Cahermurphy Area Community Group
c/o Rose Marie Corry Ryan
Clohanmore
Cree
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County Clare

An Coimisiún Pleanála
64, Marlborough Street
Dublin 1
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15th May 2026

Your Case Number: **APC 324156-26**
Our Ref: Obs 1

Dear Sir/Madam,

Please find enclosed our observation regarding the above planning application.

We are grateful for the opportunity to comment on this and trust that our input will be of use in helping you to reach a just conclusion.

Please feel free to contact us should you have any questions regarding our submission.

Yours faithfully

Rose Marie Corry-Ryan.

Rose Marie Corry Ryan
(Chairperson)

Case Reference:
ACP 324156

Observation by

Cahermurphy Area Community Group

in response to

Cahermurphy Renewables DAC Application

ACP-324156

Executive Summary

This submission is made on behalf of residents of the Cahermurphy area in West Clare, requesting that An Coimisiún Pleanála refuse the proposed 25km 110kV Grid Connection Project, from Cahermurphy to Moneypoint.

The local community supports renewable energy and has actively contributed to Ireland's transition through widespread adoption of solar power. However, this support does not extend to developments that are inadequately assessed, poorly planned, or likely to cause significant harm to the local environment and community.

This submission demonstrates that the proposed development is not sufficiently defined, relies on mitigation measures that are deferred or uncertain, and does not comply with:

- Directive 2011/92/EU (Environmental Impact Assessment Directive) ;
- Directive 92/43/EEC (Habitats Directive).
- The Planning and Development Acts 2000 (as amended); and
- The Aarhus Convention.

A consistent issue throughout the application is that key elements of the development are described as:

- "Indicative."
- "To be agreed;" or
- "Subject to detailed design."

In practical terms, this means that the project being assessed is **not the final project that will be built.**

As a result, neither the public nor An Coimisiún Pleanála can clearly understand:

- the exact location and extent of the works.
- the full range of environmental impacts.
- whether the proposed mitigation measures are sufficient.

Accordingly, An Coimisiún Pleanála, cannot be satisfied that the likely significant effects of the development have been properly identified, described, or assessed and therefore have no choice but to refuse permission.

The planning documents describe the grid connection as a separate but directly related Strategic Infrastructure Development application. In other words: the wind farm and the 110kV grid route are legally separate applications, but functionally they depend on each other because the wind farm cannot export electricity without the grid connection. They share an EIAR for planning purposes.

As the group has also submitted an observation to ACP 324155 regarding the proposed Cahermurphy West Wind Farm, we have included our submission to An Coimisiún Pleanála as Appendix A for ease of reference.

Legal Context of the Project

We understand that in order for this application to be granted permission it must comply with:

- Directive 2011/92/EU (EIA Directive).
- Directive 92/43/EEC (Habitats Directive, Article 6(3)) ;
- Planning and Development Acts 2000 (as amended).
- Aarhus Convention.

The following principles from case law are also directly relevant:

- A project must be **clearly defined at the time of consent** (*Kelly v An Bord Pleanála*).
- Consent can only be granted where there is **no reasonable scientific doubt** (*Sweetman v An Bord Pleanála*).
- Mitigation measures **cannot be deferred or uncertain** (*People Over Wind v Coillte*).
- The project must be assessed **as a whole, and to a consistent standard** (*O'Grianna v An Bord Pleanála*).

Due to the undefined nature of the project, none of these criteria have been met.

The Project Is Not Sufficiently Defined

The application does not present a fixed design.

Key infrastructure elements including cable routes, crossings, compounds, and utility interfaces are described as:

- indicative.
- subject to variation.
- to be agreed on site with third parties.

This also applies to critical components such as:

- joint bays and link boxes.
- HDD crossings and compounds.
- alignment through both public roads and private lands.
- utility crossings requiring agreement with statutory undertakers.
- property-specific alignment drawings.
- defined working widths or compound sizes.
- fully resolved engineering solutions at key constraints.

These are not minor details. They determine:

- how much land is disturbed.
- how close works are to homes and sensitive receptors.
- impacts on drainage, watercourses, cultural heritage and ground conditions.
- the duration and intensity of construction at specific locations.

In reality, what is presented is a **corridor within which the final design will later be decided.**

This is not compliant with the requirement that a project be properly defined before consent is granted.

Too Much Is Left Until After Permission

A significant amount of detail is deferred to the post-consent stage.

For example:

- the Construction & Environmental Management Plan is described as a "live document."
- traffic arrangements are yet to be agreed with the local authority.
- drainage measures are subject to detailed design.

This creates a situation where impacts are assessed now, but the measures to control those impacts are not yet finalised.

This approach is not helpful or permitted. Mitigation must be clear, specific, and assessable at the time of decision-making.

Environmental Assessment Is Therefore Unreliable

Because the design is not fixed, the environmental assessment cannot be relied upon.

This affects multiple areas:

- Landowner impacts – unclear who is affected and how.

- Construction impacts – no clear phasing or duration at local level.
- Hydrology and peat – reliance on measures that depend on correct execution.
- Cultural heritage – impacts uncertain due to variable alignment.
- EMF and health – no route-specific modelling has been provided.

In each case, the assessment depends on assumptions about a design that does not yet exist.

The Project Is Not Properly Assessed as a Whole

Although the grid connection is included in the EIAR, it is assessed at a much lower level of detail than the wind farm.

This results in:

- an uneven assessment.
- missing detail for a key part of the project.
- an incomplete understanding of overall impacts.

This creates many areas where there can be no certainty of the project and its potentially detrimental effects for the 25km length of the proposed grid route.

Appropriate Assessment Is Not Legally Robust

The Natura Impact Statement concludes that there will be no adverse effects on European sites.

However, this conclusion depends on:

- mitigation measures that are not yet defined.
- surveys that will be updated in the future.
- management measures to be refined later.

This creates uncertainty, where the legal test requires that there be **no reasonable scientific doubt**. Where key elements are unknown or unfinished, this standard cannot be met.

Inconsistent and Conflicting Project Information

As with the information in the EIAR pertinent to the associated Wind Farm, the documentation provided contains conflicting figures for:

- inconsistency of the final route.
- total route length.

- extent of private land.
- distribution of infrastructure.

These inconsistencies make it difficult to understand the project, have any confidence in the information that has been provided and undermines all confidence in the assessment provided.

Impacts on Landowners Are Not Clearly Identified

Affected landowners are not provided with clear information on:

- whether infrastructure will cross their land.
- the width of easements.
- access requirements.
- long-term restrictions.

Because the design is still "indicative," people cannot determine how they will be affected.

This has limited meaningful participation in the planning process by residents who will be most affected.

Construction Impacts Are Not Properly Assessed

While general assumptions have been provided for example 100m per day, road closures and diversion routes, possible multiple crews, there is:

- no detailed phasing plan.
- no location-specific timeline.
- no assessment of overlapping works.

This prevents a proper understanding of:

- How long disruption and in many cases long diversions will last in each area.
- cumulative effects.
- impacts on access and emergency services.

Risks to Water, Peat and Heritage

The application relies heavily on mitigation measures such as:

- settlement ponds and silt traps.
- peat excavation and reinstatement.
- archaeological monitoring and recording.

These measures depend on correct implementation and there is limited analysis of what happens if they fail.

The route also passes close to:

- recorded monuments.
- protected structures.

Without a fixed design, the extent of risk cannot be accurately assessed.

Public Participation Is Undermined

There has been **NO** community consultation with regards to the grid route element of the Project.

- Newspaper advertising of the Community clinic in August 2025, did not reference the grid route.
- The community clinic displayed one map of the grid route, the same as in the brochure. Consultants present could not answer any of the questions posed.
- No residents along the route received brochures, documentation, information of any description or visits from community liaison officers.
- Public notices type face was so small it was unreadable.

In addition the combination of:

- incomplete design.
- evolving mitigation.
- missing or unclear information
- grid specific information hidden within the EIAR.

means that the public cannot fully understand the proposal. It totally undermines their ability to make informed submissions, as is their democratic right.

Conclusion

In summary:

- the project is not fully defined.
- key mitigation measures are not finalised.
- important environmental impacts cannot be reliably assessed.
- affected individuals cannot clearly understand how they will be impacted.

These are not minor issues and go to the core of the application.

As a result, An Coimisiún Pleanála cannot be satisfied that this grid route application has been accurately assessed in accordance with legal requirements. As the

Cahermurphy West Wind farm and the 110kV grid route are legally separate applications but are inextricably dependant on each other as the wind farm cannot export electricity without the grid connection. Surely this puts into question the Wind Farm's feasibility?

For these reasons we respectfully request that **An Coimisiún Pleanála refuse permission** for the proposed 25 km 110kV grid route from Cahermurphy to Moneypoint.

Case Reference:
ACP 324156

Appendix A

Observation in relation to ACP 324155

Cahermurphy West Wind Farm

Case Reference:
ACP 324155

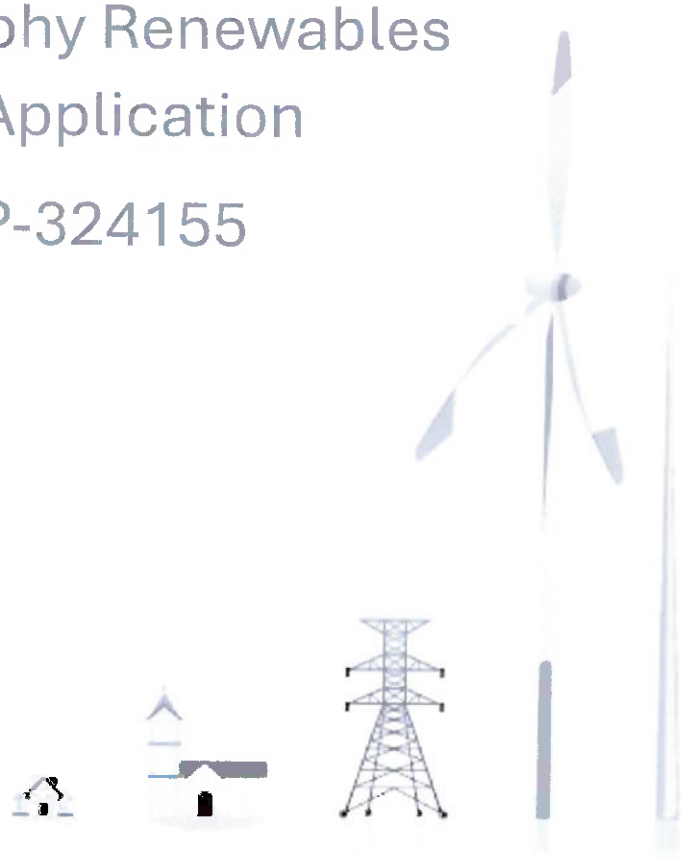
Observation by

Cahermurphy Area Community Group

in response to

Cahermurphy Renewables DAC Application

ACP-324155



Executive Summary

This submission is made on behalf of residents of the Cahermurphy area in West Clare, requesting that An Coimisiún Pleanála refuse the proposed wind farm development.

The local community supports renewable energy and has actively contributed to Ireland's transition through widespread adoption of solar power. However, this support does not extend to developments that are inadequately assessed, poorly planned, or likely to cause significant harm to the local environment and community.

The proposed development of eight industrial-scale wind turbines raises serious concerns across multiple areas, the evidence for which is provided in the accompanying text:

- **Inadequate Environmental Assessment**: The Environmental Impact Assessment Report (EIAR) fails to accurately assess cumulative ecological impacts, particularly on protected species such as the hen harrier (*Circus cyaneus*), and does not meet the requirements of the EU Birds Directive or broader EIA obligations.
- **Deficient Quality and Reliability of EIAR**: The EIAR contains numerous inconsistencies, errors, and conflicting data, undermining confidence in its findings and indicating insufficient oversight and quality assurance by both the applicant and its consultants.
- **Failure to Meet Legal Requirements**: The information provided is inadequate for the planning authority to fulfil its statutory Environmental Impact Assessment duties, necessitating refusal of the application.
- **Biodiversity Protection Failures**: The proposal does not demonstrate compliance with obligations under the EU Habitats Directive, particularly regarding protection of the hen harrier.
- **Visual and Landscape Impact**: The visual intrusion of eight large turbines has not been sufficiently assessed, both individually and cumulatively, across the local area and wider landscape.
- **Wind Farm Saturation**: West Clare is already heavily developed with wind energy infrastructure. The area has reached saturation yet planning frameworks have not been updated to reflect this due to policy constraints.
- **Human Health Concerns**: The potential impacts on residents' health, including children's development, have not been adequately examined.
- **Grid Connection Uncertainty**: The proposed grid connection lacks sufficient detail and relies on deferred mitigation, failing to comply with EU environmental directives. Without a viable connection, the project cannot proceed.
- **Procedural and Compliance Issues**: Required photomontage documentation has not been properly provided, and access to information for residents has been restricted.
- **Surveying Irregularities**: Bat surveys were conducted following alleged unlawful entry onto private property, calling the validity of the data into question.
- **Traffic and Infrastructure Impact**: Construction would involve over 16,000 heavy vehicle movements, causing unacceptable disruption to local communities.
- **Aviation Safety Risks**: The potential impact on rescue aviation services, including Rescue 115 operating from Shannon Airport, has not been adequately assessed.
- **Cumulative Impact Assessment:** The cumulative impact assessment is incomplete, inconsistent, and overly reliant on outdated or third-party data, and therefore fails to meet the legal standards established in Sweetman v An Bord Pleanála, which require complete, precise, and scientifically certain findings.

- **Cahermurphy II Wind Farm Planning Refusal:** The Inspector recommended refusal of the Cahermurphy II Wind Farm, located on the same site as this application. He also said it would cause significant adverse landscape, visual, and residential amenity impacts, and particularly cumulative effects.

Given these significant deficiencies and risks, it is concluded that the proposed development is unsuitable for the Cahermurphy area and we respectfully ask An Coimisiún Pleanála to refuse this application.

Guidelines For An EIAR

The 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Dept. of Housing, Planning and Local Government, 2018) contains a section regarding the Non-Technical Summary to be included in an EIAR. These guidelines tell us that it '*should broadly include a description of the project, the baseline conditions, reasonable alternatives, and the likely significant effects, mitigation measures, monitoring measures, as well as the methods used for the assessment including explanations of any hurdles encountered during the analysis.*' (P25).

More recently the document 'Guidelines on the Information to be contained in Environmental Impact Assessment Reports (EPA 2022)' clearly states that '*The non-technical summary should be short and easily followed, but it should not omit or understate any effects which may be controversial. All key likely significant effects should be included.*' (P67).

Failures in the Non-Technical Summary

When we review the Cahermurphy West Wind Farm (CWWF) Non-Technical Summary we see that it is scant on detail and focuses primarily on the generalities involved without providing sufficient detail to support some of the statements made. It tells us '*The Proposed Project has the potential to increase the generating capacity of the wind farm and therefore there will be greater community gain.*' (Non-Technical Summary P v), without any explanation of how it can increase generating capacity or of the initial and final figures concerned.

Under the heading Wind Energy Development Guidelines, it claims that, 'Furthermore, comprehensive community consultation has also been undertaken' (Non-Technical Summary P x) although no detail is given. This is in direct contrast the view of local residents who are aware that it has been far from comprehensive.

In the section which considers 'Alternative Turbine Numbers and Model' (P xiv) the document focuses solely on the alternative of a 2.5MW example and makes no reference to other alternatives. This is despite the fact that the same developers are responsible for the plans for the Cahermurphy II Wind Farm proposal, currently at ACP following judicial review (case number ACP 318525) which features 10 turbines of 4.8MW and would provide a broadly similar output.

Later, under the heading 'Alternative Mitigation Measures' it states '*The alternative here would be to propose infrastructure within ecologically/environmentally sensitive areas, which would be considered less environmentally prudent.*' (P xvi). Without giving any indication of where these are or why they are deemed ecologically/environmentally sensitive.

On page xix we are informed that '*The Proposed Wind Farm site makes use of the existing Wind Farm site road network insofar as possible.*' And yet there is no 'existing Wind Farm'. Similarly, later on the same page, there is reference to an 'existing site junction' which leaves us equally puzzled.

Under the 'Biodiversity' heading on page xxv it tells us '*The biodiversity enhancement measures outlined for the Proposed Project will result in an improvement of the existing ecological conditions of the Site.*'. However, on page ii it says, '*Where 'the Site' is referred to, this relates to the primary study area for the EIAR, as delineated by the EIAR Site Boundary in green as shown on Ch. 1: Introduction in Figure 1-1.*' Misleadingly, none of the biodiversity enhancement areas are within the boundary shown.

It also states that one of the Hen Harrier Enhancement areas is '*within Cragnashingaun Bogs NHA'* (P xxix) when, in fact, it is adjacent to it.

It is of some concern as regards reliability of the information when we read on Pxxx , '*However, due to the largely non-invasive nature of the proposed Hen Harrier Enhancement works* ***there is potential*** *for significant effects on the water environment.*' as this statement is clearly nonsensical.

Referencing these items has been difficult as all the page numbering of the document ceases to exist after page ix. The page references we have provided are based on the simple logic that the numbering would have been consecutive.

It is clear from just the few samples outlined that the Non-Technical Summary substantially fails in meeting the guidelines for an EIAR.

What is included in this application?

The Non-Technical Summary for this application clearly states, in its introductory paragraph, that the Environmental Impact Assessment Report covers the following application;

'*to construct a wind energy development known as Cahermurphy West Wind Farm at Cahermurphy and adjacent townlands, located in Co. Clare, including 8 No. turbines with a limited tip height range of 180 metres to 185 metres and all associated foundations and hardstanding areas, access roads and entrance(s) including upgrade of existing site roads and provision of new roads, 110kV electrical substation and wind farm control building, underground cabling, 2 no. borrow pits,* ***electrical cabling for 110kV grid connection****, biodiversity enhancement areas, 2 no. temporary construction compounds, peat and spoil management and a permanent meteorological mast.*'

(Non-Technical Summary, P ii)

It goes on to refer to this as the 'Proposed Project' (P ii), and states that '*For clarity in this EIAR, all elements of the Proposed Project will be assessed cumulatively and in combination with other projects to aid the competent authority in carrying out an EIA.*' (P iii).

Our observations regarding this application will therefore need to cover both the proposed wind farm itself and the proposed grid route in order that we can effectively assess the merits of the project.

As the group has also submitted an observation to ACP 324156 regarding the proposed grid connection route we have included it as Appendix C for ease of reference.

Chapter 1 - Introduction

In Chapter 1 of the EIAR we are told '*The existing Cahermurphy Wind Farm was successfully planned with the assistance of MKO between 2014-2019 and was built and brought into operation in 2020, demonstrating the suitability of this area for onshore development.*' Ch 1: Introduction, P1-14). This is clearly a subjective viewpoint and pre-dates the addition of a fourth turbine of different proportions. Anyone who goes within a few kilometres of the wind farm can attest to the distraction caused by having different sized turbines operating in close proximity. The addition of yet a third set of dimensions in the area can only add to this.

On page 1-15 of the same chapter much is made of the RED III Directive which does state that it '*contains a presumption in favour of renewable projects being in the 'overriding public interest and serving public health and safety.*' But omitted to include the remainder of the statement which says '*except where there is clear evidence that those projects have significant adverse effects on the environment which cannot be mitigated or compensated for'* (DIRECTIVE (EU) 2023/2413 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 October 2023).

We are confident that the Coimisiún will carefully weigh the many conflicting interests that are involved in making their decision, It is quite clear in the *Coolglass Wind Farm Ltd v An Coimisiún Pleanála* [2026] IESC 5, the Irish Supreme Court ruling that public bodies must substantively consider Section 15 of the Climate Act 2015. The Court clarified that while climate obligations are legally enforceable and mandatory, they do not create an automatic, rigid presumption for renewable projects, but rather require a flexible, balanced approach within planning law.

We would completely agree with the applicant that it should be the case that '*The EIAR submitted by the applicant provides the relevant environmental information to enable the EIA to be carried out by the competent authority.*' (Chapter 1: Introduction P1-28). In order to interrogate this the Coimisiún must ensure they are confident in the validity of the data and that there are no errors or omissions in the information provided.

The document goes on to 'Impact Terminology' provided by the EPA. It must surely be noted that many of descriptions associated with the characteristics and there terms are entirely subjective, with only the 'Duration and Frequency' heading encompassing any measurable value.

A list of 'Companies and Staff Responsible for EIAR Completion' is given on page 1-33 and provides a number of companies and their relevancy staff. Crucially this fails to include TLI, the company responsible for outlining the construction techniques and methodologies which will be implemented during the construction of the proposed 110 kV UGC grid connection. Are we to understand that the developer does not endorse the work of TLI and to understand that this is not deemed to be an important document and that the construction of the grid connection is unworthy of specific mention.

Finally in this chapter we are provided with a variety of ways in which we might view the EIAR. The first of these is via the An Coimisiún Pleanála website at http://www.pleanala.ie, which was our first port of call. Unfortunately almost all of the links on this site appear to be broken and therefore prevent access to the documents. The Coimisiún were made aware of this by email on 31st March 2026 but insisted that the error was not theirs. Subsequently we received a number of requests for help as others in the community found the links not to be working. Checks have been made on regular occasions during April and early May . By the

9th May it was possible to access documents pertaining to the proposed grid route (ACP 324156) but not those pertaining to the proposed Cahermurphy West Wind Farm (ACP 324155) with exception of Chapter 15 in Vol.1 and Appendix 15-1 in Vol. 3.

There was also an indication that we would find the necessary documents on the Government's EIA portal but the link provided only led us, after a number of intermediary steps, to the Clare County Council webpage, 'Make a Planning Application'. Indeed the applications for both the wind farm and the grid connection route are unlikely to appear on the local authority website as they have been made to An Coimisiún Pleanála.

It is a major concern that people throughout the local community have had such difficulty in accessing the necessary information to allow them to make a fully informed observation.

Chapter 2 – Background To The Proposed Project

The EIAR moves on to consider the proposed project with regard to aspects of the Clare County Development Plan and, on page 2-15, provides a brief outline of relevant items. It points to '*Policy RES 2.1 commits to meeting the county's energy needs from 100% indigenous renewable sources.*' Although it is evident that this actually refers to objective RES 3.1 in the Renewable Energy Strategy which does read '*It is an objective of Clare County Council: To meet the County's energy needs from 100 % indigenous renewable energy sources.*' (CCDP: Volume 5, Renewable Energy Strategy, Page 39).

Similarly, reference is made to RES 3.1 as one that states the County '*seeks to exceed renewable energy targets by 2030.*' (EIAR, Chapter 2: Background to the Proposed Project, P2-15). This would seem to actually refer to RES 4.1 on page 49 of the Renewable Energy Strategy, which actually reads, '*To facilitate the achievement of (or to exceed where possible) the renewable energy targets set out in Table 4.3 by 2030.*'.

The developer's table seeking to compare aspects of the project with the Clare County Development Plan 2023-2029 (Table 2-2, page 2-16) is conflicted. We note the use of the 2006 Wind Energy Development Guidelines when it comes to some factors (noise, etc.) but the 2019 Draft Wind Energy Development Guidelines for others, such as shadow flicker.

There are also some areas that are subjective in nature and therefore open to interpretation such as whether the proposed project means '*an appropriate balance is met between facilitating renewable energy development and protecting residential amenity.*' (Chapter 2; Background to the Proposed Project, page 2-18).

It is also questionable whether '*The Proposed Project takes into consideration the importance of the local biodiversity to make sure it is retained during the construction, operation and decommissioning phases of the Proposed Project.*' as stated on page 2-21. For a proposed project, that makes much of providing an enhancement area, it is strange that not all of objective CDP 15.1 (Chapter 2; Background to the Proposed Project, page 2.21) has been included, especially as one part of these reads, '*To ensure that features of importance to local biodiversity are retained as part of developments and projects being undertaken in the County*'. (Clare County Development Plan, Vol. 1 Written Statement, Page 363).

A similar phrase omitted from their presentation of CDP 15.12 (Chapter 2; Background to the Proposed Project, page 2.24) refers to biodiversity and the promotion of suitable

developments in order to achieve net gains (Clare County Development Plan, Vol. 1 Written Statement, Page 371).

As part of this table there is also a misleading and confusing statement on page 3-25, where it states, 'Trees that have been felled will be replanted.' when referring to the 'Proposed Project'. We have also been told that some of the enhancement areas selected will be in need of work which includes felling and bog restoration rather than replanting.

Our concern for transparency and consistency is once again brought to the fore when we read, '*A scoping report, providing details of the Proposed Project, was prepared by MKO and circulated to prescribed statutory bodies in March and April 2024.*' (Chapter 2; Background to the Proposed Project, page 2-37). According to the records from the pre-application meeting for the grid route (ACP 315645), '*A scoping document was issued to 33 relevant bodies in January 2023 providing details regarding the proposed development.*' (First Meeting Record, Page 4). This is even more evident when the document itself sets out the list of items discussed at the first meeting with ACP regarding Section 182E consultation on 29th August 2023, which includes an item entitled 'Scoping/Public Consultation'.

On page 2-48 we are provided with an outline of the community consultation that supposedly took place as preparation for the present application. The various timelines and the information provided in Appendix 2-4 are symptomatic of the developer's misunderstanding of what is meant by local community engagement. The group first became aware of the project when a regular check on An Coimisiún Pleanála's website showed a pre-application request in early May 2024. A brochure distribution then began on 17th June 2024 accompanied by a letter informing the people of an information evening to be held on 27th June. Feedback from members of the community clearly indicate that the brochures and letters were simply left at doors (or in some cases gates) and there was no opportunity provided to '*record any issues raised by members of the local community*' (Chapter 2; Background to the Proposed Project, page 2-48). Indeed, there was little opportunity for any dialogue as most people were out. The information evening on 27th June 2024 was more of an exhibition than anything else. Indeed, at both the information event and the clinic held in August 2025 it was noticeable that few questions were answered in any detail.

For detail regarding community consultation we are directed to Appendix 2-4 and this contains a number of areas which question the accuracy and veracity of this document. Pages 12 and 13 provide an infographic which we are told summarises 'community engagement carried out for the proposed Cahermurphy West Wind Farm (2024 - 2025)'. This clearly demonstrates only 4 opportunities for dialogue over 2 years and also seems to indicate that the only groups involved were local schools and youth groups in Ennis, 30km away.

On page 14 we are presented with a more detailed breakdown of community engagement. This includes the fact that *'The brochure was emailed to all local political representatives for **East Clare** one day before the maildrop.'* A fact that we're sure would have been of great relief to them as they realised that the development was in West not East Clare.

On page 15 it states that '*One political representative from the community attended the event*' , when referring to the Information Hub, although the group is aware of at least two local councillors who attended. Indeed, their own information contradicts this assertion as well as that concerning the Community Engagement Clinic made on page 18.

A consideration of Table 4 on page 21 indicates that **four** political representatives attended the Information Hub, while **three** attended the Community Clinic. This table also gives rise to concerns as it lists a number of political representatives who do not represent West Clare. Four of those listed represent East Clare and the nearest of those lives over 50km away from the proposed project.

On page 22 we are presented with a table that purports to show local interest groups contacted during community engagement but are left puzzling over the very first entry. We can find no evidence of the 'Cahermurphy Sustainable Energy Company's' existence despite extensive searches online.

Our observations on many of the issues that appear to have been raised by concerned residents will be addressed in the relevant sections although there is a particular issue regarding the statement on page 30 where it says, '*On the Cahermurphy West Wind Farm Virtual Tour an interactive photomontage viewer presents 30 viewpoints. Residents can judge the visual impact of the project from these selected locations.*' There are only **13** viewpoints present on the interactive viewer provided as part of the virtual tour and not 30 as stated. Furthermore, there are 15 viewpoints in the documentation provided to planners, which we have been unable to access in hard copy.

There is also a discrepancy between the figures quoted on page 32 of Appendix 2-4 regarding the community benefit fund that would be generated if construction goes ahead and that quoted on page 5-71 of Chapter 5, Population and Health. The first tells us it will be '*in the order of €4 million.*' (Chapter 2; Background to the Proposed Project, page 2-32) whereas the later tells us it will '*generate up to €5,450,000'* (Chapter; Population and Human Health, page 5-71)

This Community Consultation Report (Appendix 2-4) concludes, on page 37, with a statement that says, '*the community engagement work on this project has been extensive and carried out to the highest standards.*' With the poor standards indicated by the range of errors this report contains we can have no faith in the statement and question whether they have met the expected standards.

As a final comment on the inadequacy of the community consultation we are sad to report that there has been no consultation whatsoever with those living on the route of the Proposed Grid Connection, except for those landowners who have agreed for it to pass within their land.

Cumulative Assessment

In order to assess potential cumulative impacts, the applicant has decided to approach the issue under each separate chapter. They have then established a 'Cumulative Assessment Study Area' for each heading.

The first of these is for the topic Population and Health and includes the electoral divisions of Cahermurphy, Mullagh and Creegh (Chapter 5; Population and Health, page 5-5). However, both the townlands of Drummin and Doolough contain elements of the project, and these are both in the electoral division of Knocknaboley. The fact that these areas have been omitted from the cumulative assessment for this chapter is of serious concern.

The study area for Biodiversity – Birds is very confusing and fails to clarify what area will be considered. With regard to water, there is no acknowledgement that work in some of the enhancement areas has the potential to affect Doo Lough itself and yet this appears to have been omitted. Another serious issue. Also, the study area for noise and vibration does not seem to clarify whether the 35 dB LA90 refers to individual levels or cumulative levels.

Whilst this chapter gives details of various projects considered when it comes to cumulative impact it highlights the lack of consistency in the documents overall. It fails to include and list one project that was in the public domain prior to February 2026, the date when the list was compiled (Chapter 2; Background to the Proposed Project, page 2-54). This is despite its assertion earlier that '*Projects were identified through a search of relevant online planning registers as well as informed by local knowledge of the area, particularly in relation to projects that have been circulated within the public domain but have not yet entered the formal planning system.*' (Vol. 1 Non-Technical Summary, Page xii).

Chapter 3 Reasonable Alternatives

In the introduction of Chapter 3 the applicant indicates that availability of the site to the developer may constitute a factor in the consideration of reasonable alternatives. It says, '*the site may be the only suitable land available to the developer*' (Chapter 3: Reasonable Alternatives, Page 3-4). The illustration on page 34 of the Guidelines on the information to be contained in Environmental Impact Assessment Reports, (EPA, 2022) quite clearly omits such consideration.

On page 3-6 it talks of '*an opportunity to enhance employment*' but it fails to make it clear that this only involves the potential for '*three to four long-term technical jobs*' (Appendix 2-4, Community Consultation Report, P34) with the remainder being only temporary employment.

When explaining the developer's rationale for site selection it is clear from Table 3-2 on page 3-8 that all of Areas A, B and C have a '*Downstream connectivity with Natura 2000 sites.*' This is particularly important when regarding the proposed drainage at the site, both during and after construction, as is a potential pathway for damage to biodiversity locally and at these Natura 2000 sites.

The current wind energy strategy in the Clare County Development Plan 2023 – 2029 is, quite rightly, identified as 'interim' although the developer fails to explain why this is so. This section of the development plan has not been updated following Circular PL20-13, dated 20th December 2013. In reality this means that the identification of areas has not been updated since first designated in 2005. Additionally, the lack of update has meant that no consideration of turbine density has ever been undertaken. With West Clare having 152 existing turbines and a further 24 currently proposed this is an important consideration.

Reference is made to designated sites on page 14, naming Carrowmore Point to Spanish Point and Islands SAC, Mid-Clare Coast and Cragnashinguan Bogs NHA. However, this fails to mention other Natura 2000 sites which are within the zone of likely impact. These include Carrowmore Dunes SAC, the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The latter are significant in that they would be potentially affected by

the proposed grid connection route which, we are told, is also considered throughout this EIAR. This then, is a serious omission.

Table 3-3 is surely misleading as it compares the potential effects of a solar PV array in general terms with a wind turbine array complete with mitigating factors. Hardly a justifiable comparison.

On page 3-16 the developer states that a similar output could be achieved using smaller turbines and goes on to give an example using 2.5MW machines. This, however, is a very skewed example as there are certainly turbines available which would achieve a similar output range with far less than the stated 22. The Vespa 117, 4.2 MW, for example, would only require 12 turbines. To suggest a worst-case scenario is grossly misleading.

It would have provided greater clarity if, when referring to revisions and refinements on page 3-21, the developer had provided more detail regarding the feedback received and the elements of the project that had therefore been amended. This is especially so as the local community had little opportunity to provide feedback at any stage.

It is important to note that in the case of the proposed Cahermurphy West Wind Farm the '*layout was proposed following a preliminary desk-based constraints assessment, while also factoring the design and site survey data previously gathered at the Cahermurphy site.*' (Chapter 3, Reasonable Alternatives, page 3-21). It is our understanding that the layout for the proposed Cahermurphy II Wind Farm similarly '*takes account of all site constraints (e.g. ecology, ornithology, hydrology, peat depths etc.) and design constraints (e.g. setback distances from houses and third party lands/infrastructure and distances between turbines on-site etc.). The layout also takes account of the results of all site investigations and baseline assessments that have been carried out during the EIAR process.*' (Cahermurphy II Wind Farm, Vol. 1, Chapter 3 Consideration of Reasonable Alternatives, P. 318).

The fact that both documents indicate that their layout is the only viable option given the various constraints must surely bring the current proposal into doubt. Especially considering that Cahermurphy II, on the same site, has already be refused twice, once by Clare County Council and once by An Bord Pleanála.

Page 3-22 makes reference to '*unmapped watercourses*' but makes no reference as to whether theses have since been mapped.

Bringing into greater focus the accuracy and reliability of the EIAR as presented are the maps provided on pages 3-23 and 3-24 of chapter 3. These would appear to be in relation to a wind farm in County Waterford judging by the coastal outline presented and the proximity of the Copper Coast UNESCO Geopark indicated and certainly have no relevance to the proposed development.

In terms of clarity it would have been more beneficial if the three maps regarding the different iterations of turbine layout had all been presented in the same direction and had been provided with a legend rather than the reader having to guess at the various symbols used.

- Figure 3-5, Layout Iteration No 1, contains 2 solid black rectangles that become pink in Figure 3-6 and revert to black in Figure 3-7.

- Figure 3-6 additionally presents a solid green and a solid pink rectangle east of the turbines.
- Figure 3-7 has no green rectangle and the pink has now been changed to purple with an additional purple block added. Without a legend it is impossible to be certain what these items are.

In Table 3-5 an attempt at a comparison of the three iterations has been made and it is clear that there is only slight variation. It is of concern that reference is made to '*the unmapped section of the Knocknahila More stream* (in) *the south of the turbine location'* (Table 3-5, P 3-29) and, despite this table being full of proposed mitigation methods, provides no indication that this area should be mapped.

Table 3-6 on pages 3-32 and 3-33 constantly refer to a '*Larger, new development footprint'* and whilst we understand that an entirely new road network would lead to increased disturbance of the site it would not necessitate an increase in the size of the site. The term used is entirely misleading.

When considering the alternative grid route options as part of the same EIAR we are, once again, subjected to erroneous information. On page 3-37 it describes the last part of the route to the Moneypoint 110kV substation but gives the wrong information. After L20543 the route proceeds to the west (not east) along the L6154 and then the N67 towards Moneypoint. In addition the local road L-20542 is not mentioned in TLI's detailed assessment in Appendix 4-4, Grid Connection Construction Methodology. Once again this is a serious error in such an important document.

We are told that UGC Route Option 4 was selected as the best option and it is clear in Table 3-8 that none is to be run under National Roads. However, once again in the Appendix 4-4 provided by TLI, this not what we are told. It clearly states that the route '*converges onto the N67 national roadway travelling within the curtilage of this public road'* (Appendix 4-4, P 10). Which is it? These two differing routes have very different consequences for local residents.

A further discrepancy concerns Figure3-8a Initially Considered Grid Connection Routes, which takes the form of a map showing the various possibilities. Yet again this is at odds with the description given in Appendix 4-4 and appears to show a route that leads west from Moneypoint to cut across private land and join the L-6150. This road is not mentioned anywhere in Appendix4-4 and is not part of the route according to TLI, the company that have drawn up the necessary construction methodology.

It may, of course, be that there was a change in the orange route shown before a final decision was made but we cannot be certain as the Figures 3-8b and 3-8c on pages 3-40 and 3-41 are not available to view as their titles are the only items on each page.

Towards the end of the chapter mention is made of alternative enhancement lands and these will be discussed at a later stage. However, it does state that '*These mitigation measures are proven effective'* (Chapter 3, Reasonable Alternatives, P. 3-48). There is no evidence provided for this statement, and it seems to be generally agreed that whist results based approaches have shown some success, the overall evidence is not conclusively positive.

Chapter 4 Description of the Proposed Project

In Chapter 4, Description of the Proposed Project, it is important to note the discrepancy between Figure 4-1a, which now has a legend and an indication of the substation position, and Figure 3-7 in the previous chapter, which has neither. Both are apparently the 'final proposed layout'. Figure 4-1b clearly shows the grid route in a westerly direction as it makes the final approach to the Moneypoint substation in contrast to the statements in the previous chapter as indicated above.

On page 4-11 we are presented with details regarding the necessary turbine bases, which are to measure '*25m in diameter and 3.8m in depth at each proposed turbine location'* (Chapter 4, P 4-11) although in the following 3 plates (Figure 4-5a, 4-5b and 4-5c) the depth is actually given as 4 metres. It is also indicated here that there is no decision regarding the type of foundation and yet in Appendix 8-1 it is clear that it is most likely that '*the turbine locations will be deemed suitable for gravity type foundations'* (Appendix 8-1, Peat Stability Risk Assessment). Another confusing issue for the non-professional to unravel.

There is further confusion when we look at the sections entitled 'Hard Standing Areas' and 'Hardstanding Assembly Areas' as both refer to Figure 4-5 which does not appear to exist in the document.

There is some discrepancy between this chapter of the EIAR, presented by MKO, and Appendix 4-3, Peat and Spoil Management Plan, presented by Fehily Timoney. On page 4-16 it says '*Floating road construction will also be undertaken on the Proposed Project.*' Whereas on page 6 of Appendix 4-3 it tells us '*Any existing floating access roads will be upgraded to founded roads.*' And page 4 of the same document informs us that all new roads will be of the excavate and replace type. It would seem that Fehily Timoney are not expecting any floating road construction to be undertaken contrary to MKO's beliefs.

There is reference to road widening works on side long sloping ground (P4-16) and we are told that where it is not possible to do this on the upslope of an existing access road a separate and specific RAMS will be produced. Surely this is something that should be done prior to planning consent as it directly impinges on both peat and soil management and drainage issues on site.

We have some uncertainty regarding potential rock breaking. We are informed '*Where rock breaking is required, a large hydraulic 360-degree excavator with a rock breaker attachment is used. Given the power required to break out tight and compact stone at depth, the machines are generally large and in the 40-60 tonne size range.*' (Chapter 4 Description of the Proposed Project, P 4-31). Our concern is whether the road to the borrow pit area needs to be made up first in order to take the weight of such a machine. This would therefore need materials from offsite as it could not be obtained from a borrow pit.

We are unable to find Drawing P23-230-0600-0005 as mentioned on page 4-35.

We have a minor concern regarding the phrase '*If road widening or improvement works are necessary along the existing roads, where possible, the works will take place on the opposite side of the road to the drain.*' (Chapter 4, P 4-49) as this suggests that there has not been enough site investigation to know whether road widening or improvement works are needed. If this is, indeed, the case then the EIAR is seriously flawed.

On page 4-53 we are told that '*check dams will be left in place at the end of the construction phase'* and '*For this reason, check dams will be inspected and maintained weekly to ensure adequate performance'* although it is not clear whether this will continue throughout the life of the wind farm should it be permitted.

The reference to stilling ponds at this point does not make it clear how numerous these will be or provide their overall dimensions. We cannot be certain whether the excavations from these are included in the overall figures used in the peat and spoil management plan. This should be made clear.

Both the stilling ponds and the swales are to remain in place during the operational phase but we are not told if they would be subjected to regular inspections. If they are who would be responsible?

Towards the end of the chapter reference is made to the community benefit fund where it tells us '*we estimate that a total of approximately €9,000,000 will be available in the local area for community funding over the lifetime of the project*' (Chapter 4, page 4-76). However, we have earlier been informed that '*over the expected lifetime of Cahermurphy West Wind Farm, the Community Benefit Fund will be in the order of €4 million.*' (Appendix 2-4, p 32). Later we are told it will '*generate up to €5,450,000'* (Chapter; Population and Human Health, page 5-71).

These are extremely large discrepancies which do nothing to instil confidence in the document at large or the developer's integrity.

There are a number of appendices related to this chapter of the EIAR and each needs to be considered carefully.

Sheet 5 of Appendix 4-1-Proposed-Wind-Farm-Layout-Drawings indicates watercourses in its legend but none can be readily discerned. There are a number of watercourses in the area shown which feed into the Annageeragh River and which, in turn leads to Lough Donnell. This is an Annex I listed habitat and sits in the Carrowmore Point to Spanish Point and Islands SAC. The omission of this river is a serious concern in terms of its potential to carry sediments to this Natura 2000 site as it has not been considered for any potential need for mitigation.

In Appendix 4-3, Peat and Spoil Management Plan, we are presented on page 10 with a table providing a summary of the peat and spoil volumes on site (Table 5.1) and this shows a total of 181,400m^3. On the following page we are presented with a second table (Table 5.2) which indicates the proposed usage areas, with their volumes, for this peat and spoil. This is stated to be 212,000m^3, an increase of 30,600m^3. Where is this extra volume to come from? Are there plans to bring it in from offsite? Nothing in the EIAR appears to answer these questions. Furthermore the figures for the peat and spoil generated in each of the construction phases as presented on pages 11 and 12 also do not equate to those given in either table. When totalled the volumes generated by each phase come to 165,400m^3. Even with the additional 10% factor indicated this is still at odds, totalling 181,940m^3. Although a seemingly small percentage of the total such an error must undermine any confidence in the overall plan. On page 17 we are informed that '*Any overburden excavated from the cable trench will be transported to the borrow pits for storage'*. Much of this will have to travel a

considerable distance, creating further HGV movements and traffic issues, which do not appear to have been modelled.

On pages 20 and 21 we find a section on check barrages, which, it appears, would only be created in the event of a peat slide. We have no confidence that the actions proposed could be carried out swiftly enough to prevent serious damage to the watercourses involved and thereby endanger the Natura 2000 sites downstream.

On page 22 we return again to the question of peat and spoil quantities. This time we are told that the total figure is199,850m^3. We are also informed that a 15% bulking factor was used in estimating the volume of peat. This is in direct contradiction to the note provided under Table 5.1, which states that a 10% factor was applied. Table 11.1 on page 23 gives a length for the grid connection as 21.6km and yet Table 1 in Appendix 4-4, Grid Connection Construction Methodology, TLI quote a figure of 24.008km. Which, if either, is the correct figure?

Once again on the first page of Appendix A (the pages of this appendix are not numbered) we find information that is at odds with that elsewhere in the EIAR. Table A1 tells us that the dig depth for the turbine foundations is 3.0m and yet in the associated chapter we are told the depth will be 3.8m and in the drawings following this they are clearly marked as 4m deep. Once again, such contradictions in the information provided casts doubt on the integrity of the document as a whole and the ability of the developer to ensure that no harm is caused.

Finally in this appendix we are informed on the second page that '*There are 3 types of access tracks/roads proposed/present on site'* although only 2 are mentioned.

In Appendix 4-4, Grid Connection Construction Methodology, it tells us that the soil excavated for the substation '*will be temporarily stored in adjacent berms for later use during reinstatement works'* (page 6) although on page 12 of Appendix 4-3 it says, '*Excavated material to be transferred to Borrow Pits'* in regard to the substation. It is clear from sections 10.0 and 10.2 on page 25 of this appendix that no detailed surveys have been undertaken regarding underground services along proposed grid route. This provides no confidence that the full implications of the project have been considered in detail and leaves open a clear path by which watercourses could be polluted. This is especially so as the route has to cross a substantial number of them, many of which provide clear connectivity to Natura 2000 sites in West Clare.

In section 2.3.3.20 of Appendix 4-5, Construction and Environmental Management Plan, we are told '*A two metre-wide working area will be required around each turbine foundation'* although in the peat and spoil management plan we have been told '*The assumed excavation footprint for the turbine foundation is the turbine base diameter of 25m plus 1m working room all around the base i.e., 27m.*' (first page of Appendix A). This is another serious discrepancy as the volume of excavation carried out for each scenario is substantially different with a 2m working area for each turbine requiring an additional 6294m^2 to be excavated.

When referring to decommissioning the wind farm the developer claims that '*All above ground turbine and mast components will be separated and removed off-site for recycling.*' Appendix 4-5, Section 2.3.3.12). This is despite the fact that, as yet, no effective method for recycling the turbine blades has emerged.

In Section 3.2.7 (unfortunately no page numbers are given in the document) there is no mention of the tree felling to take place as part of the enhancement area included in the Proposed Project, a further serious omission concerning the project's connectivity to Natura 2000 sites. It should also be noted that there is similarly no mention of such felling within the table drawing all the mitigations together in Section 7, MM7. At MM11, regarding the Grid Connection route, we find a statement regarding the placement of acrotelm in the borrow pit but have not been made aware of any peat excavations along the route. MM37 informs us that the mitigation measures for the enhancement area are to be found at MM48, which actually refers to peat instability and failure. Mitigations for the enhancement area are to be found at MM49, although there is no reference to any guidance documents relating to the enhancement of farmlands only to the removal of forests. MM59 refers to '*2 no. stream crossings*' in relation to the proposed grid connection and yet no such crossings are mentioned in the construction methodology outlined in Appendix 4-4.

Chapter 5 Population and Human Health

Early in the chapter there is reference to the scoping activity carried out by the developers. It is worth noting that many of the bodies listed in Table 2.5 of chapter 2 did not respond and very few of those which did provided any detail. It is also worth noting that the general email sent by MKO is included in Appendix 2-1 but none of the mentioned attachments are. This is particularly pertinent as we are concerned by the number of replies that contain the phrase 'Cahermurphy II Wind Farm.

A – Assessment Methodology

With regard to the population to be assessed set out in this chapter we are at a loss to understand why the study area chosen does not include Knocknaboley. This is particularly so as Drummin and Doolough townlands, both in the Knocknaboley electoral district, are listed in connection with the wind farm site in Section 2.1 of Appendix 4-5. They are also included in the site address on the planning application form.

In Section 5.3 the developer refers to a number of authorities for a suitable definition of health, citing a wide variety of different documents. Surely the most suitable definition is that taken from the World Health Organization constitution, namely, "'*A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity*".

The Guidelines for Planning Authorities and An Bord Pleanála (2018) suggested that the consideration of human health should be focussed on environmentally based health issues including changes in living conditions and exposure to noise or air pollutants. The EPA's guidance suggests that health should be considered '*through assessment of the environmental pathways through which it could be affected, such as air, water or soil*' and this certainly appears to be the best approach. However it must be understood that science is a process of ongoing discovery and it is very possible that not all risks have been formally identified and accepted. This does not necessarily imply that they are not a danger to health.

B – Shadow Flicker

When shadow flicker is considered it must be recognised that it is also an outdoor phenomenon given the principal occupation and pursuits of the local population. There are

many examples in existence of the effects of shadow flicker on the outside of buildings that clearly demonstrate it should be a factor that is also considered.

The section goes on to quote several 'guidance' documents which it claims to adhere to but does not suggest an attempt at compliance with the draft 2019 guidelines which clearly suggest that no residence should suffer shadow flicker. The applicant, on page 5-22 makes it clear that, should these guidelines be adopted they will ensure no shadow flicker, but only on properties that are within the area already identified.

C - Receiving Environment

When the receiving environment is considered on page 5-26 the applicant makes a point of telling us the number of occupied dwellings within one kilometre of the turbine locations before moving on to consider the implications on the local population. We would strongly contest the implied idea that these 29 occupied dwellings constitute the total of the local community. When referring to local community earlier it was clear that this involved all properties within 2km as this was the parameter suggested for community engagement.

Furthermore, although it is those close to the proposed development who are most likely to suffer any effects, particular direct effects, it is not confined to them and many people at some distance removed may experience negative impacts. It is entirely misleading to present such a statement as an introduction to considerations on population and human health.

The information presented regarding population and general socio-economic data was primarily sourced from the Central Statistics Office and principally consists of information drawn from the 2011 and 2016 Census. Whilst we recognise that this is the only reliable source of such information it should not detract from the stark reality of it being very dated.

The data used is further confused by the exclusion of Knocknaboley DED in the study area despite 2 of its townlands being included in 'Proposed Wind Farm' area.

When it comes to the comparative data which is presented a great deal is made of the comparison between the identified study area, the State as a whole and the County of Clare. It has certainly provided a vehicle for plenty of data sets but one must question its relevance to an assessment of the proposed developments impacts.

D – Employment and Economic Activity

Following the historic data presentation there is a section regarding potential employment and investment in the Irish Wind Energy Industry. Once again much of the information provided is somewhat dated. The most relevant fact appears to be that studies showed over 67% of jobs created by wind farm developments are in the construction industry and therefore temporary in nature and of limited benefit to the local population.

The most recent report, from KPMG in 2021, is quoted, suggesting that over 5000 jobs are supported by the industry. This is far from the full picture presented by the report, which clearly states '*Throughout its supply chain, the sector currently supports ~5,130 jobs*' (Economic Impact of Onshore Wind in Ireland, KPMG, 2021, p 9). The report also makes it clear that many of these jobs are only indirectly related to wind farm development, and the figures include those employed in legal and financial advisory roles as well as 'induced' employment through spend by direct employees in local shops.

This is hardly a scenario that will bring long lasting benefit to those living in the area.

E – Land Use

In regard to land use the omission of Knocknaboley DED casts doubt on any figures presented. The high percentage of farmland (67.4% of the Population Study Area's land) clearly reflects the low population density in the area.

We note the proximity of the existing Cahermurphy Wind Farm with its differing turbines and feel sure that a third size and style of turbine will be even more distracting to those travelling in the area. The statement made also underlines the overabundance of wind farms in West Clare.

F - Education

In the section on education on page 5-35 a number of schools are mentioned, including the fact that one is 55m from the Proposed Grid Connection route. However, the developer has failed to mention that Knockerra National School is also on the Proposed Grid Connection route. A serious failing.

G - Tourism

In the section on tourism the applicant has chosen to scope out the Proposed Grid Connection route. However this ignores the fact that it is likely to present delays to tourists as well as impacting on places they might chose to stay. This has a potential long-term effect in terms of providing a negative view of the area which could well be shared with others.

The figures provided indicate the importance of tourism to the County and underline the need to ensure visitors enjoy a positive experience.

Whilst we agree with the information provided in Section 5.6.2, '*There are no key identified tourist attractions pertaining specifically to the Proposed Wind Farm site nor Proposed Grid Connection*', t must be noted that for tourists the journeys are just as important as the visits to specific attractions. Given the list of attractions provided at 5.6.2.1, which significantly omits The Wild Atlantic Way, it should be noted that while, the majority are sited in the coastal region, the proposed development will be visible from many of the sites themselves and, importantly, from all the tourist routes that serve them.

In addition, there is no mention of Clare's scenic routes, walking routes or of the EuroVelo 1 Cycle route which runs immediately along the west of the site.

It should be noted that the Scottish Tourism Survey 2021 outlined in Section 5.6.3.1 contains no direct link to tourists' perceptions but is solely based on employment figures in the tourist industry which, of course, may be influenced by many different factors. Indeed, the report itself makes it clear that '*The study found no relationship between tourism employment and wind farm development.*' (Wind Farms & Tourism Trends in Scotland, Biggar Economics, 2021, P26) and we are left wondering why the information is included at all. Whilst the above report may be considered reasonably recent many of the examples provided under the heading 'Public Perception of Wind Energy', are extremely outdated, comprising 2 Failte Ireland surveys dated 2007 and 2012, a Sustainable Energy Ireland Survey from 2003, updated 2017 and The Green on Green: Public Perception of Wind Power in Scotland and Ireland 2005.

Three more recent documents are also quoted. Two are from the Wind Energy Ireland (previously IWEA), which is the representative body for the Irish wind energy industry and its primary purpose is to promote the use of wind. On attempting to investigate the first of these we were faced with the message '***You are not authorised to view this resource. Please Log In***'. As we are not a member we were unable to proceed. The second link provided led us to a press release rather than the details of the poll itself. The poll only sought the views of 1,238 individuals but no information as to the make-up of this sample was given.

The final study quoted was from the University of Cork and published in 2024, although the data was collected in mid-2021 and mid-2022. Again, the sample involved was relatively small with just over 1000 participants.

H- Health Effects of Wind Farms

When considering the health impacts of wind farms in Section 5.8 MKO have mainly relied on research evolving from interests in the renewable energy sector or the climate change action sector. Despite this they are all generally agreed that there is not enough evidence to provide any definitive conclusions regarding the effect of wind farms on health, indeed they clearly state, '*There is currently no published credible scientific evidence to positively link wind turbines with adverse health effects*' (EIAR Vol. 1, Section 5.5.1, P5-18). Similarly one could well say there is no credible scientific evidence positively proving that wind turbines do not contribute to adverse health effects!

It is notable that only the most recent of the investigations cited regarding infrasound could actually be classed as investigative research. Even that is flawed in as much as it expected the subjects involved to '*perceive the infrasound from sound recordings*', even though it is generally below the level of audible sound. The rest are entirely made up of reviewing already available literature.

Unfortunately any review of scientific literature is dependent on those that undertake the activity and this can automatically produce a bias. As many of those quoted have been commissioned on behalf of the industry we should accept that such a bias is likely.

There has been much empirical research conducted in more recent years with the recent presentation in the European Parliament by two eminent scientists. Professor Ken Mattson of Uppsala University, who questions the way infrasound is currently measured, arguing that the commonly used dB(A) scale does not adequately account for low-frequency noise and Dr. Ursula Maria Bellut-Staeck, MD, who presented research on environmental stressors and their effects on the human body.

There presentation to the conference at the European Parliament can be found at https://www.youtube.com/watch?v=0U19dL58g1U&t=22s.

It appears to us that a number of strands need to be addressed before the issue of wind turbine noise and adverse health effects might eventually be understood.

- The difference between audible and inaudible noise
- The shortcomings of the dB(A) weighted scale in measuring inaudible noise
- The existence of sound pressure level measurements for wind turbines

- The existence of credible research regarding the potential link between infrasound and low frequency noise and adverse health effects
- Understanding of the acoustic energy impacts on human physiology through a variety of pathways in addition to simple hearing

Firstly there has to be an acknowledgement that both audible and inaudible noise exist. The frequency of sound ranges from 0 Hz to 1,000,000 Hz and beyond and it is only a limited range that is generally audible to human hearing (generally accepted as between 20 and 20,00 Hz). Noise outside this range is certainly known to exist but, to date, does not appear to have been considered as a potential danger to health.

Over time it has become the norm to measure noise in relation to the range of human hearing. The standard measurements used for noise in this context are on the dB(A) scale, a scale which is deliberately weighted to cover only the audible noise range. To consider the ramifications of relying entirely on this scale it is necessary to clearly understand its shortcomings. This scale basically discounts all frequencies below 20 Hz although sound pressure level measurements (measured in dB SPL) are considerably higher than those found above 20 Hz.

However, the dB(A) scale has become the only noise measurement criteria that we consider when asking if noise levels are acceptable. There appears to be little or no acknowledgement that wind turbines also produce inaudible noise and certainly we can find few reports which provide measurements of the sound pressure levels that turbines produce at these frequencies. Only measurements made on the dB(A) scale appear to exist.

There are research papers that do provide an insight into these levels. Alves-Pereira, Krogh, Bakker and Summers presented such information in a conference paper in Canada which clearly shows sound pressure levels of a high order at frequencies below 20 Hz. They also presented evidence to demonstrate how these levels are unrecorded using the dB(A) scale of measurement. (Infrasound and Low Frequency Noise Guidelines: Antiquated and irrelevant for protecting populations, Alves-Pereira, Krogh, Bakker and Summers, 2019, Conference: 26th International Congress on Sound & Vibration (Peer-Reviewed Paper), Montreal, Canada).

It is certainly a concern that the wind industry appears not to have carried out any meaningful investigation into this area, let alone its potential links with reported adverse health conditions.

There are, however, a number of accepted reports that suggest this is an area in urgent need of investigation.

Inaudible levels of infrasound and low frequency noise (LFN) were identified as the cause of a recognised medical condition known as 'sick building syndrome' as early as the 1970's and research evidence in this field continued through to the 1990's. The levels of infrasound and LFN were identified as coming from the turbines that were an integral part of the heating, ventilation and air-conditioning (HVAC) systems that had been installed at the top of multi-story office blocks. The principal research in this area was carried out by C E Ebbing and his colleague Blazier, listed below

- Ebbing, C. E. (1977, June 8). Low frequency rumble criteria (Project No. 9-1020-12).

- Ebbing, C. E. (1978). Control of Low Frequency Duct-Generated Noise in Building Air Distribution Systems, ASHRAE Transactions, 84, part 2. Notes for ASHRAE Rumble Paper.
- Ebbing, C. E., & Blazier, W. E. (1993). Avoiding low frequency noise in packaged HVAC equipment. ASHRAE Journal, 35, 42. Ebbing, C. E., Fragnito, D., & Inglis, S. (1978). Control of low frequency duct generated noise in building air distribution systems. In Internoise 1978: Designing for noise control. Poughkeepsie, NY: Noise Control Foundation.

What is difficult to ignore is the huge similarity in symptoms reported to be experienced by those people suffering apparently adverse health effects from wind turbines and the recognised symptoms of sick building syndrome. These include productivity loss, effects on mood, lower social orientation, cognitive dysfunction, headaches and mental tiredness.

These symptoms are well documented by a number of researchers, including Krogh, Nissenbaum, Pierpont and Harry and this surely indicates that further research is needed in this area to ensure that we are not causing adverse health effects to those living near to such industrial turbines. Below is a list of the research referred to;

- Krogh, C. M. E., Gillis, L., Kouwen, N., & Aramini, J. (2011). WindVOiCe, a Self-Reporting Survey: Adverse Health Effects, Industrial Wind Turbines, and the Need for Vigilance Monitoring, Bulletin of Science Technology & Society 31, 334. doi: 10.1177/0270467611412551. Retrieved from http://bst.sagepub. com/content/31/4/334
- Nissenbaum, M. (2009). 28 Wind turbine installation at Mars Hill, Maine Health Survey with Control Group, prepublication preliminary analysis. Retrieved from www.windvigilance.com
- Pierpont, N. (2009). Wind turbine syndrome: A report on a natural experiment. Santa Fe, NM: K-Selected Books
- Harry, A. (2007). Wind turbines, noise and health. Retrieved from http://www.wind-watch.org/documents/wind-turbines-noiseand-health

In addition, a paper presented by Dr Malcolm Swinbanks at a conference in Birmingham, UK, showed the history of his work which led him to conclude that inaudible levels of infrasound and LFN can cause adverse health effects (Swinbanks, M. A. (2010). Wind turbines: Low-frequency noise & infrasound revisited. Paper presented at the MAS Birmingham Research Ltd., Workshop by Environmental Protection UK: Where Now With Wind Turbine Assessment? Birmingham, England.).

Alongside the potential evidence these documents present we must also consider the research carried out by Neil Kelley and others in the 1980s, commonly known as 'the NASA research', which involved a multidisciplinary effort to identify the causes of complaints made by neighbours in relation to the operation of large wind turbines.
Some of the key findings were that

- "very low frequency" noise generated by NASA's turbines (which was defined to include "infrasound") was the cause of the "annoyance" reported by neighbours

("annoyance" being an acoustics term which does not involve emotional responses – ie "antipathy" to the "look" of wind turbines);

- the "annoyance" being reported by neighbours included numerous physiological responses, which were described as "sensations". These "sensations", which they felt rather than heard, were sensations of "pressure", "a sense of uneasiness", "booming or thumping pulsations". These sensations were at their worst in the bedrooms where they were trying to sleep;
- the "very low frequency" noise generated by turbines interacted with, and was amplified by, the complainant's homes, creating "structural resonances", whereby low-frequency soundwaves "excited" materials within the home, causing vibration of the home;

They also reached the conclusion that

- the common noise descriptor or weighting, dB(A) (used to measure noise sources such as air-conditioners) was found to be totally inadequate, with almost no significant relationship to the sensations and symptoms being reported; and was, accordingly found to be the worst possible measure for predicting the level of "annoyance" being reported by neighbours;

These examples are not put forward as definitive proof that wind turbines can cause adverse health effects but as examples to show that this is an area needing much more research and that, until this is undertaken, we would be guilty of not ensuring that all steps needed have been taken to ensure there is no public health concern.

I – Turbine Safety

We note the many features listed on page 5-51regarding turbine safety but question the apparent lack of a fire suppression system.

J – Health Impact Studies

Under section 5.8.5, Effects on Human Health, '*There are no mapped public or group groundwater scheme protection zones in the area of the Proposed Wind Farm site or Proposed Grid Connection.*' (P5-52). However, Doo Lough is a public water supply and elements of the Proposed Wind Farm site have hydrological connectivity to this, making this statement untrue. Similarly it is clear that the Proposed Grid Connection will need to interact with a number of water supplies during its construction. All these are clearly mapped.

K – Property Values

Unfortunately the principal paper referred to on page 5-54, 'Wind Turbines and House Prices Along the West of Ireland: A Hedonic Pricing Approach, does not appear to exist on the link provided and we have therefore not been able to assess its value. However there was another paper available entitled 'An economic analysis of community preferences for wind farm development in Ireland, Noreen Brennan, 2017. This was a thesis for a Ph.D. in Economics and contains the phrase '*Various studies have also found that wind turbines can reduce property price values in the surrounding area of the development, placing economic costs on local residents'* (P 11).

When considering the effect of wind farm developments on property prices the applicant also cites a number of different studies from abroad as it would appear that no empirical studies have been undertaken in Ireland to date.

It is noticeable, yet again, that each of the studies mentioned have been commissioned by those with an interest in the renewable energy industry. This includes the U.S. Department of Energy, 24 Renewable UK and Climate Exchange, Scotland (CXC). In particular, the study conducted by CXC is presented as an appendix for information.

This study, like many others quoted, seeks to compare only repeat house sales over a period and considers properties within 15km of at least one turbine. This alone has reduced the data set available to only around 500,000 properties for a 23-year period, only just over 22,000 house sales per year for the whole of Scotland. They go on to explain that, through a process of elimination involving properties that did not have line of sight of a turbine, this is further reduced to a mere 7,000 or so properties per year. In terms of the number of wind farms in Scotland which became operational between November 1995 and December 2014 this equates to slightly under 77 houses per windfarm. Surely this does not constitute a statistically valid sample.

The study above was based on an independent study carried out by Steven Gibbons and published in the Journal of Environmental Economics of Management in 2015. The abstract for the article states 'In the tradition of studies in environmental, public and urban economics, housing sales prices are used to reveal local preferences for views of wind farm developments. Estimation is based on quasi experimental research designs that compare price changes occurring in places where wind farms become visible, with price changes in appropriate comparison groups' (Gone With The Wind: Valuing the visual impacts of wind turbines through house prices, Stephen Gibbons, Journal of Environmental Economics and Management, Volume 72, July 2015). And that it concludes 'that wind farm visibility reduces local house prices, and the implied visual environmental costs are substantial.'

Similarly, the publication of research in the Netherlands by Droes and Koster (Wind Turbines, Solar Farms and House Prices, Martijn I Droes & Hans R A Koster, Energy Policy, Volume 155, August 2021) and published in the journal Energy Policy, shows that tall turbines (in excess of 150m) show a greater depreciation in house prices when compared to smaller turbines. However, it concluded that all turbines led to a decrease in property values. It was estimated that, in the case of taller turbines there was a 5.4% decrease within a 2km radius. This effect, understandably, decreased as you moved further from the wind farm site.

In relation to the Proposed Grid Connection route we are referred to the EirGrid Evidence Based Environmental Studies, Study 9: Settlement and Land Use.

The purpose of this study was:

- To gather information on patterns of settlement and land use near to existing transmission infrastructure.
- To establish the effects of existing transmission infrastructure on patterns of settlement and land use.
- To review land use planning policy in various Development Plans, to determine whether any policy change has arisen as a result of the construction and operation of existing transmission projects.

There is no reference to the financial value of property, only to its subjective value, as in tourism value or landscape value and we are therefore unclear as to why it is included.

L – Residential Amenity

This section of the chapter makes no detailed consideration of the various elements that together constitute residential amenity. Instead we are directed to a variety of places within the EIAR to consider each individually. Although we are told' *The impact on residential amenity is then derived from an overall judgement of the combination of impacts due to shadow flicker, changes to land-use and visual amenity, noise, traffic, dust and general'* (Chapter 5, page 5-56) there is no explanation as to how this is derived and no conclusion drawn. We agree that shadow flicker and noise are measurable but seriously query the measures used. Shadow flicker should not affect any dwelling for any time and the measurement of noise using only the dBA scale is seriously flawed. We would, however, agree that visual amenity is a subjective judgement but suggest that the view of a developer visiting the site temporarily would be very different to that of the resident who sees their surroundings constantly.

M - Likely Significant Effects and Associated Mitigation Measures

On page 5-57, when describing the 'do-nothing scenario' we are told that the land proposed for enhancement '*will remain in its current condition (i.e. unproductive commercial conifer plantations and high intensity grazed agricultural fields).*' While we understand that some of the forestry may be somewhat poor it is surely not 'unproductive' and there is very little in the way of high intensity grazed fields in the area. Indeed, much of the identified farmland is already in a suitable condition to be of use to hen harriers.

Although we are informed '*There is no potential for impact on residential and commercial land use in the area'* we are then informed that there may be some interference with agricultural practices. These can't both be true. Once again, under the Proposed Grid Connection heading we are made aware of the potential for interrupting agricultural work patterns.

It is pleasing to note on page 5-60 that the area has '*some rural aesthetic qualities given the relative lack of buildings and infrastructure present on the site.*'. This will no longer be the case if this proposal is permitted. We are, however, confused as to what the views from **within** the Proposed Wind Farm site have to do with tourism.

When we consider the proposed mitigations to ensure water quality is maintained we must once again point out that various watercourses running through the enhancement areas have not been considered. These provide connectivity to the public water reservoir of Doo Lough and connectivity, via the Annageeragh River, to Lough Donnell, part of Carrowmore Point to Spanish Point and Islands SAC.

Regarding employment section 5.11.3.1.2 tells us, '*On a long-term scale, the Proposed Project will directly create approximately 90 jobs during the operational phase relating to the maintenance and control of the Proposed Project, having a long-term slight positive effect.*'

In contrast, on page 34 of Appendix 2-4, Community Consultation Report, we are told there will be '*three to four long-term technical jobs*'. Yet another contradiction in this EIAR.

On page 5-71, much is made of the Community Benefit Fund, and we have previously drawn attention to the discrepancy of the various figures put forward in different sections of the EIAR.

It is interesting to note that where tourism is concerned on page 5-73, it is admitted that there is potential from both Doonbeg Golf Links and White Strand Beach. However, no mitigation is put forward and the summation of no significant effects is based solely on the literature reviews brought into question earlier.

We feel some comment should be made with regard to the two appendices that are linked to this chapter. Appendix 5-1 is simply a summary of '*25 reviews of the research literature on wind farms and health of the existing literature.*' As we have previously noted such academic papers do not represent empirical research but rather a commentary on the work of others, often without due consideration for the rigor that might or might not have been employed. Appendix 5-2 is simply a copy of the Climate Exchange report from 2016 which we have commented on in depth earlier.

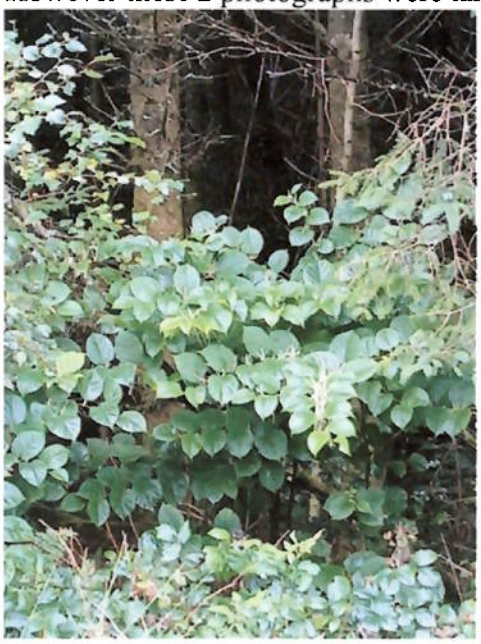
Chapter 6 Biodiversity

When we are presented, on page 6-7 of this chapter, with a list of the ecological data that was reviewed as part of the desk study we are referred to a number of online resources. It should be noted that, according to the information given, these were accessed on 20/01/2026. The first link takes us to a page that has the message '*This version of the NPWS Designations Viewer will be retired on 29th August 2025.*' and the third link takes us to a page showing a sad face and the message '*Item does not exist or is inaccessible.*' It would therefore be difficult to ascertain what information had been acquired through these data sources.

There is confusion in Section 6.2.3.1 regarding the purpose of the walkover surveys. We are told that, although some were outside the optimum period, all habitats were identifiable, leading us to assume their purpose was for vegetation surveying/habitat mapping. Later in the section, however, it says '*The walkover surveys were designed to detect the presence, or likely presence, of a range of protected species.*'. This lack of clarity makes it difficult to interpret any findings that arise.

We note that an invasive species survey was undertaken as an integral part of the walkover surveys. The results given in Appendix 6-4 unfortunately have a serious omission. The only indication of Japanese Knotweed is at 2 locations on the proposed grid connection route.

However these 2 photographs were taken in during 2026 at the site of turbine 3. The second photo was taken after the area had been cleared in order to stack trees as they were felled.



This, then is another survey we can have no confidence in and therefore raises doubts over the validity of the EIAR as a whole.

Appendix 6-1 provides the details of the habitat assessment and we note that three of the areas where relevees were undertaken were classified as having an affinity with an Annex I habitat. All 3 of these results are in the same area of the proposed site and we are not convinced that these are a constraint that has been seriously considered. We are told later in the chapter that they are considered of '*high biodiversity value*' but are also told that there will be a net loss of these particular areas should the proposed project be granted permission. Whilst the losses are relatively small it is important that there is no loss at all of such high value areas.

We are told in Section 6.2.3.4 that '*Dedicated surveys for protected fauna were undertaken*' but no details regarding what these entailed or when they took place are included. Although some generalised information regarding badger and otter surveys is included there is no mention of pine marten or red squirrel, despite the clear recognition that these are also protected fauna.

At the start of the chapter we are informed that there have been previous surveys carried out on this site and we are told on page 6-5, '*Ecological baseline surveys, including bat surveys, were initially conducted by MKO ecologists between 2018 and 2020.*'

However a consideration of Appendix 6-2, Bat Survey Report, contains no information from these earlier surveys and therefore does not impart the full knowledge available to those seeking to assess the situation. This is particularly important as there have been a number of concerns regarding previous surveys on this site for an alternative development proposal.

Before considering the issues surrounding these various surveys we must first bring a very serious concern to those at An Coimisiún Pleanála.

In Appendix 6-2 we are told that three structures were identified as potential roost sites and that they were assessed during daytime surveys in 2025. One of these buildings, identified as

Structure 3, Farm Shed B, is outside the boundary of the site, as can be seen on Sheet 1in the Wind Farm Planning Application Drawings. This building is assessed on page 43 and photographs presented on page 44. From the evidence presented on these pages it is clear that the surveyor concerned has entered the structure, which lies on private land. They did not have permission to do so and it is clear from their own professional guidance that this is illegal (Access to Land Professional Guidance Series PGS4, CIEEM,2011). **With this in mind it will be up to the board to decide if the surveys are valid, but this must surely bring the survey results into question.**

Additionally there are a number of issues that bear further consideration.

In Table 3-13 we are given the times of sunset on 3 dates in 2025. We are also told that '*The emergence surveys commenced at least 15 minutes before sunset and concluded 90 minutes after sunset.*' (Appendix 6-2, Bat Survey Reprt, page 16). On the same page we are also told '*Transects commenced immediately after the dusk emergence surveys and were completed for up to 3 hours after sunset.*'. If this were the case then the manual transect surveys would have started at 22.33, 23.31 and 22.24 respectively. However, the start times given in Table 3-14 are 20.53, 21.53 and 20.41. This makes no sense at all.

With regard to previous surveys we are told in Section 3.2.1 that bat surveys were previously undertaken in 2023. Surveys were also conducted in both 2018 and 2019 (Cahermurphy II Wind Farm application), and questions remain regarding the confusing array of guidance documents employed, all with differing dates.

Where the aquatic surveys, Appendix 6-3, are concerned we note the absence of a Freshwater Pearl Mussel survey but no explanation as to why this should be so in catchment areas that are known to be home to this rare and protected species. This is even more puzzling when we note that several Freshwater Pearl Mussel Habitat assessments were carried out along the Proposed Grid Connection route.

We are puzzled by the historical records for otter quoted on page 11 of the report as they are all in East Clare and some considerable distance from both the Proposed Wind Farm and the Proposed Grid Connection. We also note the comment on page 50 which states, '*Furthermore, the timing of surveys (July 2024 and August 2025) falls outside the optimal period for the detection of otter signs (the number of signs in summer is often low, despite otter presence;*' and therefore question the ability to draw any valid conclusions from them. Yet another clear weakness of the EIAR and its usefulness to ACP in carrying out an EIA.

As will be made abundantly clear when we discuss water we have very serious concerns regarding the section on watercourses within and downstream of the development site. The mapping of waterways on the site has been of poor quality and we consider that the potential for both direct and indirect effects is large. The report states that '*A self-imposed 50m stream buffer was used during the layout of the proposed wind farm development site, thereby avoiding sensitive hydrological features.*' (Non-Technical Summary, page xxix) but we do not have enough confidence in the mapping of the site's waterways to believe this.

Bearing in mind the range of comments above regarding biodiversity and the lack of serious investigation of many of the species in and around the site it will not come as a surprise to know that we disagree with the conclusions drawn when considering the impacts on flora and fauna. It is our opinion that the EIAR does not provide sufficient evidence to ensure that the

range of protected species, and their habitats, that are present within the EIAR Study Area will suffer no negative impacts from the proposed development. Furthermore, the level of evidence is not sufficient for suitable mitigation measures to be considered where this might be possible.

Finally, we must consider the impacts on designated sites. The EIAR provides the key assessment findings with regards to the Special Areas of Conservation and Special Protection Areas involved. We are told '*The NIS concluded that where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report and its appendices. The measures ensure that the construction, operation and decommissioning of the proposed development will not adversely affect the integrity of any European sites.*' Non-Technical Summary, page xxvi).

When one considers that connectivity to these sites is through the watercourses and drainage channels of the site into the local river catchments, along with the many shortcomings of the EIAR, then it is clear that the above statement is untrue.

Chapter 7 Birds

When considering ornithology we are obviously concerned with all species. There are several surveys undertaken by the developers to show the wealth of bird life that uses the proposed wind farm site and it surroundings. Of particular concern is the Hen Harrier (*Circus cyaneus*) and the protection afforded it as an Annex I species. This clearly states that member states must strive to protect their habitat even when it is outside of the SPAs designated for them.

Having consistently pointed out the need for accurate information we are surprised in this chapter to find that the 'Proposed Grid Connection has been omitted from the description of the proposed project in section 7.1.1 on page 7-2.

In Table 7-1, Consultation responses, we are told that the Development Applications Unit, in their response dated 17/05/2024, raised no issues in relation to birds.. The Department's response contains several pages which relate to nature conservation and many sections which directly relate to birds.

The full text of this response, consisting of 9 pages, is to be found part way through Appendix 2-1, Copies of EIA Scoping Responses (Unfortunately we are unable to provide an exact page as there are no page numbers but when looked at on screen the response starts on page 69)

Possibly the most important of these is that related to the Hen Harrier and this is reproduced below for information.

'*The proposed development site is in the 'North & West Clare region area', which is zoned as an important region for Hen Harrier. There has been a short term decline of 50% in the density of Hen Harriers in this area since 2010 with 12-16 pairs recorded in 2010, 3-9 pairs recorded in 2015, and 4-7 pairs recorded in 2022. Furthermore, this 2022 national survey also confirmed hen harrier breeding in the 10 kilometres square (R06) where the proposed wind farm is located. Knowledge of Hen Harrier distribution and activity is necessary to determine the risks to the species as a result of habitat loss, displacement and collision*

arising from the proposed windfarm on its own, and in combination with other windfarms, afforestation, including forestry management and harvesting, and land reclamation in this general area. Knowledge of Hen Harrier nesting and foraging habitat availability is also required to assess the risks. Existing data from EIARs should be reviewed and included in the assessment of indirect and cumulative impacts. It must be demonstrated, including through landscape modelling over the lifespan of the windfarm, that there will be sufficient habitat for the Hen Harrier population in the event that all permitted windfarms are constructed and as conifer plantations mature, and undergo successive rotations. The report should include proposals for future monitoring of Hen Harriers as required.' (DAU Scoping Response, 17/05/2024, pages 4 & 5)

This was certainly not the only comment on birds made in their response and to suggest that none were raised is complete fabrication.

There is a further misdirection at the bottom of page 7-6 when we are referred to Appendix 7-5 for further details. This appendix actually concerns confidential survey data and is not available to the public. We believe the authors should have been referring to Appendix 7-6, Collision Risk Assessment.

The developer quotes the sensitivity rating presented by the Bird Sensitivity Mapping Tool as being low with respect to Hen Harrier. The experience of residents in West Clare, however, is the opposite, and this has been underscored by the obvious displacement of the species from various locations where wind farms have recently been developed.

Section 7.3.8 concerns the previous surveys undertaken at the site between April 2017 and September 2019. We have previously investigated this data in depth and included our reservations regarding its accuracy in our response to the appeal (not planning application) put forward to, the then, An Bord Pleanála (Cahermurphy II Wind Farm, PL03.311044).

As an example, when providing the summary information on Hen Harrier from these earlier surveys on page 7-24, the developer tells us that hen harrier was observed 21 times during breeding raptor surveys. Our own investigation of the relevant data showed that later in the documents it claimed a total of 43 observations. We were seriously concerned regarding the inaccuracies in the recording and presentation of information in that previous EIAR and its appendices. To wrongly quote these errors once again does nothing to allay our concerns.

When we consider the information provided regarding the presence of hen harrier in and around the Proposed Project we are once again in some confusion.

Firstly, we are at a loss to understand the purpose of Figure 7-6 on page 7-14. It is entitled 'Hen Harrier survey Area' but does not appear to be referred to within the text of the chapter. 14 points are labelled as Hen Harrier VP although only VPs 1, 2, 3 and 4 are recorded in Table 7 - 2 - 1 Vantage Point Survey Effort in Appendix 7-2. A detailed inspection of Appendix 7-2 leads us to discover that most of the additional vantage points were related to the hen harrier roost surveys, although HHVP 3c was still unaccounted for.

Although we are told '*Survey locations varied throughout both winter seasons, in response to changes in hen harrier activity and/or the lack of observations at some survey locations.*' (Section 7.2.4.1.6, Chapter 7, Birds) we are provided with no deeper insight and when we consider the total times spent at different locations there seems little logic.

The following shows the total observation times spent at each vantage point.

HHVP1	2 hrs 30 mins	HHVP3c	No record
HHVP2	21 hrs 20 mins	HHVP4	28 hrs 50 mins
HHVP2a	2 hrs 15 mins	HHVP5	17 hrs 30 mins
HHVP2b	2 hrs	HHVP5a	3 hrs
HHVP3	25 hrs 50 mins	HHVP5b	3 hrs 10 mins
HHVP3a	3 hrs 5 mins	HHHVP6	14 hrs 7 mins
HHVP3b	9 hrs 25 mins	HHVP7	3 hrs 20 mins

As can clearly be seen there is little logic apparent in the use of the various vantage points without some form of accompanying explanation that is more detailed than that given.

We are left in ignorance as to the results of the multidisciplinary walkover surveys where birds are concerned. Section 7.2.4.1.7 on page 7-8 simply refers us to a section of the previous chapter. This section's only possible reference to birds is '*The walkover surveys were designed to detect the presence, or likely presence, of a range of protected species.*' (Chapter 6, Section 6.2.3.1, page 6-11).

Where breeding raptor surveys are concerned we are told in section 7.2.4.1.3 that these were '*undertaken within the Proposed Wind Farm and up to 5km of the proposed infrastructure*' Apparently these surveys took the form of short vantage point watches. We are very concerned, therefore, that the map provided on page 11, entitled Breeding Raptor Survey Locations, shows no vantage points at all within the proposed wind farm with the nearest point shown being almost 3 km away and the furthest being in the region of 5 km. We fail to see how it would be possible to conduct surveys within the site from these points and suggest that these have been deliberately selected in an attempt to support the contention that the area is suitable for inclusion in the enhancement proposals.

We would suggest that, in reality, the 122 observation made show that these lands already provide suitable habitat for hen harrier and would not be an addition as they are already using it. It surely cannot be claimed that these provide mitigation for any of the habitat lost to the development.

The results of winter walkovers would seem to be of little consequence as it would be difficult to conceive of any viable viewshed given the dense surrounding forestry.

We note that, whereas the hen harrier is rated 'National Importance' the kestrel and the snipe are only rated as 'County Importance'. This categorisation is surely in doubt considering that it is based on NRA guidance from 17 years ago and the breeding bird atlas from 15 years ago. Certainly if we were to follow a precautionary path for these 2 red listed species we would assign them a higher level of importance.

In the 'Do-Nothing Scenario' described on page 7-42, we are told that '*No habitats will be effected within the Site as a result of any proposed infrastructure.*'. It goes on to say '*however, over 120 hectares of land proposed for enhancement for the benefit of hen harrier and species with similar ecological requirements will remain in its current condition (i.e. unproductive commercial conifer plantations and high intensity grazed agricultural fields)*'.

There are several issues with regard to this statement which may be made clear by considering other evidence in this chapter and its associated appendices.

Firstly, there is clear evidence from the surveys undertaken that there are habitats within the site that are suitable for hen harrier and these will continue to exist (see Appendix 7-4, Figure 7-4-2, page 11 and Figure 7-4-5, page 14). Secondly, we must take issue with the phrase 'high intensity grazed agricultural fields' as this is patently misleading. Although there is a small degree of improved agricultural land in the area it is quite clear that it is not suitable for grazing of this nature. In fact the data provided indicates much of the land involved is quite clearly suited to hen harrier without enhancement as shown by Figure 7-4-3, Hen Harrier Observations, Breeding Raptor Surveys, on page 12 of Appendix 7-4. This is further underlined by the wide array of comments in Table 7-4-3, which provides the data for this figure. The comments in the 'Breeding Status' column clearly indicate that the area in question is suitable for hen harrier breeding and foraging. Similar evidence exists in the data for species with similar ecological requirements, such as kestrel.

The comment at the bottom of this page (7-42), regarding local employment and economy, is surely misplaced in a chapter focussing on birds.

Before considering the detail contained in the section regarding likely effects on hen harrier on page 7-44, it is important to correct the information given regarding the context. The 'proliferation of turbines' (wind energy developments) may well, at one time, have been described as 'medium importance' but it is clear from the Hen Harrier Threat Response Plan 2024-2028 that it is considered on a par with both agriculture and forestry and is deemed a 'main threat' (Page 22).

We find it difficult to reconcile the clear threat to the hen harrier species that is well documented with the apparent disregard to their continued existence in this area. Despite acknowledging the potential disturbance distance as being anything up to 1000m and identifying nesting, foraging and roosting areas closer than this the EIAR goes on to suggest that the anticipated effects are generally not significant and only short term. With heavy construction work on site for at least 20 months over a 3-year period (see Chapter 4 Description of the Proposed Project, Section 4.4.1.1, page 4-69) it is difficult to conceive of any creature returning for some time.

The document 'Guidance on Disturbance to Birds During Forestry Operations', which was commissioned by Coillte and published in July 2020, clearly indicates a 1000m buffer zone to be employed at all times and this should therefore be what is considered by the developer, particularly as they are part of the Coillte portfolio. It is disconcerting, then, when the document now decides to focus on a lesser distance (500 – 750m) in order to suggest that the identified breeding territories and roosting sites within this '*are greater than 750m from the nearest proposed turbines*' (Page 7-47), and therefore '*no significant impacts are predicted for potentially breeding or roosting birds in these key habitats.*'

With regard to the loss of habitat involved should the proposed development be granted a Hen Harrier Enhancement Plan, Appendix 7-8 has been proposed. Whilst this plan would be of great benefit to the hen harrier, and many similar species, it must surely be acknowledge that '*The creation of habitat to offset Hen Harrier habitat loss has been determined not to be mitigation (in the meaning of a Habitats Directive Article 6(3) assessment), but is rather a*

measure to be assessed pursuant to Article 6(4) (i.e. compensation) (Supreme Court, 2016; ECJ, 2018)' (Hen Harrier and the Wind Energy Sector, NPWS, 2022, Page 51).

Despite this it is necessary to consider the plan in some detail. Early in the introduction to this appendix we are told that '*The Applicant has legal agreements with the landowners of the Proposed Lands that allows them to implement the land management measures outlined within the HHEP'* (Appendix 7-8, page 3). However, we are not provided with any information as to the contents of these agreements and it is obvious from the comments on page 27 that these agreements are not binding. Here it says, '*In the event that a farmland landowner withdraws from their relevant legal agreement for any particular reason, similar replacement lands will be locally sourced and acquired through legal agreement.*', clearly indicating that this is a possibility.

When considering the calculation of foraging habitat loss to the proposed development we note that the applicant has decided, without providing or citing any empirical evidence, that they would assume a '*buffer zone within a 250m radius of the proposed wind turbines'* (Appendix 7-8, page 5). Bearing in mind that Pearce-Higgins research quoted found '*that there was a reduction of 52.5% in activity within **500m** of operating wind turbines'* (page 5), this would seriously doubt the calculations made. The estimate based on their figures suggests a loss of 62 hectares (page 6) and we suggest this is a serious underestimate.

When considering the rationale for the selection of the lands in question we are presented with a series of statements as justification. The second of these states '*Foraging habitat will be created to replace the foraging habitat indirectly lost through avoidance'* (Appendix 7-8, Section 2.1.2, page 6). As referred to earlier, the data in this section of the EIAR clearly suggests that many of the areas in question area already good foraging habitat and attractive to hen harrier and therefore this statement is entirely misleading.

We find it difficult to understand the final justification made. This suggests that the chosen areas are nearer to all the known breeding sites although it seems highly unlikely that any of it is nearer than the nest site identified in 2024 as being within 800m. Additionally in this section the assertion is made that '*Most hunting by males and females is carried out within 2km and 1km, respectively, from nests.*' App 7-8, page 6).

The source for this information is based on a very small sample of 12 adults in three different locations over three different years. Not only is the data from this research somewhat dated, but it is also flawed in as much as it does not compare the foraging habits of specific pairs of birds but rather a sample of nesting males and a sample of nesting females that are not necessarily connected. In addition, out of the 12 birds tracked, data from 2 of the females was eliminated, reducing the sample to just 10.

The 2012 research, 'Optimum Scenarios for Hen Harrier Conservation in Ireland', prepared for the Department of Agriculture, Food & the Marine, found that males might forage anything up to 11.4km and females up to 7.5km with 89% foraging within 5km. The report also comments on how difficult it is to associate foraging adults with specific nests from vantage points because of the difficulties of following their flightpaths.

Whilst it would not be prudent to comment in detail on any of the identified areas, we nevertheless challenge the use of the word 'intensely' in terms of the grazing in Area 3. The landowner concerned has only a handful of cattle which are free to roam the lands on the

southwest side of the road. It is our understanding that, before we could suggest any intensity in the grazing the landowner would need to be managing in the region of 50 or more cattle and given the quality of the land in question this would be impossible.

Should it be implemented we have no difficulty with the measures proposed which are solidly in line with the Hen Harrier Programme Field Guidance and already implemented by many farmers and landowners. We would like to comment on the lack of detail in the proposed restoration work which does not appear to be tailored to the individual land parcels but is a generalised, theoretical outline of what needs to take place.

The monitoring and reporting regarding birds at the site of the proposed development and at the various enhancement areas is sound and in keeping with that which takes place with other applications, although we are concerned that there is very little use made of them once they are submitted.

Finally, as regards enhancement plans, we feel it is important to point out that is largely reliant on third parties (the landowners) and this makes it very difficult to enforce, especially as we are informed that the opportunity exists for them to opt out of the arrangements.

When we come to consider cumulative effect we are presented with an array of examples that consider the potential for the proposed development to result in significant cumulative or in-combination effects when compared to a series of wind farm projects at an individual level only. This appears to us to be a rather strange approach and certainly not what is normally meant by cumulative, which is surely to do with all of the projects in combination together.

The Landscape-Level assessment set out in this section is very confusing and a map would certainly have been a great aid to understanding. However it is unclear which wind farms are being taken into account. Is it all those within the North and West Clare hen harrier area or just the 9 turbines mentioned at the start of the section on page 7-71? We also question the use of 500 metre exclusion and wonder why 1000 metre buffer zone is not used. This would certainly have a dramatic effect on the calculation set out. Additionally there is no differentiation attempted between 'open habitat' which is agricultural and that which is not. Considering the emphasis, placed throughout, on the drawbacks of improved agricultural land as hen harrier habitat this is a serious error.

We find it difficult to agree with the prediction of no significant cumulative effect on hen harrier and are seriously concerned that a further wind farm development in this special area will likely lead to a further decline in the population of the North and West Clare, internationally important, area.

When assessing this proposal it is vital that serious consideration is given to the question of protecting the hen harrier's habitat and therefore the species itself. It is our contention that there is no serious attempt to protect the habitat in question and that the enhancement areas put forward do not constitute mitigation. This is especially true as most of these areas are already in regular use by hen harriers and therefore would not be additional habitat.

Chapter 8 Land, Soils and Geology

We note the considerable investigations and geotechnical assessments that were conducted on the site and the three woodland areas that are included in the project as potential enhancement lands. We do consider that it would have been prudent to include some assessments of the six agricultural sites that are included in the project as well. Although they are unlikely to be subjected to any excavation works there will be occasions when heavy machinery will be used. It might also have been useful to the developer to acknowledge the existence on site of a disused quarry area that was used in the late 1990s to create an internal road system. When asked on the application form if a quarry was present the answer given was no.

In section 8.6 we are told that all roads (upgraded and new), hardstand areas and turbine areas are to be '*overlain by a clean capping layer of high-grade limestone which will be sourced from local quarries.*' (Chapter 8, page 8-31). This appears to be the first mention of any materials that would need to be brought onto site with the exception of waste soil from the proposed grid connection. The documentation provided does not provide information on the depth of capping required but if all the areas mentioned above are included we would be looking at a very large amount of capping stone to be delivered and therefore a large number of HGV journeys on local roads. This does not appear to have been taken into account.

Investigation of the EIAR on the above issue has led us to realise that there is a discrepancy between the information given in Appendix 8-1, Peat Stability Risk Assessment, Section 10.1, where it says '*the proposed make-up of the founded access roads is anticipated to be an average stone thickness of 750mm'* and the information in Figure 4-6 of Chapter 4 where it shows the thickness as 0.5m. If we are to assume that this indicates a capping layer of 250mm then it would entail over 12,000 cubic metres to cap the roads alone. This is a serious discrepancy concerning the planned construction and the assessment of materials amounts required.

Continuing with issues regarding quantities set out in the EIAR we are left in a quandary regarding the peat placement within clear fell areas around turbines. We are told in this chapter that it will be '*Up to 1m in height'* but in Appendix 4-3 Peat and Spoil Management Plan we are told '*1.2m in height across specific areas'*. This is yet another serious discrepancy giving us due cause for concern.

On page 8-34 we are informed that there will be no topographical change on the Hen Harrier Enhancement Area but suggest that the removal of 56.3 hectares of forest is, in fact, a substantial topographical change. This is what would occur should the proposed development be granted permission.

Towards the end of the chapter we find that felling in the proposed enhancement areas would be scheduled to take place prior to the breeding season. This goes on to suggest that this would allow three growing seasons '*for the clear-felled site to revegetate in advance of the operational phase.*' (Chapter 8, Section 8.7.2.7). It goes on to say this will ensure '*replacement habitat will be available should the predicted displacement effect occur.*' We fail to understand how the developers could believe that the limited amount of regrowth that would occur over such a short time period could possibly viewed as 'replacement habitat'.

Chapter 9 Water

Looking at the chapter on water, confidence in the credibility of the overall EIAR is once again undermined when we read in Section 9.2.3, page 9-7, that 174 peat probes were carried out on the forestry parcels of the Hen Harrier Enhancement Lands. The only other reference we can find is in Appendix 4-3, Peat and Spoil Management Plan, P23-230-0600-0013, which shows 52 probe locations.

On page 9-13 we are told there are '*4 no. agricultural parcels*' that comprise the Hen Harrier Enhancement Area along with the 3 parcels of forestry. In fact there are 6 according to Appendix 7-8. Another example of discrepancy of information between different sections of the project team.

In section 9.3.3 reference is made to the Enhancement Lands to the south of Doo Lough which drain north to the lough but it is unclear which of these lands is actually being referenced. It can be seen from the map above, taken from the EPA maps online, that a stream originates at the lough in Area 3 which, in turn, joins the stream from Area A before passing under Drummin Bridge into Area 1. It then flows through Carrownagry South and North before it joins the Annageeragh

These areas appear to have been left out of consideration and are not referred to in Table 9-8: Summary of Site Sub-catchments & Proposed Project Infrastructure (page 9-21) despite a section being shown in Figure 9-4: Proposed Wind Farm Drainage Map (page 9-23).

We note, with some concern, the figures for the biological oxygen demand (BOD) in the sampling results in Tables 9-12, 9-14 and 9-15. It is our understanding that a value of 2-8 mg/l indicates moderately polluted and 9mg/l indicates high organic pollution. Many of the results shown in the tables are in excess of this and are a very serious cause for concern. Yet there is no indication that this has been investigated further.

We are presented with another discrepancy when we read in section 9.3.4.2, that '***most*** *roads will be constructed by excavate and replace method*'. In Chapter 4 and in related appendices we have consistently been told that **all** roads will be excavate and replace.

When we are told on page 9-42 that '*The surface water abstraction from Doo Lough, which is a lake DWPA, is dealt with above in Section 9.3.11.1.*' we would expect there to be some detail but we are simply presented with the fact that '*some of the proposed Hen Harrier*

Enhancement lands are located in the surface water catchment to Doo Lough as the lands are located on slopes to the south of the Lough.' (page 9-41).

The EIAR makes it very clear that '*Any contaminants which may be accidently released on-site will travel to nearby streams within surface runoff.*' And this is key when we consider the efficacy of the proposed mitigations that are put forward. The mitigation measures (e.g., silt fences, settlement ponds, buffer zones, etc.) appear to be largely generic in nature with little site-specific detail provided.

On page 9-43 we are presented with some of the designated sites that are '*hydraulically* connected' to the proposed project. We first must question the use of the word 'hydraulically' which in hydrology refers to saturated conditions that allow water to move between groundwater and surface water. In this instance it is clear that this is not what is being referred to and that we are looking at surface water flow paths and that the word 'hydrologically' should be used.

We must challenge the assertion that, as they are all coastal sites, there is a low risk of impact hydrologically. As an example, Lough Donnell is part of the Carrowmore Point to Spanish Point and Islands SAC and reference to the conservation objectives for this Natura 2000 site clearly indicates a number which relate to water quality and to water levels. The Mid-Clare Coast SPA covers, amongst many other areas, a variety of wetlands with objectives connected to them. Once again this includes Lough Donnell and associated habitats. The Lower River Shannon has several conservation objectives that are relevant and appear to have been ignored.

In reference to the developers approach to drainage design we are told that the site has been divided into drainage catchments but can find no information on the location or size of these. This is of particular importance as the size of the settlement ponds is dependent on the area of the catchment. A settlement pond for an area of 500m^2 for 24 hr retention would involve excavating approximately 123.5 m^3, while one serving an area of 2000 m^2 would lead to the excavation of 477.54^3. That is a significant difference and without any clear indication of these drainage catchments we cannot be assured that measures suggested are suitable.

On pages 9-55/9-56 we are given a list of weather forecasting systems available and told they will be used on a daily basis whereas we have been told in the Construction and Environmental Management Plan (Appendix 4-5) that the forecasting site to be used can be found at www.yr.no/en/forecast/daily-table/2-3308591/Ireland/Munster/Co%20Clare/Cahermurphy, an online site that is a collaboration between the Norwegian Broadcasting Corporation and the Norwegian Meteorological Institute.

We are told '*Groundwater levels effects are only likely at the Proposed Wind Farm site and not the Proposed Grid Connection due to the shallow nature of the underground cabling works.*' (Section 9.5.2.3, page 9-57) but two pages later we find '*Pumping water from excavations might be required for both the Proposed Wind Farm and Proposed Grid Connection (Proposed Project) and therefore both are assessed herein.*' (Section 9.5.2.4, page 9-59). This is clearly due to groundwater/surface water seepage which appears to be expected from various parts of the infrastructure including the cabling trench. It would seem, then, that the initial statement is misleading as seepage is expected.

Bearing in mind this error in providing a clear understanding of the drainage measures to be taken we can have no faith in their statement regarding pre-mitigation potential effects which suggests '*In the absence of mitigation measures, there will be no potential for significant effects on downstream surface waters and associated water-dependent ecosystems.*' (page 9-59) as the need to pump water from excavations coupled with the hydrological connectivity clearly poses possible severe effects to these.

On page 9-64 we are once again informed that hydrologically there will be no impact on the various designated sites in question under the mistaken belief that they are, in no way , freshwater dependant despite there being various references in the relevant conservation objectives and despite the national importance of White Strand/Carrowmore Marsh nPHA with its freshwater marsh to the south of the dune system. Again we cannot agree with the statement that says '*In the absence of mitigation measures, there is no potential for signficant effects.*' (page 9-65) as the potential is obvious.

On page 9-69 we are informed that chemical dosing may be required in order to aggregate particles in runoff and that the siltbuster system is fitted with an electronic in-line dosing system. It is important to note that there was no mention of this in-line dosing possibility in the description of the siltbuster given in Appendix 4-7, Surface Water Management Plan, earlier in the documents, although we are told it will be used **if necessary**. Surely, at this stage, it should be known whether this equipment is necessary.

We note that the proposed grid connection route has not been included in the section considering potential effects on wetland hydrology and yet there is a clear link to the internationally important wetland at Poulnasherry Bay pNHA – Lower River Shannon SAC as well as other, hydrologically connected, wetlands.

Although we are told that the use of 5km of existing track will reduce the need for new road excavations it has to be recognised that even the existing tracks will be upgraded using the excavate and replace model. Therefore there will be no reduction in excavation because of their use.

When considering the potential effects on the proposed hen harrier enhancement lands we are given the impression that all these areas are due south of Doo Lough. This is not so as areas 1, 2 and A are west of Doo Lough, while areas 4, 5 and 6 are to the east. We are, once again, informed that three 'growing' seasons will be sufficient to allow the areas to become replacement habitat and seriously question whether this can be so.

Apparently '*The surface waters at the Proposed Project were applied the highest possible sensitivity rating and appropriate mitigation measures which include avoidance and best practice engineering design measures are proposed to avoid significant impacts'* (page 9-74) although there is no certainty as to whether it will be necessary to employs siltbusters as we referred to earlier.

We are stunned by the assertion that '*The freshwater pearl mussels are not a qualifying interest of any local designated sites.*'. Whilst, on the surface, this statement may contain some truth it patently ignores the fact that this creature is one of the most endangered species in the world. Furthermore, the hydrological connectivity which clearly exists between the proposed wind farm site and the Creegh and Annageeragh rivers and the proposed grid route and the Doonbeg River clearly provide an opportunity to impact them. It is not waterways

within the site that is an issue but rather the effect of site works on the waterways which flow from the site, the proposed grid route and the enhancement areas. Unless one can be confident that the proposed mitigations are firmly based on high quality, thorough and accurate data then there can be no certainty regarding the protection of this critically endangered creature.

The following page (page 9-76) continues to focus on the freshwater pearl mussel and clearly illustrates the issue. While the northern section of the 'site' only contains 2 turbines in the Annageeragh River catchment ,the fact that some of the enhancement areas (areas 1, 2, 3 and A) are also in this catchment has been completely overlooked, How '*all proposed mitigation and drainage design proposals were designed towards providing a "best in class" drainage management proposal for the development'* (page 9-76) could possibly be true is beyond understanding.

The fact that the proposed development is spread across various catchment areas appears to be taken as a positive fact on page 9-82. It is our opinion that such a scenario does, in fact, lead to a higher risk as there are more hydrological routes by which effects may be possible and, consequently, a greater need for more clearly assessed mitigation controls.

When it comes to cumulative assessment we appear to be presented with some unusual considerations. Firstly, we are asked to consider the proposed wind farm and the proposed grid route and then to consider the cumulative effect with other wind farms. This is made rather difficult as, despite claiming to include those that are currently being considered but not at planning both the potential developments at Dehomad and Crag have been ignored. These appear have a variety of river catchment areas in common and should therefore have been definitely included in the assessment.

Chapter 10 Air Quality

Although we have few comments to make in this area there are one or two anomalies that stand out.

When setting out the proposed situation regarding exhaust emissions during the construction of the proposed project structure we note the developer's assertion that '*The potential effect of the emissions will not be significant and will be restricted to the duration of the construction phase and localised to the Site'* (Chapter 10, page 10-20). We are unclear as to how this could be the case considering a substantial amount of material will need to be transported through local roads to provide for capping the onsite roads. Despite the declared mitigation measure that aggregate materials '*will be predominantly sourced onsite'* (page 10-21) we are still looking at many tons and therefore many truck loads.

With regard to the proposed grid connection we are seriously confused by the information provided. This is due to the number of mitigation measures proposed that do not appear relevant to this phase of the development.

These include the following:

Mitigation & Monitoring Measure	Comment
Turbines and construction materials will be transported to the site on specified routes only, unless otherwise agreed with the Planning Authority.	We can find no specific routes for transporting to different sections of the proposed grid route.
Aggregate materials for the construction of the Proposed Wind Farm infrastructure will be predominantly sourced onsite.	Although this is irrelevant as it refers to the Proposed Wind Farm, it is concerning as there will be a need for aggregate materials at joint bays and these cannot be sourced onsite of the grid connection.
Waste volumes generated on site are unlikely to be large enough to warrant source segregation at the Site. Therefore, all waste generated onsite, such as peat and spoils will be managed on site. Any hazardous materials encountered on site will be removed to a suitably licensed facility. Any facility used will be as local to the site as possible to reduce the emissions associated with additional vehicle movements.	This would seem to include peat and spoil and overlooks the fact that any surplus during construction of the proposed grid connection will be either transported to the Proposed Wind Farm or to a licensed waste facility.
Silt fencing will be erected on ground sloping towards watercourses at the 3 no. HDD crossing locations within private lands at the stream crossings if required.	We are unclear as to the relevance of silt fencing when considering exhaust emissions. In addition it must be noted that Appendix 4-4, Grid Connection Construction Methodology, there are at least 12 occasions where HDD is proposed.
HDD works will not take place at periods of high rainfall and will be scaled back or suspended if heavy rain is forecast.	We fail to understand the relevance of this statement with regard to exhaust emissions.

In the section on page 11-22, regarding transportation to and from site specified routes are once again mentioned with regard to the proposed grid route although we are unable to locate these routes.

When we consider the proposed mitigation measures regarding dust emissions we are concerned at the phrase 'where necessary' which is used in regard to the use of tarpaulins to cover materials during transportation. There is no indication of how this will be decided or by whom and we would suggest it would be more appropriate and healthier to always cover such materials during transportation.

On page 10-29 we are informed that, except for the road running along the eastern side of the proposed wind farm site, '*construction traffic will disperse in different directions along different routes to a degree that there will be no potential for significant effects from trackout related dust emissions.*' but it is clear that this does not agree with the earlier remarks concerning specified haul routes. If contractors are to keep to the specified route then it seems unlikely that they will disperse in different directions.

We note that there is a section regarding carbon offsetting during the operational phase but are unable to find a similar heading regarding the construction phase.

The chapter finishes by assuring us that '*no significant limitations in the scope, scale or context of the assessment have been identified*' but we would suggest that we have clearly identified shortcomings in the scope, scale and context of the information provided from their own project plans.

Chapter 11 Climate

In Section 11-3 on page 11-4 of this chapter we are provided with the guidance that has been referred to in compiling the information on this subject. This includes reference to '*Macauley Institute Carbon Calculator for Wind Farms on Scottish Peatlands (Version 1.8.1) (2023)*' which is unavailable to members of the general public and therefore cannot be referred to by them.

It is interesting to note, however, that this calculator, which forms the basis of Appendix 11-2, Carbon Calculations, has recently been reviewed by the the Climate Exchange (July 2024) (www.climatexchange.org.uk/publications/carbon-calculator-for-wind-farms-on-scottish-peatlands-an-evidence-assessment/). This raised a number of issues regarding its reliability and recommended that, in its current form, it needed to be updated. These include the following;

- The 'payback time and CO2 emissions' are not relevant/consistent with the findings of the technical assessment and literature review. It is important to consider whether emissions due to turbine life and back up are required, given new planning policy and the applicability of whole lifecycle carbon assessments. www.climatexchange.org.uk Carbon Calculator for wind farms on Scottish peatlands: an evidence assessment|
- For all peat-related areas of the Carbon Calculator, as well as the forestry area, accuracy is lacking in one or more methodologies, use of emission factors and assumptions.
- While some data are accessible to users, it is not clear if they are able to accurately obtain some of that data – in particular, for variables that drive the results (the water table depth and extent of drainage), which could affect the accuracy of outputs.

It is clear there are existing concerns regarding the accuracy of the calculator itself, before we consider the information that has been put in.

When considering Appendix 11-2 it is unclear which pages refer to Macauley Institute's calculator and which to Transport Infrastructure Ireland's tool as no indication is provided. We are, however, able to glean some information that is of consequence.

We note that under the heading 'Characteristics of Bog Plants' a minimum of 5 and maximum of 15 years has been entered for regeneration, along with an expected value of 10 years. This obviously does not equate to the expectation that enhancement areas are likely to provide suitable habitat replacement within '*three growing seasons*'. We also wonder whether it is an oversight not to have included a figure under the heading '*Improvement of C sequestration at*

site by blocking drains, restoration of habitat' as we are clearly told that these activities are planned for in some of the Hen Harrier Enhancement Areas.

The developer's intention to discuss the physical environment of the site under the RCP 8.5 scenario certainly presents the worst case possible as it is a high-emission "worst-case" scenario used in climate modelling where greenhouse gas concentrations continue to rise rapidly throughout the 21st century and represents a path with little climate policy intervention. When we consider the various policies discussed earlier in the chapter and the intervention that these have led to, we need to seriously consider whether these are the most accurate comparisons to make.

This fact is underlined by the statements on page 11-22, where we are given both the WEM and WAM emission reductions expected by 2030 as 9.5% and 21.7% respectively. Hardly an RCP 8.5 scenario.

With regard to greenhouse gas emissions we understand that the developers have '*ensured the utilisation of as much of the existing roads within the Proposed Project as possible.*' (Section 11.6.2.1, Page 11-28), however, they are still planning to deal with these using an excavate and replace method.

Once again, we feel the applicant is deliberately underplaying the volumes involved when it says on page 11-29, '*with some material being imported from local licenced quarries as needed'*. The 'some' referred to would appear to involve 2,400 truck loads according to table 15-8 in Chapter 15, not an easily dismissible quantity.

When considering cumulative assessment we again find that they appear to be unaware of both the proposed Dehomad Wind Farm and the proposed Crag Wind Farm both of which are common knowledge in the community.

Chapter 12 Noise and Vibration

We have already made our views on audible and inaudible sound, and the effects they might have, clear when we discussed the issue under Chapter 5, Population and Human Health and will not repeat them here. We find it encouraging in the section on the fundamentals of acoustics that the developer has acknowledge the existence of sound outside the audible range and makes it clear that the dBA weighting has been developed solely to measure audible sound.

When considering the study area for assessing the potential noise impact we are referred to Appendix 12-2, where a list of operational, awaiting planning and pre-planning wind farms are given. Once again, we must make the point that several, including some currently in the planning system, seem to have been omitted. These include Illaunbaun Wind Farm (currently at ACP), Slievenalicka Locally-owned Turbine (currently at Clare County Council), Dehomad (pre-planning) and Crag (pre-planning).

This chapter clearly indicates the degree of variation that exists between different opinions regarding acceptable noise levels and what standards should be applied. We are taken through a number of different standards and guidance documents and the developer freely gives their opinion about the value of each. Possibly one of the most important aspects of the WHO

environmental health guidelines would appear to be the suggestion that more research needs to be undertaken in order to be more certain of the effects. It is a great shame that those in the industry have not risen to the challenge but have, instead, chosen to ignore the issue.

When we consider the background noise assessment the chapter contains an outline with greater detail provided in Appendix 12-3. We are pleased to note that the use of a previous, rather dated (nearly 7 years ago),assessment is acknowledged but do not agree that this is appropriate. Whilst we understand this would be an easy way to ensure that no noise would be included from the current Cahermurphy Wind Farm it cannot possibly be a true reflection of the current background noise levels. In addition clear guidance is presented in the IOA Good Practice Guide regarding the elimination of noise from other wind farms so an up-to-date survey was perfectly feasible and would more accurately convey the background noise profile that exist today.

There are a number of issues surrounding this background survey in any case. The choice of monitoring locations certainly leaves a lot to be desired as it excludes several groups of residential properties as shown below on the map taken from Chapter 12 page 12-21.

Yellow dots indicate locations used. Green circles indicate residences ignored

We are also given to understand that '*The underlying principle of ETSU-R-97 requires that the background noise levels at any given location must be correlated with the wind speeds* ***measured on the wind farm site of interest.***', according to the IOA Good Practice Guide. Appendix 12-3 claims, on page 2-5, '*Wind data was measured at a meteorological mast located within the site of the proposed development*'. The coordinates given for this are outside of the current proposed site as can clearly be seen from the map below.

Map to show proposed turbine positions in relation to the given met mast position.

Finally we note, on page, 2-8, that '*Background noise levels are calculated based on the assessment hub height of 103.5 m.*' Surely the developer should be considering a worst case scenario, or possibly a range of scenarios. We feel it would have been more appropriate to have considered the maximum hub height of 110.5m or possibly the highest turbine sound power level.

With regard to the consideration of cumulative effect we are simply informed that other wind energy developments in the area have been 'taken into account', but not detail is available to support this statement.

Given the serious doubts regarding the background noise survey undertaken we are not confident that any of the ensuing predictions regarding noise levels can be relied upon and should be discounted by the Coimisiún.

Chapter 13 Cultural Heritage

This is a chapter in which one would not expect to find any contentious issues regarding the overall EIAR. There are however one or two items of note as well as at least one issue which again casts doubt on the veracity of the data which accompanies this planning application.

We feel it is worth noting the lack of '*national guidelines available with regards to how the development of wind farms may impact on the archaeological, architectural and cultural heritage resource.*' Chapter 13, page 13-3. This is surely unacceptable considering the first wind farm in Ireland was built 34 years ago.

On page 13-4 we are told that there are no '*previously unrecorded sites of archaeological, architectural and cultural heritage significance*', which is hardly surprising as it is only record resources that have been reviewed. There is also some confusion regarding the numbering of the figures referred to on page 13-10 onward as Figures 13-1-2 and 13-1-5 that we are referred to do not appear to exist.

More seriously we note the following statement on page 13-46. '*The construction of the development may result in direct, negative (permanent) effects on bridges CH59 and CH60, as the proposed Grid Connect Route will be laid through the desk of the structure. Effects prior to the application of mitigation, have the potential to be moderate.*' Unfortunately, scrutiny of Appendix 4-4, Grid Connection Construction Methodology, makes it very obvious that only **one** of the twelve bridges involved is to be crossed in this way.

Such errors between different sections of this EIAR surely mean that its accuracy is in grave doubt and that no environmental impact assessment can be based on its content.

Chapter 14 Landscape and Visual Impact Assessment

We find that we have to begin this section with an array of confusing information regarding the accompanying photomontages. In the Non-Technical Summary (page 39) we find a paragraph explaining the various arrangements employed for producing the range of photomontage and photowire visualisations. We are informed about the 25 locations selected although the breakdown given actually totals 27. It goes on to tell us that 15 have been used as photomontage viewpoints and where we might find them (Photomontage Booklet). It also tells us that the remaining 10 are represented by supplementary photowire viewpoints, unfortunately with no indication as to where these might be found.

When we then read page 30 of Appendix 2-4, Community Consultation Report, we are told '*On the Cahermurphy West Wind Farm Virtual Tour an interactive photomontage viewer presents **30** viewpoints.*' A visit to the virtual tour mentioned above clearly indicates that only **13** viewpoints are presented as can be seen from the picture below. We also note that the views presented are all at 90° rather than the required 53.5° and are the only views available to the community as no Photomontage Book was lodged with Clare County Council. This presents members of the community with seriously misleading views.

Screen shot of Cahermurphy West Wind Farm Virtual Tour Interactive Photomontage Viewer listing the available 13 viewpoints not 30

Once again we question how we can possibly rely on the information presented throughout the EIAR when such glaring contradictory information is presented in this jumbled way.

Additionally we are clear that, according to the guidance available, photomontages should be viewed at a comfortable arm's length and at a size of 260mm x 820mm and that they should be viewed flat as they are in planar projection (Visual Representation of Wind Farms, SNH, 2017, Annex B, Standard Requirements Which All Visualisations Should Comply With). To this end the photomontages have been presented in this format.

We, along with other members of the community, have consistently requested a copy of this from the developers, have been refused twice and ignored on a third occasion. We are aware that, according to An Coimisiún Pleanála's website, '*The applicant must give paper copies of the application to An Coimisiún Pleanála and the local planning authority and they are available for viewing for at least* ***six weeks***.' Enquiries to Clare County Council by both telephone and email made it clear that they had not received a copy of the Photomontage Booklet and therefore we would not be able to access it. We then sought to obtain a copy from ACP but the cost of 110 pages at €3.10 per page was beyond our reach.

It is our understanding that this is a legal obligation under the planning laws of Ireland, specifically the Planning and Development Act 2000 (as amended), which requires applicants to send a prescribed number of copies of the application and Environmental Impact Assessment Report (EIAR) or Natura Impact Statement (NIS) to the relevant local authority. This is confirmed in the OPW Planning Leaflet 14, Strategic Infrastructure Development, where it clearly states, '*The applicant must also send a prescribed number of copies of the application and EIAR/NIS to the relevant planning authority/planning authorities;*', on page 6. This has obviously not been the case and it has therefore not been available to view by members of the public for the time specified (6 weeks).

When we consider the contents of the chapter we are soon confronted with yet another anomaly preventing a full understanding of the issues involved. When reference on page 14-9 is made to the ZTV map that is generated we are referred to 'Section 0' and diligent investigation show that this does not exist. This is not the only reference made to Section 0 as it is referred to again on page 14-92 again in reference to the ZTV and LVIA Study Area.

In Section 14.1.3 reference is made to the Cahermurphy II Wind Farm Application with the suggestion that the current application is a continuation of the 'iterative design process'. This is a difficult concept to accept given that such a process is defined as refining a product based on continuous user feedback. In this instance the user feedback of note would be that of the Clare County Council Planning Department and An Bord Pleanála. The first refused the Cahermurphy II Wind Farm application on landscape and visual amenity grounds and the inspector for An Bord Pleanála expressed grave concerns on the same topic. The developer's reaction to the 'user' feedback would appear to suggest that higher turbines would therefore be less intrusive. Do they really believe that?

When it comes to a detailed consideration of the methodology employed by the developer in this area we are referred to Appendix 14-1, LVIA Methodology. There is little additional information to be found here although there is a reference to the fact that, following the Wind Energy Development Guidelines ((2006) and the 2019 draft version the distance of 25km has be selected due to an UNESCO Geopark located between 20-25km north of the proposed turbines (App14-1, page 5). This is the distance proposed in the SNH Guidance on the Visualisation of Wind Farms (2017) which also contains the following recommendations based on turbine height.

Height of turbines including rotors (m)	Recommended initial ZTV distance from nearest turbine or outer circle of wind farm (km)
up to 50	15
51-70	20
71-85	25
86-100	30
101-130	35
131-150	40
150+	45

Table taken from Visual Representation of Wind Farms, Scottish Natural Heritage, 2017, Page 12

Considering this document is regularly referred to we must query why a greater distance was not initially considered.

We are once again referred to Appendix 14-1 for details regarding the detail and rationale for a 15km study area when considering Landscape Character Area but the only rationale we can find is that this is the distance the project team decided was suitable. It appears to be based on personal judgment rather than on any objective criteria.

In Section 14.2.3, under the title 'Wind Energy Context' we are subjected to a personal viewpoint on the effect national policies may have on the definitions of future landscapes and the potential change in focus of visual impact assessment in terms of proposed wind energy developments. We suggest that an EIAR for a proposed project is not the right vehicle for such a statement.

In both Chapter 14 (on page 14-14) and Appendix 14-1 (on page 7) there is reference to the relatively coarse resolution of the DTM and the effect this can have on actual visibility as opposed to that shown on the ZTV. It must be remembered, however, that this poor resolution

simply makes the DTM of limited accuracy and, in reality, views may exist that were not predicted just as easily as they may be ruled out.

With the descriptions given on page 14-15 regarding the land to the south and west of the proposed development we are somewhat surprised at the small number of viewpoints chosen from these directions. Only three photomontages are from points that are to the south and yet Figure 14-2 indicates that there are many more potential viewpoints in these directions. We are also aware of alternative viewpoints from the north and west which would potentially show the turbines clearly in the landscape. The photograph below was taken from the L6204 to illustrate one of many points from which photomontages might have been more suitable. The turbines shown are at the Cahermurphy Wind Farm and the proposed Cahermurphy West project will appear behind them and be clearly visible.

Photograph of Cahermurphy Wind Farm from the L-6204 in Kinturk

Section 14.3.3.1 talks about route screening analysis, a methodology apparently developed by MKO. This is carried out in close proximity to the proposed wind farm, within a 3km radius and only on major roads, extending to a distance of 5km. This, it claims, amongst other things, will '*demonstrate the actual potential for visibility of the Proposed Turbines compared to ZTV mapping.*' (Chapter 14, page 14-18). There are a number of serious difficulties with this claim. Firstly, the screening is carried out from a car and therefore only gives one particular perspective. Secondly, it ignores the fact that the area is predominantly forestry and the roads in question are local and somewhat narrow, therefore only providing

limited views. If this exercise had been carried out on foot for every road within 5km (a very unlikely event) we suggest the result would have been very different.

We do not think it necessary to undertake such an exercise in order to prove that the ZTV is not fully representative of the on the ground visibility. It is already accepted that the ZTV is a 'bare earth' scenario and takes no account of any obstacles that might exist, be they manmade or natural.

When considering the scope and definition of the LVIA study area it must surely be acknowledged that much of the decision making is based on the subjective views of those making the decisions, with no account taken of the views of those who will be subject to the visual impact of the proposed development. We would also suggest that members of a professional team regularly employed for this purpose and asked to make judgements regarding '*the reality of turbine visibility within landscapes where turbines already exist*' (Appendix 14-2, Section 1.5.1, page 6) will undoubtedly not be objective in this regard.

The section on the landscape policy context (section 14.4.1) begins with reference to the Clare County Development Plan 2023-2029 (CCDP). This is particularly pertinent as the relevant chapter of that document begins by quoting from the European Landscape Convention whose tenets the development plan supports. The convention defines 'landscape' as '*an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors*' (CCDP Volume 1, Chapter 14, page 343).

We are concerned that references to CCDP are incorrectly given within this section of the EIAR. The goal which reads '*A county of 'living landscapes; where people live, work, recreate and visit while respecting, managing and taking pride in the unique landscape of the County.*' Is actually Goal XIII in Section 1.6.

The Landscape Character Assessment of County Clare (2004) may well have been superseded by the Clare Wind Energy Strategy regarding the potential siting of windfarms but it still contains comments that are relevant today. In its section on 'Infrastructure' (Section 6.4) it presents a table focusing on wind farm developments. This contains some comments that are still pertinent today.

- Remote landscapes and those which have been little affected by human intervention will have a limited capacity to accommodate wind farms and will be sensitive to cumulative impacts, while more accessible landscapes where human influence is already prominent will be less sensitive.
- Open skylines, on which the wind farm might appear in silhouette, will be particularly vulnerable, while undulating, wooded skylines could accommodate wind farm development more easily.
- Wind farm development may represent a bold statement in a large scale landscape. However, in small scale landscapes it may either detract from or be absorbed within existing landscape patterns depending on specific local circumstances.
- The degree of enclosure (by topography or vegetation) will be an important factor. Open landscapes will have wide visibility, whereas the visibility of relatively enclosed landscapes will be restricted.
- Site-specific factors such as the presence of distinctive landscape features, monuments, buildings and semi-natural habitats will be important considerations.

- The scale of the wind farm development is important. Large scale landscapes are more able to visually accommodate large numbers of turbines.
- Consideration should be given to the design, size, colour, siting and layout of turbines and the effect transmission lines and infrastructure improvements would have on the landscape. It is good practice to ensure that masts and turbines are constructed from matt, non-reflective materials.
- The cumulative impacts of wind farm developments should be considered. Once a wind farm is constructed, the capacity of the landscape to accommodate further wind farm development is significantly reduced.

The developer acknowledges that there are two 'Heritage' landscapes in the LVIA study area and, according to the map supplied as Appendix 14-4 there is considerable potential for views from these areas, although this is not acknowledged. CPD14.5 quoted here amply conveys the need to avoid visual prominence and '*minimise visibility from scenic routes, walking trails, public amenities and roads'* (CCDP 14.5, ii).

There is similar recognition when considering the 'settled' landscapes and policy objective CDP 14.2. We note, in particular, the following sections.

- Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;
- Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines
- That the site has been selected to avoid visual prominence
- That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads

There is not an argument that suggests that areas labelled in the wind energy strategy as 'strategic' should automatically take precedence over landscape character designations. The process for achieving planning permission for renewable energy developments is clear and the yardsticks by which any such application is judged is equally clear. This, at no point, negates the many objectives of the CCDP and is more a question of balance between the competing issues. The CCDP makes it clear that it aims:

- '*To support the sustainable development of renewable wind energy (onshore and offshore) at appropriate locations'* (CCDP, Vol. 1, CDP 11.47, page 290)
- '*To strike an appropriate balance between facilitating renewable and wind energy-related development and protecting the residential amenities of neighbouring properties;*' (CCDP, Vol. 1, CDP 11.47, page 290)

It must also be considered that the Clare Wind Energy Strategy is considerably out of date due to the restrictions imposed by Circular PL20-13. Whilst this is not an issue directly related to planning it might be pertinent to consider whether it should be discounted as being too old. We must also consider the very large number of wind farms that have been constructed and are now operational since the strategy was developed.

The excerpts given on page 14.34 regarding LCAs capacity for wind energy developments are equally dated and the definitions of wind farm size are completely misleading in the

present day. At the time the document was written the turbine sizes were much smaller and therefore less imposing than those envisaged for this proposal.

It is, once again, very pertinent that the developer should quote the following from the CCDP.

'*To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact.*'. It is clear from the ZTV mapping exercise that there are many scenic routes and features which would encompass views taking in the proposed development and some of the photomontages clearly illustrate that they would be imposing on the skyline.

The description of the proposed sites landscape character, along with the accompanying photographs, clearly shows that this is a peaceful rural landscape where farming and forestry are the principal activities and where people have chosen to live in search of a life more in tune with the natural world.

We are somewhat confused by plate 14.6 as very little of the proposed wind farm site can be seen. The majority of the view is taken up by the Cahermurphy Wind Farm and the distant views to the northeast.

At the start of Section14.4.2 we are told '*The landscape character of the Proposed Grid Connection is discussed at the end of this section.*' Chapter 14, page 14-35). However, when we reach the end of the section we find there is a brief paragraph stating '*The Proposed Grid Connection extends along proposed and existing roads within the Proposed Wind Farm site as part of the Proposed Project connecting to the proposed on-site substation. This underground cable will (be) lead to the L-6254 local road to the east of the proposed turbines, where it will run within the road corridor.*' This is surely insufficient in terms of assessing the landscape character of the proposed grid connection route, particularly as it traverses two additional LCAs, namely LCA 19, Kilrush Farmland and LCA 18, Shannon Estuary Farmland. It also infringes on the 'working landscape' in the Moneypoint area as well as coming close to a 'Heritage' landscape and Scenic Route 19.

Whilst Section 14.4.2.2 is an interesting description of proposals for future work on the Hen Harrier Enhancement Areas it does not do a great deal to explain the landscape character of the area and appears superfluous in this context.

We take issue on page 14.43 when it appears to suggest that only the landscape of the proposed wind farm, regarding the capacity to absorb the infrastructure of a wind farm development is of importance. It is the landscape as a whole that has to be considered, including LCAs not directly involved but from which you would be able to view the development.

We cannot agree with the judgement of low landscape value on page 14.45. It is particularly interesting to note the following comment '*The condition of the landscape is degraded in several locations within the Site due to the forestry operations.*' Interesting, considering that this can only be the responsibility of Coillte, a partner in FuturEnergy Ireland, the parent company of Cahermurphy Renewables DAC. It must be accepted that the judgements made in respective of seven indicators listed are all subjective and that those expounded in the documentation cannot be supported by hard data.

When considering the wind energy development guidelines it is indicated that these contain the following statement. '*The guidelines note that, in the case where a wind energy development is located in one landscape character type but is visible from another, it will be necessary to decide which of the landscape types more strongly influences the approach adopted for the LVIA.*' This is particularly relevant when considering the visual impact the proposed project would have on heritage landscapes and scenic routes.

Again we find that a quote provided by the developer provides a yardstick by which one might judge the proposal when it states, '***Wind energy developments should avoid adding to such complexity due to the risk of creating visual confusion and conflict.***' (WEDG, 2006, page 59).

The developer goes on to consider the six facets of the design guidance given in the guidance, stating that, in terms of location, '*the proposed turbines are strategically positioned on a ridge of an elevated plateaux.*' (Chapter 14, page 14-46), thus making them very easy to see from considerable distances. In terms of spacing it should be noted that the proposed turbines will not be seen in isolation due to their nearness to the existing Cahermurphy Wind Farm and the judgements made under this term, along with those under spacing and layout have apparently ignored this fact.

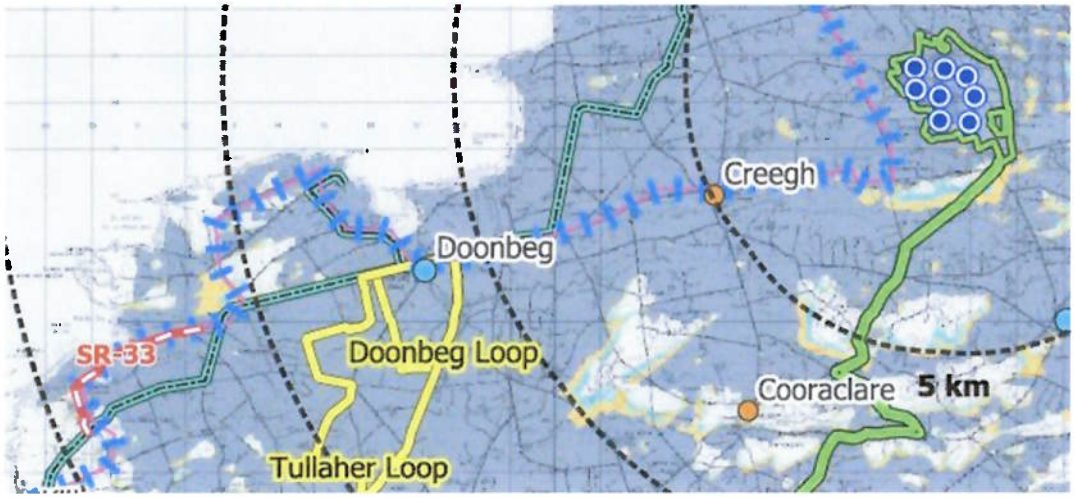
In terms of height we cannot agree that such industrial turbines would appear appropriately scaled within the surrounding landscape. We believe that, in conjunction with the differing heights and the various rotor blade dimensions and rotational speeds involved in the existing Cahermurphy Wind Farm, the turbines proposed would add further confusion to an already complex skyline from all directions.

We note that three LCAs are scoped out of the assessment and this is of particular concern as the proposed grid connection route runs through the Shannon Estuary Farmlands, one of those scoped out.

Additionally, we are told that the Cliffs of Moher and Lahinch have no actual visibility and whilst this is true for a 15km radius it ignores the fact that the ZTV indicates the possibility of clear visibility from a greater distance in this LCA as evidenced by photomontage 6, a section of which is shown below.

Clip taken from photomontage clearly showing the 8 proposed turbines from the car park at the Cliffs of Moher with the existing Cahermurphy Wind Farm to the left.

When considering the visual baseline and undertaking the scoping exercise we are very surprised to see the exclusion of Scenic Route 33, which is actually nearer than the Cliffs of Moher, on the grounds that '*Given the set-back distance from the proposed turbines, and the key scenic amenity is in the opposite direction to the proposed turbines overlooking the Atlantic Coast.*' (Chapter 14, Table 14-5, page 14-56). As can be seen below, from the section taken from the ZTV map provided, a large section of this route is directly in line with the proposed turbines. Anybody travelling north on this route would clearly see them, as they would from many other places on the coastal road network.



We are also concerned that the Moher Tower at Hags Head has been scoped out on the skewed basis that people would not look in the direction of the proposed project. It is our experience that, when presented with a lookout point at high elevation people generally like

to look in a 360° arc and anybody looking at the coast as it runs away southwards from Lahinch would have a clear view of the proposed turbines. Additionally, when leaving on the only available road there is no alternative but to look directly at the proposed project.

With regard to transport routes, although we have no major concerns, we are puzzled by the continual reference to '*considering the adequate setback distance*' (Table 14-10, page 14-66). We are unclear as to whether this refers to the setback from residential dwellings, as is normally the case, or whether this refers to some other form of setback.

Having completed what turned out to be only a first step scoping out exercise we are then told on page 14-69 that there was a further scoping out exercise to decide the final viewpoints for the photomontages. It is difficult to understand the rationale put forward that tells us '*In some cases, the factor of distance to the Proposed Wind Farm site as well as the directional focus of views was included in the preliminary analysis and was a contributing factor in excluding these locations from being selected as viewpoints*'. We have already made mention of the mistaken view regarding the direction people look when travelling the routes in question or stopping at various viewpoints and it would seem a false assumption to scope out potential views on this basis.

When considering the effects of the proposed turbines on high sensitivity landscapes we cannot agree that, due to distance from them, there will be no significant impact. As already mentioned many of the tourist focussed transport routes and viewpoints will undoubtedly see the proposed development within their views with the size being well in excess of any existing items.

When discussing cumulative landscape effects the proposed wind farm site is in what is defined as a 'settled' landscape, not working as it suggests on page 14-84, and the suggestion that is capable of accommodating many turbines has no factual basis. Furthermore, there is no doubt that, with the existing wind farms in the area, there will be a further, negative effect on this landscape character.

The map in Appendix A clearly shows the accumulation of wind energy developments in West Clare, almost all of which impact heavily on the Malbay Coastal Farmland LCA.

It is clear that the proposed project, in combination with the existing and potential wind farms has a significant effect on the Malbay Coastal Farmland LCA and will be seen as adding an overpowering height and visual clutter to the area.

In referring to visual effects during the operational stage of the proposed project we are informed that over 70% of the photomontages are located within 5km of the site. We are left to ponder why there is such a reluctance to provide the undoubted views that exist from further afield. The fact that they are relevant and need to be considered is clearly shown by photomontage 6, a section of which was pictured earlier on. With turbines that are so much bigger than any which currently exist in the area it is imperative that we can consider as many views as possible if we are to make a valid decision on their effect.

We are then told about 'photowires', an early and unverifiable stage in producing final photomontages, and of their inclusion in the documentation. It is noticeable that all but one of these is within the same 5km radius and that they are not to be considered in the assessment of visual effects. What, then, is the point of their inclusion?

To seriously consider the photomontage assessment outcomes we must refer to Appendix 14-3, Photomontage Viewpoint Assessment Tables. Here the photomontages are each considered in turn under a series of headings. Much of the information is factual or descriptive with some being judgemental. The comments made under the heading 'cumulative effect' for photomontage 1 are a subjective interpretation of the portrayed scene and the reason the proposed turbines 'appear larger' is because they are substantially so and it is this fact that ensures they are not viewed as a single array and stand out starkly against the horizon.

Similar comments are made regarding many of the other photomontages and it appears that the substantial difference in height has not been consider in terms of its effect on visual impact, nor on the degree to which the proposed turbines stand out against those existing, when considering the cumulative impact. There is a constant reference to the proposed turbines appearing to be larger without any apparent acceptance that this is, in fact, the case and the judgements made throughout clearly ignore the different aspect they portray when compared to any other wind farm in any photomontage used.

It is clear from the map provided as Appendix 14-4 that the photowire labelled PW-B is not, as suggested, taken from a more elevated position but, in fact, form a position below that of the Sports Ground used for the photomontage. It would also have been a poor addition to the photomontages due to the amount of clutter in the foreground. There is a similar story with all of the presented photowire illustrations and, with the large degree of poor sightlines and obstructive foregrounds we query why they have been included at all. For many a slight change in position might have made them more useful and for others they would appear to have been needlessly taken as better views have been included from close to the same points. This is particularly true of PW-G which is taken about 200m further east than the view for photomontage 11, shown below.

On page 14-102 we are told there is a '*total of 10 of 15 No. viewpoints within 5km of the proposed turbines'* which contradicts the information on page 14-86 where it tells us, '*11 of the 15 No. final photomontage locations are located within 5km of the proposed turbines.'*. Another example of unreliable data on which to base an EIA.

Finally, there is a consideration of the residential receptors on each aspect of the proposed development. In the west it suggests that the key views are to the west but this ignores the fact that residences are principally situated along the road and have windows facing in all directions. To the south we are told that there is sufficient screening with viewpoint 13, where no residences exist, given as an example and to the north we are told the effect is tempered by

vegetation. All of this ignores the overriding immensity of the proposed turbines from such close quarters.

When we are considering cumulative effects the photomontages are certainly an aid but are certainly not definitive as they were created for a different purpose. Whilst we would agree that from some viewpoints, such as viewpoint 8 illustrated, the turbines might appear to be no higher than those in the existing Cahermurphy Wind Farm there are others where the height differences are perfectly clear, such as viewpoint 9, from Doonbeg Golf Course.

It must be remembered that the vast majority of the decisions regarding landscape and visual amenity are based on subjective judgements and it is the task of the developer's consultants to ensure that the judgements portrayed are in favour of the development. In order to consider a more dispassionate view it is worth considering the view of An Bord Pleanála's Inspector when assessing the subject in relation to the proposed Cahermurphy II Wind Farm (ABP 311044) on the same site and excerpts are included as an Appendix B to this submission.

Chapter 15 Material Assets

At an early point in this chapter we are told of the results of the scoping responses received, particularly those from Transport Infrastructure Ireland (TII) and the Department of Transport (DoT). These contain some very clear recommendations and the developer has chosen to set these out in a table with their response next to each point. Some of these are rather confusing and require much greater detail.

In Table 15-1a at point 11, TII recommend '*that the applicant/developer should clearly identify haul routes proposed and fully assess the network to be traversed.*' (Chapter 15, page 15-6). The developer states that the haul routes are identified in Section 15.1.9 but when this is consulted we find the only route identified and assessed is that for abnormal loads. It does not specify the haul routes to be employed by the large number of HGVs that will be travelling to and from the site.

In point 18 is a reminder that '*For all renewable energy developments requiring grid connection to the national grid, TII recommends that a full assessment of all route alternatives to grid connection takes place, including alternatives to public road, where appropriate.*' We are told that a comprehensive assessment has been undertaken and is available in Chapter 3, Section 3.8.1. Again, we have some difficulty with this as we are provided with little detail beyond the fact that some constraints were considered and that it was dependent on landowners willing to provide consent for it to cross their land.

Unfortunately we are unable to comment on Figure 3-8b Initial Proposed Grid Connection Route or on Figure 3-8c Proposed Grid Connection Route as it is only the titles of the figures that appear on the pages. The accompanying maps are absent.

Point 21 provides advice should the proposed grid connection route cross a motorway and, as one would expect, the response is that the route does not interact or cross a motorway. Why, then, on page 38 of Appendix 4-4, does it state that '*There is a watercourse crossing and **motorway** crossing along the 110kV UGC route which will be performed using HDD.*'.

Table 15-1b, dealing with points from the DoT, contains similar perplexing discrepancies.

At point 2 there is a reference to' legacy' roads and the need to '*take account of all the variable ground conditions and not be based on a sample of the general soil conditions.*' (Page 15-10). In their response the developer has stated '*As identified in Chapter 8, there is no significant areas of peat along the Proposed Grid Connection.*'. We have found few references to peat in connection with the proposed grid connection route in this chapter. On page 8-29 it informs us that no peat stability assessment was needed due to '*lack of peat along the public road corridor'*, on page 8-30 it says '*no peat or soils deposits are designated along the Proposed Grid Connection'* although it also says '*The soils and subsoils along the Proposed Grid Connection are of low importance'* and we feel that this clearly illustrates a lack of understanding regarding 'legacy' roads which, many in the local community would tell you, have been built on bog land and almost certainly have peat below the road surface.

On page 8-39 it is definitive when it states, '*No peat is present along the Proposed Grid Connection cable route'*. It is surprising then to find that in Appendix 8-1, Peat Stability Risk Assessment on page 18 we find '*The presence of peat was only indicated at isolated locations along the Proposed Grid Connection route (with a maximum depth of 0.5m during probing)*'. We can, however, find **no record** in the EIAR of any peat probes carried out along this route.

Following a recommendation at point 7 on page 15-11 we are told '*The location of the Proposed Grid Connection underground cabling within the public road corridor is shown on the detailed site layout drawings in Appendix 4-1 of this EIAR.*'. Appendix 4-1 contains no drawings pertaining to the proposed grid connection route.

At point 9 there is a recommendation to eliminate permanent jointing bays from beneath the road pavement, but this would prove impossible given the narrow width of the local roads that are proposed for the route. The DoT go on to say on page 15-12 that, should permission be granted, there should be a condition that ensures the elimination of the jointing bays from beneath the road pavement. This is not possible.

When responding to the prevention of attaching cables to bridge structures we are told '*The proposed bridge/culvert crossing methodologies of the Proposed Grid Connection underground cabling are outlined in Table 4-5 in Chapter 4 and detailed drawings are provided in Appendix 4-1 of this EIAR.*' Unfortunately there is no Table 4-5 in the chapter, only 4-1 and 4-2 and the only drawings relevant to the route in Appendix 4-1 are as follows;

- Substation - Site Layout Plan
- 110kV Site Compound Elevations
- Proposed 110kV Substation Control Building - Plan, Elevations & Section
- Proposed 110kV Substation IPP Building - Plan, Elevations & Section

It is a major concern that, having received such responses with clear recommendations the answers and relevant information are so completely misleading or, in many cases, totally absent.

The projected traffic numbers are, not surprisingly, very high in terms of the number of trucks and artics that will need to deliver to the proposed site. Each trip will of course involve two journeys so the figures presented in Table 15-8 need to be doubled (16,000) in order to obtain a realistic picture of the traffic the local roads would have to accommodate.

When we consider the delivery of the turbines we see that it is proposed to deliver 3 abnormal loads per day, 5 days per week over 5 weeks. Based on recent experience we would expect this to be very disruptive to the local road network. Previous deliveries of this nature (the fourth turbine for the existing Cahermurphy Wind Farm) that were supposed to occur at night ended up running several hours late and held up traffic during the morning hours.

On page 15-26 we are referred to Table 15-1a, but this cannot be found anywhere in the chapter.

In Section 15.1.7.7 consideration is given to the impact of traffic during construction of the proposed grid connection. We are told that '*All traffic for the Proposed Grid Connection will be delivered via the delivery routes as shown in Figure 15-5a.*' (Page 15-35). This figure presents a map showing the proposed grid connection route but gives **no** indication regarding delivery routes. In fact, the consideration of the impact does not include the construction traffic and deliveries that would be necessary. This is despite the 3,500 large artic trucks loads that would be required according to Table 15-8 on page 15-21.

Aviation is a crucial issue in the area as Irish Coast Guard search and rescue helicopters regularly fly over the proposed site enroute to a variety of emergencies along the coast and the Atlantic waters. There are also a number of private helicopters and fixed wing aircraft in the area who often fly in close proximity to the site.

In addition there is an active airfield (Spanish Point Airfield) which is regularly used by both fixed wing aircraft and helicopters, particularly during the tourist season for sightseeing tours.

The time has not been available to investigate the issues surrounding this, but it is strongly suggested that a report be sought from AirNav Ireland prior to any decision. This is also expected by both the Irish Aviation Authority and Shannon Airport Group.

In considering likely effects and possible mitigation during construction of the proposed grid connection we are informed of Uisce Eireann's agreement that the project is feasible but are not provided with any detail of other services likely to be present under the road surface, such as electric cables, broadband fibre cables, etc. It should also be noted that the list of comments provided by Uisce Eireann are prefaced with the following paragraph;

'*At present, Uisce Éireann does not have the capacity to advise on the scoping of individual projects. However, in general the following aspects of Water Services should be considered in the scope of an EIA where relevant;*' Appendix 2-1, page 112 when viewing on screen (pages are not numbered).

Overall it is disappointing to find yet another chapter of this EIAR giving a high level of concern due to the inaccuracies, discrepancies and omissions it encompasses.

Consideration of Cumulative Assessment Coverage

We have to agree with the statement contained in the introduction to Chapter 5, Population and Human Health, when it says,

'*One of the principal concerns during the development process is that human beings, as individuals or communities, should experience no significant diminution of their quality of*

life from the direct, indirect or cumulative effects arising from the construction, operation and decommissioning of a development.'

Whilst human beings are the principal concern this should surely be extended to the realms of biodiversity when it impinges on rare and threatened species of both national and international importance. In this instance, particularly the Hen Harrier (*Circus cyaneus*).

The EPA definition of cumulative, as set out in Table 1-2 in Chapter 1, Introduction, of the EIAR, is given as '*The addition of many minor or significant effects, including effects of other projects, to create larger, more significant effects.*' (page 1-31) and any consideration of cumulative effects must therefore ensure it takes all effects, minor or significant, into consideration.

The applicant has decided that they will approach this activity by including a cumulative impact assessment in each relevant chapter of the EIAR and feels that, in this way, they have fully considered all the potential impacts.

We, too will consider each chapter in turn, starting with Chapter 5, Population and Human Health.

On page 5-22 the developer begins an assessment of cumulative shadow flicker and begins by referring to wind farms within 5km. The nearest of these is the Cahermurphy Wind Farm and it is these turbines that overlap with the shadow flicker study area of the proposed project. Properties affected by shadow flicker from both are identified within the 10 x rotor blade distance currently advised by guidelines. Draft guidelines clearly suggest that no residence should be affected by shadow flicker and this would certainly increase the number of those who are. Additionally, we would suggest that, as yet, the height of turbines has not been considered in shadow flicker calculations and yet an object that is twice the height of another will throw a shadow twice as far.

We have no doubt that the proposed project will stand out starkly from many areas of West and North Clare, both in respect of its natural surroundings and when viewed in combination with existing wind farms. This is quite clearly shown in several of the photomontages included in the application. We have previously commented on the research regarding wind farms and tourists and strongly believe evidence put forward in this regard is both weak and flawed. We have to disagree with the conclusion drawn in the EIAR and are certain the development will lead to a long term, significant, cumulative, negative effect.

With regard to community benefit funds, it is our experience that many individuals in the surrounding communities have failed to see any benefit from these funds and it is impossible to identify where they have been used.

The comments regarding residential amenity appear to have a major focus on the construction phase with only the operational phase receiving a mention in the final line. Even then the visual impact of the development has been ignored despite the dramatic effect these industrial turbines will have on the surrounding community with their extreme height.

It is our opinion that the effect will be both negative and significant.

In Chapter 6, Biodiversity, we welcome the comparison of the proposed project to the array of plans selected but have grave doubts as to whether this section is correctly deemed to be

part of a cumulative assessment process. The point of considering these plans is surely to ascertain whether the project is in keeping, complying or meeting the objectives of each in turn and the activity would therefore be better placed in Chapter 2 with all the other policy material is considered.

Yet again we find ourselves confused by conflicting information. We are informed in Table 6-21, Cumulative Study Areas in relation to ecological receptor, that the maximum extent of the study area is **250m** from the proposed grid connection route yet Table 2-7, Cumulative Assessment Study Areas, in Chapter 2 tells us it is **200m**. Additionally, in the Natura Impact Statement and Appropriate Assessment Screening Report we are told it is **150m**. Which of these are we to assume is correct?

We have been unable to unravel the meaning of the phrase in Table 6-21 which reads '*Consideration for the Biodiversity cumulative extent is also given to the Birds and Water Cumulative geographical boundaries.*' (Page 6-98).

Again, we are at something of a loss when we consider the information provided in this table with regard to water. In terms of the consideration of cumulative effects the 'maximum extent' was clearly stated in Table 2-7, although no specific mention related to aquatic flora and fauna. As this should surely be an aspect that needs to be covered it seems to us to be a simple matter to consider any project that link directly to the watercourses identified in the project. We suggest that this would include the five river catchment areas named under the water heading in Table 2-7. Namely the Annageeragh River, the Creegh River, the Doonbeg River, the Crompaun River and the Wood River catchments.

On page 6-99 we are provided with a list of the wind farms within 10km of the proposed development as they are considered to be within the cumulative study area. It then goes on to consider the potential for cumulative effect with each wind farm in turn without ever considering the impact of all the projects together, which is surely the intent of a cumulative assessment.

We find it equally difficult to understand the explanations under the heading 'Existing Habitats and Land Use'. The consideration of existing land use in the area is certainly pertinent in terms of further loss of habitat, but this is a result of the project alone and is not in combination with any other development. A consideration of the habitats potentially lost to this project alongside the habitats lost to the existing wind farm would be potentially more useful. The remarks regarding high value habitats that will be lost are certainly not relevant to a cumulative assessment.

Given the recognition that '*Proposed Project would have the potential to interact with these agricultural activities and contribute to a deterioration of downstream surface water quality through the emissions of elevated concentrations of suspended solids and ammonia.*' (Section 6.6.3, page 6-103) there is certainly the potential for a significant cumulative effect associated with agricultural activities.

The same is true of the following section which discusses the effect with commercial forestry. We are concerned however regarding the statement '*No scheduled tree felling will occur in the same local catchment where the Proposed Project construction is taking place.*' (Section 6.6.4, page 6-103) as there is no indication of how this could be achieved given the degree of private forestry that exists in these catchment areas which the applicant has no control of.

We therefore cannot agree with the statements made in Section 6.6.6 regarding cumulative effect as, given the points above, we do not believe that a full cumulative assessment has taken place regarding biodiversity. We particularly take issue with the statement, '*No significant effects as a result of the Proposed Project in relation to disturbance, displacement or mortality of faunal species has been identified.*' (page 109) as the faunal surveys at the site were cursory at best and provide no basis for judgement in this instance.

When considering Chapter 7, Birds, we start by questioning the identification of the appropriate radius as 25km, based on the NatureScot guidance. If this is assessed as equating to Scotland's Natural Heritage Zones then it is woefully inadequate as these are substantially larger than counties and can be anything up to 20,000km^2. A 25km radius would encompass a mere 625m^2, a mere drop in the ocean even when compared to Clare at 3450km^2.

The consideration of cumulative effects with other wind farms is once again extremely confusing. It appears that the developer has taken the cumulative assessment information from the planning documents of those listed and put them forward as the final result of their own cumulative assessment. Thus, for example, Illaunbaun Wind Farm's cumulative assessment, found no significant issues with other windfarms within 20km, and therefore the applicant has assumed that no significant cumulative impacts are anticipated for the Cahermurphy West Wind Farm.

We are presented with the landscape level assessment which we have previously commented upon. One of the key criticisms of this was the lack of differentiation attempted between 'open habitat' which is agricultural and that which is not. Considering the emphasis, placed throughout, on the drawbacks of improved agricultural land as hen harrier habitat this is a serious error and cannot be relied upon.

The 'site' itself will undoubtedly have a further seriously detrimental effect on several species, in particular the Annex I species Hen Harrier (*Circus cyaneus*). We have commented on the potential enhancement areas at an earlier stage and will not repeat those here. We should, however, be minded that any enhancement plan 'should not be considered as direct mitigation for the loss of Hen Harrier habitat.' Mitigation must offer certainty in reducing impacts and must be functional at the time the damage occurs, whereas enhancements or restoration of sites are often too uncertain to count as mitigating current damage. The result is that there will be a net loss of this important habitat.

When considering the other species in this section we note that there is a great reliance on the phrase '*No significant impacts on this species were identified for any of the local wind farms'* followed by the distance that that wind farm's cumulative assessment covered. This indicates once again that the applicant has relied on the information provided by previous planning applications. This is not only historic in nature but would be reliant on the quality of the data that had been collected.

Yet again there appears to be no real cumulative assessment, simply an assessment against individual projects.

We are certain that there is a strong potential for significant, cumulative, negative effects caused by the additional loss of territory. **This would clearly be in contravention of the EU Habitats Directive**.

When considering the information provided regarding water, we must again profess some confusion. Table 2-7 in Chapter 2 names **5** river catchments as the maximum extent of their consideration. They then justify this with an opening phrase which says ' *These **four** catchments have been chosen to represent the water Study Area due to the fact that the Proposed Project contains works in each of these catchments.*' (Chapter 2, page 2-51). Is it 4 or 5 that we should consider?

We agree that the potential for effects is highest during the construction phase but would stress that potential effects during the operational stage will be dependent on the rigour of such things as drainage maintenance regimes.

Rather than considering the number of catchment areas involved as a major positive, surely this increases the chances for potential cumulative effects as it is likely to encompass a wider range of projects.

We find again that, despite the claims some proposed wind farms have been excluded from consideration. The proposed Crag Wind Farm lies within the Crompaun River catchment with connectivity to the Lower River Shannon SAC.

The presentation of the cumulative effects with both agriculture and forestry are no different to the comments already provided in previous chapters but it must be acknowledge that any lack of cumulative effect is dependent on the mitigation methods employed during construction and these have appeared to be somewhat generic in nature.

Once again we cannot be confident that there is a lack of cumulative effects, particularly as so little has been considered regarding the proposed grid connection route. This crosses a number of bridges and culverts, the approach for which is very unsure as a result of the confusion at different points within the EIAR.

When considering cumulative effect with regard to landscape and visual aspects we are told that the cumulative comparative ZTV indicates that there are '*very few locations where the Proposed Project would introduce turbines as entirely new or novel elements within the landscape'* (Chapter 14, page 14-111). This clearly indicates that many locations exist where they will be additional and, at a height of 185m, would clearly stand out from those that are already in existence.

We are encouraged to use the photomontages provided to help assess the cumulative effect on both the landscape and in terms of visual impact. We believe that is clear from almost all of these photomontages that the proposed turbines will stand out as clearly different to existing wind farms and will have a significantly negative effect.

Overall, we are concerned that the approach to cumulative assessment has not been as complete as we would expect and has relied heavily on the cumulative assessments produced by others in support of their own planning applications. This only provides historic information and is based on data sets of unknown reliability.

The absence of a robust cumulative impact assessment is contrary to EU law. In Sweetman v An Bord Pleanála, the Court of Justice of the European Union made clear that an assessment must contain complete, precise and definitive findings capable of removing all reasonable scientific doubt as to the effects of the proposed development. The failure of the EIAR to properly assess cumulative impacts, particularly in a region such as West Clare which is

subject to a high concentration of wind energy developments, represents a fundamental deficiency and renders the assessment legally inadequate.

Natura Impact Assessment

We would also like to note that a lack of time, from application to submission date, and resources has negated any in depth consideration of the Natura Impact Statement and associated documents. However, we were referred to it one point whilst considering the subject of cumulative assessment. In the very brief look that we were able to take we were twice referred to the wrong appendices and the original table we were seeking did not exist. That is a great cause for concern considering the documents importance.

Conclusion

We would quote the EPA document when it says 'it is more important than ever to ensure that information is available in a format that is clear, concise and accessible to the greatest number of people – and certainly to a wider audience than the professional experts and officials who are involved in EIA' (EPA Guidelines, page 1).

In this case we would point out that the majority of documents on ACP's website cannot be opened or downloaded (last checked 13th May 2026) and that the applicant failed to deliver a hard copy of the Photomontage Book to Clare County Council and the local community were therefore deprived of access to photomontages of the right size and shape.

The Environmental Impact Assessment Report is the key vehicle on which An Coimisiún Pleanála base their decision. It is therefore important that it meets the various criteria set out in the EPA's 'Guidelines on the information to be contained in Environmental Impact Assessment Reports', 2022.

- Is the report complete and of sufficient quality?
- Is the information provided clear, concise and unambiguous?
- Are the assessments made free of any perception of bias or subjectivity
- Does the report provide clarity and quality?
- Is the information in the report relevant, complete and legally compliant.?

We strongly believe that this observation demonstrates that the answer to these questions is invariably no and that we respectfully request that the Coimisiún refuse this application.

Case Reference:
ACP 324156

Appendix B

Constitution

Cahermurphy Area Community Group

Cahermurphy Area Community Group

Constitution & Code of Conduct

Constitution of Cahermurphy Area Community Group

1. Name

The name of the group shall be: Cahermurphy Area Community Group (hereafter referred to as 'the Group').

2. Purpose (Aims & Objectives)

- Represent and protect the interests of the local community in relation to local developments.
- Raise awareness of the potential social, environmental, cultural, and economic impacts of developments.
- Provide accurate information to residents, stakeholders, and decision-makers.
- Campaign for alternative solutions that are sustainable, community-driven, and respectful of local needs.
- Act as a non-profit, non-party-political organisation.

3. Membership

- Membership is open to anyone who lives in, owns property in, or has a significant connection to the local area, and supports the aims of the Group.
- Membership is free.
- Members agree to uphold the values of respect, transparency, and fairness in discussions and activities.

4. Management Structure

- The Group shall be managed by a Committee elected at the Annual General Meeting (AGM).
- The Committee shall consist of at least: Chairperson, Secretary, Treasurer, and optional roles such as Media Officer, Membership Coordinator, Research Lead.
- The Committee shall meet regularly (at least quarterly).
- Decisions shall be made by consensus where possible, or by simple majority vote.
- A quorum shall be half the Committee members plus one.

5. Meetings

- The Group shall hold at least one AGM per year.
- The AGM shall review activities, approve finances, elect the Committee, and set priorities.
- Additional General Meetings may be called by the Committee or by at least 10 members.

6. Finance

- The Group shall operate on a not-for-profit basis.
- Funds shall be used solely to further the Group's aims.
- A bank account shall be opened with at least two signatories.
- The Treasurer shall present accounts at the AGM.

7. Conduct

- Members are expected to engage respectfully.
- The Group shall not tolerate discrimination or harassment.
- Campaigning shall be lawful and peaceful.

8. Amendments

- Amendments require two-thirds approval at a General Meeting with 14 days' notice.

9. Dissolution

- Dissolution requires two-thirds approval.
- Remaining funds shall be donated to a local charity or community organisation.

Code of Conduct

Cahermurphy Area Community Group

1. Respect and Inclusivity
Treat everyone with respect. Value diversity. Avoid discrimination or harassment.

2. Communication
Listen actively. Keep discussions respectful and factual. Use social media responsibly.

3. Decision-Making
Respect democratic processes and support group decisions.

4. Campaigning and Action
All actions must be lawful, peaceful, and approved by the Committee.

5. Conflict Resolution
Raise concerns respectfully through the Committee. Mediation may be used if needed.

6. Accountability
Committee members act transparently and in the best interests of the Group.

Agreement: By joining Cahermurphy Area Community Group, members agree to abide by this Code of Conduct.

October 2025