

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 Sean Conway 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

Liz Clarke

Date

17-01-25

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-004088

L Quinn

BPhO
to ISS

DN 31.12.24

Online Observation Details

Contact Name
Seán Conway

Lodgement Date
16/12/2024 14:07:25

Case Number / Description
321285

Payment Details

Payment Method
Online Payment

Cardholder Name
Sean Conway

Payment Amount
€50.00

Processing Section

S.131 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— 076857-24

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_3QWexFB1CW0EN5FC0ap496JH

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

Seán Conway Engineering Ltd
Ardnataggle
Bridgetown
Co.Clare
V94 T923

15th December 2024

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

Re: Objection to the Lackareagh Wind Farm Planning Application Appeal
Case Reference Number: 321285

A Chara,

I am writing to formally object to the appeal lodged with An Bord Pleanála in relation to the planning application for the proposed wind farm development on Lackareagh Mountain, Kilbane, Co. Clare, which was previously refused planning permission by Clare County Council. As a local resident I am deeply concerned that the objections raised during the initial planning decision by myself, my neighbours and Clare County Council, still remain highly relevant and valid, and warrant the refusal of this appeal.

If this application was for a 60-storey building, in fact 7 of them, on top of Lackareagh Mountain, every environmentalist in the country would be protesting to stop this environmental catastrophe waiting to happen. However, with the help of the greenwashing propaganda machine, these foreign companies can dump 1,000's of tonnes of concrete, steel, aggregate and poisonous chemicals in the form of epoxy resins coating the blades of these turbines which will be eroded by the elements over the coming decades and enter our groundwater poisoning our community and environment.

Grounds for Objection:

1. Clare County Council's Decision

Clare County Council has already conducted a thorough assessment of the proposal and concluded that it was not suitable for approval. The council's decision reflected significant concerns about the potential adverse impacts on the environment, local communities, and other planning considerations. It is inappropriate to undermine this decision, which was based on a robust consultation and review of the evidence submitted.

2. Environmental Impact

The proposed development as outlined in the application will potentially have a detrimental impact on the local environment, the applicant clearly states it and does not hide it. However, they say they can mitigate all possible impacts.

Mitigate is such an easy word to throw around to cover themselves but they have no factual scientific data or proof which can ensure without doubt that the receiving environment will not be negatively impacted.

They have outline many impacts on the environment in their planning application including:

- **Biodiversity Loss**
- **Visual Impact**
- **Noise Pollution**
- **Water Quality**
- **Adjoining European Protected Sites**
- **Destruction of Ancient Hedgerows and Woodland**
- **Peat Slippage**

They have employed “experts” who state that these impacts are negligible or can be mitigated. However, as the old saying goes *“He who pays the piper calls the tune”*, it is unlikely that these “experts” would provide a report that would go against the developer as they are paying them, if they did, they would find themselves quickly out of business. They certainly could not be considered independent or unbiased and their findings should be taken with a grain of salt.

It is incumbent on An Bórd Pleanála to carry out their own independent research and not to take the word of a for-profit company who’s priority is their shareholders not the protection of the environment or local people.

3. Community Impact

This project poses unacceptable risks to the local community, including:

- **Quality of Life:** Residents of nearby homes would experience a significant reduction in quality of life due to visual intrusion, noise, and potential shadow flicker from the turbines.
- **Safety Risks:** The development could create hazards, such as turbine collapse or blade failure, particularly in high winds.

- **Property Values:** The development will impact on property values as has been verified by Clare County Council and international studies as previously outlined in my submission to Clare County Council.
- **Public Realm and Amenities:** The development will impact the public realm and amenities of the local community, the protection of these amenities along with the preservation of the environment should be the priority of the planning authority.

4. Contravention of Planning Policy

The proposed development does not align with the principles outlined in the Clare County Development Plan 2023 -2029 , which emphasises the importance of protection of the environment, scenic areas, preservation of community well-being and the public realm etc.

5. Local Sentiment

This proposal has faced significant opposition from the local community, as evidenced during Clare County Council's planning process. There have been almost 1,000 objections from the local community between the this planning application and the adjoining Fahybeg Windfarm planning applications and appeal.

Granting permission would disregard the legitimate concerns of the people who would be most directly affected by these projects.

6. Contravention of European Law

European Directives outline in detail the requirements of the planning authorities to protect the environment. To grant permission for this project would be in contravention of the following directives:

- **Environmental Impact Assessment (EIA) Directive 2011/92/EU, amended by 2014/52/EU** – which requires developers to assess the environmental impact of certain public and private projects before they are approved, however this has not been complied with as the authors of the EIA are not independent resulting in skewed findings and opinions.
- **Habitat Directive 92/43/EEC** – ensures the protection of biodiversity by conserving natural habitats and species of community interest, especially within the Natura 2000 network, this cannot be complied with considering the information presented in the application outlining the significant removal and destruction of existing habitats.
- **Birds Directive 2009/147/EC, 79/409/EEC**, ensures the protection of all wild bird species in the EU and their habitats, this cannot be complied with considering

the information presented in the application outlining the significant removal and destruction of existing bird habitats and collision risks. The collision risk modelling used is outdated based on turbine technology, some over 10 years ago of half the tip height and a fraction of the rotor diameter. This information should be discarded as it does not align with the size and scale of this development and is not an accurate or realistic representation of the associated risks.

- **Water Framework Directive 2000/60/EC** - ensures the protection and enhancement of water quality, ensuring sustainable use of water resources, this cannot be complied with considering the information presented in the application outlining the significant movement of peat, soil, aggregates, concrete and other associated materials in such close proximity to tributaries of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA's.
- **Air Quality Directive 2008/50/EC** - Sets limits on air pollution to protect human health and the environment, this cannot be complied with considering the information presented in the application outlining the traffic movements during construction. The quarry mentioned as the main source of aggregate is not a legitimate source for the required materials and does not reflect the true traffic movements involved. PM2.5 has been identified by the EPA and WHO as one of the most significant concerns impact air quality and human health. One of the largest anthropogenic sources of PM2.5 is diesel heavy goods vehicles as will be used in the 1,000's of movements of the material associated with the construction of this project.
- **Strategic Environmental Assessment (SEA) Directive 2001/42/EC** -this directive ensures that environmental considerations are included in the preparation and adoption of plans and programs. This has not been adhered to as an SEA has not been carried out. A CJEU ruling has been upheld in case C-24/19 which would also apply in this case make this development a breach of European Law/

Conclusion:

Given these reasons, I respectfully urge An Bord Pleanála to uphold Clare County Council's decision to refuse planning permission for this wind farm. Approving this development would set a dangerous precedent and disregard the environmental, social, and planning considerations that have already been thoroughly evaluated and deemed unsatisfactory.

The subject of the planning application, whether it be a renewable energy project or a block of apartments should not affect the outcome or consideration of the environmental impacts evident in the planning application.

As was the case with Clare County Council, the Board cannot determine without doubt that this project on its own or in conjunction with other existing or proposed projects will

not negatively impact on the receiving environment and as such the decision must be upheld.

Thank you for considering my submission. Please do not hesitate to contact me if further details or clarifications are required.

Is mise le meas,

Seán Conway

Seán Conway

