland has been referred to the Court of Justice for failing to protect and restore raised and blanket bogs, emphasising peatlands' role as vital carbon sinks. (ireland.representation.ec.europa.eu)
- **National Peatlands Strategy and PCAS (Ireland):** Ireland recognises that drained or degraded peatlands release CO₂ and that restoration (rewetting) is essential to reverse emissions. (npws.ie)
- **EPA Guidance on Wetlands and Carbon:** Managed peatlands are accounted for in national greenhouse gas reporting, highlighting the importance of preventing emissions from disturbed peat. (gov.ie)

Relevant Irish Cases and Precedents:

1. **Cashelnavean / Meenbog Wind Farm (Donegal, 2024):** A significant bog slide (86,240 m³) caused by wind farm construction led the High Court to halt development. This demonstrates Irish courts take peatland stability seriously. (irishtimes.com)
2. **Mountdillon Bog Wind Farm (Longford):** High Court quashed planning permission for a 24-turbine wind farm due to insufficient environmental assessment regarding peat integrity and hydrology. (echolive.ie)
3. **ABP-309770-21 (North Westmeath):** An Bord Pleanála Inspector evaluated peatland carbon storage and explicitly considered greenhouse-gas implications, reinforcing the importance of assessing peat carbon in EIAs. (pleanala.ie)
4. **Friends of the Irish Environment Ltd. v. Minister (2019 IEHC 646):** High Court emphasised that peat extraction and disturbance has significant environmental law implications under EU law. (ipcc.ie)

Conclusion:

The proposed development threatens to damage peatlands that are legally recognised as critical carbon sinks and protected habitats. Disturbing these ecosystems could generate net carbon emissions, contradicting the project's claimed climate benefits, and would be inconsistent with Ireland's obligations under the Habitats Directive, EU Nature Restoration Law, and national peatland protection policies. Irish case law demonstrates that courts and planning authorities treat peatland integrity as a material legal and environmental consideration. Approval of the wind farm in these circumstances would be contrary to EU and national law.

APPENDICES (for this ground):

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

- Appendix E: Cashelnavean / Meenbog Wind Farm High Court Judgments and Court of Appeal Reports
- Appendix F: Mountdillon Bog Wind Farm Planning Case Files
- Appendix G: ABP-309770-21 Inspector Report on Peatland Carbon and EIA Assessment
- Appendix H: Friends of the Irish Environment Ltd. v. Minister (2019 IEHC 646) Judgment
- Appendix I: National Peatlands Strategy (NPWS, 2023) and PCAS Documentation
- Appendix J: EU Nature Restoration Law (NRL) and Habitats Directive Texts

REFERENCES (for this ground):

- European Union (1992) Habitats Directive 92/43/EEC.
- European Union (2024) EU Nature Restoration Law (NRL).
- European Commission News Release, March 2024: "Commission refers Ireland to Court of Justice for failure to protect peat bogs."
- National Parks and Wildlife Service (2023) National Peatlands Strategy and Peatlands Climate Action Scheme (PCAS).
- Environmental Protection Agency (2023) Greenhouse Gas Reporting for Managed Wetlands and Bogs.
- Irish Courts and Pleanála Case Documents: Cashelnavean, Mountdillon, ABP-309770-21, Friends of the Irish Environment Ltd. v. Minister (2019 IEHC 646).

Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Fee

7. You **must** make sure that the correct **fee** is included with your observation. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

This document has been awarded a Plain English mark by NALA.

Last updated: April 2019.

