

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 P. McAuliffe 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

L. Clarke

EO

Date

15-01-25.

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-004094

Litaffisa

*BPHO to
ISSUE
DM 30.12.24*

Online Observation Details

Contact Name
Patrice McAuliffe

Lodgement Date
16/12/2024 17:10:34

Case Number / Description
321285

Payment Details

Payment Method
Online Payment

Cardholder Name
C O'Bhealtun

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Si gnad

Risa O

Date

19/12/24

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

L odgement No

LDG— *076828-24*

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

Date

Finance Section

Payment Reference

ch_3QWhoUB1CW0EN5FC0bBdx7u2

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

Patrice McAuliffe
Sunset Lodge,
Ardataggle,
Bridgetown,
Co. Clare, V94EV2X

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

Date: 15/12/2024

Bord Pleanála Case reference: PL03.321285

Clare County Council Planning Authority Case Reference: 2460411

A Chara,

In reference to the above application already refused by Clare County Council, I would like to strongly object against the granting of planning permission for the proposed development and feel it would be contrary to the objectives of the Clare County Development plan 2023-2029 and thus be contrary to the proper planning and sustainable development of the area to grant planning for this project on the basis of the following:

Site Suitability

The proposed development is not a strategic area or acceptable in principal area for wind energy development as set out by the Clare County Development Plan. There are other areas of land already designated as a "Strategic Area" or "Acceptable in Principle" for Wind Energy projects which lie vacant around County Clare, however the developer has disregarded this and proposed this development in an unsuitable location.

The applicant has stated that the proposed development follows the provisions of the Clare County Development Plan 2022-2028 [sic] and that "the site has a sufficient quantum of unconstrained land with good wind resources and limited environmental constraints" and is in an area that is "open to consideration." I would not consider 179.5m to 180m turbine rotor structure to be in line with the setting it is intended for. While the standard wind turbine height has increased over the years, neither setback distance standards nor the Clare County Council wind energy designations have been reviewed or updated in line with these larger contemporary standards. The refusal by the planning department of the Clare County Council for previous application of a similar size at Fahy Beg (Ref application 23/148) indicates that they do not view this site location is suitable given these larger contemporary standards. In addition Clare County Council earlier this year have called for suspension of windfarms developments until new guidelines on wind energy development are published.

Site designations/zoning should be considered in the first instance and I am not satisfied the applicant has examined more suitable locations. Granting permission for this project in the proposed location would be contrary to the proper planning and development of the area. I believe the size of this proposed development, if constructed would be one of the tallest wind turbines in Ireland to date, is unsuitable to be placed so close to a small village and in an area of importance to tourism in the county.

This proposed development will be visibly intrusive as the turbines will be visible for up to 20km due to their size. The applicants' own Environmental Impact Assessment Report describe the turbines as having "No 'Significant' Impact on Co. Clare 'Heritage' Landscapes" whilst in reality being visible at a prominent scale especially from the Village of Kilbane and from the East Clare way which is located in the proposed development area.

This will have an impact on the many visual amenities in the area in contravention of CDP14.2 of the Clare County Development Plan 2023-2029, namely the R466 which is a designated scenic route. According to the Clare Rural

Development Strategy, tourism in rural Clare is heavily dependent on the aesthetic, environmental and heritage qualities of landscape. This proposed development will be visibly intrusive and goes against that aim.

Effect on Residential Amenities

As per CDP11.47(e) of the Clare County Development Plan 2023-2029 there must be “an appropriate balance between facilitating renewable and wind energy-related development and protecting the residential amenities of neighbouring properties”. Clare County Council also aims to “increase the quality of the physical, built, social and cultural environment of rural areas so that they are more attractive places in which to live both now and in the future.” I believe this development would be contrary to these aims and have a detrimental effect on the residential amenities of the area through the below:

- Reduction in outdoor amenities due to the size, scale and proximity to local houses and community.
- Injury of outdoor amenities such as walking, cycling, and running due to increased road traffic and hazards and the degradation of road surfaces due to increased traffic in contravention of the Clare County Development Plan 2023-2029. CDP11.5(h) “To support the creation of a safer environment for cyclists”.
- The development will cause a limit to future land use.
- The development has the potential to block line-of-sight signals from the mast on top of Lackareagh and negatively impact on local mobile phone and mobile Internet reception.

Air Pollution

- Health hazards as a result of increased road traffic and vehicle emissions.
- Impact of development on health of local school children due the proximity of local schools to haulage routes including sensory overload of vulnerable/neurodivergent school children.

Light Pollution

- Injury of amenities, human health, and wildlife of light pollution from lighting required on site during the construction phase and Aircraft warning beacons on the constructed turbines.
- Impact of light pollution/sensory overload on vulnerable/neurodivergent members of the community.
- Negative affect on the exceptional quality of the night sky in the area and visibility of stars along with disruption to nocturnal wildlife.

This is in contravention of the objectives of the Clare County Development Plan 2023-2029. CDP11.42(b) “ensuring that the amenities of adjoining properties, wildlife and the surrounding environment are protected” and CDP15.28(a) “To identify areas within the County that possess exceptional quality of starry nights and nocturnal environment and to explore the potential of establishing a Dark Sky Reserve in the County during the lifetime of this Plan”.

Water Pollution

- Pollution/Contamination of watercourses, ground water and drinking water from private wells and the Fahy and Black Rivers and other tributaries which feed into Doon Lake & the Lower Shannon Special Area of Conservation
- Impact of water contamination on water dependent habitats and species along with impact caused by peat and bog disturbance.
- Impact of water pollution on recreational water activities in the area, and subsequent effect on tourism in the area.

Which is also in contravention of objectives of the Clare County Development Plan 2023-2029 CDP11.26(b) “to protect groundwater resources in accordance with the statutory requirements and specific measures as set out in the relevant River Basin Management Plan”.

Noise Pollution

There will be a negative impact on human health as a result of both audible and inaudible noise pollution. Research by published in a Swedish medical journal (Enbom and Malcus Enbom, 2013), cited that in addition to the audible

sound of wind turbines, which can provide noise damage and be generally disruptive mentally, spinning wind turbines also produce a vibrant infrasound that affects the inner ear and the central nervous system without damaging the hearing and is a potential health risk for people with migraine or other type of central nervous system issues. Several other studies (Farboud et al., 2013; Shepherd et al., 2013) have found that living near wind turbines often create severe sleep disturbance and depression. They have also found an increased incidence of dizziness, tinnitus, hyperacusis, headache, and increased activation of the autonomic nervous system. The authors of this research maintain that the legal framework for the creation of new wind turbines should be revised, considering these facts. These effects would likely be more strongly felt by those in the community who are autistic or have sensory issues. Unfortunately, according to research from the Western University in Ontario, Canada, there is a significant research gap regarding the impact of the introduction of wind farms into communities and on the autistic community. The additional noise and low-frequency sound produced by the wind turbines may add to the burden of environmental noise that the ASD population is already coping with, including exposures at home, work or at school. This causes further disadvantages and social exclusion in an already disadvantaged community. I moved to this area because the peace and tranquillity of the area and feel the proposed development would completely reverse this for me, my family and the greater community.

I believe in light of this the development of such a large wind farm so close to a community would be extremely detrimental to the health of that community and be contrary to the objectives of the Clare County Development 2023-2029 CDP17.2(a) "To require both public and private developments to make a positive contribution to the public realm", CDP10.4(b) "To work with all relevant stakeholders to help tackle disadvantage and social exclusion, to secure improvements in quality of life" and CDP10.4(c) "To work with all target groups, including older persons, young people, the disabled, the Traveller community, refugees and migrants, to advance their physical, social and cultural integration".

Property Prices

Research by the London School of Economics (Gibbons, 2015) has found that property prices can be reduced by as much as 12%, with the effects being seen as far as 14km away, with the effect being linked to visibility and large visible wind farms having much bigger impacts that extend over a wider area. In a study by the Leibniz Institute for Economic Research (Frondel et al., 2019), they found a reduction in house prices of up to 23% with rural areas being most affected. Although the applicant has cited sufficient setback distances as a mitigating factor in property value depreciation, as discussed above these setback distances are outdated given the larger contemporary standards of turbine size.

While the applicants include a study in their submission that was conducted in Scotland that on one hand claims there is no overall negative impact on house prices, it also admits that results vary across areas with the study data not providing sufficient evidence to account for the causes of the difference which can be complex. Given these unexplained complex differences it would be ill-advised to apply the general findings of the study to an area that it was not conducted in. Also, there are more recent and larger studies that do show a significant reduction in property prices. The 2016 study by Heblich et al., quoted by the applicant collected data on sales of 500,000 property sales while the more recent study by Frondel et al. (2019) discussed above contained a sample of 2,855,466 observations of sales prices of single family homes. It is also interesting to note that the study quoted by the applicant in their application, arguing a lack of evidence of an effect of wind turbines on property prices, have been funded by bodies with a vested interest in supporting the wind turbine industry.

Destruction of Habitats and Wildlife

Sliabh Glennagailliagh, Lackareagh Mountain and the surrounding Sliabh Bearnagh slopes are home to many habitats and protected species, mammals and birds including Annex 1 and Red listed birds such as Hen Harrier, Merlin, Kestrel, Swift, Golden Plover, Barn Owl, Snipe, red grouse, and several species of bats including the rare and protected Lesser Horseshoe Bat. Migrating Geese have also been observed annually across the area. The project will involve the destruction of woodlands, trees, and hedgerows. The destruction of these habitats is detrimental to the wildlife in the area with research by University College Cork (Fernandez-Bellon, 2019) showing how the indirect effects of wind farms, such as the alteration of habitats, can be of great importance to consider, and not just the direct effects of wind turbine collision. Their study found a 10% reduction in bird species in the vicinity of wind farms. The study advises that the impacts on these species should not be dismissed as ongoing changes in climate,

habitat, land use and other factors impact bird populations, so that species that are common today may become rare in the future. In addition, many common species play important roles in our ecosystems as they feed on invertebrate pests or because they are prey for predators, such as hen harriers that are of conservation importance. Leading UCC zoologist and co-author of the study, Professor John O'Halloran, called for increased consideration of indirect impacts on wildlife in the planning and building of wind turbines.

The destruction of habitats and the risk to wildlife are also contrary to the objectives of the Clare County Development Plan. 2023-2029.

CDP15.1(d) "To ensure that features of importance to local biodiversity are retained"

CDP15.4(a) "To ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s)".

CDP15.8(a) "To ensure the protection and conservation of areas, sites, species and ecological networks/corridors of biodiversity value outside of designated sites throughout the County".

CDP15.12(a) "To protect and promote the sustainable management of the natural heritage, flora and fauna of the County through the promotion of biodiversity, the conservation of natural habitats and the enhancement of new and existing habitats".

CDP15.12(b) "To promote the conservation of biodiversity through the protection of sites of biodiversity importance and wildlife corridors, both within and between the designated sites and the wider Plan area".

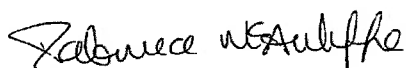
CDP15.12(d) "To ensure that there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 3km of known roosts."

Community Consultation

According to the Clare Rural Development Strategy, the Clare Rural Development Forum was guided by a commitment to supporting bottom-up and community-led development, supporting social solidarity and inclusion and working together as communities and agencies to create a better future for rural Clare. The proposed development does not fit with this vision for the county, with the community consultation by the applicants being extremely lacking. The developer and their representatives did not engage neighbouring areas to the proposed site beyond a very limited range, missing neighbouring townlands and villages. This is despite the visibility and effects of the turbines being felt far outside the immediate vicinity of the proposed site. Indeed, when invited to engage with the community, a very limited window was opened with the applicants' representatives refusing to engage with the greater community whom attended the meeting. Given the applicant's poor community engagement prior to their planning application, I am not confident that they will engage with the community regarding the developments' impacts should permission be granted. Nor am I confident that they will abide by the measures to minimise the impact of the development as set out in their application or that there is sufficient external governance of the project to ensure all measures are adhered to.

In conclusion I believe that the negative effects of this proposed development far outweigh any benefits. Considering the inefficacy of onshore wind farms compared to offshore along with onshore wind farm's negative effects on habitats, wildlife and communities and the fact that this proposed development goes against many objectives of both the Clare County Development Plan and the Clare Rural Development Strategy, planning should not be granted for this application.

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References

- Enbom, H., and Malcus Enbom, I., (2013). Infrasound from wind turbines — an overlooked health risk. *Läkartidningen*, 110(32–33), pp. 1388-1389.
- Farboud, A., Crunkhorn, R., and Trinidad, A. (2013). 'Wind turbine syndrome': fact or fiction? *The Journal of Laryngology & Otology*, 127(3), pp. 222-226.
- Fernández-Bellón, D., Wilson, M.W., Irwin, S., and O'Halloran, J. Effects of development of wind energy and associated changes in land use on bird densities in upland areas. *Conservation Biology*, 33(2), pp. 413-422.
- Fronzel, M., Kussel, G., Vance, C., and Sommer, S., (2019). *Local Cost for Global Benefit: The Case of Wind Turbines*. Ruhr Economic Papers #791.
- Gibbons, S., (2015). Gone with the wind: Valuing the visual impacts of wind turbines through house prices. *Journal of Environmental Economics and Management*, 72, pp.177-196.
- Shepherd, D., McBride, D., Welch, D., et al. (2011). Evaluating the impact of wind turbine noise on health-related quality of life. *Noise Health*, 13(54), pp. 333-339.

