

File With

## SECTION 131 FORM

Appeal No

ABP—

321285

Defer Re O/H

☐

Having considered the contents of the submission dated/received 16-12-24  
from Brendan Sweeney I recommend that section 131 of the Planning  
and Development Act, 2000 be not be invoked at this stage for the following reason(s):

no new material planning issues

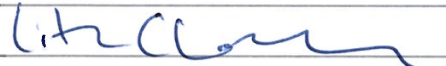
Section 131 not to be invoked at this stage.

☒

Section 131 to be invoked — allow 2/4 weeks for reply.

☐

Signed



EO

Date

14-01-25.

Signed

SEO/SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-004085BPL10  
to issue ✓

DM 31.12.24

## Online Observation Details

Contact Name  
Brendan SweeneyLodgement Date  
16/12/2024 11:08:46Case Number / Description  
321285

## Payment Details

Payment Method  
Online PaymentCardholder Name  
Brendan SweeneyPayment Amount  
€50.00

## Processing Section

S.13 1 Consideration Required

☒ Yes — See attached 131 Form☐ N/A — Invalid

Signed

EO

Date

20/12/24

## Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 076845

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

## Finance Section

Payment Reference

ch\_3QWcAMB1CW0EN5FC1foVIGw7

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board  
Member

Date

Date

**I Brendan Sweeney wish to strongly object to the proposed Lackereagh Wind Farm, File number 321285 which was previously refused by Clare County Council case ref 2460411.**

Clare County Council reasons for refusal are listed below , I would as you to read through these carefully as the state the reasons why this proposed wind farm is in the complete wrong place with regard to the environmental impact this will impact on this elevated site along with the negative impact on so many red listed birds and other wildlife and the surrounding SAC and water courses which these elevated hills supply namely Lough Doon and the lower Shannon waterways.

1. The proposal site is located in the Slieve Bernagh Bog Landscape Character Area (LCA), in an area where windfarm developments are 'Open to Consideration'. In accordance with Objective WES10 of the Clare Wind Energy Strategy *wind energy developments in these areas can be considered on a case-by-case basis subject to viable wind speeds, environmental resources and constraints and cumulative impacts.*

Having regard to the location of the site in the more sensitive and scenic area of the LCA (Lackereagh and Glenvagallagh Mountains), the Planning Authority considers that the proposed turbine structures, by reason of their height (tip height up to 180m), scale and siting on this open, exposed and sensitive upland landscape would constitute a prominent feature on the landscape from both local and long range viewpoints, and would therefore seriously injure the visual amenities of the area. Furthermore, it is considered that the development would be highly visible from, and negatively impact upon, the R466 Regional Road which is a designated Scenic Route and would negatively alter the character of this rural landscape.

Having regard to the foregoing and noting also the significant potential for cumulative impacts arising when the proposed development is considered in-combination with permitted and proposed wind farm development in the surrounding area, it is considered that the proposed development, would contravene Objectives CDP14.2 and CDP14.7 of the Clare County Development Plan 2023-2029 and would be contrary to the proper planning and development of the area.

2. The Planning Authority notes that there is hydrological connectivity between the proposed development site and both the Lower River Shannon SAC, and the River Shannon and River Fergus Estuaries SPA. The majority of the habitats and species for which both European sites are designated are water-dependent habitats and species with requirements for high to pristine water quality.

Having regard to the particulars submitted with the planning application, with particular reference to the peat and spoil management proposals, surface water management plans, and the WFD Assessment contained in Appendix 9-3 of the submitted documents, the Planning Authority, as the competent authority in the appropriate assessment process, is unable to conclude, beyond reasonable scientific doubt, that the proposed development will not adversely affect the integrity of downstream European sites. The proposed development would be contrary to Objective CDP15.3 of the County Development Plan and contrary to the proper planning and sustainable development of the area.

3. It is an objective of Clare County Council, under Objective CDP15.12 of the Clare County Development Plan 2023-2023 to *inter alia* to promote the conservation of biodiversity through the protection of sites of biodiversity importance and wildlife corridors, both within and between the designated site and the wider plan area.

Having regard to the importance of the area for multiple bird species, as evidenced by the survey results submitted with the development proposal, it is considered that there is significant potential for cumulative effects through the in-combination effects of other proposed and permitted windfarm developments in the area, all of which contain significant numbers of birds of conservation concern and red-listed bird species.

In the absence of a strategic level cumulative assessment of the impact of the construction of a large number of turbines within one geographical area (66 turbine proposed or permitted), the Planning Authority cannot satisfactorily determine that the proposed development will not give rise to, or contribute to, significant or adverse effects on either the Special Conservation Interests of the Special Protection Areas in the zone of influence of the proposed development, Birds of Conservation Concern or on the Red List.

Having regard to the foregoing, the Planning Authority considers that the proposed development would significantly diminish the biodiversity value of the area, would be contrary to Objective CDP15.12 of the Clare County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

This determination is made considering the following;

- Having reviewed the Qualifying Interest Features of the Glenomra Wood SAC [001013] and the Lower River Shannon SAC [002165] together with the Special Conservation Interests of the Lough Derg (Shannon) SPA [004058] and River Shannon and River Fergus Estuaries SPA [004077].
- While there is an absence of a direct footprint associated with the works within a European Site, there is a potential for in-direct and adverse effects due primarily to the hydrological connectivity across the landscape to the receiving environment of the River Shannon catchment which has a dual designation as a European Site.
- The finding of no adverse effects on the European sites located downstream of the Proposed Windfarm is based on the findings of each of the individual windfarm applications and their application of mitigation measures. There is no consideration of the cumulative or in-combination impacts arising from each of these windfarms albeit at a lower level which cumulatively could lead to adverse effects downstream.
- There is no analysis, information, or scientific assessment to indicate how this conclusion has been reached. Specifically with respect to the 2 no. windfarms which have been included in the cumulative hydrological study area Clare County Council raised a number of issues with the Fahy Beg application both as part of the environmental assessment and as part of the refusal reasons in the Chief Executives Order. Issues pertaining to noise, the management of the excavated soils and materials on the proposal site, risk to the Qualifying Interests and Special Conservation Interests of the associated European Sites which were inadequately addressed in the NIS amongst others were raised but have not been assessed in the application to hand as part of the cumulative and in-combination effects.



**Determination under Section 177V of the Planning and Development Act 2000 (as amended) in relation to whether Planning Application P.24/60411 would adversely affect the integrity of a European site.**

I refer to the refusal of permission for the development associated with P.24/60411. In accordance with Section 177V (3) this determination is a record of the planning authorities' conclusion in accordance with the Appropriate Assessment process which was carried out in line with Article 6 (3) of the Habitats Directive and Section 177V (1) of the Planning and Development Act (as amended).

#### **Determination**

Having regard to the content of the Planning Application as submitted, the Plans and Particulars of the Application including the Natura Impact Statement together with all internal reports and third-party submissions received, it has been determined that there is insufficient information in terms of the cumulative and in-combination effects of the Proposed Windfarm in conjunction with the proposed and/or permitted windfarms within approximately 25km of the application and the mitigation measures required to avoid, reduce, or remediate the potential for adverse effects, to conclude a finding of no adverse effects beyond scientific doubt as is required under Article 6 (3) of the Habitats Directive.

This determination is made considering the following;

- Having reviewed the Qualifying Interest Features of the Glenomra Wood SAC [001013] and the Lower River Shannon SAC [002165] together with the Special Conservation Interests of the Lough Derg (Shannon) SPA [004058] and River Shannon and River Fergus Estuaries SPA [004077].
  - While there is an absence of a direct footprint associated with the works within a European Site, there is a potential for in-direct and adverse effects due primarily to the hydrological connectivity across the landscape to the receiving environment of the River Shannon catchment which has a dual designation as a European Site.
  - The finding of no adverse effects on the European sites located downstream of the Proposed Windfarm is based on the findings of each of the individual windfarm applications and their application of mitigation measures. There is no consideration of the cumulative or in-combination impacts arising from each of these windfarms albeit at a lower level which cumulatively could lead to adverse effects downstream.
  - There is no analysis, information, or scientific assessment to indicate how this conclusion has been reached. Specifically with respect to the 2 no. windfarms which have been included in the cumulative hydrological study area Clare County Council raised a number of issues with the Fahy Beg application both as part of the environmental assessment and as part of the refusal reasons in the Chief Executives Order. Issues pertaining to noise, the management of the excavated soils and materials on the proposal site, risk to the Qualifying Interests and Special Conservation Interests of the associated European Sites which were inadequately addressed in the NIS amongst others were raised but have not been assessed in the application to hand as part of the cumulative and in-combination effects.
- 
- With respect to bird species, it is difficult to see how the cumulative impact of 66 turbines comprising those already permitted or proposed in conjunction with the current application for 7. No turbines within a 25km radius have been sufficiently assessed within the NIS.
  - The NIS talks to each of the previous applications but dismisses the potential for adverse effects to arise individually based on the identification and application of mitigation measures.
  - Significant doubt remains as to the cumulative impact of either the construction or operational phase impacts that may arise and lead to significant or adverse effects on the Special Conservation Interests of the associated SPAs.
  - With respect to the cumulative assessment of the impacts from the project on water quality having considered the requirements of the Water Framework Directive in terms of achieving at least *Good Status* in all surface and groundwater bodies by 2027 at the latest I am not satisfied that the project as proposed, can achieve this and therefore ensure the absence of adverse effects downstream on the associated European sites.
  - This risk is predominantly associated with the identification of Doon Lough (which is an important NHA in Clare) as a *Hydraulic Buffer* which will provide a *dilution effect* to the River Shannon downstream.
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- In conclusion, having regard to the Natura Impact Statement submitted as part of the planning application and following review of same I am not satisfied that there is no risk of adverse effects on the integrity of the associated European Sites (either directly or indirectly), alone or in-combination with other plans or projects. The application as submitted contains reasonable scientific doubt which in line with case law precludes the Competent Authority from concluding a finding of no adverse effects.

Signed



Helen Quinn  
Senior Planner

23-10-2024.

**See also attached from a recent Teagase report on our fragile water system which flows into the above-mentioned water systems, hence a large scale development on the hillsides which supply this river must remain untouched.**





May 2021

Edited by:  
Paula Browne

## Broadford PAA Newsletter

The **Agricultural Sustainability Support and Advisory Programme (ASSAP)** is a national initiative to help improve water quality in 190 catchments across the country. The Broadford Catchment is one of the Areas identified as being at risk of not meeting its water quality targets. A programme of sampling and assessing by the Local Authority Waters Programme (LAWPRO) began in this area in November 2018 to assist in identifying potential problems. Information from ASSAP is used to provide data to meet Ireland's reporting obligations to the EU under the water framework directive.

*This newsletter will provide you with up to date information on monitoring and farm assessments carried out in the area since November 2018*

The Broadford (Glenomra) River is one of the Priority Areas for Action (PAA's) selected for the country. The river catchment covers three waterbodies: Broadford\_010 (headwaters); Broadford\_020 & Broadford\_030 with the Broadford\_010 as the PAA. Broadford\_010 had poor water quality at the time of the public meeting and this has since improved to Moderate status. The Broadford\_010 has a target of Good ecological status.

### What Issues were identified?

The LAWPRO catchment scientists have now completed their work in the Broadford PAA. The team has concluded that the issue impacting on water quality in the river is sediment from farming practices and hydromorphology – natural or man-made alterations to the river channel.

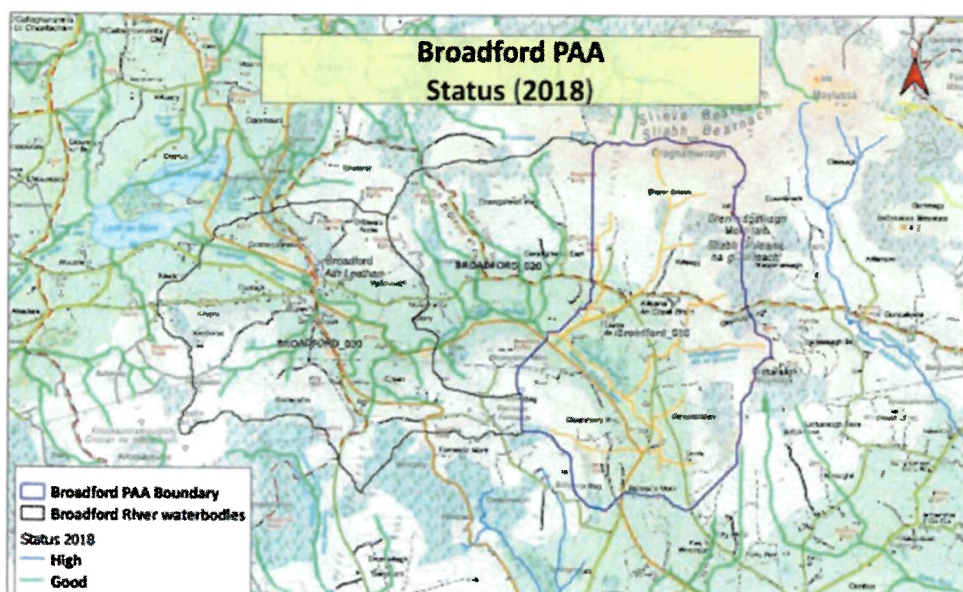
- Sediment can enter a water body as a result of a number of farm activities. These include drainage; drain maintenance, land reclamation, reseeded, out wintering and poaching of land, watering points for cattle and inappropriate stream interactions.
- Sediment is the fine material associated with soils and can be both mineral and organic (e.g. peaty) in nature.
- Excess sediment entering a watercourse can impact the river by clogging the gravel bed and causing a loss of habitat. This will have an adverse effect on invertebrates, fish spawning and other life cycles in a watercourse and result in a decrease in water quality.
- Sediment carries other elements in association with it –phosphorus being the most significant. This phosphorus will become available in the water body and can cause algal blooms and plant proliferation. Sediment can also carry nitrogen and toxic heavy metals to watercourses.



## What Actions are recommended in the area?

- Maintain riparian buffer margins along all surface drains which helps to reduce losses of sediment. Planted buffer margins are even more effective by helping to stabilise the river bank and will also improve biodiversity on the farm.
- Leave appropriate riparian buffers (at least 2m) alongside drains and streams when reseeding or carrying out land improvement works.
- Prevent access by livestock into drains and streams and provide alternative drinking water sources
- Take appropriate care when carrying out any drainage works or drain maintenance. Contact your agricultural advisor for advice and guidance.
- Avoid out wintering and poaching of land as this can contribute to losses of sediment and nutrients during periods of high rainfall.

## Broadford Catchment



Paula Browne, Teagasc, Station Road, Ennis, Co. Clare  
(087) 2026001

Please feel free to contact me to you to discuss the above information or any concerns you may have.



An Rann Tithioclta,  
Rialtais Aisliú agus Oidhreacht  
Department of Housing,  
Local Government and Heritage

An Rann Tithioclta,  
Rann agus Maon  
Department of Agriculture,  
Food and the Marine

Dairy  
Sustainability  
Ireland

Local Authority  
Waters  
Programme

**Please note that I have lived and farmed in the Glenomra valley in Kilbane all my life, I work in Engineering/ Construction at management level and farm part time in Kilbane.**



***I have been an outdoor enthusiast all my life from Fishing, Hunting Game Conservation to Birdwatching and Hillwalking and a leader for Scouting Ireland for 8 years.***

***I have a good knowledge of Engineering and Construction, environmental issues with a huge interest in wildlife and their habitat so I my opinions on the like are valid.***

***I have been and currently a member of many national associations such as Irish Deer Society.***

***Irish Grouse Trust.***

***National Association of Regional Game Councils.***

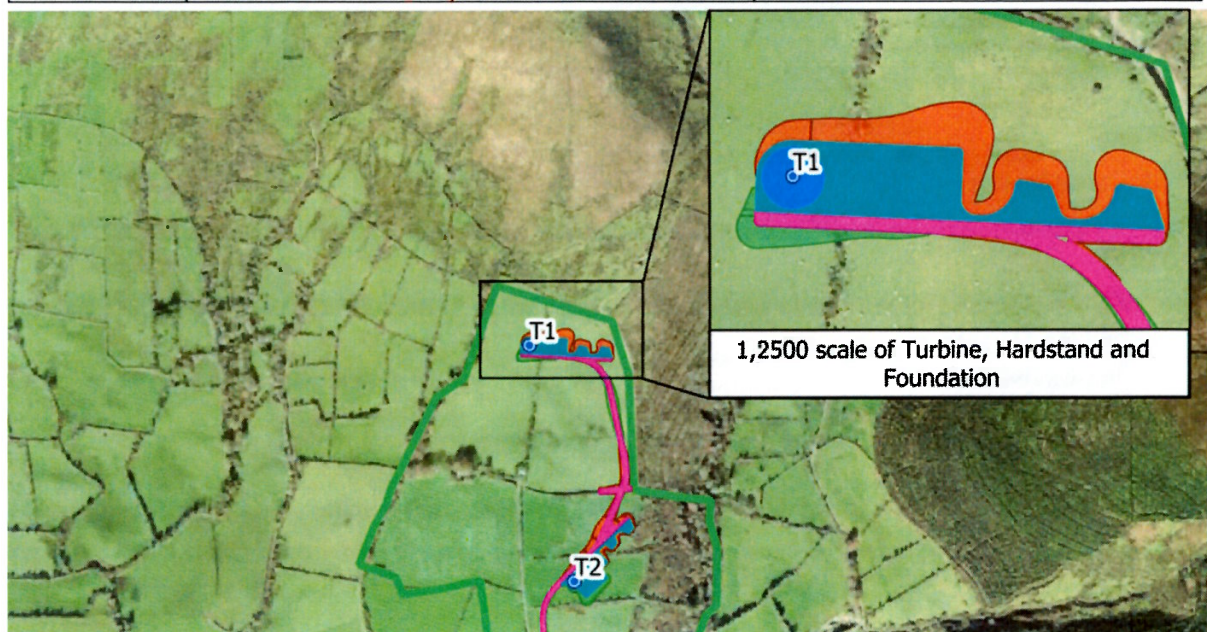
***Mountaineering Ireland.***

***Please read the following to understand my concerns.***

***Firstly I would like to point out how this will affect me personally, I am the owner of lands adjoining and within the Slievebearnagh SAC folio number CE53576F.***

***Turbine number I EIAR Chapter 4, section 4.4.111***

Turbine	ITM Coordinates		Top of Foundation Elevation (m OD)
	X (ITM)	Y (ITM)	
T1	562207	673988	230





***This Turbine T1 will be located at the above mentioned ITM Coordinates which are 98.7 meters from my lands at upper Kilbane folio number CE53576F.***

***See images and text below.***

***While the developer has not specified the model of wind turbine I would ask the ABP to look up Operations and Maintenance Manual for Vestas Model NM52-900 reference number OUM100000092-03EN***

*"Operation and Maintenance Manual for Vestas models NM52-900 reference number OUM100000092-03EN". We would ask you to read this in its entirety if you are in any doubt as to the hazard level posed by these machines. We would also then refer the Council specifically to Section 2.3 headed "Safety Instructions". We have added some emphasis. This section has a number of subheadings, including:*

***• 2.3.2 In case of runaway [operations]***

*The manual says that should this take place the area around the wind turbine must be evacuated immediately and the area cordoned off. It goes on "Do not try to stop or save the wind turbine. The plant can be replaced – human lives cannot be! No person must venture closer than 500m to a runaway rotor".*

***• 2.3.3 Lightning and thunderstorms***

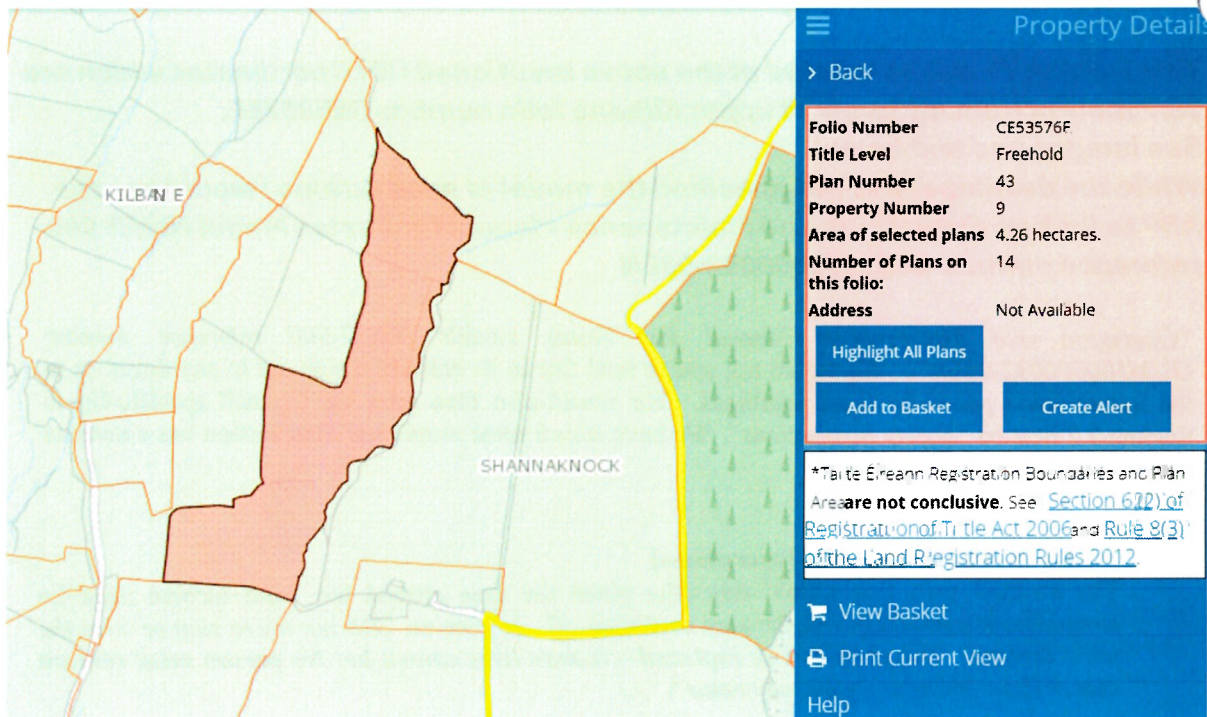
*The manual states "Do not remain inside or near the turbine and so be exposed to a possible fatal injury caused by lightning. When the thunderstorm has passed over, personnel must wait at least 1 hour before approaching the wind turbine. Continuing rustling or hissing sounds from wet rotor blades show that they carry an electrical charge so do not go near or touch the plant."*

The 2007 Operations Manual is even more alarming in its terms than the 2005 document. Section 2 says:

***"Do not stay within a radius of 400m (1300ft) from the turbine unless it is necessary. If you have to inspect an operating turbine from the ground do not stay under the rotor plane but observe the rotor from the front.***

***Make sure that children do not stay by or play near the turbine. If necessary fence the foundation."***

Please refer to the Vestas document, Section 2.



***How in this case can I farm these lands with the risk of injury to myself, my family and my livestock in the future.***

***Along with the dangers involved the peace and quiet of these hill sides will be gone forever.***

***This Turbine no 1 also is within 100 meters approx of the SlieveBearnagh SAC, how can the developer be given permission to excavate hundreds of tonnes of soil and replace with concrete so close to a SAC.***

***There is a risk to the water table on this hill which in turn may make my lands worthless in the future if the water table would be affected.***



**My lands above which are part of the SAC 98.78 meters from T1.**

***Letters of Consent have many inaccuracies and are open to many questions.***

Folio CE56707F landowner consent provided by Coillte. Coillte is not the registered landowner, the Minister of Lands is the registered owner.

Folio CE56707F consent letter does not contain a folio number, rather an 'indicative map'. It is misleading and not clear to a reasonable person which folios of land that the consent is being given for.

Folios CE26031, CE21277, CE21214, CE2766 have 'entitled to be' landowners in the consent letters – this does not align with land registry records and is not supported or co-signed by a solicitor to confirm same, therefore there is a query over signatory authority.

Folio CE24441F is prohibited to be sub-let or sub-divided under s.12 of the Land Act 1965 and to the provisions restricting the vesting of interest specified in s.45 of the Land Act 1965. Land Commission consent in writing required to the sub-letting of this folio.

Folio CE24441F has a public right of way, this access will be restricted during construction phases.

Folio CE24441F has right for persons to cut and take turf from this property this will be



impacted during the construction phase and potentially permanently due to permanent fencing surrounding the development.

Folio CE21277 contains a Land Purchase Annuity, together with a charge of £1,000 in favour of the HSE, therefore there is a query over signatory authority.

Folio CE21214 landowner consent provided however this land does not form part of outline maps, therefore query over map accuracy.

Folio CE57584F has specific right of way access that will be restricted during construction.

Folio CE8083 contains 'Sporting Rights', query over whether all 'shareholders' have given consent and their access to these sporting rights will be restricted for the lifespan of the windfarm.

Folios CE1934F & CE1935F contain 'Fishing Rights', query whether all 'shareholders' have given consent and their access to these fishing rights will be restricted during construction phase.

12 out of 16 consent letters are undated.

**As I Brendan Sweeney am Chairman of Broadford and Kilbane Gun Club who has exercised Sporting rights over Folio Number CE8083 since 1986 and previous members before that date. As a club we are actively involved in release of game birds, these game birds are now at risk from disturbance to their habitat and loss of habitat and at a risk to bird strike from turbines. We have not been asked for consent nor advised on access on our sporting rights now or in the future.**

**I Brendan Sweeney also have turf cutting rights on CE24441, since my late fathers time we have cut turf at this location. We have not been consulted by the developer whether these activities will be curtailed or will roadways be blocked or gates locked in the future.**

### **Scoping Responses**

#### **Tourism**

**Failte Ireland guide mentions the following below, because these turbines will effect all of the below I urge you to reject the application.**

## **EIAR Guidelines for the Consideration of Tourism and Tourism Related Projects**

According to the Fáilte Ireland Tourism Facts 2018 Report, the most important factors in determining the attractiveness of tourism destinations for visitors to Ireland are;

- Beautiful Scenery and Unspoiled Environment
- Hospitality
- Safety
- Nature, Wildlife and Natural Attractions
- History and Culture
- Pace of Life

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**I am the co-owner of KILBANE GLAMPING, a business my wife Aine set up on our family farm.**

**We offer an idyllic hide away immersed in nature surrounded by unspoilt hills that have remained unchanged for millennia apart from the spruce planted by Coillte, these will be lost forever if the proposed windfarm goes ahead.**

**Noise, Shadow Flicker is all we will offer our guests if this development goes ahead, the R463 which passed with in half a Kilometer from our Glamping site is designated by Clare County Council as a tourist route within Co Clare.**

**Slievebearnagh Acres Munster Uplands Co –Operative.**

*The mountain ranges of Sileve Breanagh and lackeragh along with whole of Kilbane are lands within the proposed Windfarm area are now part of Acres Co-Operative zone for the protection of Biodiversity and mostly the Hen Harrier.*

*This is a EU funded environmental scheme for farmers in Ireland.*

*The Hen Harrier is one an endangered bird species in Ireland we have some of the last remaining pairs within the country.*

The whole of Lackerragh Mountain and Slieve Bearagh is identified and included in the Acres Munster Uplands Co Operative Zone for the protection of the Hen Harrier and its habitat and support the prospect of future generations of this bird.

- The lands at the site are comprised primarily of afforested non-native invasive conifer species;
- The afforestation of these lands is acknowledged by the developer, within their own EIA, 7.9.2.2, as having detrimental effects on the peatlands and thereby on the species that occurred there in the past; including the hen harrier and no doubt other species such as curlew.
- The afforestation of these lands would have resulted in the direct loss of the hen harrier preferred habitats of heath, bog and open natural habitats;
- The hen harrier has been artificially forced to utilise these non-native conifer plantations as a direct consequence of the loss of the natural heather and bog habitats.
- It is likely that the effects of the original afforestation of these habitats and the impacts on the hen harrier required to be assessed at the time of the afforestation in order to comply with the Wildlife Act; Birds Directive; Habitats Directive and the EIA Directive;

- The area around this windfarm has held nationally significant numbers of hen harriers during previous national surveys with up to 7 pairs in this area (4.5% of national population estimate in Ruddock et al, 2016)
- It is reported by the applicant that hen harrier surveys were completed from October to March (see EIA 7.2.4.1.5, which is outside of the best practice, and recognised, survey season (March to August; Hardey et al 2013) and would lead to an under-representation of hen harrier activity due key display periods.  
*Hardey, J., Crick, H., Wernham, C., Riley, H., Etheridge, B. & Thompson, D. (2013) Raptors: a field guide for surveys and monitoring (3rd Edition). The Stationery Office, Edinburgh, U.K.*
- The applicant further states that that human pressure such as Commercial Forestry, Agriculture and Wind Farms have led to the decline in the Hen Harrier, this is another main reason for refusal of these works.



#### 7.2.4.15 Hen Harrier Roost Surveys

Hen harrier roost surveys were undertaken within the Proposed Wind Farm site and to a 2km radius. These surveys aimed to identify active winter hen harrier roosts near or within the Proposed Wind Farm site. Survey methodology followed Gilbert *et al.* (1998) and O'Donoghue (2019). Roost watches of 2-3 hours were conducted at six hen harrier vantage point locations from dusk until last visible light during which all hen harrier observations were recorded and mapped.

Each hen harrier vantage point was surveyed once per month during the winter season between October and March inclusive (in winter 2020/2021, 2021/2022 and 2022/2023). Survey effort is presented in Appendix 7.2, including full details of dates, times and weather conditions. Figure 7-6 shows the hen harrier vantage point locations.

### 7922 Breeding Hen Harrier (National Importance)

The decline in hen harrier populations in Ireland is a result of human related pressures, in particular habitat modification and loss. The industries that most closely overlap with the distribution of hen harrier in the surrounding uplands are commercial forestry, agricultural, and wind farms<sup>25</sup>. As outlined in Article 12 reporting<sup>26</sup> the key threats/pressures acting on hen harrier relate to forestry practice (including forest planting on open ground and forestry management) and the modification of cultivation practices. These threats/pressures are described as of high importance. Impacts associated with wind farms (renewable abiotic energy use) are classified as of medium importance. The recently drafted Threat Response Plan for the Hen Harrier 2024-2028 prepared by NPWS includes a similar summary of the Article 12 threat/pressures. These threats are likely to apply locally in the survey area which is



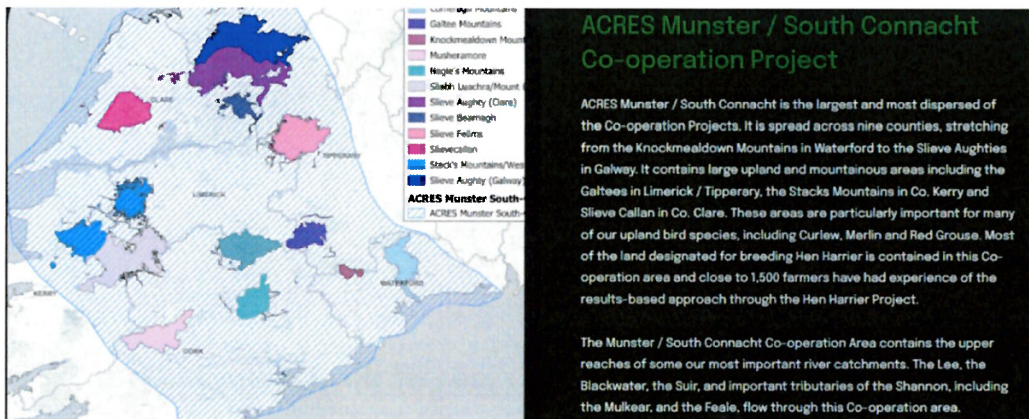
Lackanagh Wind Farm, Co. Clare - EIAR  
Ch. 7 Birds - F - 2021.02.16 - 220245

located in an upland area where agricultural practices and commercial planting are the most frequent habitat use.

Foraging hen harrier was infrequently recorded within the Proposed Wind Farm. The impacts of habitat loss, disturbance, displacement and barrier effects as a result of the Proposed Project are assessed to be of low significance. No significant effects of collision risk are anticipated at the county, national or international level. In the wider surroundings of the Proposed Wind Farm, hen harrier are largely roosting and foraging in scrub and heath habitats such as those in the Slieve Bernagh Bog SAC. The Proposed Wind Farm is unlikely to contribute significantly to the negative cumulative effects as the proposed turbines are sited in habitats (improved agricultural grassland and commercial forestry) that are not favoured by hen harrier as evidenced by surveys. Therefore, hen harrier are not dependent on the habitat that would be lost onsite. If hen harrier are not dependent on these habitats then any loss of these habitats is unlikely to contribute to significant cumulative effects.

- This paragraph is conflicting if it states that Hen Harriers are not dependent of forested area, they are forced to depend and roost in these areas.

This is a habitat foisted up the hen harrier directly due to the loss of its preferred Habitats.



**See text below from the article above Note the reference to wind energy development which destroys Hen Harrier habitat and disrupts the breeding of future generations of this bird,. Hen Harriers are present in this area and will not expand if these proposed works go ahead.**

The NPWS warns the current rate of decline could lead to the bird of prey becoming extinct within 25 years and said "urgent interventions" are needed. Head of Advocacy with BirdWatch Ireland Oonagh Duggan said: "We know what needs to be done to save this species. Government knows what needs to be done but it is not acting. "She said: "All national hen harrier breeding and wintering sites must be protected from afforestation, forest management activities and wind energy development

"Habitat restoration for these important areas is also critical and we need long-term and well-funded agri-environment scheme to support farmers for their conservation efforts."

## Hen harrier breeding pairs down 33% over 7 years - NPWS

Updated / Friday, 2 Feb 2024 15:11



The NPWS found a 'maximum of 106 breeding pairs'

### Forestry Coillte and privately owned which are part of the development

Since the late 1990's it has been an EU requirement that an EIR must be in place for forestry development, it is up to An Bord Pleanála to ensure that the

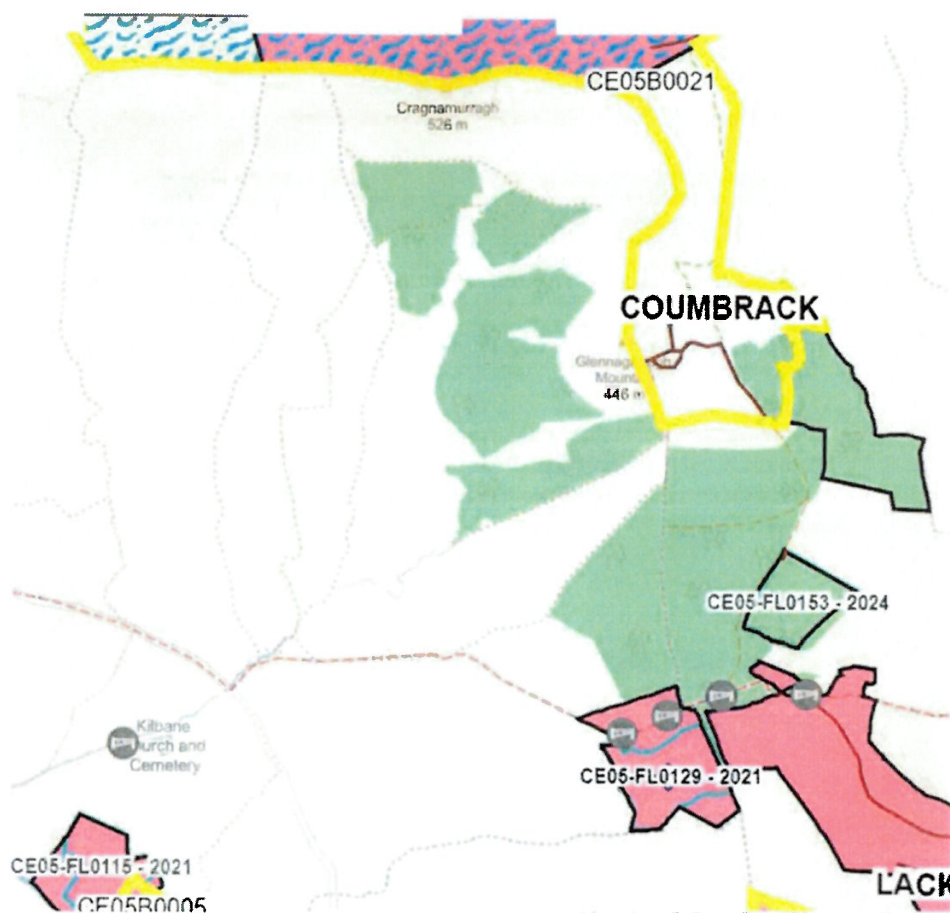
**correct EU legislation was adhered to and the specific EIR was in place prior to these forests being planted, see attached images.**

**Was an EIR completed prior to the planting of these woods,**

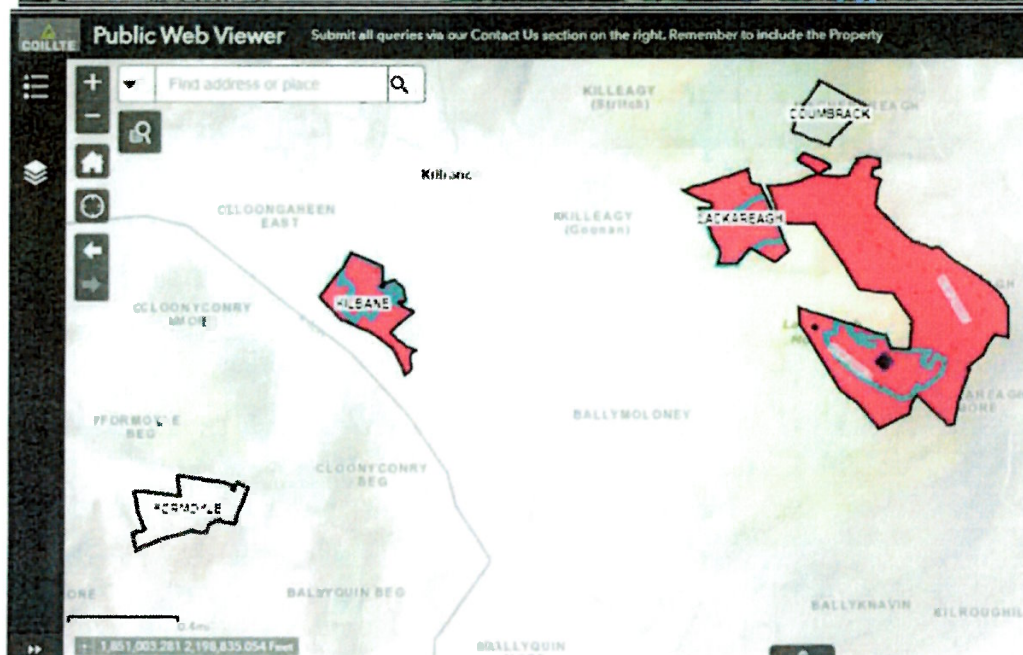
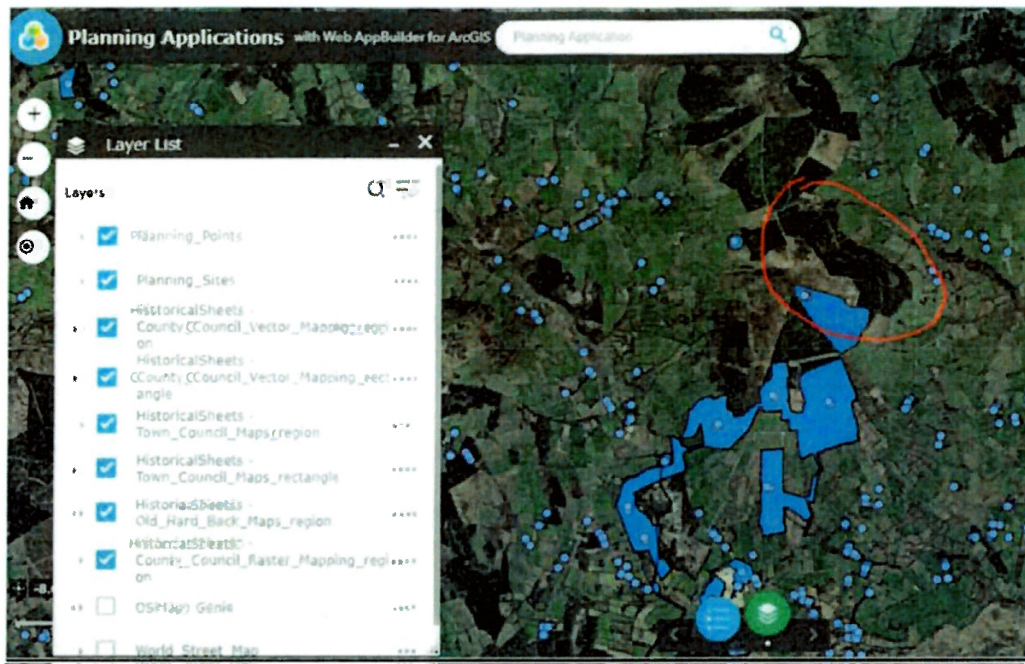
Public Web Viewer (arcgis.com)

<https://coillte.maps.arcgis.com/apps/webappviewer/index.html?id=7b05ec6a44a14bd8b523ea1fcb78b4e9>

<https://clarecoco.maps.arcgis.com/apps/webappviewer/index.html?id=7b81e3372c17498589994ec61006e846>







## COMMON BUZZARDS

The bird study mentions the common buzzard as being sighted 145 times with 78 sightings at collision heights, these are another red listed bird in the community.

The Bard Owl survey is complete rubbish mentioning an estimated 17 pairs in Co Clare, a few evenings in Kilbane with me and I would show them 4 pairs nesting within a half mile radius of the village in.

- **Barn Owl**

There is a mention of Barn Owl within 2.6 klm of the proposed site which is untrue, there are 4 Barn Owl nests in immediate Kilbane area with one nest in a derelict house in the village of kilbane.

This contradicts the Barn Owl study.



STUDY WAS CONDUCTED TO BE AN ACCURATE REPRESENTATION

### Barn Owl

As per the latest NPWS Article 12 reporting document, the estimated population of barn owl is 562-702 pairs. Therefore, as per NRA (2009) criteria, a regularly occurring population of five pairs of barn owl is required for classification as Nationally Important.

There are no published figures for the County Clare population of barn owl. Using the distribution of barn owl across Ireland from the breeding bird atlas<sup>10</sup> (2007-2011) the county population of barn owl is estimated to be a minimum of seventeen pairs. Therefore, a regularly occurring population of just one bird is required for classification of County Important.

There was one breeding territory for barn owl identified during surveys, 2.6km from the nearest proposed turbine which is within the foraging range (3km) of this species (Szep *et al.*, 2019). While

<sup>9</sup> Bird Atlas data from the National Biodiversity Data Centre was used to estimate the county population. Presence/absence hectad data was used to estimate the proportion of the national population that occurs in the county. The national population was then multiplied by this percentage to give a county population estimate.

<sup>10</sup> Bird Atlas data from the National Biodiversity Data Centre was used to estimate the county population. Presence/absence hectad data was used to estimate the proportion of the national population that occurs in the county. The national population was then multiplied by this percentage to give a county population estimate.

These along with the numerous bird species observed , Grouse, Snipe, Sparrowhawk, Merlin, Peregrine, Winter Lapwing, Kestrel, are evidence enough that this project be suspended.

**Tree felling and excavation at Folio numbers CE11696F and CE9401 and prior to planning being approved.**

## Tree Felling and Excavation Folio CE11696F



- A recent court High Court Case ruling by MS Justice Emily Egan held that noise levels from the two-turbine Bally duff Windfarm at Kilcomb near Enniscorthy Co Wexford amounted to Unreasonable interference.

Turbines at Lackeragh are higher and more elevated than the ones in question in Wexford.

[www.breakingnews.ie/ireland/noise-from-wind-farm-is-nuisance-to-neighbours-judge-says-in-landmark-ruling-1598717.html#:~:text=A%20High%20Court%20judge%20has%20found%20that%20levels%20of%20noise](http://www.breakingnews.ie/ireland/noise-from-wind-farm-is-nuisance-to-neighbours-judge-says-in-landmark-ruling-1598717.html#:~:text=A%20High%20Court%20judge%20has%20found%20that%20levels%20of%20noise)

- Wind farm regulations are outdated and were enacted when wind turbines were an average of 100 meters high, in Lackeragh the turbines are 180 meters tall on elevated ground.

[www.clare.fm/news/council-calls-suspension-clare-windfarm-developments-new-guidelines-published/#:~:text=Clare%20County%20Council%20will%20write%20to%20the%20Environment%20Minister](http://www.clare.fm/news/council-calls-suspension-clare-windfarm-developments-new-guidelines-published/#:~:text=Clare%20County%20Council%20will%20write%20to%20the%20Environment%20Minister)

*Clare County Council will write to the Environment Minister to request that all proposed windfarms here are suspended until new guidelines on wind energy development are published.*



- The roads within the area are not suitable for HGV traffic as many are lanes with grass growing in the middle

The L7004 is named as the route for stone delivery from a disused sand quarry, this road is a single track road not suitable for HGV traffic, see image below from planning application.



**SEE images below of the forest area folio number CE2444IF clearly showing the disregard for the public roads and clearly works commencing prior to planning,**





Works already commencing at the site without proper planning permission.





Planning permission sign highlighted.



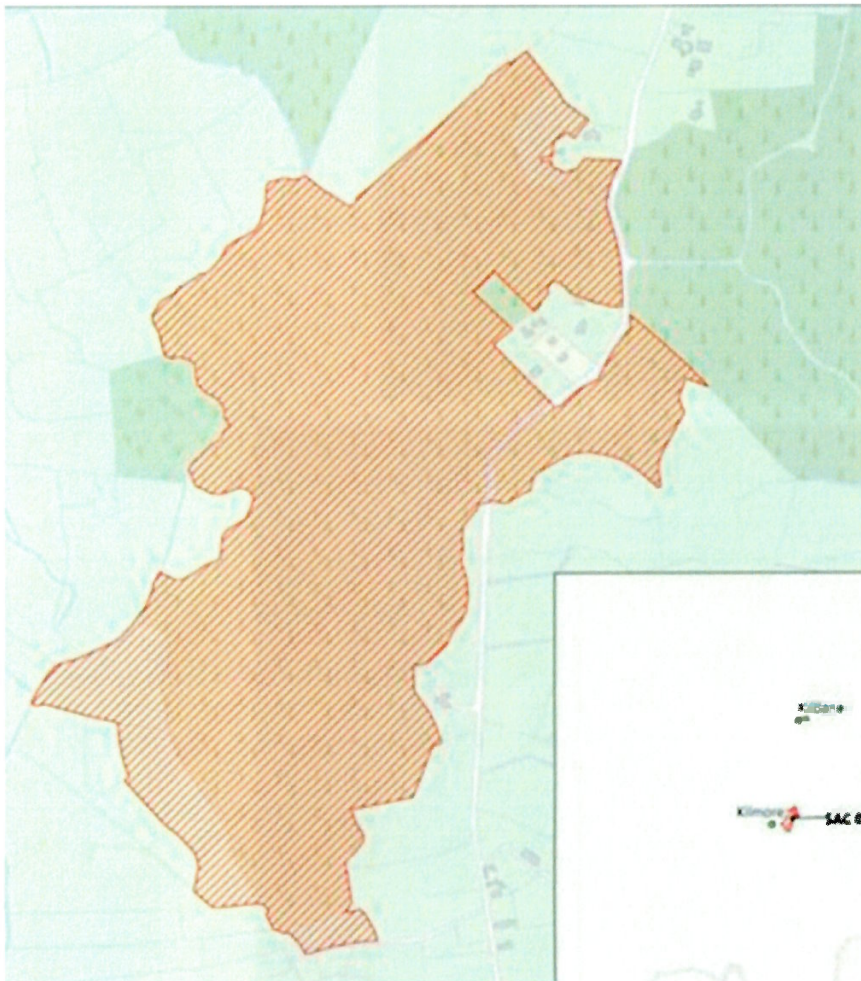
Damage to the L7080

#### 4 Traffic Management Plan Appendix 15-2

**Grid connection route section 3 L-3046 , this route travels through Glenmora Wood SAC 001013, this is a oak forest, digging an underground cable route directly through this wood is in in breach of EU legislation.**

The legal basis on which SACs are selected and designated is the [EU Habitats Directive](#), transposed into Irish law by the [European Communities \(Birds and Natural Habitats\) Regulations 2011 \(S.I. No. 477 of 2011\)](#), as amended.

[www.npws.ie/sites/default/files/general/Site%20Designation%20Process%2016%20Feb%202012.pdf](http://www.npws.ie/sites/default/files/general/Site%20Designation%20Process%2016%20Feb%202012.pdf)



***A list of activities that might damage the wildlife interests of the site, and measures required to protect the site is also provided. These potentially harmful activities are called the Activities Requiring Consent or Notifiable Actions.***

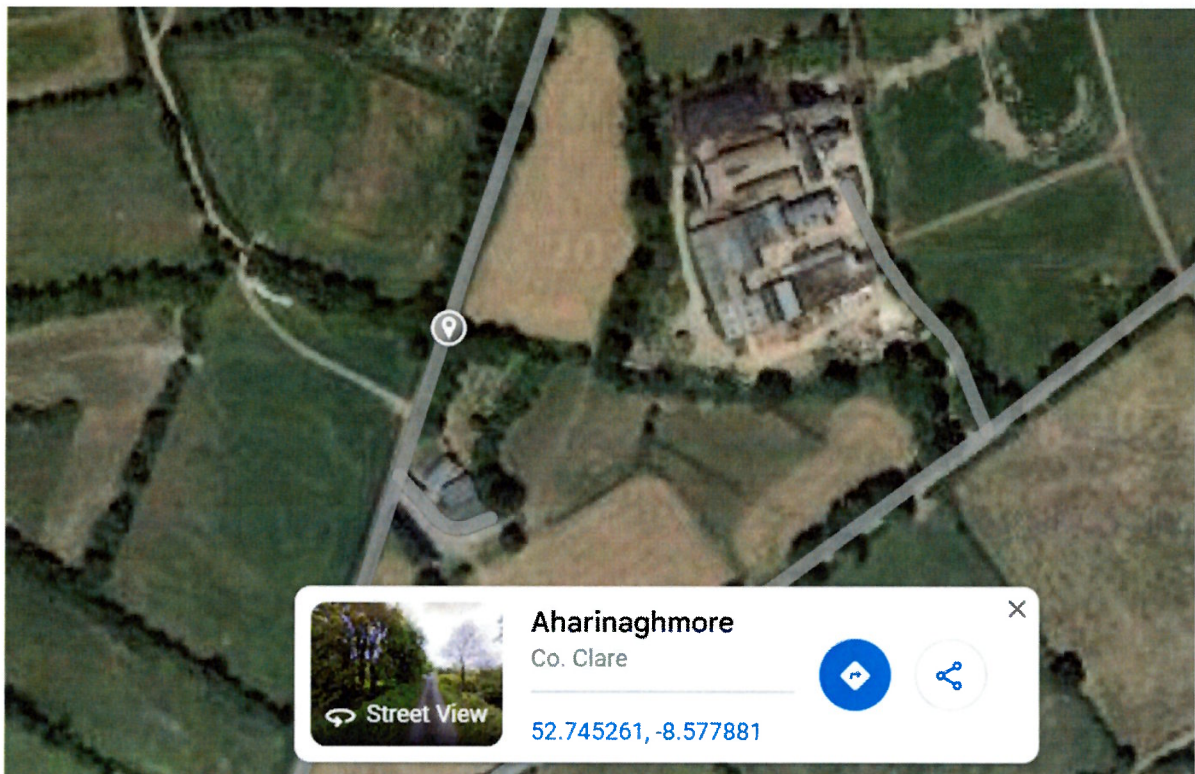
***Nowhere in the Grid connection route does it state the applicant sought permission from the NWPS or EU Habitats Directive that the got permission to carry out excavations on this SAC or the applicant sought permission to carry out any Activities Requiring Consent or Notifiable Actions. As the cable route dissects the SAC where the surface beneath the road surface forms part of the SAC therefore this area is protected by EU law. The SAC is ignored and not mentioned***



**once within the TLI Group Lackeragh wind farm 38KV Grid Connection Construction Methodology.**

**The grid connections mention 3 bridges and 8 culverts, it does not mention the culverts nor distinguish between them, again all the water crossings either go towards the Lower River Shannon SAC, and the River Shannon and River Fergus Estuaries SPA.**

**The image below shows a river stream or bridge at Aharinamore on the proposed cable route which was not included as a bridge in the assessment.**







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## APPENDIX 2-2b

### COMMUNITY REPORT PART 2

***This is how EDF have treated the locals since they arrived in Kilbane, no consultation only secrecy and this is what we are building and how its being built regardless of local concerns.***

Home » Breaking News » Garda presence at windfarm consultation leaves sour taste

CLASSIFIEDS & ACKNOWLEDGEMENTS

**Book a classified advertisement**

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**The Clare Champion**

Family 'quietly hopeful' that justice may be done

Audrey's death was 'almost certainly avoidable'

A rates refund could save struggling small businesses

20 YEARS IN BUSINESS

**GARDA PRESENCE AT WINDFARM CONSULTATION LEAVES SOUR TASTE**

August 18/2022 22,126 Views

Facebook Twitter LinkedIn

THE presence of a member of An Garda Síochána in Kilbane for a so-called protest that never materialised against a proposed wind farm left a sour taste among people who gathered to attend a public consultation clinic on Tuesday evening.

One Garda stood in the village during the information clinic that was organised by EDF Renewables and a second Garda came in a different vehicle for a brief period before departing shortly afterwards. When it was patently clear there was no sign of any public demonstration.



Next are images puts a question mark over the bat Survey as this are in East Clare has one of the highest bat populations in the county.



Table 17 *Mammal activity surveys at PRFs.*

PRF	IG Ref.	Date (2022)	Survey Type	Results
Derelict Dwelling	R 62726 71659	11 <sup>th</sup> May	Dusk Emergence	No roost confirmed, lesser horseshoe bat roost suspected.
		24 <sup>th</sup> August	Dusk Emergence	3-5 Lesser horseshoe bat observed emerging.
Derelict Shed	R 62688 73403	2 <sup>nd</sup> August	Dusk Emergence	No roosting bats.
Mature Treeline at dropped turbine location	R 62798 73568	2 <sup>nd</sup> August	Dusk Emergence	High activity, no roosting bats.
Mature treeline T1	R 62085 73754	25 <sup>th</sup> August	Dawn re-entry	No roosting bats.
		21 <sup>st</sup> September	Dusk emergence	No roost identified.

Mature treeline T1 R62085 73754,

***There was construction activity during this bat survey at this location, a New built Slatted Shed has been built at this location since this image was taken and was under construction at the time which is evident and circled in the image. This slatted was under construction without planning permission at this time.***

***This puts the bat survey into dispute at this location. Image is from page 38 appendix 6-2.***



***Furthermore as mentioned earlier I am the owner of the lands upper Kilbane folio number CE53576F adjoining the proposed T1 and can confirm the tree line in the image below is a haven for Bat activity, the dropped turbine location only a few hundred meters below.***

***T1 bat survey location and my lands to the left with a huge mature tree line valley***



**There is a known Lesser Horseshoe Bat roost 710 m west of Turbine 6, these bats are affected by the acoustic noise pollution from wind turbines, I urge you to make note of this as the lesser Horseshoe has a foraging range of 2.5kms.**

**It is comical that they proposed to locate turbine at this location, please refer to recent decisions by CCC in relation to the proximity of Lesser Horseshoe bats at Caherlohan GAA facility which redused planning because if the presence of the Lesser Horseshoe bat. See below.**



# Environmental Impact Assessment Report (EIAR)

## Lackareagh Wind Farm, Co. Clare

### Chapter 4 – Description of the Proposed Project

<https://www.clareecho.ie/council-stall-clare-gaas-redevelopment-plans-for->

#### TURBINE DELIVERY ROUTE

Location 16 – R466 / L3022-0 junction

Appendix 15-3 – Collett Drawing No. 371606-190C1.1 – Tower

Appendix 15-3 – Collett Drawing No. 371606-190C1.1 – Blade – Blade Adapter (both drawings have same number)

For the blade on blade adapter

- Third party land is required on the north side of the R466 and the east side of the L3022-0.
- Boundary hedging / wall to be removed on northside of the R466.
- Oversail will occur on both sides of the R466.
- Street furniture is to be removed.
- Overhead wires crossing the junction are to be removed.
- Boundaries to be removed.
- Trees and vegetation are to be pruned.

For the tower

- As above

No where in the application does it specify how much or whom is supplying the 3<sup>rd</sup> party land on north side of R466 nor the east side of L3022-0

I am the owner of over 1km of road frontage along the L3022-0, at no stage have I been approached with regard to Trees and Vegetation removal.

This road is a narrow single track road which cars must stop to pass at passing points only, us locals would have reservations about the amount of heavy goods traffic transversing these lanes and Scotts Bridge on the L3022-0.

#### Clare County Council Development plan

I would ask you to please read over the CCC devolopment plan before making decisions, our Glamping site gets a mention in this the latest devolopment plan for the county.



Kilbane is a small village located in the foothills of Glenvagalliagh Mountain, part of the Slieve Bearnagh Mountains. There are extensive views from the village across the surrounding countryside and a tributary of the Glenomra River flows through Kilbane creating an attractive setting for the village. The village is located along on a local road that runs north from the R466. The road passes through the Slieve Bearnagh Mountains to Killaloe and is known locally as 'The Gap Road'. Kilbane has seen little development in recent years and the majority of the land within the settlement boundary remains in agricultural use. The village has retained its traditional rural character and new residential developments have integrated well with the existing structures. There is currently a church and graveyard, and a pub/shop serving the residents of the village and the surrounding countryside along with a new glamping facility adjacent to the village.

### General Objectives

- To promote small-scale development in the village to meet the housing needs of the local rural community, increase the local population and support a vibrant community while maintaining the rural character of the village;

- To facilitate the provision of the necessary infrastructure to allow for future growth in the village

### Employment and Enterprise

Kilbane is a small rural settlement serving its surrounding hinterland where agriculture is the primary economic activity. The village is located along the East Clare Way under the Slieve Bernagh Mountain range. A new glamping site on the fringes of the village capitalises on the tourism and recreational potential of the area. The provision of local shops and services, tourism products, agricultural diversification and home-based enterprises will be supported in accordance with the objectives set out in Volume 1 of this plan in order to strengthen the economy in the Kilbane area.

### Commercial COM 1

The commercial zoning reflects an existing commercial use and allows for its extension and diversification. **The existing broadleaved tree line should be retained as part of any future development of this site as foraging and commuting routes for bats.** A riparian buffer zone of 10m is provided along the Broadford River, a tributary of the Glenomra River.

### Strategy for Growth and Sustainable Communities

The strategy for the sustainable growth of the village and its community is through consolidation and regeneration that promotes compact sequential growth and supports and strengthens a sustainable village community and its rural hinterland. This



will be achieved by encouraging small scale growth in areas which make a positive contribution to the overall enhancement of the village and sustains it into the future. In line with this approach and to promote vibrant rural villages, village growth areas have been identified which provide opportunities and choice for development, including small scale commercial, enterprise and community services/facilities as well as small scale cluster housing, **all of which offer a viable and attractive option for rural living within a village community and setting. Kilbane offers a high quality rural environment for those seeking to live in an area of traditional rural character.** The delivery of any new development in Kilbane will be encouraged by adopting a combined approach of sequential compact growth and the re-use and redevelopment of vacant or derelict sites and buildings within the village. Development is highly dependent on the suitability of the land to accommodate on-site treatment systems. It is envisaged that residential growth would occur incrementally and over a longer period of time in a manner appropriate to the character and environmental sensitivities of the settlement. In addition to compliance with the policies and objectives of this plan, specific objectives apply to the following sites:

#### VGA 1

This site is identified as having the capacity to accommodate small-scale in-depth development. Given the scale of the existing village, small clusters of dwelling houses will be encouraged on these sites (subject to the ability to provide appropriate wastewater treatment facilities on the sites). The design and scale of any proposed development shall be reflective of the rural character of the village and of the requirements for place making as set out below.

Individual dwelling houses will be encouraged to locate on the remaining vacant sites within the village.

#### Place Making and Regeneration

***One of the most distinctive features in Kilbane is the sod and stone ditches that line the approach roads to the village. They contribute significantly to the character of the village. The sod and stone field boundaries shall be retained and incorporated into new developments.***

#### Flooding and Flood Risk

The Strategic Flood Risk Assessment in Volume 10c of this plan advises where existing residential areas encroach into Flood Zones A & B, redevelopment of these areas should be in accordance with Section 5.28 of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). Should a site-specific Flood Risk Assessment update the flood extents, Section 5.28 should still apply to the resultant flood zones.

Response from the HSE Planning ref 24/60411 NEHS Ref ID 4195 must be adhered to, see attached, this mentions unacceptable noise and shadow flicker.

**☎ (065) 6706660**



14<sup>th</sup> October 2024  
Planning ref: 24/604 II  
NFHS Ref: I D4195

[illegible]

**Development:** [http://www.rust-lang.org](#), Kildare, Killybeggs, Sharnock, Killybeggs (Strick), Killybeggs (Gordon), Ballymonee, Mayhemneagh and Lackneagh Bps, Co. Donegal.

Any clarification on the contents of this submission should be made, in the first instance, to [pehoclare@hse.ie](mailto:pehoclare@hse.ie) quoting NEHS ID 495.

**Brendan Sweeney**  
**Kilbane**  
**Broadford**  
**Co Clare.**