

An
Bord
Pleanála

Observation on a Strategic Infrastructure Development Application

Observer's details

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

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

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

(a) Observer's name

Cathal and Lisa MacMahon

(b) Observer's postal address

Slievenalicka, Rockmount, Miltown Malbay, Co. Clare
V95EP40

Agent's details

2. Agent's details (if applicable)

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

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

(a) Agent's name

Not Applicable

(b) Agent's postal address

Not Applicable

Postal address for letters

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

You (the observer) at the postal address in Part 1

☒

The agent at the postal address in Part 2

☐

Details about the proposed development

4. Please provide details about the **current application** you wish to make an observation.

- (a) **An Bord Pleanála case number for the current application (if available)**
(for example: 300000)

Case reference: PAX03.324270

- (b) **Name or description of proposed development**

Proposed development of 9 no. wind turbines, a permanent extension to the existing 110kV Slievecallan substation at Knockalassa, and associated infrastructure and works

- (c) **Location of proposed development**

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

Tooreen, Fahanlunaghta More, Glendine North, Curraghodea, Silverhill, Cloghaun More, Letterkelly, Doonsallagh East, Knockalassa, Slievealoughaun and other townlands, Miltown Malbay, Co. Clare.

Observation details

5. Grounds

Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below. There is **no word** limit as the box expands to fit what you write.

You can also insert photographs or images in this box. (See part 6 – Supporting materials for more information).

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I wish to object most strongly to the proposed development of wind turbines at the above location. My farm bounds the proposed area of development for over 2, KM in length and in particular turbines T7, T9 & T8 and substations and other plant and cable routes associated with the proposed wind farm will adversely affect me.

The development has been correctly refused permission by Clare County Council numerous times on 4 major and broad grounds and also ABP following appeals. I feel that there are several reasons that this area is unsuitable for the development and was disheartened to see a new larger scale application go in.

I feel that the losses to biodiversity along with the adverse effects on public health are too great in this instance in an area already shouldering the burden of wind energy.

I feel that ABP and Clare County Council has set a schedule of broad reasons for such an emphatic refusal, and I would like to draw on some other aspects that the ACP should consider. I would also like to note that CCC in their refusals of Illaunbaun which shares direct townlands with the project have also highlighted several areas that make this SID impossible.

1. Introduction and Personal Interest

My name is Cathal MacMahon and I make this submission as a local resident, farmer, Agricultural Science and Biology teacher, and as a member of a family whose connection to the Slievecurry uplands extends back through generations.

My family's ancestral home and farm are situated in the townland of **Claughaunmore**. For generations, my family has lived, farmed and worked this landscape. It has always been my ambition, and that of my father, to restore and maintain my late grandfather's home and to continue our family's stewardship of the land for future generations. Being entrusted with caring for our ancestral home is one of the greatest honours of our lives. The succession of wind energy proposals affecting this area has made that ambition increasingly uncertain. Rather than restoring and living in our ancestral home, my partner Lisa and I instead purchased a house at Rockmount because of the uncertainty surrounding the future of Claughaunmore. Ironically, our present home is now also affected by another proposed wind energy development. As a result, this application affects both the place where I now live and the place that has always been at the heart of my family's history.

Our connection to Claughaunmore is not simply one of ownership but of heritage, culture and identity pre dating records through the Lynch, Conway and MacMahon families. Family photographs (1940s) and film from the 1950s show my late grandfather working with horses on the farm, with Mount Callan forming the backdrops. Members of our extended family, now living abroad, continue to regard Claughaunmore as their home place. Only recently, a ninety-year-old first cousin of my late grandfather returned from the United States to visit the farm and became deeply emotional on seeing the landscape again after so many years. On other occasions I have been asked to record videos from the summit overlooking our farm for relatives in America who wished to see the place of their birth and family history one last time. The cultural significance of this landscape is also reflected in local music and poetry, including works inspired by Claughaunmore and its surrounding hills.

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My father and I have always believed that our responsibility is not merely to farm this land, but to improve it. Together we have managed the farm using traditional, low-input and environmentally sustainable practices. We have participated in both the GLAS and ACRES agri-environment schemes and have consistently managed our lands with biodiversity conservation as a central objective.

We also participated in the pioneering **Illaun Forest EIP**, one of Ireland's early environmental innovation projects promoting small-scale native woodland establishment and habitat enhancement. Several of the demonstration plots associated with that initiative are located within or adjoining lands affected by this application. Through these schemes we have gained practical experience in habitat management, peatland protection, water quality and biodiversity enhancement.

My commitment to sustainable agriculture extends beyond my own farm. I have been nominated as a **Farming for Nature Ambassador** in recognition of this work. Professionally, I teach Agricultural Science and Biology and also deliver Green Certificate agricultural education through FarmEd.ie. These roles have provided me with a detailed understanding of sustainable farming, ecology, habitats, soils, hydrology and environmental management.

Since the previous Slieveacurry application, I have continued to document the ecological value of this landscape. I have recorded Hen Harrier activity, including juvenile birds, and submitted these observations through the National Parks and Wildlife Service breeding survey and to the relevant conservation organisations. I have also continued to observe Marsh Fritillary habitat, peatland condition, local hydrology and other protected species within the area.

This submission is not made in opposition to renewable energy as a principle. Ireland requires renewable energy development to meet national and international climate commitments. However, every proposal must also comply with Irish planning law, the Environmental Impact Assessment process, the Habitats and Birds Directives and the requirements of Appropriate Assessment. This submission therefore examines whether the Applicant has demonstrated, on the basis of complete and scientifically robust evidence, that this particular development can proceed without unacceptable impacts on biodiversity, water, peatlands, landscape, cultural heritage, residential amenity and the unique environmental character of the Slieveacurry uplands.

2. Planning History and Previous Decisions

This application must be considered within the context of the extensive planning history of wind energy development affecting the Slieveacurry, Tooreen, Claughanmore, Illaunbaun and Slievenalicka uplands. These are not isolated proposals. Rather, they concern the same interconnected landscape, peatland systems, hydrological catchments, ecological networks and residential communities.

The planning history demonstrates that many of the principal environmental concerns associated with this landscape have been repeatedly identified by both

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Clare County Council and An Bord Pleanála (now An Coimisiún Pleanála). These concerns include:

- Impacts on Hen Harrier and other protected bird species.
- Marsh Fritillary habitat and wider biodiversity.
- Peat stability and landslide risk.
- Hydrology and downstream water quality.
- Landscape and visual impact.
- Residential amenity.
- Cumulative impacts arising from multiple wind energy developments.

2.1 Clare County Council Refusal (Planning Ref. P21/370)

In refusing permission for the previous Slieveacurry proposal, Clare County Council concluded that the development would result in unacceptable impacts on the landscape, residential amenity, protected species, peatlands and hydrology. The Council also expressed concern regarding cumulative impacts and was not satisfied that the proposal demonstrated compliance with the relevant planning and environmental requirements.

2.2 An Bord Pleanála Refusal (ABP-312728-22)

The subsequent appeal resulted in a detailed Inspector's Report and refusal by An Bord Pleanála.

Importantly, the refusal was not based upon opposition to renewable energy in principle. Rather, it reflected the Board's conclusion that significant planning and environmental concerns remained regarding this particular location.

Among the principal concerns identified were:

- the ecological importance of the area for Hen Harrier and other protected species;
- uncertainty regarding the effectiveness of proposed mitigation and habitat enhancement;
- concerns relating to Appropriate Assessment and European sites;
- peatland and hydrological impacts;
- cumulative environmental effects; and
- landscape impacts associated with large-scale turbine development in this upland setting.

2.3 Recent Refusals within the Same Landscape

Since the previous Slieveacurry decision, Clare County Council has also refused permission for both the Illaunbaun Wind Farm proposal and the separate Slievenalicka locally owned wind turbine proposal.

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While each application must be considered on its own merits, these recent decisions demonstrate that the planning authority continues to identify significant environmental concerns within the same interconnected upland landscape. These include impacts on protected species, peatlands, hydrology, landscape character and cumulative effects.

2.4 Relevance to the Current Application

The Applicant states that the current proposal has addressed the concerns identified in previous decisions.

Accordingly, a central question for An Coimisiún Pleanála is not whether those concerns previously existed—they clearly did—but whether the current Environmental Impact Assessment Report, Natura Impact Statement and supporting documentation now demonstrate, on the basis of complete, precise and scientifically robust evidence, that those concerns have genuinely been resolved.

3. Landscape, Designated Landscapes and Cumulative Visual Impact

3.1 Introduction

The proposed Slieveacurry Renewable Energy Development is located within one of the most distinctive and environmentally sensitive upland landscapes in County Clare. The ridgelines of Claughanmore, Slieveacurry, Silver Hill and Mount Callan form the defining skyline of much of West Clare and are experienced from the Atlantic coastline, the Wild Atlantic Way, surrounding settlements and neighbouring uplands.

This is not an ordinary agricultural landscape. It is an interconnected upland environment comprising peatlands, wetlands, forestry, species-rich grasslands and traditional farmland that supports a wide range of protected habitats and species. It also forms part of the wider setting of the Carrowmore Point to Spanish Point and Islands Special Area of Conservation (SAC) and the Mid-Clare Coast Special Protection Area (SPA).

As someone who has lived, farmed and worked in this landscape throughout my life, I have observed the importance of these uplands not only for biodiversity but also for farming, cultural heritage, recreation and tourism. It is my respectful submission that this landscape possesses environmental qualities that require the highest level of protection and careful consideration by An Coimisiún Pleanála. I would like to note a lapse in information on the EAIR where no mention of ACRES designated lands or EIP lands were mentioned even though applicants have drawn grants from these schemes for many years now and are going to see the conservation areas impacted.

3.2 Previous Planning Decisions

The environmental sensitivity of this landscape has already been recognised by both Clare County Council and An Bord Pleanála.

Clare County Council refused permission for the previous Slieveacurry proposal on grounds including unacceptable landscape impacts, cumulative visual effects, impacts on protected species and concerns relating to peatlands and hydrology.

Following appeal, An Bord Pleanála also refused permission after a detailed assessment by the Inspector. Importantly, the refusal was not based upon opposition to renewable energy as a principle but upon the conclusion that this particular location gave rise to significant planning and environmental concerns, including impacts on Hen Harrier, Appropriate Assessment, peatlands, hydrology, landscape and cumulative effects.

Since that decision, Clare County Council has also refused permission for the Illaunbaun Wind Farm proposal and the Slievenalicka locally owned turbine proposal. While each application must be determined on its own merits, these recent refusals demonstrate that the planning authority continues to identify significant environmental constraints within this interconnected upland landscape.

The current application must therefore be assessed against this established planning history. The central question is not whether these concerns previously existed—they clearly did—but whether the Applicant has now demonstrated, through complete, precise and scientifically robust evidence, that they have genuinely been resolved.

3.3 The Coore Judgment and the Carrowmore Point to Spanish Point and Islands SAC

The environmental sensitivity of this landscape has also been recognised through the litigation concerning the proposed Coore Wind Farm on the opposite side of Mount Callan.

The Supreme Court's decision in that case confirmed important legal principles relating to compliance with the Habitats Directive and the assessment of impacts on the Carrowmore Point to Spanish Point and Islands SAC. While every planning application must be determined on its own facts and evidence, the Coore proceedings demonstrate that developments affecting this landscape and its relationship with European sites require particularly rigorous assessment.

The present proposal occupies the same broader upland landscape and raises many of the same environmental considerations, including the relationship between upland habitats, designated European sites, hydrological pathways, protected species and cumulative effects. In my respectful submission, the principles established through the Coore litigation reinforce the need for An Coimisiún Pleanála to carefully examine whether the Applicant has fully discharged its obligations under the Habitats

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Directive and whether the evidence presented removes reasonable scientific doubt regarding impacts on European sites.

3.4 Carrowmore Point to Spanish Point and Islands SAC and Mid-Clare Coast SPA

The significance of the proposed development extends beyond the immediate turbine locations.

The surrounding uplands provide the visual backdrop to the internationally recognised coastline of West Clare and contribute substantially to the landscape setting experienced from the Carrowmore Point to Spanish Point and Islands SAC and the Mid-Clare Coast SPA. These uplands are also functionally connected to surrounding designated sites through ecological networks, hydrological systems and the movement of protected species, including Hen Harrier.

The assessment of this proposal should therefore consider not only direct effects within the development footprint but also wider landscape, ecological and cumulative interactions affecting the integrity and setting of these designated areas.

3.5 Cumulative Landscape Effects

The proposed development cannot be considered in isolation.

The wider landscape has already experienced considerable pressure from existing, permitted and proposed wind energy developments, including Slieve Callan and the more recent proposals at Illaunbaun and Slievenalicka. These developments occupy interconnected ridgelines and contribute collectively to the gradual industrialisation of a landscape that has historically been defined by open uplands, traditional farming and nationally important habitats.

In addition, local landowners within the Rockmount area have received approaches regarding potential future wind energy development. While I recognise that speculative future proposals cannot be treated as established planning facts, these approaches illustrate the continuing development pressure affecting this wider landscape and reinforce the importance of robust cumulative assessment.

3.6 Evolving Scientific Understanding

Many of the policy documents originally identifying parts of these uplands as potentially suitable for wind energy pre-date significant developments in environmental science and European environmental law.

Over the intervening decades there has been a greatly improved understanding of:

- the importance of peatlands as long-term carbon stores;
- ecosystem services provided by upland habitats;
- habitat connectivity and landscape-scale biodiversity;

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- cumulative landscape effects;
- hydrological interactions;
- and the legal obligations arising under the Habitats and Birds Directives.

Accordingly, this application should be assessed in light of current scientific knowledge, current planning policy and current environmental obligations rather than historic assumptions regarding landscape capacity.

3.7 Conclusion

The Slieveacurry uplands represent a landscape of exceptional environmental, ecological, cultural and visual importance. Previous planning decisions, the Coore litigation and the designation of surrounding European sites all demonstrate the sensitivity of this landscape.

In these circumstances, it is respectfully submitted that the Applicant bears a particularly high responsibility to demonstrate, through complete, transparent and scientifically robust evidence, that the proposed development will not give rise to unacceptable landscape, ecological or cumulative impacts. The following chapters examine whether that burden has been discharged.

4. Hen Harrier (*Circus cyaneus*) – Failure to Demonstrate Compliance with the Birds Directive and Habitats Directive

4.1 Hen Harrier – A Defining Issue in this Application

Hen Harrier is an Annex I species protected under the Birds Directive (Directive 2009/147/EC) and is one of the principal ecological receptors affected by this proposal. The protection afforded to this species is reflected throughout Irish and European environmental law and has consistently been recognised in previous planning decisions affecting the Slieveacurry uplands.

Hen Harrier was one of the principal reasons for the refusal of the previous Slieveacurry application by both Clare County Council and An Bord Pleanála. It was also a significant issue in the refusal of the nearby Illaunbaun Wind Farm proposal. The previous Inspector identified concerns regarding habitat displacement, cumulative impacts, uncertainty surrounding the proposed enhancement measures and the Applicant's failure to demonstrate that the development would not adversely affect this nationally important population.

The Applicant's own Environmental Impact Assessment Report now accepts that the Slieveacurry landscape is of **National Importance** for Hen Harrier and acknowledges confirmed breeding activity within the wider vicinity of the proposed development.

Accordingly, there is no dispute that this landscape is of exceptional importance for Hen Harrier. The issue before An Coimisiún Pleanála is whether the Applicant has

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discharged the burden of proving that this development can proceed without unacceptable effects on this protected species.

4.2 The Applicable Legal Test

This application must be assessed in accordance with the Birds Directive, the Habitats Directive and the well-established principles of European environmental law.

In **Case C-258/11, Sweetman v An Bord Pleanála**, the Court of Justice of the European Union held:

"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."

This is a fundamental legal requirement. The burden does not rest upon objectors to prove that harm will occur. Rather, the burden rests upon the Applicant to provide complete, precise and definitive scientific evidence capable of removing all reasonable scientific doubt.

It is respectfully submitted that this legal standard is particularly relevant where the Applicant proposes a major wind energy development within a landscape which:

- has repeatedly been recognised as nationally important for Hen Harrier;
- has already resulted in previous planning refusals on ecological grounds;
- is subject to cumulative development pressure; and
- is functionally connected to European sites requiring Appropriate Assessment.

4.3 National Parks and Wildlife Service

The National Parks and Wildlife Service identified Hen Harrier as one of the principal issues requiring detailed assessment during statutory scoping. NPWS specifically requested detailed assessment of breeding distribution, habitat use, cumulative effects, displacement and the effectiveness of any proposed habitat enhancement measures.

Those requests demonstrate the level of scientific assessment expected by the State's statutory nature conservation authority before this proposal could properly be considered.

4.4 Local Evidence

Since the refusal of the previous application I have continued to observe Hen Harrier activity within this landscape.

I have recorded video evidence of juvenile Hen Harrier and submitted these observations through the National Parks and Wildlife Service breeding survey coordinated by Barry O'Donoghue. The recordings and associated observations were also provided to NPWS personnel and advisers involved in Hen Harrier conservation, including Deirdre Foley, Tracy O'Hara, Caroline Sullivan and the Hen Harrier Project.

The videos remain available and can be provided to An Coimisiún Pleanála upon request. It is not considered necessary to reproduce extensive video footage within this submission where the observations have already been submitted through the appropriate conservation channels and supporting maps and photographs are included within the appendices.

Among the observations submitted was video footage of an exceptionally rare leucistic Hen Harrier. The bird was subsequently identified as leucistic by the Hen Harrier Project, who contacted me regarding the record. Together with my other observations, including recordings of juvenile Hen Harrier, this demonstrates my long-term monitoring of the species within this landscape. These records were provided to the National Parks and Wildlife Service breeding survey and to the relevant conservation organisations. The original video recordings remain available and can be furnished to An Coimisiún Pleanála upon request.

I also respectfully draw An Coimisiún Pleanála's attention to the attached previous submission prepared on my behalf by Peter Sweetman and the accompanying ornithological submission prepared by Fintan Kelly on behalf of BirdWatch Ireland (in appendix). Both documents raise important ecological and ornithological issues that remain relevant to the present application and should be considered alongside this submission.

4.5 Habitat Enhancement

The Applicant places significant reliance upon habitat enhancement and management measures.

However, it is respectfully submitted that the Applicant has not demonstrated, on the basis of complete and scientifically robust evidence, that those measures are capable of maintaining the existing ecological function of this nationally important breeding landscape or of removing the scientific uncertainty previously identified by Clare County Council, An Bord Pleanála and the National Parks and Wildlife Service.

The previous Inspector expressed reservations regarding the certainty, effectiveness and enforceability of similar enhancement proposals in the earlier application.

Accordingly, An Coimisiún Pleanála should carefully consider whether the Applicant has discharged the legal burden imposed by Article 6 of the Habitats Directive and

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the jurisprudence of the Court of Justice. The Applicant is not asking An Coimisiún Pleanála to determine whether Hen Harrier occur within the Slieveacurry landscape. That fact is accepted by the Applicant's own EIAR, recognised by the National Parks and Wildlife Service and reflected in the previous planning history. The question before the Commission is whether the Applicant has discharged the legal burden of demonstrating, through complete, precise and scientifically robust evidence, that this development will not adversely affect a nationally important Hen Harrier population. In my respectful submission, that burden has not been discharged.

5. Marsh Fritillary (*Euphydryas aurinia*) – A Continuing Ecological Constraint

5.1 Marsh Fritillary – A Recurring Issue Throughout the Planning History

The Marsh Fritillary is listed on **Annex II of Council Directive 92/43/EEC (the Habitats Directive)** and is one of Ireland's most protected invertebrate species. Its protection extends beyond individual butterflies to the conservation of the habitats and ecological conditions upon which viable populations depend.

Marsh Fritillary is not a new issue arising for the first time in this application. It formed a significant part of the ecological assessment of the previous Slieveacurry proposal and was specifically considered by the Inspector in assessing the suitability of this landscape for large-scale wind energy development. The Inspector considered the presence of Marsh Fritillary habitat, recorded breeding evidence and the implications of habitat loss and fragmentation arising from the proposed infrastructure.

Furthermore, since the previous Slieveacurry refusal, Clare County Council has again identified Marsh Fritillary among the significant ecological concerns in refusing permission for the Illaunbaun Wind Farm proposal within the same interconnected upland landscape.

Accordingly, Marsh Fritillary has consistently been recognised throughout the planning history of wind energy development in this landscape as a significant ecological constraint. The Applicant therefore bears the burden of demonstrating that the concerns previously identified have been fully addressed through robust scientific evidence rather than merely reaching a different conclusion.

5.2 The Applicant's Own Evidence

The Applicant's own EIAR acknowledges:

- previous records of Marsh Fritillary within the development area;
- previously recorded larval webs;
- the presence of Devil's-bit Scabious, the larval food plant;
- and numerous areas of habitat identified as suitable for Marsh Fritillary throughout the proposed development site.

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Accordingly, there is no dispute that the proposed development is located within a landscape capable of supporting Marsh Fritillary and that suitable habitat occurs across the site.

The issue before An Coimisiún Pleanála is therefore not whether Marsh Fritillary are present. Rather, the issue is whether the Applicant has demonstrated, through complete, precise and scientifically robust evidence, that the proposed development will not adversely affect the existing population or the ecological network upon which it depends.

5.3 Habitat Fragmentation and Ecological Function

The proposed development includes turbine bases, crane hardstands, access roads, underground cabling, drainage works, borrow pits and extensive construction activity across the site.

The ecological assessment should not be confined to the direct footprint of these works alone. Marsh Fritillary depends upon a functioning network of suitable habitat, and fragmentation or degradation of that network may have consequences extending beyond the immediate area of permanent land take.

It is respectfully submitted that An Coimisiún Pleanála should carefully consider whether the assessment adequately addresses the long-term ecological functioning and connectivity of the Marsh Fritillary habitat identified by the Applicant throughout the site.

5.4 Legal Standard

This application must be assessed in accordance with the Habitats Directive and the established jurisprudence of the Court of Justice of the European Union.

In **Case C-258/11, Sweetman v An Bord Pleanála**, the Court held that an assessment under Article 6(3):

"...cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."

While that judgment concerns Appropriate Assessment, it illustrates the rigorous evidential standard that applies where protected habitats and species are central to the assessment of a proposed development.

The burden rests upon the Applicant—not objectors—to demonstrate that the assessment is complete, scientifically robust and capable of supporting the conclusions reached.

5.5 Habitat Enhancement

The Applicant relies upon habitat enhancement and management measures in support of its conclusions.

However, the previous Inspector carefully considered similar proposals in the earlier Slieveacurry application and expressed reservations regarding the certainty and effectiveness of those measures.

Likewise, the National Parks and Wildlife Service required that any proposed enhancement measures be supported by measurable objectives, monitoring and evidence demonstrating genuine conservation benefit.

It is respectfully submitted that the Applicant has not demonstrated that the proposed measures provide sufficient certainty to conclude that the existing Marsh Fritillary habitat network and population will be maintained throughout the lifetime of the development.

5.6 Conclusion

The Applicant's own surveys acknowledge that Marsh Fritillary habitat occurs throughout the proposed development area and that the species has previously been recorded within the site. The previous Inspector's assessment, the recent Illaunbaun refusal and the Applicant's own ecological evidence all demonstrate that Marsh Fritillary remains a significant ecological constraint affecting this landscape.

In those circumstances, I respectfully submit that An Coimisiún Pleanála should not conclude that the Applicant has discharged the burden of demonstrating, through complete, precise and scientifically robust evidence, that the proposed development will not adversely affect this protected Annex II species and the habitat upon which it depends.

6. Appropriate Assessment, Natura 2000 and Compliance with European Environmental Law

6.1 Introduction

This application must be determined in accordance with the requirements of the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC), the Planning and Development Acts, the European Communities (Birds and Natural Habitats) Regulations and the established jurisprudence of the Court of Justice of the European Union.

The legal test is not whether significant adverse effects are considered unlikely.

The legal test is whether An Coimisiún Pleanála can lawfully conclude, on the basis of complete, precise and definitive scientific evidence, that the proposed development will not adversely affect the integrity of European sites or protected species.

6.2 The Sweetman Judgment

In **Case C-258/11, Sweetman v An Bord Pleanála**, the Court of Justice held:

"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."

This remains the legal standard which An Coimisiún Pleanála must apply.

The burden of proof rests entirely upon the Applicant.

It is not for objectors to demonstrate that ecological damage will occur.

Rather, it is for the Applicant to remove all reasonable scientific doubt.

6.3 Previous Planning History

The previous Slieveacurry proposal was refused following detailed consideration by Clare County Council and subsequently by An Bord Pleanála.

The previous Inspector identified significant concerns relating to:

- Hen Harrier;
- Marsh Fritillary;
- peatlands;
- hydrology;
- habitat enhancement;
- cumulative impacts;
- and Appropriate Assessment.

Those concerns provide the context within which the present application must now be assessed.

The Applicant therefore bears the burden of demonstrating that the previous deficiencies have genuinely been resolved.

6.4 The Coore Litigation

The environmental sensitivity of this landscape has also been recognised through the litigation concerning the proposed Coore Wind Farm.

Although each application must be determined on its own facts, the Coore proceedings demonstrate the importance of rigorous compliance with the Habitats Directive where developments affect the wider Mount Callan and West Clare uplands and their relationship with European sites.

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The present proposal occupies the same interconnected upland landscape and therefore requires the same level of legal and scientific scrutiny.

6.5 The Applicant's Burden

Throughout this submission I have identified concerns relating to:

- Hen Harrier;
- Marsh Fritillary;
- peatland;
- hydrology;
- cumulative impacts;
- landscape;
- ecological connectivity;
- and habitat enhancement.

Individually each of these matters requires careful consideration.

Collectively they demonstrate why the Appropriate Assessment cannot be viewed as a series of isolated conclusions but must assess the ecological functioning of the landscape as a whole.

6.6 Conclusion

I respectfully submit that the Applicant has not demonstrated, on the basis of complete, precise and definitive scientific evidence capable of removing all reasonable scientific doubt, that the proposed development satisfies the legal requirements of Article 6 of the Habitats Directive.

Accordingly, I respectfully request that An Coimisiún Pleanála refuse permission for the proposed development.

7. Local Biodiversity and Long-Term Ecological Observations

As a lifelong resident, farmer and land manager within the Slievecurry uplands, I have observed the biodiversity of this landscape over many years through daily farming activities and participation in environmental schemes. My family and I have farmed these lands using traditional low-input farming practices and have participated in GLAS, ACRES and the Illaun Forest EIP, all of which place a strong emphasis on protecting and enhancing biodiversity.

The observations outlined below are not intended to replace the Applicant's ecological surveys or the work of professional ecologists. Rather, they represent long-term local knowledge accumulated over many years and are offered to assist An Coimisiún Pleanála in understanding the ecological value of this landscape. Unlike ecological surveys, which

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necessarily represent snapshots in time, these observations reflect continuous exposure to the site throughout the seasons.

Throughout this period I have consistently observed a diverse range of protected and notable species within and immediately adjoining the proposed development area.

Most significantly, I have recorded Hen Harrier on numerous occasions, including juvenile birds within the locality. Among these observations was an exceptionally rare **leucistic Hen Harrier**, recorded on video and subsequently identified as such by the Hen Harrier Project, who contacted me regarding the sighting. The videos and associated records were submitted through the National Parks and Wildlife Service breeding survey coordinated by Barry O'Donoghue and shared with NPWS personnel and advisers involved in Hen Harrier conservation, including Deirdre Foley, Tracy O'Hara, Caroline Sullivan and the Hen Harrier Project. Copies of these recordings remain available and can be provided to An Coimisiún Pleanála should they be required.

During April and May 2026 I also observed groups of approximately **10–18 Curlew** on numerous occasions within and adjacent to the proposed development area. Given the serious conservation status of Curlew in Ireland, these repeated observations reinforce the ecological importance of the upland habitats surrounding the proposed development.

Kestrels are a regular feature of the site and surrounding uplands and are observed throughout the year. Likewise, owls are frequently seen and heard within the development area, and I have video recordings of these observations.

The proposed development area also supports a substantial population of **Irish Hare**, which are regularly encountered throughout the site, together with evidence of continued **Badger** activity. These observations further illustrate that the proposed development area supports a rich and functioning upland ecosystem extending well beyond the individual species assessed within the Environmental Impact Assessment Report.

Collectively, these long-term observations reinforce the conclusions already evident from the Applicant's own surveys, the previous planning history and the statutory consultation process: namely, that the Slieveacurry uplands constitute a landscape of exceptional ecological value supporting a wide range of protected and sensitive species.

I respectfully request that An Coimisiún Pleanála consider these long-term observations, together with the supporting photographs, videos and maps contained in the appendices, alongside the Applicant's ecological assessment when determining this application.

8. Peatlands, Geology, Hydrology, Water Resources and Carbon Sequestration

8.1 Introduction

The proposed development represents a substantial engineering intervention within one of the most environmentally sensitive upland landscapes in County Clare. It involves extensive excavation, peat removal, turbine foundations, access roads,

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drainage works, forestry clearance, underground cabling, borrow pits and associated infrastructure across a functioning peatland ecosystem.

This is not simply a renewable energy proposal. It is the industrialisation of a living upland landscape whose ecological, hydrological and carbon storage functions have developed over thousands of years.

The Applicant therefore bears the burden of demonstrating that these works can be undertaken without unacceptable impacts upon peat stability, water quality, carbon sequestration, biodiversity and downstream European sites.

8.2 Previous Planning History

Peat stability, hydrology and downstream ecological impacts were among the principal environmental concerns examined during the previous Slieveacurry application. The Inspector carefully considered the risks associated with peat disturbance, drainage, habitat fragmentation and downstream pollution when assessing the proposal. These issues remain directly relevant to the present application and, in my respectful submission, have not simply disappeared because a revised application has been lodged.

The environmental sensitivity of these uplands has therefore already been recognised through previous planning decisions.

8.3 Lessons from the Meenbog Disaster

The catastrophic peat slide at the Meenbog Wind Farm stands as one of the most significant environmental failures associated with wind farm construction in Ireland. It demonstrated the devastating consequences that can arise where major engineering works are undertaken within sensitive upland peatland environments, resulting in extensive peat movement, serious pollution of watercourses and widespread ecological damage.

I note that **MKO have also been involved in planning and environmental work associated with the Meenbog Wind Farm**. While every site must be assessed on its own individual merits and I do not suggest that the circumstances are identical, the events at Meenbog demonstrate why geotechnical, hydrological and peat stability assessments for upland wind farm developments must be subjected to the highest level of scrutiny.

The present proposal similarly involves substantial engineering works including extensive excavation, deep turbine foundations, access roads, drainage infrastructure, forestry clearance, borrow pits, underground cabling and, where necessary, blasting and rock excavation across an environmentally sensitive upland landscape.

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The Applicant therefore bears a significant burden to demonstrate that these engineering works will not adversely affect peat stability, groundwater pathways, natural drainage systems or downstream watercourses.

The lessons arising from Meenbog reinforce the importance of applying the **precautionary principle** where scientific uncertainty remains. It is respectfully submitted that An Coimisiún Pleanála should not simply accept modelling and predictive assessments in isolation but should critically examine whether the Applicant has demonstrated, through complete, precise and scientifically robust evidence, that the proposed works can be undertaken without creating unacceptable environmental risks.

Should peat instability, drainage failure or significant sediment release occur, the consequences could extend well beyond the footprint of the development and include:

- destruction of active peatland habitat;
- deterioration of downstream rivers and streams;
- impacts upon protected habitats and species;
- pollution of private water supplies;
- mobilisation of thousands of tonnes of stored peat;
- release of significant quantities of stored carbon; and
- irreversible damage to a landscape that has developed over thousands of years.

In light of the previous planning history of Slieveacurry, the acknowledged sensitivity of these uplands and the lessons learned from Meenbog, I respectfully submit that the Applicant's peat stability, geological and hydrological assessments require the most rigorous scrutiny before any development consent could properly be granted.

8.4 Blasting, Excavation and Engineering Works

The Applicant proposes extensive excavation throughout the site, including turbine foundations, crane hardstands, access roads, cable trenches and associated engineering works.

Where blasting or significant rock breaking is proposed, the Applicant should clearly demonstrate:

- the extent of blasting required;
- the anticipated vibration levels;
- the effects upon surrounding peat deposits;
- impacts on groundwater pathways;
- impacts upon springs and headwater streams;
- and the cumulative interaction between blasting, drainage and peat stability.

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The proposed development involves extensive alteration of the existing geological profile of the mountain through excavation, removal of bedrock and construction of substantial engineered platforms. These changes are permanent and will inevitably alter the natural characteristics of the site.

8.5 Forestry Clearance and Hydrological Change

The proposal also involves significant additional forestry clearance across the site.

The removal of established forestry, combined with extensive excavation and new drainage infrastructure, has the potential to alter natural water movement throughout the uplands.

Hydrological systems do not recognise turbine boundaries. Water flows across the entire landscape, connecting peatlands, streams, rivers and downstream European sites.

The cumulative effects of forestry clearance, drainage, excavation and road construction should therefore be assessed together rather than as isolated engineering activities.

8.6 Rivers, Water Quality and Private Water Supplies

Numerous upland streams originate throughout the proposed development area, including those surrounding Turbine 9, ultimately contributing to downstream catchments including the Glendine River.

Any increase in sediment loading, peat mobilisation, concrete contamination, hydrocarbons or changes in drainage patterns has the potential to affect downstream water quality.

Of particular concern is the fact that **two private water wells under my ownership have not been identified within the Applicant's assessment**, despite construction works being proposed in their vicinity.

These wells are private water supplies. No third party possesses legal rights over them. One of these wells is the subject of a **High Court determination dating from the 1920s**, for which I hold the original court documentation. It is being used to water my stock and when I start renovating my ancestral home it will be used for human consumption. I would also like to state that the developer has not take into account my neighbours well servicing his house at V95F226.

I respectfully submit that it is unacceptable for extensive excavation, blasting and drainage works to be proposed in proximity to private water supplies without those supplies first being properly identified, assessed and protected.

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An Coimisiún Pleanála should require the Applicant to demonstrate that all private water supplies have been accurately identified and that no deterioration in either water quantity or water quality will occur.

8.7 Peatlands as Active Carbon Stores

Blanket bog is one of Ireland's most valuable natural carbon stores.

When functioning naturally it actively sequesters carbon, regulates water flows, supports biodiversity and provides ecosystem services which cannot readily be recreated once lost.

The proposed development requires drainage, excavation and engineering works within and adjacent to active peatlands.

Draining functioning peatland fundamentally alters the ecological processes that enable peat formation and carbon sequestration. Disturbance of these systems may release carbon accumulated over thousands of years while simultaneously reducing the future capacity of the bog to sequester additional carbon.

It is therefore respectfully submitted that the true carbon cost of disturbing active peatlands should be fully accounted for when assessing the overall climate benefits claimed for this proposal.

Renewable energy development should not be achieved through the degradation of one of Ireland's most important natural carbon sinks.

8.8 Environmental Stewardship

My family has actively participated in GLAS, ACRES and the pioneering Illaun Forest EIP, initiatives specifically designed to improve biodiversity, protect water quality, enhance habitat connectivity and strengthen the resilience of upland ecosystems.

It is difficult to reconcile these publicly funded environmental objectives with a proposal involving extensive excavation, drainage, blasting, forestry clearance and engineering works within the very landscape that these schemes seek to protect.

8.9 Local Observations

Over many years I have observed areas of localised ground movement and peat slippage within the wider landscape. Supporting photographs are included in the appendices.

These photographs are provided to assist An Coimisiún Pleanála in understanding the conditions that exist on the ground. While they are not presented as proof that a

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major peat failure will occur, they reinforce the need for rigorous scrutiny of the Applicant's conclusions regarding peat stability and slope integrity.

8.10 Conclusion

The proposed development represents one of the most significant engineering interventions ever proposed within this upland landscape.

Taken together, the proposed excavation, blasting, forestry clearance, drainage works, alteration of geological formations, disturbance of active peatlands and potential impacts upon rivers, private water supplies and carbon sequestration give rise to significant environmental concerns.

In light of the previous planning history, the lessons arising from the Meenbog disaster, the recognised ecological sensitivity of the site and the legal requirement to apply the precautionary approach where scientific uncertainty remains, I respectfully submit that An Coimisiún Pleanála should not grant permission unless it is satisfied, on the basis of complete, precise and definitive scientific evidence, that these risks have been fully assessed and can be avoided.

9. Agriculture, Horses and Conservation Grazing

9.1 A Living Agricultural Landscape

The proposed development is not located within an abandoned upland landscape awaiting development. It is a living, working agricultural landscape that has been actively farmed by my family for generations. We continue to farm Claughanmore using traditional low-input methods that work with nature rather than against it.

Our family has participated in GLAS, ACRES and the pioneering Illaun Forest EIP, all of which recognise the importance of maintaining biodiversity, protecting water quality, restoring habitats and supporting sustainable farming systems. I also teach Agricultural Science and have been nominated as a Farming for Nature Ambassador. My observations throughout this submission therefore arise not only from generations of family farming but also from my professional involvement in agriculture and environmental management.

9.2 Horses – An Established Farming Enterprise

The Applicant's assessment significantly understates the extent of equestrian activity within the proposed development area.

During the previous planning application I highlighted the presence of our horse breeding enterprise. Rather than properly assessing that enterprise, the Applicant suggested that the nearest equine premises were located a considerable distance from the site. That statement is incorrect. My Equine Premises Number is the same

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as my herd number, which is all based in Claughanmore with majority of the lands running beside T7 and T8.

Our family has continuously bred, reared, trained and grazed horses within Claughanmore for generations. Documentary evidence submitted as part of our 2013 GLAS application confirms that pedigree Irish Draught horses were maintained on lands immediately adjoining the proposed turbine locations. We continue to participate in the now ACRES Rare Breed Scheme through the breeding and conservation of pedigree Irish Draught and Connemaras. These together with Traditional Irish Sport Horses are within the proposed development area itself. These horses graze the lands throughout the year and would have been clearly visible during numerous site inspections undertaken on behalf of the Applicant.

Horse breeding is not simply part of our farming enterprise; it forms part of our family's history and the cultural heritage of this landscape. Historic footage from 1940s, 50s and a 1964 video showing my late grandfather, John Joe MacMahon, training horses in Claughanmore remains publicly available and demonstrates that horses have formed part of this landscape for generations.

9.3 Horse Welfare

The Applicant's own assessment acknowledges that horses are a sensitive receptor. That acknowledgement is significant.

Construction activities, including blasting, heavy machinery, prolonged disturbance, increased traffic and the long-term operation of turbines, have the potential to affect horse welfare through noise, vibration and visual disturbance. This is of particular concern for broodmares, foals and young stock.

Published guidance, including that produced by the British Horse Society, recognises that potential impacts on horses should be carefully considered wherever horses are kept, bred, trained or regularly ridden. It is therefore difficult to reconcile the Applicant's reliance upon such guidance with an assessment that failed to properly identify an active horse breeding enterprise located within the proposed development area itself.

I also currently serve as Secretary of the County Clare Hunt and therefore have direct knowledge of the long-established equestrian use of this landscape. My family has longstanding rights of way through the Silverhill area and these continue to be used as part of traditional equestrian activities. The proposed development therefore affects not only our own farming enterprise but also an established equestrian landscape that has existed for generations.

9.4 Conservation Grazing

The horses maintained on our farm are not simply livestock; they are fundamental to the environmental management of these uplands.

Large areas of our mountain cannot safely support cattle grazing because of the long-established presence of **redwater fever (babesiosis)**, a tick-borne disease which is frequently fatal in susceptible cattle. Horses therefore provide the principal means of grazing these lands while allowing the habitats to remain actively managed.

Through carefully managed **extensive conservation grazing**, our horses maintain the open character of the uplands, prevent scrub encroachment, reduce excessive vegetation build-up and contribute to reducing the risk of uncontrolled upland fires.

The importance of this management has already been recognised by the State. During an ACRES site visit on **14 November 2025**, **Tracy O'Hara** specifically noted the importance of continued grazing across these lands and recognised its role in reducing wildfire risk.

This traditional grazing regime also contributes to maintaining the open habitat mosaic associated with protected species discussed elsewhere in this submission, including **Hen Harrier** and **Marsh Fritillary**.

9.5 Failure of the Applicant's Habitat Enhancement Strategy

The Applicant relies heavily upon habitat enhancement and long-term ecological management proposals.

However, these proposals fail to demonstrate any practical understanding of how these habitats are actually managed.

The Applicant appears to assume that appropriate conservation grazing will simply continue following construction.

There is no explanation of:

- who will undertake this grazing;
- what livestock will be used;
- how existing grazing systems will continue during construction;
- how breeding mares and foals will be safely managed in close proximity to turbines, blasting and construction works;
- how grazing land fragmented by roads, turbines, drainage infrastructure and fencing will continue to function as a single management unit; or
- whether the existing rare-breed horse enterprise will remain viable.

Nor can it simply be assumed that cattle will replace horses. The long-established presence of redwater (babesiosis) makes cattle grazing unsuitable across significant areas of these lands. Likewise, there is no evidence that neighbouring farmers will

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undertake long-term conservation grazing or that appropriate grazing agreements are in place.

The Applicant therefore relies upon habitat enhancement measures without demonstrating that the practical means of delivering those measures will continue to exist. If our family can no longer continue conservation grazing using horses, the consequences extend far beyond our own farming enterprise. They directly affect the long-term management of the habitats that the Applicant itself proposes to enhance.

It is respectfully submitted that this represents a significant omission within the Environmental Impact Assessment Report and Natura Impact Statement. Habitat enhancement cannot simply be presented as a theoretical objective. The Applicant must demonstrate that it is practical, achievable and capable of being delivered throughout the operational lifetime of the development.

9.6 Conclusion

This proposal is not simply capable of affecting a horse breeding enterprise. It has the potential to undermine a long-established farming system that contributes to biodiversity conservation, habitat management, wildfire prevention and the continued stewardship of this nationally important upland landscape.

I respectfully submit that the Applicant has failed to properly assess these impacts and has not demonstrated that the conservation grazing regime upon which its own habitat enhancement proposals rely can realistically continue if permission is granted.

10. Deficiencies in the Applicant's Baseline Assessment

Throughout this submission I have highlighted a number of significant omissions and inaccuracies within the Applicant's baseline assessment. While any individual omission may appear minor in isolation, collectively they raise legitimate concerns regarding whether the existing environment has been fully and accurately characterised before the likely effects of the proposed development have been assessed.

I'd like to add that me or my father Fergal MacMahon have never been approached or communicated with by the developer, even though our right of ways, private famine road, private wells are all included in the application, also my father Fergal MacMahon has a high court case record number: 2024/409 on ownership of the lands at glendine and silverhill housing T9 and linked to T4 as well as deforestation, access routes and enrichment sites. The letter of consent has been signed by a non-owner of the land Slieveacurry Ltd have been made aware of this through his solicitor.

The Environmental Impact Assessment Report, Natura Impact Statement and Appropriate Assessment all depend upon an accurate understanding of the receiving environment. Where

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baseline information is incomplete, there is an inherent risk that the conclusions drawn from that information are likewise incomplete.

Throughout my review of the application I have identified a number of examples where the baseline assessment appears to be incomplete or inconsistent.

Most notably:

- Two private water supplies serving my family's lands have not been identified, despite significant construction works, excavation, drainage and potential blasting being proposed in their vicinity. One of these wells is protected by a historic High Court determination dating from the 1920s.
- The Applicant failed to properly identify and assess an active rare-breed Irish Draught and Irish Sport Horse breeding enterprise operating within the proposed development area, despite horses being permanently present on these lands and clearly visible during site visits.
- The Applicant's habitat enhancement proposals rely upon continued conservation grazing while failing to demonstrate any understanding of how that grazing currently occurs, the reliance upon horses because of the long-established presence of redwater (babesiosis), or how that management could realistically continue following construction.
- My long-term observations of Hen Harrier, including juveniles and the exceptionally rare leucistic Hen Harrier identified by the Hen Harrier Project, together with repeated Curlew observations, have been submitted to the appropriate conservation bodies. These observations reinforce the ecological importance of the area and should be considered alongside the Applicant's survey work.
- Long-term observations of Kestrel, owls, Irish Hare and Badger further demonstrate the ecological richness of the site and the importance of considering local knowledge accumulated over many years of farming and environmental stewardship.
- My family has actively participated in GLAS, ACRES and the pioneering Illaun Forest EIP, all of which recognise the environmental significance of this landscape and have informed the long-term management of these habitats. The practical realities of that management are not adequately reflected within the Applicant's assessment.

Taken individually, each of these matters may be viewed as a discrete omission. Taken together, however, they suggest that the baseline description of the receiving environment is incomplete in a number of important respects.

This is particularly significant in the context of the Habitats Directive and Appropriate Assessment.

The Court of Justice of the European Union held in **Case C-258/11, Sweetman v An Bord Pleanála**, that an Appropriate Assessment:

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"...cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."

It is respectfully submitted that where important components of the receiving environment have not been fully identified or accurately described, An Coimisiún Pleanála should exercise particular caution before relying upon the conclusions drawn from that baseline information.

This chapter should not be interpreted as suggesting that every aspect of the Applicant's assessment is incorrect. Rather, it highlights a recurring pattern whereby local environmental conditions, established farming practices, private infrastructure and long-term ecological observations have not always been fully reflected within the assessment. In those circumstances, it is appropriate that the Applicant's conclusions be subjected to careful.

11. Climate Change, Sustainable Development and the Precautionary Principle

This submission should not be interpreted as opposition to renewable energy. Ireland's transition towards a low-carbon economy is both necessary and important.

However, the principle of sustainable development requires more than the generation of renewable electricity. It requires that renewable energy developments are planned and located in a manner that avoids unacceptable impacts on biodiversity, protected habitats, water resources, peatlands and local communities.

Throughout this submission I have identified significant concerns regarding active peatlands, carbon sequestration, Hen Harrier, Marsh Fritillary, Curlew, water quality, habitat connectivity, conservation grazing and the integrity of European sites.

These are not isolated environmental issues. They are interconnected components of a functioning upland ecosystem that has evolved over thousands of years and continues to provide important ecological services.

Healthy blanket bogs are internationally recognised as significant carbon stores. They actively sequester carbon, regulate water flows, improve water quality and support biodiversity. Disturbance through excavation, drainage, blasting and permanent infrastructure has the potential to diminish these ecosystem services while releasing carbon that has accumulated over millennia.

It would therefore be contrary to the principles of sustainable development if the pursuit of renewable energy resulted in the degradation of functioning peatlands and the permanent loss of one of Ireland's most valuable natural carbon sinks.

The same landscape has also benefited from substantial public investment through environmental initiatives designed to improve biodiversity, restore habitats, strengthen ecological resilience and protect water quality. These objectives should

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be afforded significant weight when considering proposals involving extensive engineering works within the very landscape those schemes seek to conserve.

The precautionary principle is a fundamental principle of European environmental law. Where reasonable scientific doubt remains regarding the potential effects of a development upon protected habitats or species, decision-makers must proceed cautiously.

This application raises precisely those concerns.

Renewable energy and environmental protection are not competing objectives. They are complementary objectives that should be achieved together.

For the reasons set out throughout this submission, I respectfully submit that the proposed development has not demonstrated that these objectives can be achieved on this site without unacceptable environmental consequences. The issue is therefore not whether renewable energy should be developed, but whether this particular location is capable of accommodating a development of this scale while safeguarding the environmental qualities that make it nationally and internationally important.

12. Community, Cultural Heritage and the Living Landscape

Environmental Impact Assessment necessarily focuses upon measurable impacts such as ecology, hydrology, landscape and noise. However, landscapes also possess cultural, historical and social values which cannot always be quantified within technical reports.

The proposed development is centred upon a landscape that has supported families, farming and rural communities for generations. Claughaunmore, Silverhill, Glendine and Ballinoe are not merely townland names on a planning map; they are long-established communities whose history, identity and heritage are inseparable from the surrounding countryside.

My own family has lived, farmed and cared for these lands for generations. Our connections extend across Claughaunmore, Silverhill, Glendine and Ballinoe, where close relatives have lived and farmed over many decades. Collectively, these townlands form our ancestral landscape and remain central to our family's identity and way of life.

Historic photographs included within the appendices show previous generations farming in Claughaunmore, while historic film footage from the 1950s records my late grandfather training horses on these lands. These images and recordings are not simply family memories; they are a record of the continuity of farming, horsemanship and rural life that has shaped this landscape for generations.

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The cultural significance of Claughaunmore, Silverhill, Glendine and Ballinoe extends well beyond my own family. These townlands have inspired local history, traditional music and poetry over many generations. In particular, the song **"On Top of Johnny's Hill"** by **Sean Óg O'Malley** was written about Claughaunmore and reflects the deep attachment that local people have to this landscape. Likewise, poems inspired by Claughaunmore have been preserved by members of the Irish diaspora, including one displayed in the home of relatives in the United States, where it serves as a lasting reminder of their ancestral home. Copies of these works are included within the appendices.

That connection continues today. Only recently, a ninety-year-old first cousin of my late grandfather, who emigrated to the United States many decades ago, returned to Claughaunmore and became visibly emotional on seeing the family home and surrounding landscape once again. On other occasions I have been asked to record videos of Claughaunmore, Silverhill, Glendine and the surrounding countryside to send to relatives in New York who were unable to return to Ireland before the end of their lives. These experiences demonstrate that the significance of this landscape extends far beyond its physical boundaries and remains deeply rooted in the memories of generations of emigrants and their descendants.

This remains a living landscape. It continues to support farming, horse breeding, conservation grazing, traditional rural skills and a close relationship between local communities and the land. Its value lies not only in its visual appearance but in the continuity of traditional land use, environmental stewardship and the enduring relationship between people and place.

Taken together, the historic photographs, film footage, traditional music, poetry and the continuing connection of the Irish diaspora demonstrate that this is far more than an upland landscape identified for potential development. It is a living cultural landscape whose identity has been shaped by generations of farming families and rural communities. These intangible cultural values cannot be recreated once lost and, in my respectful submission, should be afforded significant weight alongside the ecological, environmental and planning considerations identified throughout this submission when determining this application.

13. Project Splitting and Cumulative Effects

The proposed development should not be considered in isolation.

I respectfully submit that An Coimisiún Pleanála should carefully examine whether the cumulative environmental effects of existing, refused and proposed wind energy developments within this upland landscape have been fully assessed and whether elements of the overall development have been artificially separated in a manner that prevents a complete assessment of their combined environmental effects.

The Courts have repeatedly confirmed that projects cannot be divided into separate components where doing so prevents a proper assessment of their overall

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environmental consequences. I respectfully refer An Coimisiún Pleanála to the principles established in **Ó Grianna & Others v. An Bord Pleanála, Fitzpatrick v. An Bord Pleanála**, together with previous decisions of An Bord Pleanála concerning wind farm developments and associated grid infrastructure.

The principle established by these authorities is straightforward. Where projects are functionally linked or where multiple developments combine to affect the same environmental receptors, they cannot simply be assessed as isolated proposals.

This application forms part of a wider pattern of wind energy development across the uplands surrounding Claughanmore, Silverhill, Glendine and Ballinoe.

Existing, refused and proposed developments within this landscape include:

- the existing Slieve Callan Wind Farm;
- previous Slieveacurry proposals;
- the refused Illaunbaun Wind Farm;
- the refused Slievenalicka Locally Owned Wind Turbine;
- associated electricity infrastructure and future grid connections; and
- other renewable energy proposals affecting the same upland landscape.

Although these developments may have different applicants or separate planning references, they affect many of the same environmental receptors.

The same peatlands.

The same hydrological catchments.

The same rivers and streams.

The same protected habitats.

The same Hen Harrier territory.

The same Marsh Fritillary habitat.

The same Curlew feeding areas.

The same landscape character.

The same farming community.

The same equestrian landscape.

The same rural roads.

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The same residents.

The same cultural landscape.

Each application may individually conclude that its own impacts are acceptable.

Nature does not experience these developments individually.

Hen Harriers do not distinguish between planning application boundaries.

Marsh Fritillary do not recognise different applicants.

Hydrological systems do not stop at site boundaries.

Peatlands function as connected ecosystems.

Local communities experience the cumulative effects of every turbine, every road, every drainage channel and every associated piece of infrastructure constructed across the landscape.

The cumulative effects of these developments therefore extend far beyond visual impact. They include cumulative disturbance to protected species, progressive fragmentation of habitats, increasing pressure upon peatlands and watercourses, loss of landscape character, additional construction traffic and the continuing industrialisation of a landscape that has traditionally been managed through farming and environmental stewardship.

I respectfully submit that An Coimisiún Pleanála must therefore consider this proposal not as an isolated wind farm but as one component of a much wider pattern of development affecting the same environmental receptors and the same rural communities.

Failure to undertake a complete cumulative assessment would, in my respectful submission, be inconsistent with the objectives of the Environmental Impact Assessment Directive, the Habitats Directive and the principles established in the relevant case law.

14. Noise, Residential Amenity and Human Environment

The protection of residential amenity is a fundamental objective of proper planning and sustainable development.

The Applicant concludes that the proposed development will comply with the relevant noise limits and guidance. However, I respectfully submit that An Coimisiún Pleanála should carefully consider the independent expert evidence contained within the accompanying **Huson Acoustics Peer Review**, which I have included as **Appendix**.

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That independent review raises a number of significant technical concerns regarding the Applicant's noise assessment, including aspects of the methodology adopted, cumulative assessment, modelling assumptions, compliance with the Wind Energy Development Guidelines, low-frequency noise and amplitude modulation. Rather than attempting to reproduce those technical arguments within this submission, I respectfully adopt and rely upon the findings and conclusions of that independent expert review.

I also include, as a separate appendix, a report prepared by a resident living in the vicinity of the existing Slieve Callan Wind Farm. While each development must be assessed on its own merits, that report provides an account of the lived experience of a resident following the construction and operation of a comparable wind energy development within the wider area. It demonstrates that the actual experience of nearby residents may differ from that predicted by pre-construction modelling and reinforces the importance of applying a cautious approach when assessing potential impacts on residential amenity.

Noise should not be considered in isolation. For those living within the receiving environment it forms part of the cumulative impact of the development, together with visual intrusion, shadow flicker, construction traffic, ecological disturbance and the progressive industrialisation of a rural landscape.

Having regard to the concerns raised within the independent acoustic review, together with the cumulative nature of the impacts identified throughout this submission, I respectfully request that An Coimisiún Pleanála give careful consideration to the potential effects of the proposed development on residential amenity, quality of life and the long-term wellbeing of those who live within the surrounding communities.

15. A Landscape Managed for Nature – Not by Accident

Throughout this submission I have referred to protected species, active peatlands, rivers, traditional farming, conservation grazing, biodiversity and the cultural heritage of Claghounmore, Silverhill, Glendine and Ballinoe.

These should not be viewed as separate planning issues.

They are all connected.

The environmental value of this landscape has not arisen by chance. It is the product of generations of careful land management by farming families who have lived and worked here for centuries. The open upland habitats, functioning peatlands, species-rich grasslands and ecological diversity that exist today have developed alongside traditional low-intensity farming practices rather than in spite of them.

In recent decades, these traditional practices have been reinforced through publicly funded environmental initiatives that encourage farmers to protect water quality, maintain biodiversity, restore habitats and improve ecosystem resilience. Our own

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participation in these schemes reflects a wider commitment by local farming families to work with nature while continuing to produce food and maintain the landscape.

The proposed development would introduce a fundamentally different land use.

Instead of a landscape managed primarily through farming, conservation grazing and environmental stewardship, significant areas would become dominated by industrial infrastructure including turbines, access roads, deep excavations, drainage works, underground cabling, forestry clearance and associated engineering works.

It is respectfully submitted that this change should not be viewed solely in terms of the physical footprint of individual turbines.

The issue is whether the long-established relationship between the landscape and the people who manage it can continue in the same way.

Throughout this submission I have identified concerns regarding the continued viability of conservation grazing, the management of peatlands, protection of water resources, maintenance of biodiversity, fragmentation of habitats and the cumulative effects upon protected species.

These concerns are not independent of one another.

They arise because the landscape functions as an interconnected ecological and agricultural system.

The Applicant's assessment generally considers these matters individually.

However, ecosystems do not function in isolated chapters.

Peatlands influence hydrology.

Hydrology influences biodiversity.

Traditional grazing influences habitat quality.

Habitat quality influences protected species.

Protected species depend upon the integrity of the wider landscape.

The Planning and Development process should therefore consider not only the individual environmental effects of the proposal, but also whether the development would fundamentally alter the system that has allowed this landscape to retain its environmental value over generations.

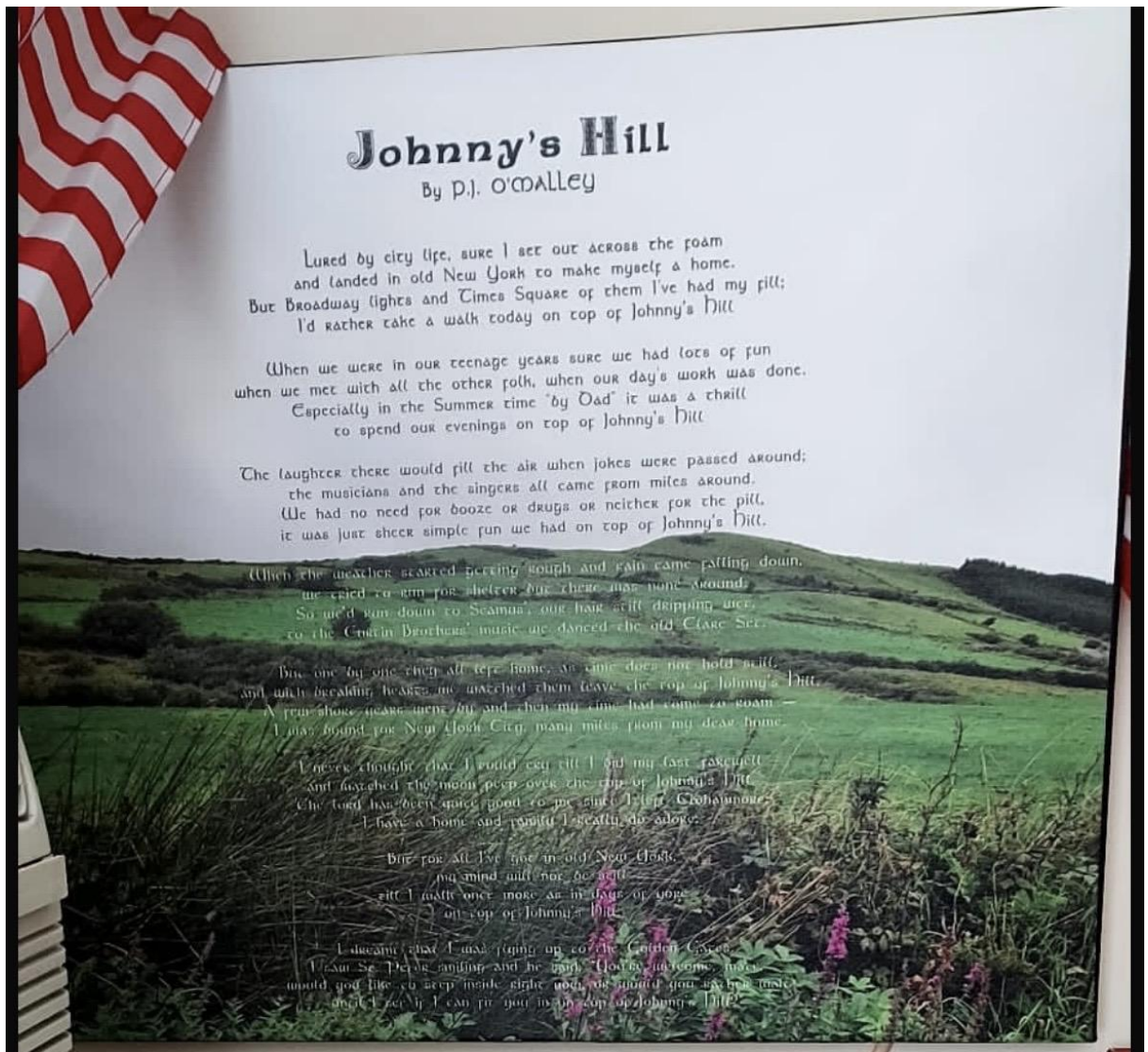
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In my respectful submission, the ecological importance of Cloughaunmore, Silverhill, Glendine etc has not survived despite traditional farming and environmental stewardship—it has survived because of it.

That relationship deserves significant weight when determining whether this landscape is an appropriate location for industrial-scale wind energy development.

Appendix 1

Poem about Johnnys Hill framed in New York



Appendix 2

Testimony of Eoghan Corry submitted with consent, free to be contacted.

Dear Sir,

I am writing to raise my concerns at plans to erect wind turbines at Cloughaunmore, one of the most scenic points along the approaches to Miltown Malbay.

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The proposed wind farm development is located on a hill opposite an existing development on Mount Callan which already has implications for a pristine landscape which, because of its proximity to front rank attractions and air connectivity, ranks among the most viewed by visitors to Ireland.

As well as being a textbook example of a Clachan settlement, the site is on the approach from the old Ennis road which offers potential as a greenway route, all of which would be lost should the wind turbine development be approved.

Cloghaunmore is of deep personal interest. It served as a refuge for the extended family of the McMahons who have spread around the world and treat Cloghaunmore Hill as their homeport, a place of refuge.

Cloghaunmore fell by the way in the 1960s as a near deserted village. It is now seeing the first signs of repopulation and the rebirthing of an integral and unique part of our heritage.

There is no surer way to kill that process than to envelope the location in wind turbines.
Yours Faithfully

Eoghan Corry

Appendix 3 Peat Slippage from my famine road under T7 and T8



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Appendix 4 my grandfather in claughaunmore 1940s and 1950s

Url:

<https://www.youtube.com/watch?v=5B5hXkh6uMI>

and

<https://www.youtube.com/watch?v=Ekrk5ltHWJQ>



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Appendix 5 Fintan Kelly Submission to the project 2020

BirdWatch Ireland Submission to Clare County Council_ Slieveacurry Renewable Energy Development, Co. Clare Address: Clare County Council Áras Contae an Chláir New Road Ennis Co. Clare V95 DXP2 Email: planoff@clarecoco.ie Ref: 20806 App: Slieveacurry Ltd. 04/12/2020 For: Permission for to construct a renewable energy development and all associated infrastructure in the townland of Glendine North and adjacent townlands, in Co. Clare. Site: Glendine North, Fahanlunaghta More, Curraghodea, Letterkelly, Cloghaun More, Cloghaun Beg and Silverhill, Doonsallagh East, Shanavogh East and Knockalassa Dear Sir/Madam, Please take into consideration the following views expressed by BirdWatch Ireland in relation to application Ref: 20806. In summary BirdWatch Ireland do not believe that approval should be given for Ref: 20806 for the following reasons: In the opinion of BirdWatch Ireland Clare County Council should refuse this application on the grounds that the direct, indirect or cumulative impacts of the project would negatively impact on the conservation status of the important Hen Harrier (*Circus cyaneus*) breeding population of North & West Clare region. Considering the documented ongoing decline in this breeding population and taking into consideration ongoing cumulative impacts regionally such as afforestation, agricultural intensification and windfarm development we believe that this development poses a significant risk to the population at a regional level with knock on implication for the national population. The development poses the risk of direct, indirect and cumulative impacts which on its own and in combination with other cumulative threats and

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pressures at a site and regional level pose the risk of significant negative impacts on the identified breeding pairs of Hen harrier within foraging distance of the site. We are also concerned about the negative impact the development may have on breeding Eurasian curlew (*Numenius arquata*). Hen Harrier The hen harrier (*Circus cyaneus*) is a protected raptor, listed in Annex I of the EU Birds Directive and as such, Member States are obligated to protect and conserve the species. These obligations involve key actions to designate Natura 2000 sites, also known as Special Protection Areas (SPA) and also to undertake monitoring of hen harriers nationally, regionally and within the designated areas. The application site is not located within an SPA, however the proposed development does lie within what BirdWatch Ireland consider a nationally important site for breeding Hen harriers known as the North & West Clare region. The North & West Clare region has been identified by the National Parks and Wildlife Service as one of the most important areas for breeding Hen harrier outside of the six Special Protection areas which have Hen harrier as a qualifying interest (Figure 1). According to national breeding surveys for the species the North & West Clare region contained 12 16 pairs of hen harriers in 2010. This makes the area of high importance for the species on a national and international level. Of the 28 key regions identified of being importance for the species over the last four national surveys the North & West Clare region ranked third in the whole country in 2010, just behind the Slieve Aughties with 16-24 pairs and the Stack's, Glanarudderies, Knockanefune, Mullaghareirks with 25-36. The region outperformed many sites which are designated as SPAs for breeding Hen Harriers. In the 2015 national survey however the number of pairs had dropped to 3-9 pairs. The recorded declines since 2010 are primarily the result of reduced densities in West Clare, as increased activity was recorded in North Clare which held one possible pair in an area where breeding evidence has not been recorded in previous surveys. Despite declines since 2010, numbers recorded in North and West Clare have increased since the 2005 and 1998 – 2000 surveys. The population is under serious pressure but is still highly significant. Given the ongoing regional declines in many areas of West and South West Munster, the Hen Harriers traditional stronghold it is important that the Clare population stabilises.

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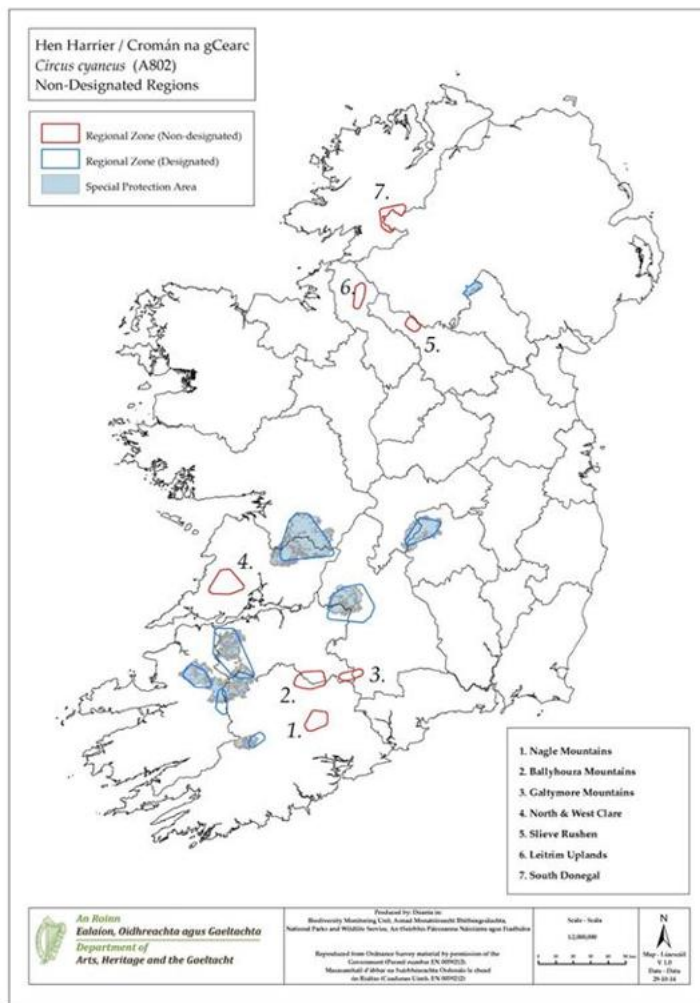


Figure 1: Hen Harrier Non-Designated Areas, NPWS

Evidence of the value of the site for hen harrier is provided by the The Bird Atlas 2007-11 which confirmed possible breeding Hen harrier in R17 and possible breeding Hen harrier in R18. The Wintering Atlas 07-11 identifies Hen harrier as being present in R17 and R18. BirdWatch Ireland Wind sensitivity mapping tool also identified the area as being sensitive for wind farm development due to the presence of Hen harrier. NPWS hen Harrier records for the site confirm that the site lies within a region of high importance for breeding Hen harrier. The NPWS have identified three Confirmed Territories in Hectad R17 in 2015. This is supported by records in 2010 that indicate that there were one confirmed breeding site within 0-1km of the site boundary, one additional confirmed breeding site within 1-3km of the site boundary and another possible breeding site within 3-5km of the site boundary. According to the EIAR a known nest was recorded in 2020. It is located to the south-east and adjacent to the Slievecallan Mountain Bog NHA, approximately 2.6km from the Site and

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1km from the Cable Route. The vantage point survey recorded Hen harrier on six occasions during Vantage Point Surveys between April 2016 and March 2018. All observations were of individual birds in hunting over areas of heath and upland blanket bog and conifer plantation. The North and West Clare Hen harrier population also contains the Slievecallan Mountain Bog NHA which is of considerable conservation value as it is a good example of an upland blanket bog. The site supports a diverse range of flora and fauna and is one of few intact areas of blanket bog in this part of the country. The site is noted as supporting Hen Harrier and other protected upland birds such as Golden Plover. The study area comprises of suitable breeding and foraging habitat for Hen harrier supporting areas of plantation forestry (WD4), and areas of degraded peatland assessed as Cutover bog (PB4), Upland blanket bog (PB2) and Wet heath (HH3), Wet grassland (GS4) and Scrub (WS1). The mosaic of peatlands, wet grasslands and pre-thicket forestry provides suitable habitat conditions for the species. The early stages of new and second-rotation conifer plantations are the most frequently used nesting sites, though some pairs may still nest in tall heather of unplanted bogs and heath. The value of the site for hen harrier is supported by the recorded presence of Hen harrier prey species such as Meadow pipit (*Anthus pratensis*). Irwin et al. (2012) recorded Hen Harrier foraging at a maximum distance of 11.4 km for their nests during the breeding season, with 49% of foraging taking place within 2km of the nest site and 89% of foraging within 5km. Given the confirmed presence of multiple breeding pairs of Hen harrier within 5km of the project, taking into consideration the importance of the regional breeding population, the ongoing loss of breeding pairs and the presence of potential breeding and foraging habitat on site BirdWatch Ireland do not believe that Clare county Council should approve this development due to the obvious risk it would pose to the ongoing viability of the species in the county.

National Hen Harrier Population BirdWatch Ireland would like to present the following information from the National Survey 2015 to better inform this planning process (Ruddock et al., 2015). According to the survey the nationally hen harrier population is in decline. In 2015, an estimated 108 – 157 breeding pairs of hen harrier were recorded nationally. This represents a decline of 15.6% in the number of confirmed breeding pairs since 2010. In order to minimise biases of increasing survey effort within population estimates a series of subset analyses were undertaken along with calculating an estimate of the mid-point metric also to reduce survey effort bias between national surveys. The national population (confirmed and possible pairs) has declined by 8.7% since 2010 whilst mid-point analysis indicated a national decline of 11.7% since 2010. Analysis of 139 10km squares surveyed in

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both 2015 and 2010 estimates a population decline of 16.4%. Analysis of 110 squares surveyed in 2015; 2010 and 2005 estimates a decline of 9.7% between 2005 and 2015. Analysis of 78 squares covered in all four national surveys estimates an overall decline of 33.5% between 1998 – 2000 and 2015. According to the survey the population within the Hen Harrier SPA network is in decline. The SPAs held between 44% and 47% of the national population (51 – 69 pairs) with four SPAs recorded to decline and two which have increased since 2005. Overall the population of hen harriers within the SPA network has declined by 26.6% since 2005. Hen harriers in this breeding survey were most frequently recorded to forage in open non-afforested habitats (51.3%) compared to afforested habitats (40.6%) but recorded more frequently to nest in second rotation forest (59.3%) than heather moorland (25.9%). Curlew BirdWatch Ireland are aware that there are known Curlew breeding site adjacent to the proposed development. The NPWS holds one record for breeding curlew within 1-3 kilometres of the development area and one record within 3-5 kilometres (both are pre-2015 records). The Curlew has been added to the list Birds of Conservation Concern in Ireland. The species is also classified on the near threatened list by the IUCN and is on the Global Red List. Curlew are as we will describe one of the species most affected by wind farm development. Based on research conducted by BirdWatch Ireland there has been a 96% decline in breeding curlew in the last 20 years in Donegal and Mayo. Results from a survey funded by the National Parks and Wildlife Service over the last two years show that just 130 breeding pairs of this bird remain in the Republic of Ireland and that the species is now facing extinction here within the next 10 years if emergency action is not taken. The species is now the subject of a Species Action Plan in an attempt to halt the populations ongoing decline in Ireland. In the opinion of BirdWatch Ireland the importance of the site and adjacent lands for breeding curlew has not been adequately assessed to date nor have the potential negative impacts that the development may have on the local and regional curlew population given the established negative impacts of windfarms on curlew. Given the fact that there may be as few as 130 breeding pairs of curlew in the whole country it is critical that any identified breeding pairs are afforded adequate protection by the planning authorities. Impacts of Wind Farms on Hen harrier and Curlew While the negative impacts of windfarms on bird species vary on a regional and species basis it is accepted that the potential negative effects of wind turbines on birds include the direct effect of mortality caused by collisions, and indirect effects such as displacement due to disturbance, loss of foraging or nesting habitat, and barrier effects (Drewitt & Langston, 2006, de Lucas et al., 2007b, Stewart et al., 2007, Rourke et al., 2009, Rees, 2012). The proposed windfarm may

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result in direct impacts on Hen Harrier such as mortality resulting from collisions with rotating blades. As summarised by O'Donoghue et al (2011) fatalities of hen harriers have been recorded at European wind farms and the closely related northern harrier (*Circus hudsonius*) have also recorded by American researchers. Direct mortality of Hen Harriers resulting from collision with turbines is therefore an accepted threat (Whitfield & Madders, 2006, Scott & McHaffie, 2008). In the case of potential impacts on hen harrier and curlew in this application it is likely that indirect effects of displacement and disturbance may be most severe. It is established that some birds are particularly sensitive to wind farm developments, largely through collision with turbines or disturbance displacement. Pearce-Higgins et al (2012) found that bird species such as Red grouse *Lagopus lagopus* (*scoticus*), snipe (*Gallinago gallinago*) and curlew (*Numenius arquata*) densities all declined on wind farms during construction. Red grouse densities recovered after construction, but snipe and curlew densities did not. Post-construction curlew densities on wind farms were also significantly lower than reference sites. Pearce Higgins et al (2009) in a study on 'The distribution of breeding birds around upland wind Farms' found that that seven of the 12 species studied exhibited significantly lower frequencies of occurrence close to the turbines, after accounting for habitat variation, with equivocal evidence of turbine avoidance in a further two. No species were more likely to occur close to the turbines. There was no evidence that raptors altered flight height close to turbines. Turbines were avoided more strongly than tracks, whilst there was no evidence for consistent avoidance of overhead transmission lines connecting sites to the national grid. They also found that levels of turbine avoidance suggest breeding bird densities may be reduced within a 500-m buffer of the turbines by 15–53%, with buzzard (*Buteo buteo*), hen harrier (*Circus cyaneus*), golden plover (*Pluvialis apricari*), snipe (*Gallinago gallinago*), curlew (*Numenius arquata*) and wheatear (*Oenanthe oenan*) the most affected. Significant turbine avoidance, extending to at least 500 and 250 m from the turbines for buzzard *Buteo buteo* L. and hen harrier *Circus cyaneus* L. respectively. Meadow pipits exhibited reduced occurrence within 100 m of the turbines, whereas the effects of turbine proximity on skylark distribution were of marginal significance ($P = 0.06$), extending up to 200 m. The avoidance of windfarms for a 250m radius will result in a loss of foraging habitat for the local hen harrier population. Likewise the reduced densities of meadow pipit and skylarks within the footprint of the windfarm and other altered habitats and hard constructions will have knock on effects for any hen harriers whose territory the windfarm fall within. Curlew is among the more susceptible species to windfarm displacement effects, with breeding birds showing behavioral avoidance up to 800 m from

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turbines, and breeding bird densities may be reduced by 42% within a 500-m buffer of turbines (Pearce-Higgins et al. 2009). Curlew densities may be reduced at windfarms during the construction phase, and there is currently no evidence of recovery to pre-construction levels during operation (Pearce-Higgins et al. 2012). A more recent study also observed that open country bird species' densities were lower at wind farm sites although definitive conclusion as to why this was the case were not determined (Wilson et al., 2015). According O'Donoghue et al., 2011 a 22-year study of a Kerry hen harrier territory in which a wind farm was built in 2000 has monitored nest location and breeding productivity, and concurrent observations of sky dancing, foraging and food passes were made. Results of these observations, before and after construction of the wind farm found that distance that hen harriers nest from what is now the edge of the wind farm site has increased significantly from a pre-construction median of 140m to a post-construction median of 537.5m (Wilcoxon two-sample test: $W = 77.5$, $P = 0.025$). An apparent decrease in nesting distance in recent years (2004–2010) is not attributed to habituation to the wind farm but to an extension of the wind farm further towards the traditional nest site. Whitfield and Madders (2006) and Scott and McHaffie (2008) also referred to nest displacement. The harriers abandoned the site in 2000, the year of construction of the original wind farm. However, in 2004, when the wind farm was extended, the harriers successfully nested in the territory. While hunting rates cannot be directly compared between pre- and post-construction stages, foraging was regularly noted on-site before construction of the wind farm, but there have been a number of years since the construction of the wind farm when foraging was not recorded at all. Since construction of the wind farm, sky dancing and food passes have not been recorded within the site. The breeding productivity of the territory within which the wind farm has been built has significantly dropped since the introduction of the wind farm (Wilcoxon two sample test $W = 158$, $P = 0.007$). While 30 chicks were fledged in eleven years of pre-construction monitoring (mean productivity of 2.63), just 14 were fledged in eleven years of post-construction monitoring (mean productivity of 1.27). There have been no other significant habitat changes in the territory in question. There is a dearth of pre and post construction surveys of this nature from Ireland and elsewhere. Evidence of reduced usage by Hen Harriers of an area developed as a wind farm in Ireland has also been provided by Madden and Porter (2007). The study found a foraging rate of 18.4sec hr⁻¹ on site prior to construction. When the wind farm was built, even with five times the amount of open foraging habitat available (when a large area of mature forestry within the site was felled), a decreased foraging rate of 8.1sec hr⁻¹ was observed. Just one strike at prey was observed during almost 97 hours of post-

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construction observations. The impact on the harriers ability to successfully capture prey within the footprint of a wind farm is another issue. Hen harriers hunt aurally as much as visually. It is possible that noise generated from rotating turbines may deter hen harriers from hunting in a wind farm as much as would otherwise be expected, or it may reduce the birds' foraging success rate. There is a dearth of studies on capture success rate unfortunately. However in the absence of conclusive evidence to the contrary the precautionary principle must be applied. This is heightened by the ongoing medium and short-term declines in the species nationally and the large decline in the species numbers regionally. Conclusions Given the close proximity of the development to known breeding pairs of Hen harrier and taking into account the importance for the north and West Clare population to the conservation of the species nationally and taking into account the established negative impacts of wind farms on hen harrier and the potential for these negative impacts to act in combination with negative drivers of habitat loss and degradation under plans and projects driving afforestation, agricultural intensification, wind farm development, turf cutting and illegal burning it in our opinion not be appropriate or in line with Clare County Council obligations to approve this development. Given the presence of suitable nesting and foraging habitat for hen harrier within the development site and the connectivity of these habitats on a landscape level to the Slieve Callan NHA BirdWatch Ireland believe it would not be appropriate to approve the development. It is neither in line with the precautionary principle or the obligations of the Council as laid out in the County Development Plan. The decision to refuse this application is further supported by the declining status of the local and national hen harrier and curlew populations.

Appendix 6 Sound Study Recently Carried out at Slievecallan

HUSON & ASSOCIATES

Peer Review of Proposed Slieveacurry Wind

Farm Planning Application (PAX03.324270)

W Les Huson BSc(Hons) MSc CPhys MInstP MloA MAAS

Submitted as another observation.

Appendix 7 link to "On top of Johnny's Hill" By Sean O'Malley time 3.50-6.58

<https://www.youtube.com/watch?v=Lb3WZMBEN7Y>

Supporting materials

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

Supporting materials include:

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

You can insert photographs and similar items in your observation details: grounds (part 5 of this form).

If your supporting materials are physical objects, you must send them together with your observation by post or deliver it in person to our office.

You cannot use the online uploader facility.

Fee

7. You **must** make sure that the correct fee is included with your observation.

Observers (except prescribed bodies)

- strategic infrastructure observation is €50.
- there is no fee for an oral hearing request

Oral hearing request

8. If you wish to [request the Board to hold an oral hearing](#), please tick the “Yes, I wish to request an oral hearing” box below.

You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

YES

No, I do not wish to request an oral hearing

☐

Final steps before you send us your observations

9. If you are sending us your observation using **the online uploader facility**, remember to save this document as a Microsoft word or PDF and title it with:

- the case number and your name, or
- the name and location of the development and your name.

This also applies to prescribed bodies sending an observation by email.

If you are sending your observation to us by post or delivering in person, remember to print off all the pages of this document and send it to us.

For Office Use Only

FEM – Received		SIDS – Processed	
Initials		Initials	
Date		Date	

Notes