



Orsted Onshore Ireland Midco Limited

1: MEMORANDUM RESPONSE TO SUBMISSIONS RECEIVED

PLANNING & MISCELLANEOUS MATTERS

Proposed Oatfield Wind Farm Project, Co. Clare: ABP
Case No. ABP-318782-24

June 2024



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1 INTRODUCTION

A Strategic Infrastructure Development (SID) planning application was made by Orsted Onshore Ireland Midco Limited to An Bord Pleanála on the 22nd of December 2023 (ABP Ref. Number: ABP-318782-24) for the proposed Oatfield Wind Farm in County Clare (hereafter referred to as 'the Proposed Development'). As per the public notices, the period for making submissions and observations (Prescribed Bodies and Third Parties) ran from the submission date until the 19th of February 2024.

To address submissions received during the observations and submissions period associated with the Proposed Development's planning application, the RSK Group has prepared responses in the form of a series of memorandums which address specific disciplines.

These memorandums are listed below:

1. Planning & Miscellaneous (this document)
2. Population and human health
3. Biodiversity
4. Ornithology (including an Appropriate Assessment screening report for the Species and Habitat Management Plan submitted as part of the original planning application)
5. Hydrology and hydrogeology
6. Land, soils and geology
7. Material assets (aviation)
8. Shadow flicker
9. Noise
10. Landscape and visual
11. Archaeology, architectural and cultural heritage
12. Traffic and transportation
13. Air quality
14. Climate
15. Cumulative effects

This is memorandum number 1 in the Oatfield Wind Farm submission response documentation which addresses specific planning related issues raised by regulatory & prescribed bodies (Section 2) and general public responses (Section 3) along with miscellaneous matters (Section 4) raised during the submissions period for the Proposed Development's planning application.

References are made to submission responses on Landscape and Visual Amenity (memorandum no. 10 of the submission response documentation, hereafter referred to as **memorandum no. 10**), Traffic and Transport (memorandum no. 12 of the submission



response documentation, hereafter referred to as **memorandum no. 12**), and Cumulative Effects (memorandum no. 15 of the submission response documentation, hereafter referred to as **memorandum no. 15**).

2 REGULATORY AND PRESCRIBED BODIES

This section addresses submissions/observations made by Fáilte Ireland (FI) and Clare County Council.

2.1 Fáilte Ireland

FI's summary observation states that:

'It is the policy of Fáilte Ireland to support sustainable development and we acknowledge that there is a requirement to provide for and develop renewable energy, at appropriate locations and in accordance with proper planning and sustainable development'.

FI's observation also provides commentary on the Proposed Development in relation to both construction and operational related impacts on amenity and landscape character value.

2.1.1 Impacts arising from the construction stage of the development

FI's observation notes that impacts *'can be mitigated by the implementation of appropriate construction management strategies which will reduce the nuisance associated with the construction phase'.*

The Applicant's EIAR provides detailed information in relation to the construction phase of the Proposed Development as well as construction management measures, which include:

- A draft Construction Environmental Management Plan (CEMP, a live document).
- A Construction Traffic Management Plan (CTMP).

The above-mentioned documents have been prepared and submitted as part of the EIAR and will be implemented, in partnership with Clare County Council and TII, should planning permission be granted by An Bord Pleanála.

2.1.2 Impacts arising from the operational stage of the development

FI's submission includes the following statement:

'Arising from the operational stage of the development the key impact that may affect tourism in the receiving environment are visual impacts, and those impacts arising from the operation of the facility'. The submission refers to LCA8 Slieve (sic) Bernagh Uplands.

According to the Clare Landscape Character Assessment (Clare LCA 2004), which was funded by the Heritage Council, the Proposed Development is located within Landscape Character Area (LCA) 8 Slieve Bernagh Uplands. Principles for Landscape Management for Clare LCA 8 are set out in Table 2.1 below.

Table 2.1: Clare LCA 8: Principles for landscape management

<p>Clare LCA 8: Principles for Landscape Management</p>	<ul style="list-style-type: none"> • Careful consideration must be given to siting and planting regime of new forestry plantations, in small-scale irregular plantations with a good proportion of deciduous tree. Irregular edges following the landform and varied age structure will help prevent creation of large uniform blocks • Clear felling regimes need to be carefully managed so not to impact overwhelmingly on the landscape • Conserve open character of remaining areas • Stronger coordination is required for masts • Direct new development to lower slopes reflecting existing pattern of development and using shelter provided from existing vegetation and landform; guidance should be provided on siting, location and style of new houses • Encourage restoration of derelict houses • Promote REP* uptake • Promote proactive management of windfarms
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(Source: Clare LCA, 2004, page 4-41.)

Note: *REP = EU/EC Rural Environment Protection Scheme

The Clare Landscape Character Assessment (LCA, 2004) and *Landscape Character Area (LCA) 8 - Principles for Landscape Management* highlights that there should be ‘...proactive management of windfarms’ along with the need to provide guidance on the siting, location and style of new houses in the open countryside.

Fáilte Ireland’s submission acknowledges that LCA 8 recommendations for the future management of the area include proactive management of wind farms. FI also states that, ‘*Whilst this landscape is not designated Heritage Landscape, Fáilte Ireland would consider it important to ensure its qualities as an attractive area to visitors should be taken into consideration e.g. the 12 O’Clock Hills project which comprises three main trails*’. FI notes that, ‘*the protection and management of the landscape character becomes as much about protecting an economic and cultural asset, as it is about the physical context of those landscape features*’.

In response, the detailed EIAR, which was submitted as part of the planning application documents, includes a detailed Landscape & Visual Impact Assessment (LVIA) in accordance with planning policy and EIA requirements (see **EIAR Chapter 14 Landscape and Visual**, hereafter referred to as **EIAR Chapter 14**). ‘EIAR Chapter 14 Landscape and Visual chapter provides the following assessment, ‘*with regard to the landscape context of the site, it is a working transitional setting that is heavily influenced by extensive areas of commercial conifer forestry and pastoral farmland*’.

As noted in **memorandum no. 10**, ‘*in 2018, the results from a major study by Fáilte Ireland on tourism and landscape found that the majority of visitors appeared not to notice the majority of developments – even very large and visually prominent structures such as wind turbines and powerlines. It appears that there are significant divergences between what can be seen and what is noticed. The majority of visible development does not appear to have any adverse effects on the impression of the quality of the landscape*’.

The LVIA study area encompasses the 12 O’Clock Hills Looped Walks, to the north of the site. This assessment notes the following: ‘*Whilst some localised areas present with*

susceptible landscape values relating to scenic amenity, recreation and the naturalistic, overall, the predominant landscape values relate to the subsistence of the rural economy. As a result of the reasons outlined above, the overriding landscape sensitivity within the central study area is deemed Medium, with some localised areas of higher sensitivity’.

Memorandum no. 10 makes the following statement:

‘Whilst the proposed development will generate some notable visual effects at the 12 O’clock Hills trails, it is not considered that the Proposed Development will result in significant visual effects at these receptors. Although the turbines will be one of the more prominent built features from the nearest sections of these trails, they will not block or heavily obstruct visibility of the wider landscape. The proposed turbines are situated to the south of the main ridgeline, allowing for uninterrupted views across the wider landscape to the west and north, which is one of the principal aspects of visual amenity from the summit of Knockanuarha. Thus, it is not considered that the proposed Oatfield Wind Farm detract significantly from visual amenity afforded at the 12 O’Clock Hills’.

More generally in relation to landscape planning and management, it should also be highlighted that the Clare LCA, LCA 8: Principles for Landscape Management in relation to new houses in the countryside have been updated by a Ministerial Direction (in 2023) to Clare County Council in relation to their county development plan and the need to adhere to national policies in order to guide and support ‘compact growth’.

2.1.3 12 O’ Clock Hills & Oatfield Community Benefit Fund (CBF)

As noted above, reference is made in the Fáilte Ireland summary observation to the 12 O’ Clock Hills project, which comprises of three main walking trails. The Proposed Development will not hinder or conflict with the growth and development of this important community and tourism project. Indeed, the Applicant’s Community Report, which forms part of the planning application (see **Part 1, Section 8** of the planning application documentation), highlights that the Oatfield CBF will contribute directly during the overall lifetime of the windfarm to the long-term viability of this project, should the community decide to allocate funds to this project. This investment is also expected to have a ‘multiplier effect’ in terms of further investment in the overall project, i.e. funding attracts more funding.

As noted in the Applicant’s Community Report, there is a continuous need for fundraising to maintain the 12 O’ Clock hills trails due to wear and tear caused by usage and erosion. The facility receives grants and sponsorships from members of the community, the Heritage Council, Clare Council and other corporate sponsors community to support its operations, and the CBF can also be used by the community to carry out maintenance of the trails and other sections such as wooden bridges across the streams, picnic tables, and benches. In addition, the CBF may be used to organise other events during the year such as night walks, solstice and dawn walks etc.

The Clare LCA (2004) highlighted the need to ‘*encourage the restoration of derelict houses*’. It is envisaged that Oatfield CBF will contribute to ‘Area-based’ refurbishment and re-purposing of vacant and derelict buildings in the local and wider area, including Sixmilebridge (within LCA 10/adjacent to LCA 8), as the vacancy levels in this planned

settlement, which has a designated Architectural Conservation Area (ACA)¹, are currently well above the national average at 23%² (Source: Sixmilebridge TCF Plan). For example, the CBF could be utilised to pilot the setting up of a *Sixmilebridge Conservation Area Regeneration Scheme* to enable a community-led refurbishment programme operating 'at scale'. The establishment of an 'Area-based' conservation area regeneration scheme, the first in Ireland, would also enable Sixmilebridge to design and implement a district heating system (DHS) as part of the future capital works.

Clare County Council piloted LCA/HLC in Ireland and it would be hugely beneficial if the LA were also involved in the piloting of an area-based conservation area regeneration scheme in line with UNSDGs 9 and 11 and the Climate Action Plan 2024. The CBF would look to best practice Conservation Area Regeneration Schemes in Europe and further afield, etc.

The 'area-based' reuse of vacant/derelict property in Sixmilebridge will also enhance and promote the 12 O' Clock Hills project and surrounding area, making the trails more attractive to visitors. For example, vacant and derelict buildings have the potential to be repurposed as cafés, restaurants, hostels, bike hire, etc.

In addition, as highlighted in the Community Report, the Oatfield CBF also supports the Sixmilebridge Town Centre First (TCF) Plan³, which was launched by the local community in 2023. The TCF Plan also highlights the need to tackle long-term vacancy and dereliction rates in the historic core, as part of an objective to enhance the overall quality and design of the public realm and hence improve the quality of the environment.

Therefore, it is submitted that the Proposed Development supports the delivery of the UN SDGs and the government's Town Centre First (TCF) policy, introduced in the Programme for Government (June 2020) in addition to supporting Ireland's renewable energy policy and targets.

2.1.4 Cumulative assessment/EIAR

Finally, Fáilte Ireland acknowledges that the submitted EIAR has included projects and proposals for other wind farms in the wider area. The robust cumulative assessment forms part of the EIAR, as per the EIA Directive and Planning and Development Regulations 2001 (as amended). Refer to **memorandum no. 15** for further information.

2.2 Clare County Council

As highlighted in the Planning Application documents (December 2023), the Oatfield Wind Farm proposal is located in an area designated by the county development plan as a 'Strategic Area' for wind energy development. Ten of the proposed turbines are located within this strategic area and one turbine is in an area designated by the county development plan as '*Acceptable in Principle*'.

¹ Planning & Development Act 2000, Section 81
<https://www.irishstatutebook.ie/eli/2000/act/30/section/81/enacted/en/html>

² According to the CTCHC Framework, the target commercial vacancy rate in town centres is 5%.

³ [www.clarecoco.ie/services/economic-development/\[publications\]/sixmilebridge-town-centre-first-plan-51954.pdf](http://www.clarecoco.ie/services/economic-development/[publications]/sixmilebridge-town-centre-first-plan-51954.pdf)

Clare County Council states in its submission (dated 5th March 2024⁴) that Fahy Beg Windfarm (CCC 23/148) application was refused by the Planning Authority i.e. Clare County Council, on grounds of visual amenity, residential amenity, impact on surface waters, impact on European Sites, and impact on biodiversity. This statement is now out of date. It should be highlighted that Fahy Beg Windfarm was granted planning permission by An Bord Pleanála (ABP-317227-23) on 6th March 2024 following a First Party Appeal.

According to ABP's Direction on this matter (dated 20th February 2024), *'the Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the conditions set out under'*. ABP's Direction sets out reasons and considerations having regard to European Legislation, National Planning, related policy and guidance, and regional and local level policy, including of particular relevance:

- *Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC, (Birds Directive) which set the requirements for the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union*
- *EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.*
- *National policy including the Climate Action Plan 2023, with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases.*
- *Project Ireland 2040 – the National Planning Framework.*
- *The provisions of the Wind Energy Development Guidelines – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June 2006, and the Draft Wind Energy Guidelines published by the Department of Housing, Local Government and Heritage in December 2019.*
- *Regional Spatial Economic Strategy for the Southern Region 2020.*
- *Relevant policies of the planning authority, as set out in the Clare County Development Plan 2022-2028.*

It should be noted that the Climate Action Plan 2024 updates CAP23.

In relation to comments received on the Proposed Development, Clare County Council also states in its submission: *"Thus, solely from a planning policy perspective, the Planning Authority recognises that the development as proposed would be in compliance with the designations as set out in the current County Development Plan and associated Wind Energy Strategy noting also national and regional level policy objectives with respect to renewable energy. It should be noted that since the adoption of the WES there has been advancements in turbine technology in terms of their output and also in terms of their scale height and scale, whereby it is noted in this instance that the tip height of the turbines is potentially up to the 180m. There is concern that the existing Section 28 guidelines do not account for such heights and scales of turbines"*.

⁴ The deadline for submissions was the 19th of February 2024, as agreed with ABP.

In response, there has been a consistent upward trend in the scale of wind turbines since the adoption of the WEDGs in 2006. Thus, it is clear that this trend of larger turbines has been a part of the Irish Wind Energy Industry, and indeed the European Wind Energy Industry, for many years and it is submitted that Clare County Council has had several opportunities to update their WES to reflect this upward trend in design.

In contrast to this, the 2006 WEDGs stated that *“In 2005, less than 60m to blade tip are considered short, 75-100m medium and over 100m tall”*, whereas the updated draft revised Section 28 Planning Guidelines (2019) removed any reference to this, clearly displaying the understanding that the scale of turbines was increasing.

In addition, a detailed summary response in relation to planning policy and the above paragraph from Clare County Council's submission is set out below under the following headings:

1. Clare Landscape Character Assessment (LCA), 2004 – a ‘National Pilot’ LCA for Ireland
2. Clare Wind Energy Strategy (WES), 2009
3. Lack of National Landscape Character Assessment (NLCA) in Ireland and up-to-date Section 28 Guidelines
4. Lack of Regional Landscape Character Assessments (RLCAs) in Ireland
5. EU Wind Energy Package (October 2023 and updates)

2.2.1 Clare LCA, 2004 – a ‘national pilot’ LCA for Ireland

The Clare Wind Energy Strategy (WES), which was prepared in 2009 and included in subsequent CDPs starting with the 2005-2011 CDP, was based on the Clare LCA⁵ undertaken by Clare County in partnership with the Heritage Council and ERM Ireland and published in 2004. The Clare LCA was the ‘national pilot’ LCA for Ireland following the publication of the Section 28 Draft Guidelines on Landscape and Landscape Assessment in June 2000. These draft Section 28 Guidelines have not yet been formally adopted.

The Clare LCA (2004), which pre-dates the UNECE Aarhus Convention, involved extensive public consultation and consultation workshops, which were delivered in various locations throughout County Clare during the formulation process. According to the Clare LCA Report, the public consultation feedback informed the following:

- *Boundaries and names for each LCA - are these correct/ any suggestions?*
- *Key features/valued elements within each LCA that have not yet been identified?*
- *Identification of forces for change in each LCA?*
- *How these forces for change should be addressed?*

As noted in Clare County Council's submission, the existing Section 28 Guidelines for wind energy have been in place since 2006 with draft updated guidelines published in 2019. According to CAP23 and emerging CAP24, it is envisaged that the 2019 Guidelines will be finalised in 2024. In the meantime, the European Wind Energy Package was launched in October 2023. In addition, the revised EU/EC Renewable Energy Directive

⁵ www.clarecoco.ie/services/planning/publications/landscape-character-assessment-of-co-clare-2004-26526.pdf

came into effect in November 2023 and requires to be transposed into Irish law as soon as possible to allow for the mapping and designating of 'Renewables Acceleration Areas'⁶.

It should be reiterated that the Proposed Development is located in an area designated by the current county development plan as a 'Strategic Area for Wind'.

2.2.2 Clare Wind Energy Strategy (WES), 2009

As noted above, the Clare Wind Energy Strategy (WES 2009) was prepared after the S28 Guidelines were published by the Department in 2006 and incorporated into the Clare CDP 2005-2011 and subsequent CDPs. As such, an updated WES for County Clare was not prepared - based on formal direction issued by the Department, on behalf of the Minister for the Environment, set out in Planning Circular PL 20/2013 and Planning Circular PL5/2017. An overview of Circular PL 20/2013 is provided in Section 4 below.

As a result, the Clare WES has not been updated.

2.2.3 Lack of national landscape character assessment (NLCA) in Ireland and up-to-date section 28 guidelines

In addition, the National Landscape Strategy 2015-2025⁷, which was launched in Dublin Castle in May 2015, has not delivered a national landscape character map (see NLS Actions 2(i) and 2(ii)). In parallel, the S28 Guidelines on Landscape and Landscape Assessment have not been updated (NLS Action 3), nor have LA LCAs been updated (NLS Action 4).

There has been no formulation of a NLC map and/or updates to the S28 guidelines since the NLS was launched in 2015, almost ten years ago. It should be noted that the National Landscape Strategy expires in 2025. It is submitted that an *ex-post* evaluation of the NLS's success (or otherwise) would be a welcome step, as per the key recommendations in relation to the need for robust policy evaluation set out in the OECD's report on Ireland entitled, *Strengthening Policy Development in the Public Sector in Ireland*⁸, 2019.

As noted above, the Proposed Development is located in an area designated by the current county development plan as a 'Strategic Area for Wind'.

2.2.4 Lack of regional landscape character assessments (RLCAs) in Ireland

The lack of a national landscape character assessment (NLCA) and/or [digital] map or dataset has also had a significant knock-on effect on the lack of the delivery of regional landscape character assessments (RLCAs) in Ireland⁹. Despite legal provision under Article 14(b)(2)(j) in the *Planning & Development (Amendment) Act 2010*¹⁰ for the preparation of Regional Landscape Assessments (RLCAs), Ireland, unlike other EU

⁶ www.rte.ie/news/2024/0513/1448803-climate-change-ireland-electricity/#:~:text=The%20Chair%20of%20the%20Climate,farms%20last%20year%20before%20September.

⁷ <https://www.gov.ie/en/publication/8a59b-national-landscape-strategy/>

⁸ https://www.oecd-ilibrary.org/governance/strengthening-policy-development-in-the-public-sector-in-ireland_6724d155-en

⁹ It should be highlighted that the NI LCA was prepared (6 counties combined) in 2000 and included an HLC.

¹⁰ <https://www.irishstatutebook.ie/eli/2010/act/30/section/14/enacted/en/html>

Member States, is still without any Regional Landscape Character Assessments (RLCAs).

Section 14(b)(2)(j) of the P&D (Amendment) Act 2010 states that Section 23 of the principal act in relation to regional planning, i.e. the Planning and Development Act 2000 by the substitution of the following for paragraph (j):

“(j) landscape, in accordance with relevant policies or objectives for the time being of the Government or any Minister of the Government relating to providing a framework for identification, assessment, protection, management and planning of landscapes and developed having regard to the European Landscape Convention¹¹ done at Florence on 20 October 2000;”

The lack of a National LCA and Regional LCAs for Ireland, i.e. gaps in the policy hierarchy, results in the Clare LCA and Clare WES being the only relevant landscape planning policy documents to inform and guide the proposed renewable energy development, in terms of landscape character and, as the baseline for the landscape and visual impact assessment, which is set out in the submitted EIAR.

As noted above, the Proposed Development is located in an area designated by the county development plan as a ‘Strategic Area for Wind’.

A summary of the status of existing landscape policy guidelines and strategy documents in Ireland is set out in Table 2.2 below.

¹¹ <https://www.coe.int/en/web/landscape>

Table 2.2: Summary of the status of existing landscape policy documents in Ireland

Policy Doc	Date Issued	Action – Where Relevant	Status in June 2024
S28 Draft Revised Wind Energy Guidelines	2019	–	Draft format
National Landscape Strategy 2015-2025	2015	<p>Action 2(i) A data framework on a national GIS platform to provide the structure for on-going collection, monitoring and review of the landscape's physical - including soils and water catchment - scientific, ecological, biodiversity and cultural data. It will reflect existing environmental classifications and national and local initiatives on land-cover and land-use habitat mapping. It will set out objective, consistent descriptions and interpret all elements and characteristics of Ireland's landscape types and areas within a standardised format.</p> <p>Action 2(ii) A National Landscape Character Map will be prepared using the evidence base to describe and assess distinct landscape character areas at the national scale, ensuring consistency within and between public authority areas and functions. The database and associated maps, incorporating linked, open and online data, will use Landscape Character Assessment methodology along with other assessment methodologies and will incorporate an outline Historic Landscape Characterisation¹². <u>DAHG/and other Departments and Agencies.</u></p>	<p>Action Needed</p> <p>Action Needed</p>
		<p>Action 3. Following completion of the National Landscape Character Assessment, statutory guidelines on local Landscape Character Assessments, following best international practice, and incorporating</p>	Action Needed

¹² As noted above, Clare LCA, unlike other LCAs of that time also includes a layer of Historic Landscape Characterisation (HLC), which was undertaken by archaeologists from the Museum of London.

Policy Doc	Date Issued	Action – Where Relevant	Status in June 2024
		<i>Historic Landscape Characterisation¹³, and other appropriate assessment methodologies, will be prepared for Planning Authorities under Section 28 of the Planning and Development Act 2000 (as amended).</i> <u>DAHG/DECLG</u>	
		Action 4. <i>Landscape Character Assessments will be prepared at local and intra-local authority level, building on the National Landscape Character Assessment, using the Landscape Character Assessment Guidelines. These regional and local landscape character assessments will inform and guide landscape policy, action plans and local authority development plans.</i> <u>Planning Authorities</u>	Action Needed
S28 Wind Energy Development Guidelines	2006	-	Final
S28 Landscape & Landscape Assessment ¹⁴	2000	-	Draft format

(Source: NOD, May 2024.)

¹³ It should be noted that the Clare LCA includes a HLC – most LCAs in Ireland do not include this layer of assessment see Review of LCAs in Ireland (2006) undertaken by the Heritage Council and updated in 2009:

¹⁴ These draft S28 Guidelines (2000) do not include Urban landscapes/town centres or Seascapes.

Despite the landscape planning policy gaps identified above, as highlighted in **EIAR Chapter 14**, the LVIA has been undertaken in accordance with the most up to date LVIA Guidance available, e.g. photomontages in line with the current NatureScot Guidelines and guidance set out by the British Landscape Institute 2011 (Advice Note 01/11). In addition, the selection of the viewpoint locations for assessment is guided by the Guidelines for Landscape and Visual Impact Assessment, Landscape Institute and Institute of Environmental Management and Assessment, 2013.

EIAR Chapter 14 highlights that:

‘the principal mitigation measure in this instance is the siting of the Proposed Development in a relatively robust elevated setting that is classified as a ‘Strategic Area’ in relation to wind farm development in the current Clare County Development Plan. This highlights the robust nature of this landscape setting, which is offset from some of the more highly sensitive landscape and visual receptors within the wider landscape. In the case of the proposed wind farm, the guidance provided in the Wind Energy Development Guidelines for Planning Authorities 2006 (and draft 2019 revision) was the one of the principal measures considerations...’

In addition, the nearest residential dwelling to any of the proposed turbines is approximately 725m which exceeds and fully complies with the setback distance outlined in both the current 2006 Guidelines and the Draft Revised Guidelines (2019), which in this instance is 720m.

2.2.5 EU wind energy package (October 2023) & ‘Renewables Acceleration Areas’

As per the Oatfield SID planning application documentation, i.e., EIAR, NIS, Planning Report, etc., a key action of the EU Wind Energy Package launched in October 2023 is the requirement for the identification and mapping by EU Member States of ‘Renewables Acceleration Areas’. In Ireland, given the lack of national and regional landscape character assessment (LCA)/historic landscape characterisation (HLC) and mapping by GIS within the planning policy hierarchy, it is assumed that areas that are already designated in county development plans, as ‘Strategic Areas for Wind’ will be fast-tracked to be designated as ‘Renewables Acceleration Areas’. However, at the time of writing this response, Ireland is still without a NLCA and/or any RLCAs. This is despite a requirement under the EU Wind Energy Package and EC Directive RED III¹⁵ for Member States to designate and digitally map ‘Renewables Acceleration Areas’.

The need for this EU-led wind energy initiative and actions in relation to wind energy generation is included in Ireland’s emerging Climate Action Plan 2024.

The designation of strategic areas for wind as renewable acceleration areas is highly likely for County Clare, as the Clare LCA had significant public consultation as noted above, unlike other local authority landscape character assessments at that time in Ireland¹⁶.

In addition, the EPA reiterated that Ireland will not meet its GHG emission targets by 2030. As set out in the submitted Planning Report, the EPA stated in June 2023 that:

¹⁵ [Directive \(EU\) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive \(EU\) 2018/2001, Regulation \(EU\) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive \(EU\) 2015/652 \(europa.eu\)](#)

¹⁶ www.heritagecouncil.ie/content/files/landscape_character_assessment_final_report_2006_1mb.pdf

‘Ireland is not on track to meet the 51% per cent emissions reduction target (by 2030) compared to 2018 (based on these projections which include most 2023 Climate Action Plan measures. Further measures still need to be identified and implemented to achieve this goal’.

Ireland’s EPA reiterated this key finding in its publication, Ireland’s Final Greenhouse Gas Emissions, 1990-2022, May 2024¹⁷. In its press release (dated 27th May 2024) Laura Burke, Director General, EPA said:

“The EPA’s projections show that full delivery of all climate action plans and policies could deliver a 29 per cent reduction in greenhouse gas emissions. This is well short of both our European and National emission reduction targets and highlights the scale of effort required to achieve the required reductions across all sectors of our economy. The key priority must be to translate the aspiration in our policies and plans to implementation on the ground.”

2.2.6 Summary of response to Clare County Council

The robust environmental impact assessment and subsequent EIAR and AA/NIS were undertaken in accordance with the most up-to-date guidance and guidelines from the relevant professional institutes in Ireland and further afield, e.g. landscape and visual impact assessment. The Proposed Development’s robust EIAR and AA/NIS clearly demonstrates that the proposal aligns with the Clare County Development Plan 2023-2029 and WES.

In addition, the Proposed Development is also projected to have a significant positive impact on air quality and climate by supporting Ireland’s renewable energy and greenhouse gas reduction goals and legally binding targets.

Therefore, the Applicant submits that the Proposed Development is in accordance with the proper planning and sustainable development of the area.

¹⁷ [EPA-1990-2022-GHG-Report-Final.pdf](#)

3 GENERAL PUBLIC

This section of the response addresses common themes raised by the general public that were contained in Planning observations and submissions, as follows:

Theme 1: National planning guidelines and strategy;

Theme 2: Consideration of alternatives, e.g. offshore wind;

Theme 3: Property devaluation and land sterilisation; and

Theme 4: Community consultation & engagement.

3.1 Theme 1: National planning guidelines and strategy

A common theme included the need for more up to date national planning guidelines and strategy to inform and guide wind energy development in Ireland.

An overview of the current existing and emerging National Planning Policy, which guides wind energy development at a local authority level in Ireland, is set out in Table 3.1 below. The overview of the planning policy framework includes Section 28 Guidelines and Government Circulars issued on behalf of the Minister, by the Department of Housing, Local Government and Heritage (formerly the Department of Housing, Planning and Local Government).

Table 3.1: Overview of the current existing & emerging national planning policy, which guides wind energy development at a local authority level in Ireland¹⁸

Guidelines & Circulars	Date	Comments
Draft Revised Wind Energy Development Guidelines	December 2019	<p>The 2019 national guidelines have been in draft format for almost 5 years. The emerging National Climate Action Plan 2024 (CAP24) confirms that the 2019 Guidelines will be finalised in 2024. No exact date for their publication has been confirmed by the Department of Housing, Local Government and Heritage.</p> <p>It should be noted that Action EL/23/4 of the CAP23 Annex of Actions contained a commitment to have the new draft Wind Energy Development Guidelines prepared by the end of Q4 2023, with revised Guidelines to be published in 2024. No new draft was published by the end of Q4 2023.</p> <p>See also Oireachtas debate on the 7th of November 2023¹⁹.</p>
Circular PL 5/2017	2017	<p>Circular PL 5/2017 states in paragraph two:</p> <p><i>‘PL20-13 advised that local authorities should defer amending their existing Development Plan policies in relation to wind energy and renewable energy generally as part of either the normal cyclical six-yearly review or plan variation processes and should instead operate their existing development plan policies and objectives until the completion of a focused review of the Wind Energy Development Guidelines 2006.’</i></p> <p>Circular PL20/2013 gives the following direction:</p> <p><i>‘The contents of Circular letter PL 20-13 continues to be the advice of the Department.’</i></p>

¹⁸ Table created by NOD, May 2024.

¹⁹ <https://www.oireachtas.ie/en/debates/question/2023-11-07/651/>

Guidelines & Circulars	Date	Comments
Circular PL20/2013	2013	<p>Circular PL20/2013 states in paragraph three:</p> <p><i>‘This Department has recently commenced public consultation on draft revised Wind Energy Development Guidelines focussing on the issues of noise (including distance from dwellings) and shadow flicker. The closing date for receipt of comments is 21 February 2014, following which revisions to the existing 2006 Guidelines will be finalised and issued to planning authorities under Section 28 of the Planning and Development Act 2000 (as amended).’</i></p> <p>The 2013 Circular also refers to the Renewable Energy Export Policy and Development Framework, which was being prepared by the then Department of Communications, Energy and Natural Resources, giving direction as follows:</p> <p><i>‘As the preparation or variation of local authority Development Plans must take account of all relevant and up to date national policy, it is therefore advised that until both of the above national policy review processes have concluded, local authorities should defer amending their existing Development Plan policies as part of either the cyclical review or variation processes. They should instead operate their existing Development Plan policies and objectives until the completion of these processes and advised otherwise by this Department.’</i></p>
Wind Energy Guidelines	2006	<p>The 2006 Guidelines updated the 1999 Guidelines.</p> <p>The Proposed Development has been located and designed in accordance with the Section 28 Guidelines.</p>
Wind Energy Development Guidelines ²⁰	1999	No information available online.

²⁰ Pre-dates the Planning & Development Act 2000.

In addition to the existing and emerging guidelines, the Sustainable Energy Authority Ireland (SEAI) also published non-statutory guidance in April 2013 setting out the Methodology for Local Authority Renewable Energy Strategies (RESs)²¹.

At a county level, it should be highlighted that the Clare County Development Plan 2023-2029 was open to in-depth public consultation during the 'plan-making' process (over 99 weeks) and the draft and final plan was also subject to a Strategic Environmental Assessment (SEA), which was overseen by the Environmental Protection Agency (EPA) SEA Unit. Therefore, Clare CDP has been subject to robust environmental assessment at a strategic level, as per the EU/EC SEA Directive 2001/42/EC, which was transposed into Irish law through the Planning and Development (SEA) Regulations 2004 (as amended). In addition, the Office of the Planning Regulator also assisted in the making of this county development plan, as per the provisions of the Planning and Development Act 2000 (as amended).

According to Clare County Council's website (May 2024):

"The Clare County Development Plan 2023-2029 was adopted by the Elected Members of Clare County Council at a Special Planning Meeting on the 9th of March 2023. The Plan came into effect 6 weeks from the date of adoption, on 20th April 2023²². The County Development Plan sets out the overall strategy for the proper planning and sustainable development of the County over a 6 year period and must align with the national and regional framework of strategies, policies and guidelines".

The Proposed Development has been developed in accordance with the above national Guidelines and the Clare County Development Plan 2023-2029, which includes the Clare Renewable Energy Strategy (RES) and the Clare Landscape Character Assessment (LCA)²³.

3.2 Theme 2: Consideration of alternatives for Proposed Development location and type

A number of submissions suggest that there is an alternative development option for offshore wind energy development instead of the current onshore wind proposal, which is the subject of the planning application.

This sectoral constraint is recognised in the Department of Environment, Climate and Communications' *Future Framework for Offshore Renewable Energy*²⁴ published in May 2024 along with a second strategy by the Department of Enterprise, Trade and Employment entitled, *Powering Prosperity – Ireland's Offshore Wind Industrial Strategy*²⁵, published in March 2024. DECC's Framework (May 2024) sets out 29 no. actions to progress and accelerate offshore wind.

²¹ www.seai.ie/publications/Methodology-for-Local-Authority-Renewable-Energy-Strategies.pdf

²² Clare CDP was subject to a Section 31 Ministerial Direction in 2023 in relation to an inconsistency with national and regional policy objectives seeking compact forms of development.

²³ The SRA RSES does not include a Regional Landscape Character Assessment (RLCA) despite provision in the P&D (Amendment) Act 2010.

²⁴ <https://www.gov.ie/en/publication/0566b-future-framework-for-offshore-renewable-energy/>

²⁵ <https://enterprise.gov.ie/en/publications/publication-files/powering-prosperity.pdf>

The publication of two different national frameworks/strategies by two different government departments is indicative of the ongoing ‘barriers to entry’ within the offshore wind development sector in Ireland.

Indeed, the following key finding in relation to supply-side constraints is highlighted in Ireland’s Offshore Wind Industrial Strategy which was published in March 2024: *‘There is a need for a reduction in the risk involved with the delivery of offshore wind projects (i.e. planning certainty, lower cost financing options, supply chain, skills availability, grid development, port infrastructure etc.).’*

The Proposed Development in east Clare will connect directly to the national grid at Ballycar (110kv overhead line) allowing for renewable energy to be provided and shared locally, regionally and nationally. Wind energy developments such as Oatfield, which connect directly to the national grid will be key if Ireland is to meet its accelerating, renewable energy and GHG emission targets by 2030, and further targets by 2050 and to ensure that Ireland does not have any more lost years for renewable electricity production.

3.3 Theme 3: Property devaluation and land sterilisation

A number of submissions refer to the property owners’ concerns over potential land devaluation and land sterilisation. It should be highlighted that as ‘planning’ is intended to protect the public interest, private matters such as property value are not a material consideration. Other matters which are generally not held to be planning considerations include: Loss of a private view, i.e. there is no right to a view in planning, breach of a restrictive covenant (these are private law matters and not about planning), whether or not the Applicant owns the site, and items covered by other legislation (e.g. Building Regulations).

The term ‘land sterilisation’ is not commonly used in the planning system in Ireland. However, a review of Section 47 of the Planning and Development Act 2000 (as amended, which makes provision for Agreements regulating development or use of land) was conducted. It is understood that any relevant type of ‘sterilisation’ is generally used by local authorities (with/without Prescribed Bodies) for the provision of new roads and infrastructure and/or one-off houses in the countryside (in relation to occupancy). The Proposed Development, which is for renewable energy generation, does not fall under either of these definitions and the design of the scheme will enable the surrounding landowners to continue to utilise the land surrounding the Proposed Development for various agricultural needs i.e. existing and proposed land use is to continue.

It should be noted that the Proposed Development is in an area designated by the current county development plan as a ‘Strategic Area’ for wind energy development. Ten of the proposed turbines are located within this strategic area and one turbine is in an area designated by the county development plan as ‘Acceptable in Principle’.

The land surrounding the Proposed Development is not being acquired via Compulsory Purchase Order (CPO). Detailed legal agreements have been made and put in place with various landowners within the immediate and surrounding area of the proposed turbines. This land, which is under agreement, is indicated by the blue line boundary (BLB) on the planning drawings submitted by the Applicant to An Bord Pleanála.

It should also be highlighted that the development of one-off housing throughout Ireland is no longer encouraged due to the wide-ranging pressures and social costs that this type of 'dispersed' land use puts on various infrastructural resources, i.e. water infrastructure and other utilities. As such, the issue of 'private benefits' outweighing the national 'common good' should not be a deciding factor in the overall planning merits of a renewable energy development proposal, which ultimately contributes to Ireland, as a country and nation, meeting its international and European targets in relation to air quality, GHG and CO₂ emissions.

In addition, as highlighted by the Section 31 Ministerial Direction issued to Clare County Council in 2023, national planning policy is focused on promoting compact growth, in line with the UN Sustainable Development Goals²⁶ (UNSDGs).

3.4 Theme 4: Community consultation & engagement

The Applicant created and managed a detailed community consultation and engagement strategy as part of the design and pre-planning phase of the Proposed Development.

With regards to the submissions and observations in relation to the Oatfield community engagement strategy, please refer to the submitted Community Report and Planning Report for specific detail of the engagement undertaken by the two dedicated project Community Liaison Officers (CLOs) and the Project Managers (PMs). Both the Community Report and Planning Report have been prepared in accordance with the UNECE Aarhus Convention.

Following the launch of the Proposed Development Website in summer 2023²⁷, a newsletter was delivered to households located within 2km of the Proposed Development and door knocks were also conducted. Details of the public consultation and exhibition event were also included in this newsletter as well as being advertised in the local newspaper, The Clare Champion. The newsletter drops and door knocks resulted in many engaging and useful dialogues between the CLOs and local residents where the Proposed Development was discussed, and feedback was given based on an awareness and understanding of discussions. The scheme layout was informed by these discussions resulting from public engagement.

At the public consultation and exhibition event local residents in the East Clare area had the opportunity to review various maps of the Proposed Development, read background information about the Environmental Impact Assessment (EIA) process and discuss with the CLOs and Project Managers. Approximately 52 people were in attendance. The information displayed at the public events was uploaded to the Proposed Development website and the CLOs followed up with phone calls and meetings with those who requested same following the public event and also those who could not attend the public event.

In Winter 2023, a final newsletter was issued to all residents within 2km of the Proposed Development, providing the final proposed turbine layout, details of the CBF and information on the overall planning and development process and where the Proposed Development's documents could be viewed.

²⁶ Ireland was co-author of the UNSDGs along with Kenya on behalf of the UN.

²⁷ <https://oatfieldplanning.ie/>.

4 MISCELLANEOUS MATTERS

This section of the report provides an overview of Miscellaneous Matters that were raised in submissions/observations. These matters are addressed under the following headings:

1. Fire breaks and emergency services access;
2. Access to dwellings and farmlands;
3. Pedestrian safety – 12 O’Clock Hills purple hiking trail;
4. Adherence to mitigation measures;
5. Traffic disruptions during the construction phase; and
6. Corrections in EIAR.

4.1 Fire breaks and emergency services access

Concerns were raised by the public regarding fire breaks and emergency services access.

As noted in **EIAR Chapter 19 Major Accidents and Disasters**, a setback from turbines, met mast and substation will be put in place to maintain a fire break. Furthermore, wind turbines will be fitted with fire suppression systems.

As for emergency services access, according to Section 16.9.2.24 of **EIAR Chapter 16 Traffic and Transport**, the contractor shall ensure that unobstructed access is provided to all emergency vehicles along all routes and site accesses. The contractor shall provide to the local authorities and emergency services, contact details of the contractor’s personnel responsible for construction traffic management. In the case of an emergency during the construction phase, the procedure set out in Section 16.9.2.24 shall be followed.

The Applicant is committed to upholding its high standards for safety and will ensure that all necessary provisions for safety and fire prevention are implemented.

4.2 Access to dwellings and farmlands

In the submissions received there were concerns around access to dwellings and farmlands during the construction phase of the Proposed Development.

According to the Construction Traffic Management Plan (**Appendix 5.2** of the submitted planning application), the appointed Main Contractor will ensure traffic management controls are implemented and are in accordance with Chapter 8 of the Traffic Signs Manual 2019 and the Temporary Traffic Management Design Guidance, Third Edition 2019.

All road works will be subject to a road opening licence. It is anticipated that the cable installation along local roads will be advanced using a combination of rolling lane closures and temporary road closures where the existing road width is insufficient to accommodate an open lane for traffic to pass the works area.

The grid connection cable works by their nature will be isolated to a relatively small works area which will move on a daily basis. Impacts associated with the works will be experienced on the road network in the immediate vicinity to the works area.

Where lane closures are implemented, the traffic will be allowed to travel in both directions. A stop/go system will be used to control the flow of traffic passing the works. This will have a temporary negative effect on road users in the form of a disruption to normal traffic flows.

4.3 Pedestrian safety – 12 O’Clock Hills purple hiking trail

The 12 O’Clock Hills walking trails are located north of the Western Development Area of the Proposed Development. The 12 O’Clock Hills purple walking trail is ca. 85m north of the closest proposed wind turbine (T1). There are no proposed construction works north of the Proposed Development area in the vicinity of the 12 O’Clock Hills Trails and all construction activities will take place within the red line boundary of the Proposed Development. Therefore, 12 O’Clock Hills walking trails would not be affected by construction traffic. Nonetheless, it should also be noted that pedestrian safety is of the utmost importance to the Applicant, and measures for the protection of pedestrians will be put in place prior to the commencement of construction works, including appropriate advance notification along the 12 O’Clock Hills walking trails and relevant construction warning signage.

4.4 Adherence to mitigation measures

In the submissions received, there were concerns around adherence to the mitigation measures proposed in the submitted planning application. It must be noted that the Applicant is fully committed to adhering to the mitigation measures set out in the EIAR submitted as part of the planning application. Throughout the construction and operation of the Proposed Development, there will be regular monitoring in the form of audits and onsite inspections to adhere to these measures. Furthermore, should the Proposed Development receive planning permission, a grant of planning permission would be based on the information contained in the submitted planning application, including the proposed mitigation measures. Furthermore, the Applicant will adhere to any specific planning conditions imposed by the Board, should the development be granted planning permission.

4.5 Traffic disruptions during the construction phase

There were several concerns around adherence to transport times during the construction phase.

According to the Construction Traffic Management Plan (**Appendix 5.2** of the submitted planning application), “*Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.*”

There may be occasions where it is necessary to make certain deliveries outside these times, for example, where large loads e.g., turbine component deliveries are limited to road usage outside peak times. These will be kept to a minimum”. Wherever possible,

notice to inform the public about potential disruptions to normal traffic will be given in advance and any deviations to these times will be agreed in advance with Clare County Council.

Refer to **memorandum no. 12** for further information.

4.6 Corrections in EIAR

Two aspects presented in the EIAR have been corrected within the submission response documentation. The corrections and their reference documentation are summarised below.

4.6.1 Involved landowners

The EIAR submitted as part of the original planning application contained an error in the naming of 'involved landowners'. Previously identified as involved, it should be noted that receptor number 4 and 606 are not involved with the Proposed Development.

This correction has also been noted within the following memorandum documents:

- Memorandum 02 – Population and Human Health
- Memorandum 08 – Shadow Flicker
- Memorandum 09 – Noise

4.6.2 Traffic movements

Upon the preparation of the submission responses, the RSK team detected that an amendment to the traffic movement calculations was required. The average of 44 movements per day remains unchanged, however, the maximum of 76 movements per day changes to 96 movements per day and the peak month changes from month 8 to month 2. The increase has been addressed, as relevant, in the following memorandum documents:

- Memorandum 09 – Noise
- Memorandum 12 – Traffic and Transport
- Memorandum 13 – Air Quality

It must be noted that this increase is marginal, and the above-mentioned memorandum responses conclude that the findings (i.e., significance of effects) presented in the EIAR for these disciplines have not changed and remain valid.

4.6.3 Updated Species and Habitat Management Plan (SHMP)

The version of the SHMP submitted in December 2023 (see **Appendix 7.1** of the EIAR) indicated an area of land not within the landowner agreement schedule (Figure 1-20, Figure 1-21, Figure 1-22 and Figure 1-24). This was purely a presentation matter and calculations regarding adequacy of compensatory habitats etc. were correct in the original submitted document. The figures referred to above have since been amended and can be found in Appendix 1 of the Biodiversity Response (Memorandum 03).