

File With

## SECTION 131 FORM

Appeal No

ABP— 321285

Defer Re O/H

☐

Having considered the contents of the submission dated/received 08-12-24  
from J. Sheehan 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

Chloe

Date

15-01-25.

EO

Signed

Date

SEO/SAO

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

Date

EO

Signed

Date

AA



## Planning Appeal Online Observation

Online Reference  
NPA-OBS-004042

BPLO to

Issue

Lisa

✓ DM 31.12.24

LDG-076675-24

### Online Observation Details

Contact Name  
James Skehan

Lodgement Date  
08/12/2024 07:54:33

Case Number / Description  
321 285

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
James Skehan

Payment Amount  
€50.00

### Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

EO

Date

19/12/24

### Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 076675

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\_3QTfK0B1CW0EN5FC1UWnOG1X

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

Ballynevin,  
Bridgetown,  
Killaloe,  
Co. Clare

An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01 V902

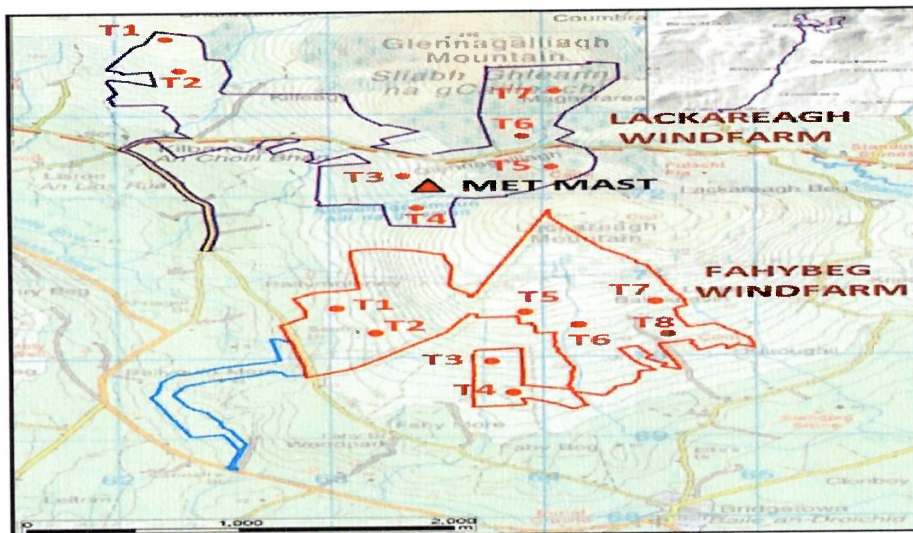
Date: 08 Dec 2024

Re: Objection to case number: 321285

A Chara,

I wish to strongly object to the planning application case number: 321285 which seeks permission for the construction of 7 no. wind turbines in the townlands of Kilbane, Killeagy (Ryan), Shannaknock, Killeagy (Stritch), Killeagy (Goonan), Ballymoloney, Magherareagh and Lackareagh Beg, Co. Clare.

The site on which the applicant is proposing the "Lackareagh Windfarm", is literally in the field next door, less than 250 metres, from the site of the previously proposed Fahybeg Windfarm, planning Ref No.: 23148, which was comprehensively refused planning permission by Clare Co. Council on numerous reasons including a raft of environmental concerns.



LACKAREAGH WINDFARM							FAHYBEG WINDFARM						
Turbine Positions as per EDF Ordnance Survey Map	Ground Elevation (m)	Ma ximum tip height (AGL) (ft)	Maximum tip elevation (AMSL)(m)	Ma ximum tip elevation (AMS L) (ft)	WGS84 Latitude	WGS84 Longitude	Proposed Turbines	Ground Elev ation(m)	Maximum tip height (AGL) (m)	Makmum tip elevation (AMSL)(m)	Maximum tip elevation ( AMSL)(ft)	WGS84 Lati tude	WGS84 Longitude
T1	235	180	415	1361.5486	52.815807	-8.561169	T1	116.27	176.5	292.77	960.53153	52.78526	-8.547886
T2	184	180	364	1194.22576	52.812279	-8.560482	T2	143	176.5	319.5	1048.2284	52.78256	-8.544799
T3	202	180	382	1253.28088	52.800501	-8.544003	T3	154.45	176.5	330.95	1085.794	52.77945	-8.53726
T4	192	180	372	1220.47248	52.796505	-8.543316	T4	125.55	176.5	302.05	990.97772	52.77601	-8.535439
T5	298	180	478	1568.24152	52.801228	-8.534046	T5	221.23	176.5	397.73	1304.8885	52.78497	-8.534926
T6	278	180	458	1502.62472	52.804304	-8.53514	T6	187.517	176.5	364.017	1194.2815	52.78336	-8.531097
T7	364	180	544	1784.77696	52.80983	-8.532875	T7	193.56	176.5	370.06	1214.1077	52.78603	-8.525926
							T8	156.78	176.5	333.28	1093.4384	52.78241	-8.524785

The applicant alludes to the suitability and appropriateness of the site for Wind Energy development without any factual basis or supporting evidence.

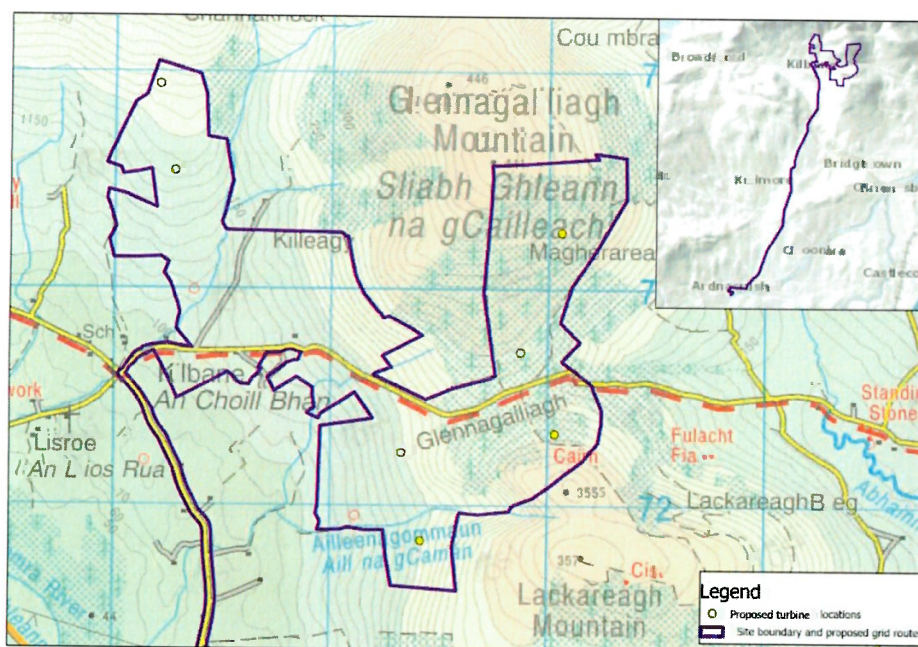
This site is not suitable for Wind Energy development for many reasons which I will elaborate on hereunder.

The wind speeds for the entire County of Clare and the rest of Ireland have already been mapped by the Sustainable Energy Authority of Ireland (SEAI).

Using the Sustainable Energy Ireland (SEI) Wind Atlas,

- <https://gis.seai.ie/wind/>

I have mapped the seven locations of the currently proposed Wind Turbines on the proposed "Lackareagh Windfarm" site that this meteorological mast relates to.



The Clare County Development Plan 2023–2029, Clare Wind Energy Strategy Volume 6, Chapter 2.3.1 Wind Resource Mapping states:

*"The Sustainable Energy Authority of Ireland (SEAI) Wind Atlas 2003 was utilised to extract data on constrained wind resources for County Clare. The SEI Wind Atlas provides information on wind speeds modelled at heights 50m, 75m and*



100m above ground level. The GIS analysed wind speeds in the County above 7.5m per second using turbine heights of 75m. For the purposes of this strategy, 75m turbine heights were utilised as this reflects the lower turbine heights for commercial wind operators. The **areas considered economically viable have wind speeds above 7.5m per second at 75m height above ground level.**"

Having mapped the GPS coordinates of the seven locations of the currently proposed Wind Turbines which the Applicant has spent over two years exploring and designing, placing the turbines in what they consider the most suitable/viable locations, 57% of the locations do not meet the bare minimum wind levels of 7.5m/sec at 75m height above ground level as set out in the Clare Wind Energy Strategy, with the remaining 43% only barely meeting the criteria where other sites in Clare have mapped speeds of up to 12m/sec at 75m height above ground level.

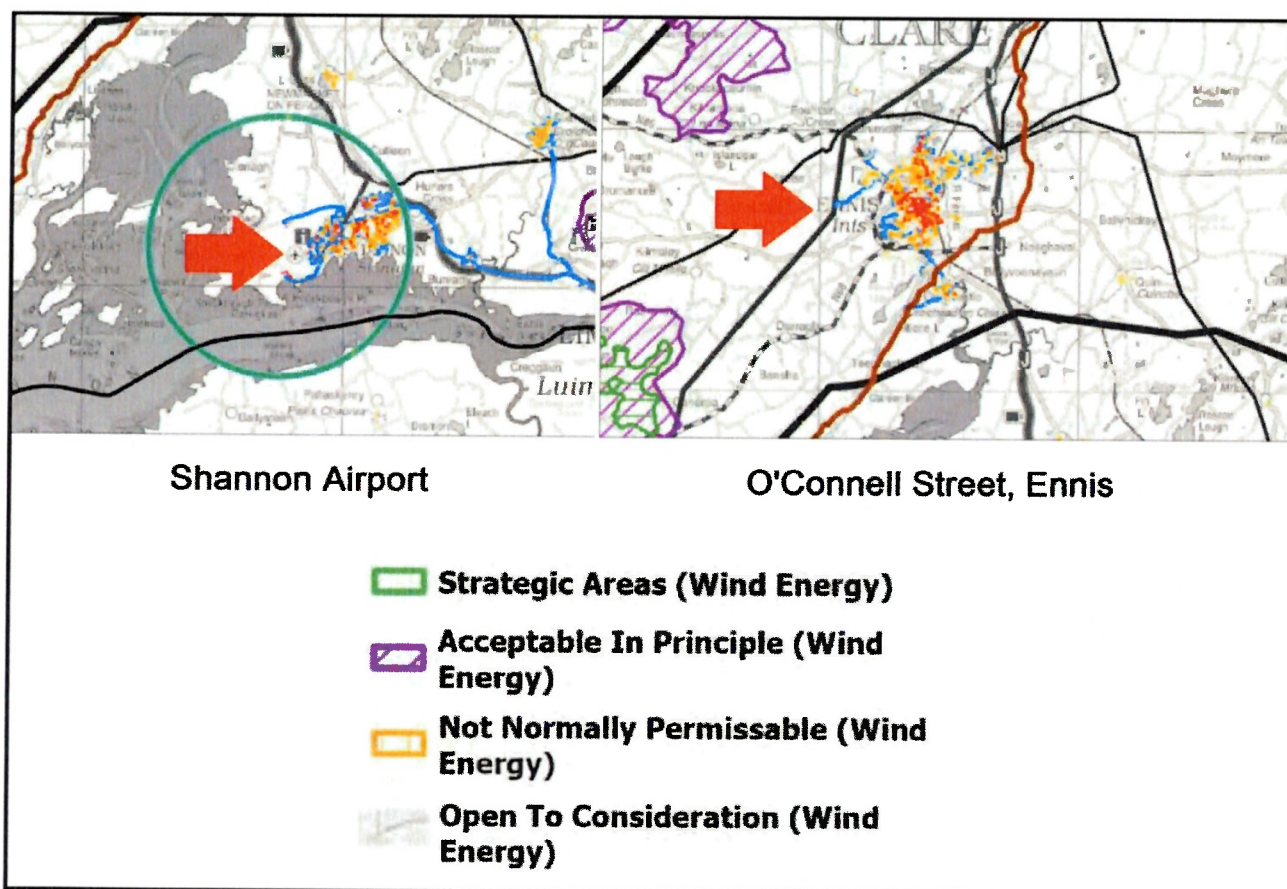
LACKAREAGH WINDFARM							
Turbine Positions as per EDF Ordinance Survey Map	Ground Elevation (m)	Maximum tip height (AGL) (m)	Maximum tip elevation (AMSL)(m)	Maximum tip elevation (AMSL) (ft)	WGS84 Latitude	WGS84 Longitude	Wind Speeds at 75m AGL
T1	235	180	415	1361.5486	52.815807	-8.561169	8.2m/s
T2	184	180	364	1194.22576	52.812279	-8.560482	7.3m/s
T3	202	180	382	1253.28088	52.800501	-8.544003	7.4m/s
T4	192	180	372	1220.47248	52.796505	-8.543316	7.1m/s
T5	298	180	478	1568.24152	52.801228	-8.534046	7.4m/s
T6	278	180	458	1502.62472	52.804304	-8.53514	7.9m/s
T7	364	180	544	1784.77696	52.809893	-8.532875	8.6m/s

The Applicant is implying that this land is zoned as suitable for Wind Energy Development, which is not the case. As part of the Clare County Development Plan 2023-2029 and Clare Renewable Energy Strategy 2023-2029, designated renewable wind energy sites are clearly indicated in the figure below which was taken from the Clare County Development Plan 2023-2029 and these sites are listed in order of suitability starting with the most suitable:

1. Strategic Areas
2. Acceptable in Principle
3. Not Normally Permissible
4. Open to Consideration – remainder and majority of the County which is unzoned







Areas “Open to consideration” encompass the majority of the land in County Clare and are merely areas that have not been identified as being obviously suitable for Wind Energy development, having not met the criteria as set out in the Clare County Development Plan 2023-2029 and Clare Renewable Energy Strategy 2023-2029 to justify a zoning of “Strategic Area” or “Acceptable in Principle”, which are the areas which have undergone rigorous studies to deem them the most suitable and preferred areas for Wind Energy development.

The following is an excerpt from *Appendix 2 – Indicative Land Use Zoning Matrix - page 473 of the Clare County Development Plan 2023-2029*:

*“Open to consideration - A proposed use that will be open to consideration, but subject to particular considerations for example, compatibility with adjoining uses, scale or whether or not the proposal is prejudicial to the amenities of an area or the residential amenities of an adjoining property.”*

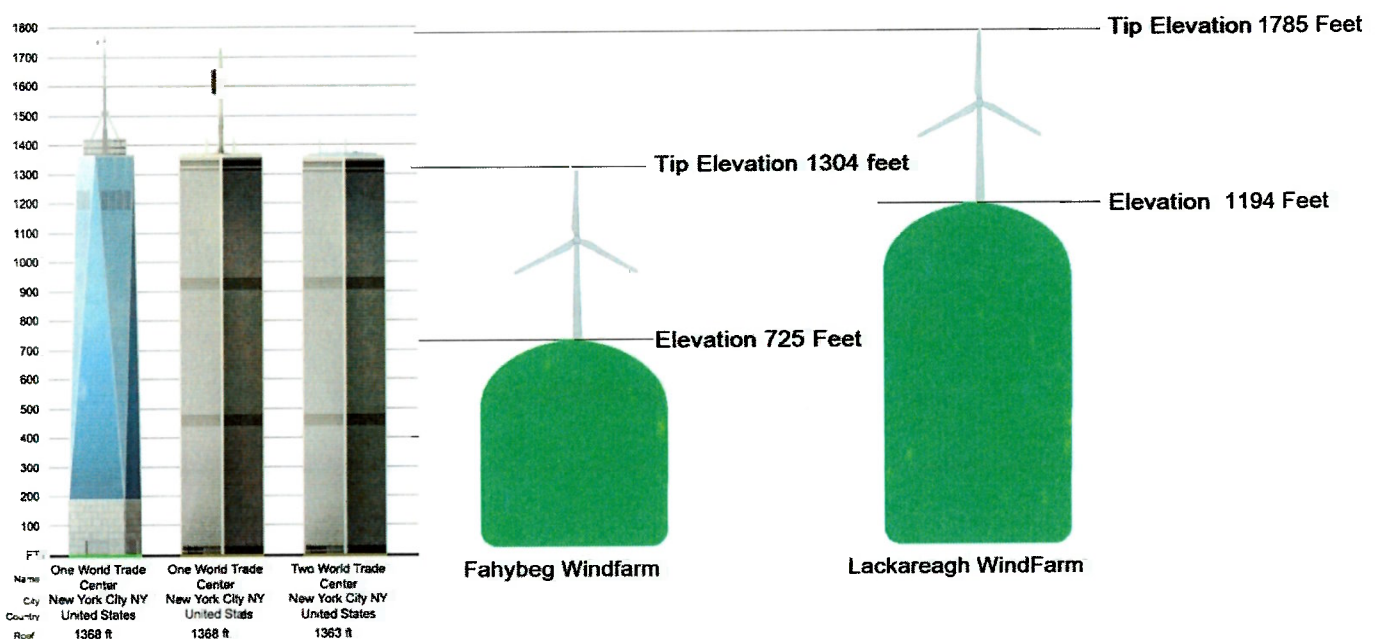
The proposed “Lackareagh Windfarm” is not compatible with adjoining uses, the scale of the proposed Wind Turbines at 180m are exponentially larger than any other structure in the area and would be prejudicial and seriously injure and destroy amenities in the area, particularly those of residential and adjoining properties and would be contrary to proper planning.

One of the reasons for refusal of the Fahybeg Windfarm, planning Ref No.: 23148 is the following:

*“Having regard to the location of the site on lands identified as 'Open to Consideration' for windfarm developments as set out in the Clare Wind Energy Strategy and the County Development Plan 2023-2029, the Planning Authority considers that the proposed turbine structures, by reason of their height (tip height up to 178m), scale and siting on this*

*open and exposed upland landscape would constitute a prominent feature on the landscape from both local and long range viewpoints. 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. The proposed development would therefore seriously injure the visual amenities of the area, 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.”*

The highest Turbine in the Fahybeg Windfarm had a proposed tip elevation of 1,304 feet and was deemed by Clare County Council to be too tall and visually obtrusive, in contrast, **Turbine 7 in the proposed Lackareagh Windfarm has an elevation of almost 500 feet higher at 1,785 feet located only a couple of hundred metres from the proposed Fahybeg site.**



Clare County Council outlined in detail below the potential for adverse effects on the integrity of waterbodies and European sites due to the location of the proposed Fahybeg Windfarm.

*“The Planning Authority notes that there is hydrological connectivity between the proposed development site and both the Lower River Shannon cSAC, 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 inadequate proposals for management of the excavated soils and materials on the proposal site, the absence of co-ordinated approach to sizing of stilling ponds and definition of their location relative to sensitive water bodies; absence of consideration of other developments likely to give rise to cumulative impacts on the receiving environment; absence of adequate definition of tree felling/hedgerow removal and replacement planting; and, absence of consideration of invasive species in the footprint of the work areas in the wind farm there is an inherent risk to the Qualifying Interests and Special Conservation Interests of these European Sites which have not been adequately addressed in the Natura Impact Statement. As a result of the foregoing issues, the Planning Authority cannot conclude a finding of no adverse effects on the integrity of the associated 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.”*





- Broadford\_010: The eastern tributaries rise in two mountain ranges Glenvagalliagh and Lackareagh. This river flows into the Broadford\_020 near 'Scott's bridge'.

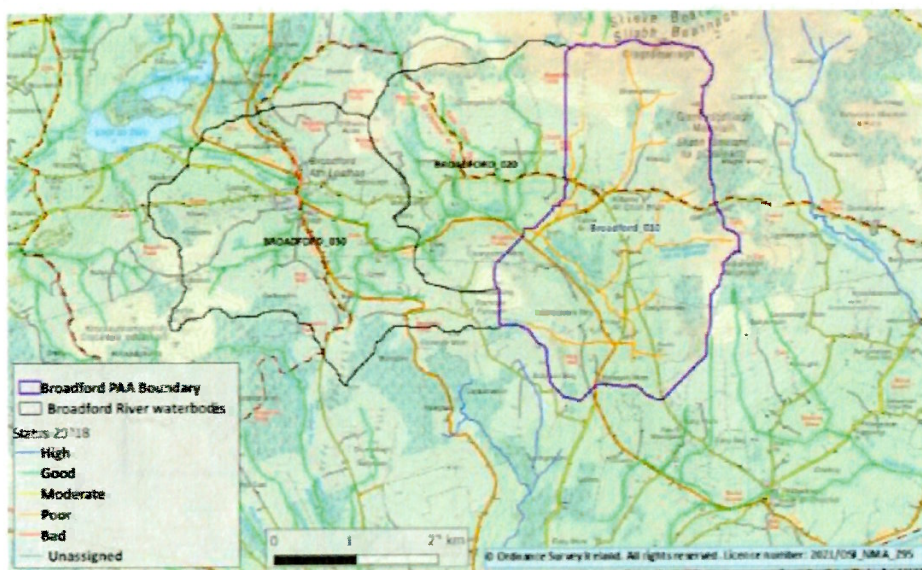


Figure 1 The Broadford river waterbodies, Broadford\_010 is the Priority Area for Action (PAA)

### Catchment Description

The Broadford (Glenomra) River is a single waterbody Priority Area for Action (Broadford\_010) in East Clare. It is surrounded by steep slopes with the lower reaches characterised by well drained soils and peat. Land use in the catchment includes pastures, coniferous forestry and woodland scrub. The area around the Broadford River is very scenic and includes the East Clare Way.

### Water Quality in the Broadford PAA

Rivers are classified into five quality classes (status), with high being unpolluted and bad being the most polluted.



The Environmental Protection Agency assigns status at (approximately) 3-yearly intervals based on the standards set out in European legislation, the Water Framework Directive.

Status is based on many different elements that altogether indicate the overall health of the river, for example the ecology recorded in river habitats, the physico-chemical condition of the river

Table 1 Ecological status, pressures and significance in the Broadford PAA

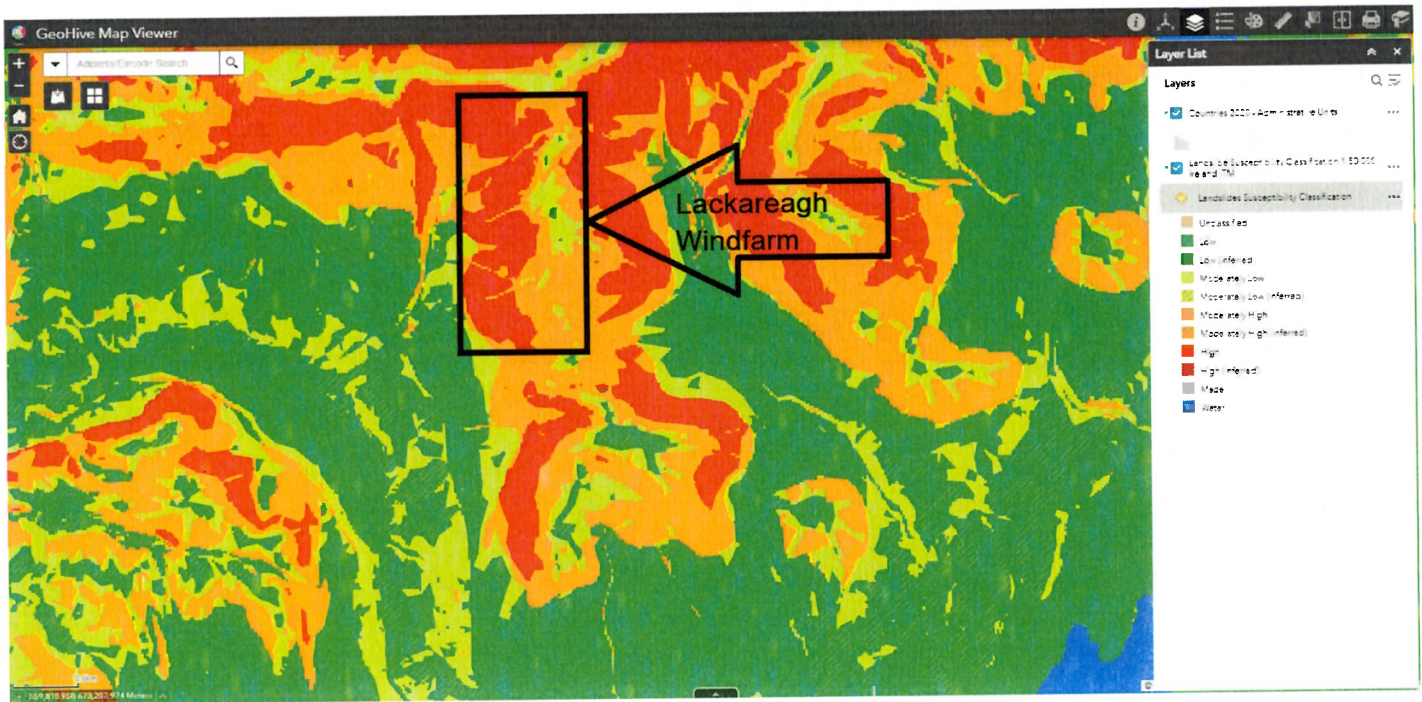
WB Code	WB Name	WB Type	Risk	Ecological Status				EPA Characterisation Significant Pressure Category (Sub-category) (2013-2015)	EPA Characterisation Significant Issue (2013-2015)	Desk Study Review Potential Additional Pressures (2020)	Desk Study Review Potential Significant Issue (2020)
				2007 - 2009	2010 - 2012	2013 - 2015	2016 - 2018				
ESH_27802 0300	Broadford_010	River	At Risk	Moderate	Poor	Poor	Poor	Hydromorphology (Channelisation)	Altered habitat due to Morphological changes	None	None

Due to the hydrological characteristics of the peatland located within the site, areas within the proposed "Lackareagh Windfarm" site have been assigned the highest level of risk for Landslide Susceptibility.



Source: <https://webapps.geohive.ie/mapviewer/index.html>

To give any consideration to a project of this nature at this site would be nonsensical and end up with a repeat of the Meenbog and Derrybrien environmental catastrophies.



Clare County Council also highlighted the many possible adverse effects on the biodiversity of the wider area due to the proposed Fahybeg Windfarm in the following reason for refusal:

*"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 species and habitats data submitted with the application, the high level of usage of the site by multiple animals (included bats) and bird species, the particular biodiversity value of Ballymoloney Wood, and the likely impacts of the proposed development on same, 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."*

Due to the extremely close proximity of the proposed "Lackareagh Windfarm" site to the Fahybeg site as can be seen in the 500m/2km buffer area shown below, it is obvious that the many highlighted possible adverse effects on the biodiversity of the area due to the Fahybeg Windfarm would be mirrored by the proposed "Lackareagh Windfarm".

The local area is now part of ACRES Munster Uplands Cooperative Zone, which is designated as a HEN Harrier protection zone, any large-scale construction will result in the destruction of habitat and flight patterns of these birds and future generations of these birds



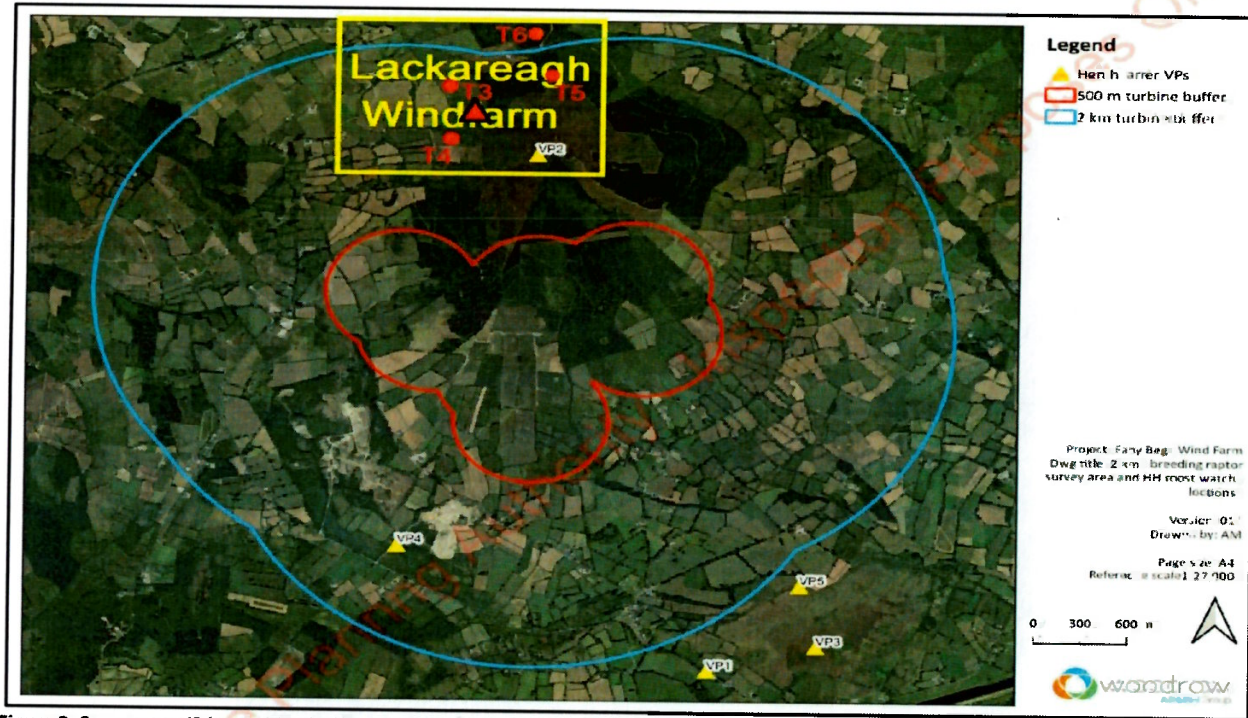


Figure 2: Survey area (2 km turbine buffer) for breeding raptors and hen harrier roost watch VPs

In fact, in some instances the impact may be greater. The extract from the Fahybeg Windfarm Ornithological Report below states that the area to the north circa 2.5km from the 500m buffer area is considered to provide suitable habitats for breeding Hen Harriers and Merlin, this site is located between Turbine 6 and Turbine 7 of the proposed “Lackareagh Windfarm”.

- From VP2 on 19-May-2020, a male hen harrier was recorded for 43 seconds in the north-eastern part of the 500 m turbine buffer. This male was noted foraging and travelling north along the boundary of the conifer plantation – see map in Appendix III.
- During the wider area breeding raptor surveys on 26-May-2020, a male hen harrier was recorded travelling north over the woodland on Lackareagh Mountain, north of the 500 m turbine buffer.
- During wider area breeding raptor surveys on 25-Mar-2021, a female hen harrier was observed commuting west from the area of the quarry.

The closest area of potentially suitable habitat for breeding merlin and hen harrier was on Lackareagh Mountain. However, disturbance from quad bike and scrambler enthusiasts was considered likely to limit usage of the by merlin and hen harrier. As identified by the desk-based study, the larger expanses of open upland habitat and associated forestry located c. 2.5 km north of the 500 m turbine buffer, stretching north from Glennagalligh Mountain and onto Slieve Bearnagh, are considered to provide more substantive home range options for breeding hen harriers and merlin.

Below is a list of previous planning applications for masts and windfarms showing precedent for serious injury to amenities, Settled Landscapes, Rural Landscapes, Heritage Landscapes, Scenic Routes, Depreciation of property values, noise disturbance and ecological damage.

#### **Ballykett Windfarm 176.5m Turbines Refusal P23-60219**

- **By reason of their height (tip height of 150m)** and their siting and scale on an open exposed landscape would constitute a prominent feature on the landscape from both local and long-range viewpoints
- The turbines would be visually overbearing on existing properties and thus depreciate the value of the property.
- The consequent noise and disturbance would seriously injure the amenities of residential property in the vicinity and be visually overbearing on existing properties and would seriously injure the amenities of residential properties in the vicinity.
- Negatively impact the landscape of the rural area
- Injury to the visual amenities of the area
- Adverse effects on the integrity of the associated Water bodies & European sites, contravention of objective CDP15.3
- Significantly diminish the biodiversity value of the area, contravention of objective CDP15.12

#### **Fahybeg Windfarm 176.5m Turbines Refusal P22-148**

- **By reason of their height (tip height of 178m)** and their siting and scale on an open exposed upland landscape would constitute a prominent feature on the landscape from both local and long-range viewpoints and contravene objectives CDP14.2 and CDP14. 7
- The turbines would be visually overbearing on existing properties and thus depreciate the value of the property.
- The consequent noise and disturbance would seriously injure the amenities of residential property in the vicinity.

- and be visually overbearing on existing properties and would seriously injure the amenities of residential properties in the vicinity.
- Negatively impact the landscape of the rural area
- Injury to the visual amenities of the area
- Contravention of objective CDP 13.2 - Settled Landscapes
- Adverse effects on the integrity of the associated Water bodies & European sites, contravention of objective CDP15.3
- Significantly diminish the biodiversity value of the area, contravention of objective CDP15.12

#### **Cahermurphy Windfarm 170m Turbines Refusal P20-658**

- **By reason of their height (tip height of 170m)** and their siting and scale on an open exposed upland landscape would constitute strident and visually prominent features on the landscape from both local and long range viewpoints.
- Negatively impact the landscape of the rural area
- Injury to the visual amenities of the area
- Contravention of objective CDP 13.2 - Settled Landscapes

#### **Carrigaholt 30m Mast Refusal P22-271**

- Elevated and visually prominent location of the site within an open landscape where natural screening is limited.
- Contravention of objective CDP 13.2 - Settled Landscapes – to avoid visually prominent locations and minimise visibility from public amenities and roads and Scenic Routes etc.
- Contravention of objective CDP 13.7 - Scenic Routes – to ensure developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impacts
- **By reason of its height (30m)** and sighting would form a prominent feature on the landscape and would seriously injure the visual amenities of the area.

#### **Corbally 20m Mast Refusal P20-770**

- **By reason of its height (20m)** and close proximity to residential properties, the structure would injure the residential amenities of the area and would depreciate the value of residential property in the vicinity.

#### **Doonbeg 21m Mast Refusal P19-847**

- Visually prominent location of the site within an open landscape where natural screening is limited.
- Contravention of objective CDP 13.5 – Heritage Landscapes - that sites have been selected to avoid visually prominent locations and minimise visibility from scenic routes, trails, public amenities, and roads.
- **By reason of its height (21m)** and sighting would seriously injure the visual amenities of the area.

#### **Dromoland 30m Mast Refusal P18-10**

- **Having regard to the overall height of the proposed structure (30m)**, the open and exposed nature of the proposal site, the limited screening available and the views towards the site, the proposed development would represent a visually obtrusive feature in the landscape that would be clearly visible when viewed over a wide area, would seriously injure the visual amenities of the area and the character of the rural landscape.

#### **Kilfenora 18m Mast Refusal P20-934**

- **Having regard to the height of the proposed structure (18m)**, its location in close proximity to residential properties and scenic route and architectural conservation area. The structure would seriously injure the residential and visual amenities of the area and by virtue of its incongruous nature and due to its location and visual dominance, would be



injurious to the visual amenities of the tourist location and detract from the character of the village and surrounding area.

#### **Kilkee 30m Mast Refusal P20-147**

- Visually prominent location of the site within an open landscape where natural screening is limited
- Contravention of objective CDP 13.2 - Settled Landscapes – to avoid visually prominent locations and minimise visibility from public amenities and roads and Scenic Routes etc
- Contravention of objective CDP 13.7 - Scenic Routes – to ensure developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impacts

#### **Kilmaley 42m Mast Refusal P18-7**

- Having regard to the elevated siting of the mast and exposed topography of the area
- Would seriously injure the visual amenities of the area.

#### **Newmarket on Fergus 20m Mast Refusal P20-472**

- **Having regard to the height of the proposed structure (20m)** and close proximity to residential properties
- Would seriously injure the residential and visual amenities of the area and would depreciate the value of residential properties in the vicinity.

#### **Newmarket on Fergus 30m Mast Refusal P22-1034**

- **Having regard to the height of the proposed structure (30m)** and close proximity to residential properties
- Would seriously injure the residential and visual amenities of the area and would depreciate the value of residential properties in the vicinity.

#### **Ogonnolloe 30m mast Refusal P21-127**

- Contravention of objective CDP 13.5 – Heritage Landscapes - that sites have been selected to avoid visually prominent locations and minimise visibility from scenic routes, trails, public amenities and roads.
- Having regard to the prominent and largely unscreened location
- **By reason of its height (30m)** and sighting
- Would represent visually prominent feature from the surrounding area including view from Scenic Route and Lough Derg
- Would seriously injure the visual amenities of the area.

#### **Quilty 24m Mast Refusal P19-896**

- Visually prominent and elevated location of the site within an open landscape where natural screening is limited
- Its proximity to the village
- Contravention of objective CDP 13.2 - Settled Landscapes – to avoid visually prominent locations and minimise visibility from public amenities and roads and Scenic Routes etc.

#### **Quilty 24m Mast Refusal P20-734**

- Open and exposed character of the site and visually prominent location
- Contravention of objective CDP 13.2 - Settled Landscapes – to avoid visually prominent locations and minimise visibility from public amenities and roads and Scenic Routes etc.
- Would seriously injure the visual amenities of the area.

#### **Scarriff 20m Mast Refusal P21-1320**

- Contravention of objective CDP 13.7 - Scenic Routes – to ensure developments are designed and located to minimise their impacts
- Have severe negative impact on the character of the town and the Scenic Route and have a severe negative impact on the visual amenities of the area
- **Height of the structure (20m)** is excessive and would seriously injure the residential amenities of the area

#### **Shannon 20 m mast Refusal P20-635**

- **Having regard to the height of the proposed structure (20m)** and close proximity to residential properties
- Would seriously injure the residential and visual amenities of the area and would depreciate the value of residential properties in the vicinity

#### **Slieveacurry Windfarm 175m Refusal P21-370**

- **By reason of their height (tip height of 175m)** and their siting and scale on an open and exposed upland landscape would constitute a prominent feature on the landscape from both local and long range viewpoints.
- Negatively impact the character of the rural landscape
- Seriously injury to the visual amenities of the area
- Contravention of objective CDP 13.2 - Settled Landscapes
- Contravention of objective CDP8.40E -to strike an appropriate balance between facilitating renewable and wind energy related development and protecting the residential amenities of neighbouring properties.
- **Having regard to the scale and height of the proposed structure (175m)**, its location in an open landscape and proximity to residential properties, would seriously injure the amenities of residential property in the vicinity
- The turbines would be visually overbearing on existing properties and thus depreciate the value of the property
- The consequent noise and disturbance would seriously injure the amenities of residential property in the vicinity
- and be visually over bearing on existing properties and would seriously injure the amenities of residential properties in the vicinity.
- Contravention of objective CDP 14.7 – Non Designated Sites – significant adverse ecological impact on the habitat of the Hen Harrier
- Peat management and felling of trees would have an adverse impact on ground stability and hydrological impacts

#### **Slieveacurry Windfarm 175m Refusal P21-1226**

- **By reason of their height (tip height of 175m)** and their siting and scale on an open and exposed upland landscape would constitute a prominent feature on the landscape from both local and long-range viewpoints
- Negatively impact the character of the rural landscape
- Seriously injury to the visual amenities of the area
- Contravention of objective CDP 13.2 - Settled Landscapes
- Contravention of objective CDP8.40E -to strike an appropriate balance between facilitating renewable and wind energy related development and protecting the residential amenities of neighbouring properties.
- The turbines would be visually overbearing on existing properties and thus depreciate the value of the property.
- The consequent noise and disturbance would seriously injure the amenities of residential property in the vicinity.
- and be visually overbearing on existing properties and would seriously injure the amenities of residential properties in the vicinity.
- Contravention of objective CDP 14.7 – Non-Designated Sites – significant adverse ecological impact on the habitat of the Hen Harrier
- Peat management would have an adverse impact on ground stability and hydrological impacts.

## **Local Precedent on Lackareagh Mountain**

### **P17-994 Fahymore House**

- Stipulates finished Floor level 91 metres to reduce impact on landscape in the interest visual amenity.
- Entrance wall not more than 1.1 metres in height to preserve rural amenities and in the interest of visual amenity.
- Stipulates external finishes of house in the interest of visual amenity.
- Tress to be planted on boundary to protect the character of the rural area.

### **P22-193 Lackareagh House**

- Stipulates finished Floor level 101 metres to reduce impact on landscape in the interest visual amenity.
- Entrance wall not more than 1.1 metres in height to preserve rural amenities and in the interest of visual amenity
- Stipulates external finishes of house and roof slate type in the interest of visual amenity.
- All cables to be underground in the interest of visual amenity.
- Tress to be planted on boundary to protect the character of the rural area.
- No floodlighting in the interest of visual amenity

Considering the above planning precedent and the height of the proposed 7 no. wind turbines, and siting and scale of this development in an exposed upland landscape, it is unimaginable to think that these developments on their own or combined would not seriously injure the local area in numerous ways when structures as small as 18-20 metres listed above and single storey houses with entrance walls higher than 1.1 metres are quoted as seriously injuring visual amenities and depreciating property values etc.

Clare County Council Planning Ref No.: 23148 FahyBeg wind farm which was refused by CCC earlier this year. FahyBeg is 250meters from the proposed Leakeragh at their nearest point.

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 Lackareagh 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 Lackareagh 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.***

**I ask the planning section of Clare County Council to refuse this application until the guidelines are updated .**

**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.**





Recent forest road works at the site recently have caused extensive road damage to the Gap Road L7080 which is a tourist route. See images attached.

Clare County Council stopped Coillte from continuing with the works as the road damage was severe.

It could be argued that that works have already commenced without planning permission at the site as over 800mm in stone has been laid over an existing forest/bog road access, this is 8 to 10 meters in places, see attached images.

I ask the council for clarification on this as it seems works for Turbine Installation / HGV goods/stone/concrete delivery has commenced on Lackerragh Mountain with no regard for public safety.







Planning permission sign highlighted.



Damage to the L7080





Works already commencing at the site without proper planning permission.

Throughout EDF's application they refer to the great efforts that they went to regards public consultation. As per the previously proposed Fahybeg Windfarm, planning Ref No.: 23148 the only real consultation they made was with the landowners, one who I would like to highlight as per the landowner's consent forms does not seem to be the official owner of said lands. In advance of an "open public consultation" EDF decided to ring the Guards in the village centre in an apparent attempt to intimidate local people rather than provide information on the proposed project. Source:

<https://clarechampion.ie/garda-presence-at-windfarm-consultation-leaves-sour-taste>



A view of the large crowd that attended the consultation in Kilbaneon Tuesday evening, at which a garda was present.

## GARDA PRESENCE AT WINDFARM CONSULTATION LEAVES SOUR TASTE

August 18, 2022 2,121 Views



**Bord Pleanála concedes in challenge to permission for €1.2bn data centre**

As per The Irish Times (Mon Oct 07 2024) [Bord Pleanála concedes in challenge to permission for €1.2bn data centre – The Irish Times](#) :

“An Bord Pleanála no longer stands over planning permission it granted for a new €1.2 billion data centre campus in Co Clare, the High Court has heard.”

“Ms Justice Emily Farrell heard the planning body’s concession relates to its acknowledgment of a failure to properly consider the development’s effects on the environment, specifically in relation to bats.”

As per the proposed Fahybeg Windfarm, planning Ref No.: 23148, the townlands of Kilbane, Killeagy (Ryan), Shannaknock, Killeagy (Stritch), Killeagy (Goonan), Ballymoloney, Magherareagh and Lackareagh Beg, Co. Clare is a habitat for multiple bat species.

How can A.B.P accept biodiversity reports from these turbine companies as they have their own ulterior motives yet concede in the High Court that they made an error in relation to bats.

I hope common sense prevails and ABP opt to save rural Ireland from the clutches of greedy foreign investors looking to cash in by exploiting our natural resources by comprehensively refusing permission for this development.

Signed: *James Skehan 08 Dec 2024*

