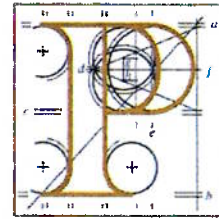


Our Case Number: ABP-320705-24



**An
Bord
Pleanála**

Clare County Council
Planning Department
New Road
Ennis
Co. Clare

Date: 22 October 2024

Re: Proposed development of 9 no. wind turbines, 110kV substation and ancilliary development located in the townlands of Snatty, Hurdlestown, Oatfield, Drumsillagh, Sallybank, Gortacullin, Aharinaghbeg, Knockshanvo, Cloontra, Cloghoolia, Ballycullen and others, County Clare. And located in the townland of Court, County Limerick. (<https://knockshanvoplaning.ie/>)

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

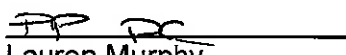
The Board will revert to you in due course in respect of this matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Lauren Murphy
Executive Officer
Direct Line: 01-8737275

PA09

Teil
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D01 V902

64 Marlborough Street
Dublin 1
D01 V902



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

By Registered Post

Your Ref: ABP-320705-24

21st October 2024

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

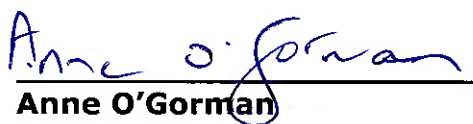
Proposed development of 9 No. Wind Turbines, 110kV substation and ancillary development located in the townlands of Snatty, Hurdlestown, Oatfield, Drumsillagh, Sallybank, Gortacullin, Aharinaghbeg, Knockshanvo, Cloontra, Cloghoolia, Ballycullen and others, Co. Clare and located in the townland of Co. Limerick

Dear Sir/Madam,

I refer to the above and **enclose** herewith the following:-

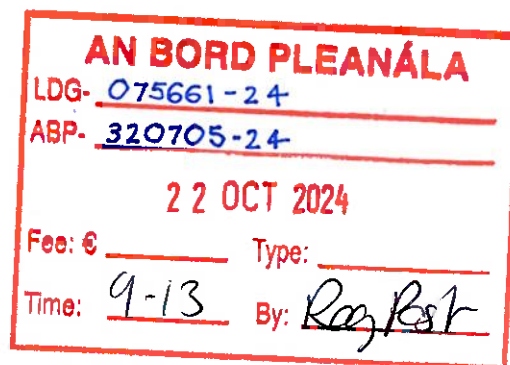
1. Chief Executive's Report dated 08th October 2024.
2. Copy Resolution passed at the October 2024 meeting.
3. Submission on behalf of the Broadford to Oatfield Windfarm Action Group dated 07th October 2024.
4. Extract from the Minutes of the October Monthly Meeting of Clare County Council.

Yours sincerely,



**Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate**

Enc.



An Roinn Pleanála

An Stiúrthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department

Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2





CLARE COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

PLANNING AND DEVELOPMENT (STRATEGIC INFRASTRUCTURE) ACT 2006

CHIEF EXECUTIVE'S REPORT IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 37E (4) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) IN RELATION TO KNOCKSHANVO WINDFARM

ABP REFERENCE: 320705-24

1.0 Introduction

This report has been prepared in accordance with the requirements of Section 37E (4) and 37E (5) of the Planning and Development Act, 2000, as amended, following on from the submission of a Strategic Infrastructure Development (SID) to An Bord Pleanála, known as the Knockshanvo Windfarm. The development consists of 9 no. wind turbines with an energy generating capacity of between 51MW to 64MW with a 35-year operational lifespan. The main components of the development are as follows:

- Construction of 9 no. wind turbines with a blade tip height range from 179.5m to 185m inclusive, a hub height range from 102.5m to 110.5m inclusive and a rotor diameter range from 149m to 163m inclusive with associated foundations, hard-standing and assembly areas.
- Construction of 1 no. permanent 110 kV electrical substation including 2 no. control buildings, lightning protection, welfare facilities, car parking, and all associated electrical plant and apparatus, security fencing, external lighting, underground cabling, wastewater holding tank and all associated infrastructure, apparatus and landscaping,
- Underground electrical cabling (33kV) and communications cabling connecting the wind turbines to the proposed on-site 110kV electrical substation and associated ancillary works;
- Erection of 1 no. Meteorological Mast of 105 metres above existing ground level for the measuring of meteorological conditions, including a lightning rod which will extend above the mast;
- Construction of new permanent access roads and upgrade of existing roads to provide access within the site and to connect the wind turbines and associated infrastructure;
- Construction of 1 no. new permanent access to the site off the R465 regional road to serve as the sole entrance to the wind farm during its operational phase and to facilitate the delivery of the construction materials and turbine components to site during the construction, operational and decommissioning phases;
- Construction of 2 no. new permanent access points off the L-3042 and L-30144-0 local roads to facilitate traffic movement across the site during construction, operation and decommissioning phases. Both accesses will be gated and opened when required during the operational phase;
- Development of 5 no. borrow pits;

- Construction of 3 no. temporary construction compounds and associated ancillary infrastructure including temporary site offices, staff facilities and car parking areas, all to be removed at end of construction phase;
- Temporary works at 3 no. locations along the R465 regional road associated with the facilitation of turbine component and abnormal load delivery to site. These works will primarily include the trimming of vegetation and strengthening of road verges;
- Installation of a temporary transition compound to facilitate turbine blade delivery during the construction phase, within the townland of Court, Co. Limerick. The works will include installation of a temporary stone hard standing area and associated entrance and egress to and from the N69 national road and will be removed at the end of the construction phase.
- Permanent amenity works comprising the construction of 1 no. new marked trail, the development of 2 no. new viewing areas and upgrade to 1 no. existing viewing area, including the installation of associated signage and seating,
- Permanent and temporary Site Drainage;
- Operational Stage Site Signage;
- Ancillary forestry felling to facilitate construction and operation of the proposed development;
- Biodiversity enhancement measures including the permanent clear-felling of land, and;
- All related site works and ancillary development including landscaping considered necessary to facilitate the proposed development,
- A thirty five-year operational life from the date of full commissioning of the entire wind farm is being sought and the subsequent decommissioning.
- The application is seeking a ten-year planning permission. A planning application for underground electrical cabling (110kV) which will connect the wind farm to the existing Ardnacrusha 110kV electrical substation is also being lodged to An Bord Pleanála.
- The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

2.0 Site Location

The subject site (Figure 1, below), is located approximately 3km south of Broadford, 3.5km southeast of Kilkishen and 4km northeast of Sixmilebridge and covers the following townlands: Snaty (Massy), Hurdleston, Oatfield, Drumsillagh or Sallybank (Parker), Gortacullin, Aharinaghbeg, Knockshanvo, Cloontra, Cloghoolia, Ballycullen, Cloontra West, Formoyle More, Kilmore, Mountrice, Ballyvorgal South, Crag, Kyleglass, Glenwood, Snaty (Cooper), Ballykelly, Muingboy, Drumsillagh or Sallybank (Merritt), Kyle, Belvoir, Snaty (Wilson) and Cloontra East, Co Clare. The works also include for the installation of a temporary stone hard standing area and associated entrance and egress to and from the N69 national road in the townland of Court, Co. Limerick.

The site is accessed via local roads from the R465 Regional Road, which travels in a north-south direction between Broadford and Ardnacrusha, the R471 Regional Road which travels east-west between Sixmilebridge and Clonlara and the Crag Local Road, which travels in a northeast-southwest direction between Sixmilebridge and Broadford.

The Wind Farm Site is served by a number of existing forestry roads and a public road running through the middle of the site. Current land-use on the Wind Farm Site comprises coniferous forestry, biodiversity areas under Coillte management and third-party lands currently being used for agriculture and forestry. Land-use in the wider landscape comprises a mix of agriculture, low density residential and commercial forestry.

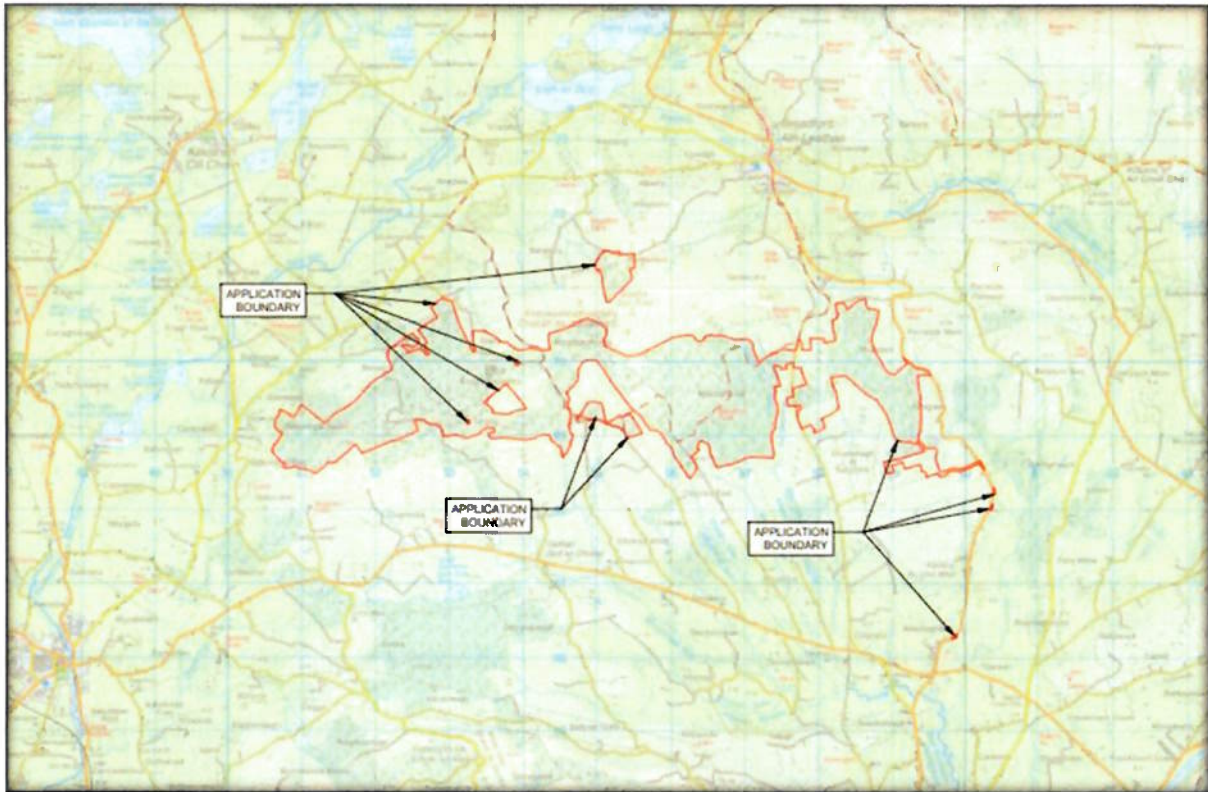


Figure 1: Site Location (taken from submitted EIAR)

3.0 Planning Policy Context

3.1 National Planning Framework (Project Ireland 2040)

National Policy Objective 54:

Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.

National Policy Objective 55:

Promote renewable energy use and generation at appropriate locations within the built and natural heritage environment to meet national objectives towards achieving a low carbon economy by 2050.

3.2 Wind Energy Development Guidelines – DHPLG – June 2006

These guidelines state that the assessments of individual wind energy development proposals need to be conducted with a “*plan led*” approach. Areas should be identified that are considered suitable or unsuitable for wind energy development. In areas identified as suitable for wind energy development there will be an assumption that such development will be acceptable in principle to the Planning Authority. The guidelines seek to assist Planning Authorities in their assessment of wind energy applications in terms of location, design, spatial context and technical considerations.

3.3 Draft Revised Wind Energy Development Guidelines DHPLG - December 2019.

At time of writing, the Draft Revised Guidelines have not yet been adopted, and the relevant guidelines remain those published in 2006.

3.4 Regional Spatial & Economic Strategy for the Southern Region (Southern Regional Assembly)

The Regional Spatial & Economic Strategy for the Southern Region came into effect on the 31st January 2020. Section 8.2 “Strategic Energy Grid” states that “There is significant potential to use renewable energy across the Region to achieve climate change emission reduction targets. With costs actively driven down by innovation in solar, onshore and offshore wind in particular, the renewable industry is increasingly cost competitive. The RSES supports renewable industries and requirements for transmission and distribution infrastructure”.

Regional Policy Objective RPO 99 ‘Renewable Wind Energy’ states:

It is an objective to support the sustainable development of renewable wind energy (on shore and off shore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines.

3.5 Clare County Development Plan 2023-2029

Development Plan Objective: **CDP6.17** Energy Supply

It is an objective of Clare County Council:

To contribute to the economic development and enhanced employment opportunities in the county by:

- i. Enabling the development of a self-sustaining, secure, reliable and efficient renewable energy supply and storage for the county;
- ii. Facilitating the county to become a leader in the production of sustainable and renewable energy for national and international consumption through research, technology development and innovation; and
- iii. Supporting on-land and off-shore renewable energy production in line with CDP Objective 3.3

Development Plan Objective: **CDP8.12** Renewable Energy Development

It is an objective of Clare County Council:

To support the implementation of the *National Renewable Energy Action Plan* (NREAP), the *Clare Wind Energy Strategy* and the *Clare Renewable Energy Strategy* to facilitate the development of renewable energy developments in rural areas to meet national objectives towards achieving a low carbon economy by 2050 subject to the requirement of the RES SEA Environmental Report and the mitigation measures arising from the CDP Appropriate Assessment as contained in Volume 10(a).

Development Plan Objective: **CDP11.44** Energy Security

It is an objective of Clare County Council:

To promote and facilitate the sustainable development, maintenance and upgrading of electricity and gas network infrastructure, to integrate renewable energy sources, thereby creating a secure and efficient energy supply and storage system for County Clare which is ready to meet increased demand as the regional economy grows.

Development Plan Objective **CDP11.47**: Renewable Energy

It is an objective of Clare County Council:

- a To encourage and to favourably consider proposals for renewable energy developments, including community owned developments, and ancillary facilities in order to meet national, regional and county renewable energy targets, and to facilitate a reduction in CO₂ emissions and the promotion of a low carbon economy;

Whilst the current application includes an assessment in terms of cumulative impacts on the proposed Oatfield windfarm, given that both applications are within the immediate geographical area it is not clear to the Planning Authority why two separate applications are being made. In this particular instance, a single application would allow for a more comprehensive analysis in terms of the EIAR preparation and would also allow for more coordinated approach to the development of these lands. The Planning Authority therefore express serious concerns in respect to the ad-hoc approach to the development of these lands in particular the current application in conjunction with the proposed Oatfield application.

Windfarm	Status	No. of Turbines	Distance from site
Carrownagowan	Jud Review	19	6km N
Fahy Beg	ABP Appeal	8	8km E
Ballycar	SID Lodged	12	4.5km S
Oatfield	SID Lodged	11	0.5km E
Lackareagh	App Lodged (2460411 – due 23/10/24	8	6.4km NE

Table 1: Status of windfarm applications

Overall it is an objective of the Planning Authority as set out under CDP 11.47 to encourage and to favourably consider proposals for renewable energy developments to meet national, regional and county renewable energy targets, and to facilitate a reduction in CO₂ emissions and the promotion of a low carbon economy. In this instance however in the absence of updated Section 28 guidance, the cumulative impacts of the development with other windfarm applications is of concern. It is also considered that the proposal would result in the piecemeal approach to the development of wider 'strategic' designated lands and as such the Planning Authority are not favourably disposed to the development as currently proposed.

5.2 Visual Amenity

The subject site is located within a 'settled landscape' where Objective CDP 14.2 applies. Under this designation, developments are required to demonstrate the sites have been selected to avoid visually prominent locations, that layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies public amenities and roads; and that design for buildings and structures reduce visual impact through careful choice of forms, finishes and colours.

The landscape type here is similar to that identified in the Departmental Guidelines as 'Mountain Moorland' or 'Transitional Marginal Landscapes' which recognise that given the typical extensive areas of continuous unenclosed ground, larger wind energy developments may be accommodated because they correspond in terms of scale. The guidelines for these landscape areas advise that a random layout with irregular spacing and high turbines may be appropriate for these areas also. The turbines as proposed in this instance are to have a total tip height of between 179.5m to 185m.

5.0 Views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area of the authority

5.1 Planning Policy

Under the Clare Wind Energy Strategy (WES) the majority of the subject site is located within an area designated as 'Strategic' for wind energy developments with the remainder of the site located within area which is 'Acceptable in Principle' (see figure 2 above). These 'Strategic' designations recognise that the development of 'large' windfarms (11-25 turbines) can be accommodated, with a potential wind generation of 150MW for this landscape character area. The development as proposed would facilitate approximately 51MW to 64MW of power and taking in conjunction with the proposed Oatfield windfarm would potentially accommodate a large proportion of the targeted wind generation for this area as set out in the strategy.

The Board is advised that the existing Wind Energy Strategy was originally prepared in 2009 and incorporated into the then 2005 - 2011 Clare County Development Plan by means of a variation on the 14th December 2009. This strategy was then incorporated into the 2011 – 2017 Development Plan and in line with Circular Letter PL 20-13, the strategy was also incorporated, unchanged, into subsequent Development Plans including the current (2023-2029) Development Plan. The Planning Authority await the publication of the finalised Section 28 wind energy guidelines, before preparing any new or updated wind energy strategy (CDP Objective 11.47 (d)). It should be noted therefore that the existing wind energy strategy has been in place for over 14 years and remains the planning policy framework that guides wind energy developments.

Specifically, with regard to the subject site location, the Slieve Barnagh Uplands, the strategy states that:

"There are certain parts of this LCA that are highly sensitive due to their nature designations and scenic qualities. In particular, the foothills and mountains over looking Lough Derg and the unenclosed bogs of Lackeragh and Glenvagallagh Mountain. However, other areas on the north west and westerly aspects of the mountain are more robust and can accommodate large or medium wind farms."

Thus, solely from a planning policy perspective, the Planning Authority recognises that the development as proposed would be in compliance with the designations as set out in the current County Development Plan and associated Wind Energy Strategy and Renewable Energy Strategy, noting also national and regional level policy objectives with respect to renewable energy. It should be noted that since the adoption of the Wind Energy Strategy there has been advancements in turbine technology in terms of their energy output and also in terms of their height and scale, whereby it is noted in this instance the tip height of the turbines is potentially up to the 185m. There is a concern that the existing Section 28 guidelines do not account for such heights and scale of turbines.

Furthermore the Planning Authority notes the extent of windfarm applications in the general area that are currently proposed or at the pre-planning stage (see Table 1 below), whereby potentially 66 no. turbines could be constructed in the wider area. Of particular concern is the potential adhoc approach to windfarm developments and the resulting implications for the cumulative assessment of same in terms of visual and residential amenity, landscape impacts, construction/road impacts and impacts on wildlife/biodiversity. Notwithstanding the designations in the Wind Energy Strategy, there is a concern that the cumulative impact of this development with other applications may not have been fully assessed in the submitted EIAR.

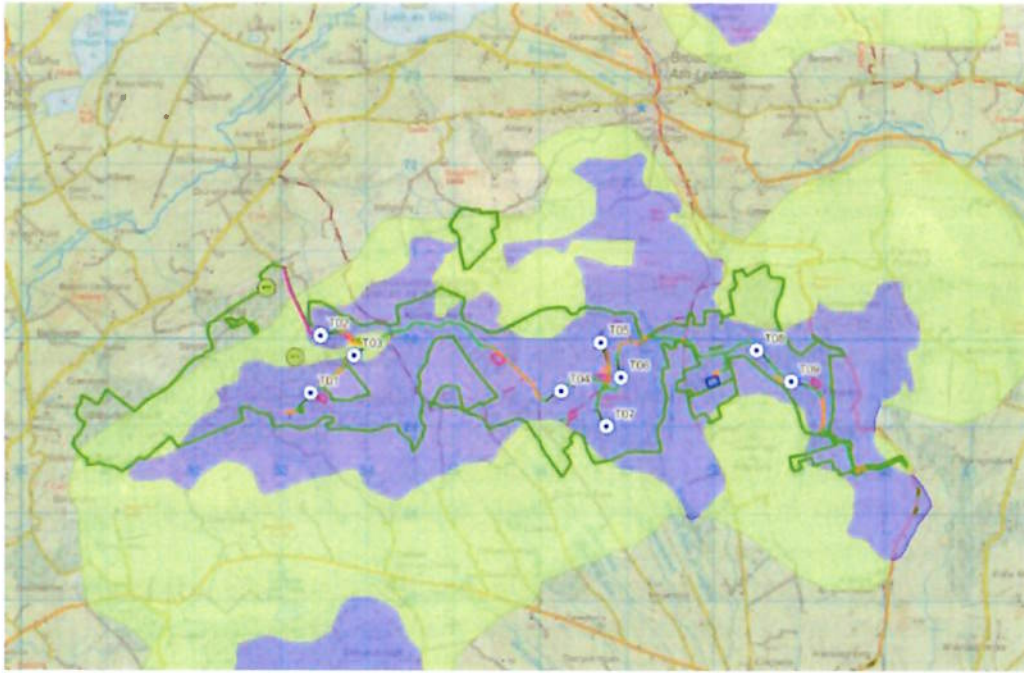


Figure 2: Wind Energy Strategy Designations (Strategic areas in Purple)

4.0 Relevant Planning History

Oatfield Windfarm (318782-24) – There is a current application for the Oatfield Windfarm (11 turbines) with An Bord Pleanala. The subject site overlaps to some degree with this windfarm.

Recent windfarm applications in the wider area include:

- Carrownagowan Windfarm – SID application (ABP 308799-20) - Permission granted for 19 no. turbines.
- Fahy Beg Windfarm (23/148) – This application (8 turbines) was refused by the Planning Authority however was permitted by An Bord Pleanala on appeal (317227-23). Judicial review proceedings are ongoing at present in relation to the Boards decision.
- Lackerragh Windfarm (24/60411) – This application is for a total of 7 no. turbines which has been lodged with the Planning Authority. A decision on same is due on the 23/10/2024.
- Ballycar Windfarm (318943-24) - This application is for a total of 12 no. turbines which has been lodged with an Bord Pleanala. A decision on same is awaited.

In total therefore, there is the potential for the development of **66** turbines in the East Clare area between all of the permitted and proposed wind farm applications.

- d) To ensure there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 2.5km of known roosts;
- e) To implement and monitor the actions as set out in the Clare County Biodiversity Plan; and
- f) To promote biodiversity net gain in any new plans/projects/policies to promote development that leave biodiversity in a better state than before.

Development Plan Objective **CDP16.8** Sites, Features and Objects of Archaeological Interest
It is an objective of Clare County Council:

- a) To safeguard sites, features and objects of archaeological interest generally;
- b) To secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological and historical interest generally.
- c) In securing such preservation, to have regard to the advice and recommendations of the Department of Culture, Heritage and the Gaeltacht;
- d) To have regard to the government publication 'Framework and Principles for the Protection of the Archaeological Heritage 1999' in relation to protecting sites, features and objects of archaeological interest;
- e) To advocate for greater financial assistance for the maintenance and improvement of features of archaeological interest in County Clare.

3.6 Clare Wind Energy Strategy

The subject site being within the Slieve Barnagh uplands, is predominately located within an area designated as 'Strategic' for wind energy development, and which under the strategy can accommodate a medium to large scale windfarm. Section 3.3 of the strategy with regard to same states:

These key areas are considered to be eminently suitable for wind farm development and are of strategic importance because of;

- Good / excellent wind resources
- Access to grid
- Distance from properties and
- Outside any Natura 2000 sites

Projects within these areas must:

- Demonstrate conformity with existing and approved wind farms to avoid visual clutter.
- Be designed and developed in line with the Wind Energy Development Guidelines, Guidelines for Planning Authorities (DoEHLG, 2006) in terms of siting, layout and environmental studies.
- Provide a Habitats Directive Assessment under Article 6 of the Habitat Regulations if the site is located in close proximity to a Special Area of Conservation or Special Protection Area
- Be developed in a comprehensive manner avoiding the piecemeal development of the areas designated as 'strategic'.

The location of the subject site relative to the 'strategic' designation is set out in Figure 2, below.

Development Plan Objective: CDP15.3 European Sites

It is an objective of Clare County Council:

- a) To afford the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters;
- b) To require all planning applications for development that may have (or cannot rule out) likely significant effects on European sites in view of the site's Conservation Objectives, either in isolation or in combination with other plans or projects, to submit a Natura Impact Statement in accordance with the requirements of the EU Habitats Directive and the Planning and Development Act, 2000 (as amended); and
- c) To recognise and afford appropriate protection to any new or modified SPAs or SACs that are identified during the lifetime of this development plan, through the planning application process, bearing in mind proposals for development outside of a European site may also have an indirect effect.

Development Plan Objective CDP15.4: Requirement for Appropriate Assessment

It is an objective of Clare County Council:

- a) To implement Article 6(3) and where necessary Article 6(4) of the Habitats Directive and 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);
- b) To have regard to 'Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities 2009' or any updated version.

Development Plan Objective CDP15.5: Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs)

It is an objective of the Clare County Council:

- a) To actively promote the conservation and protection of areas designated NHAs (including proposed sites) and to only consider proposals for development within or affecting an NHA where it can be clearly demonstrated that the proposed development will not have a significant adverse effect on the NHA or pNHA;
- b) To identify and afford appropriate protection to any new, proposed or modified NHAs identified during the lifetime of the development plan.

Development Plan Objective CDP15.12 Biodiversity and Habitat Protection

It is an objective of Clare County Council:

- a) To protect and promote the sustainable management of the natural heritage, flora and fauna of the county both within protected areas and in the general landscape through the promotion of biodiversity, the conservation of natural habitats and the enhancement of new and existing habitats, and through the integration of Green Infrastructure (GI), Blue Infrastructure and ecosystem services including landscape, heritage, biodiversity and management of invasive and alien species into the Development Plan;
- 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;
- c) To support the implementation of the All Ireland Pollinator Plan, National Biodiversity Action Plan and National Raised Bog SAC Management Plan;

- b To assess future renewable energy-related development proposals having regard to the Clare Renewable Energy Strategy 2023-2029 in Volume 5 of this plan and associated SEA and AA;
- c To support the sustainable development of renewable wind energy (on-shore and offshore) at appropriate locations and of its related grid infrastructure in County Clare, in accordance with all relevant policies, guidance and guidelines pertaining to the protection of the environment and protected habitats and species, and to assess proposals having regard to the *Clare Wind Energy Strategy* in Volume 6 of this plan and the associated SEA and AA, or any subsequent updated adopted strategy and to national Wind Energy Guidelines;
- d To prepare a new and updated Wind Energy Strategy for County Clare during the lifetime of this Development Plan, subject to the publication of the update to the *Wind Energy Development Guidelines for Planning Authorities 2006*;
- e To strike an appropriate balance between facilitating renewable and wind energy-related development and protecting the residential amenities of neighbouring properties;
- f To support and facilitate the development of new options and technological advances in relation to renewable energy production and storage, that may emerge over the lifetime of this Plan;
- g To support the integration of indigenous renewable energy production and grid injection;
- h To ensure that all proposals for renewable energy developments and ancillary facilities in the County are in full compliance with the requirements of the SEA and Habitats Directives and Objective CDP3.3 of this plan; and
- i To promote and market the County as a leader of renewable energy provision;

Development Plan Objective **CDP 14.2** Settled Landscape

It is an objective of Clare County Council:

To permit development in areas designated as 'settled landscapes' to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- Conformity with all other relevant provisions of the Plan and the availability and protection of resources.
- Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impacts.
- Regard being given to avoiding intrusions on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate:

- That the site has been selected to avoid visual prominence.
- That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- That design for buildings and structures reduce visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

In support of the application the applicants have carried out a detailed landscape impact assessment with 44 no. viewpoints considered, 16 of which were brought forward for more detailed analysis and photomontages. The Planning Authority has reviewed these viewpoints and consider that same provide a fair assessment of the scale of the development. It is considered that the impact of the proposal is more pronounced at local views of the development in particular at Sallybank as present in viewpoint no. 13. The impact from the 12 o'clock hills is also noted where it is considered that the proposal would significantly alter the character of the landscape here and views to and from this amenity area. Other viewpoints at Tooreen and Sixmilebridge also highlight the overall scale of this development.

The Planning Authority recognise that the majority of the site is designated as 'Strategic' in the wind energy strategy, and the proposal being sited within same, and utilising land so designated would appear in principle to comply with the strategy and also to assist in achieving wind energy targets for 'strategic' areas. However, it is clear to the Planning Authority that the proposal would significantly alter the landscape character at this location in particular when taken into account the other proposed windfarm developments which are included on the photomontages as submitted. Given the height and scale of the turbines as proposed the development would have a significant landscape and visual impact, both locally and over greater distances from houses, roads, villages, and amenity locations.

It is also noted that the wind energy strategy when adopted recognised turbine heights from 75-125m as these were then height of such turbines for planning application at the time. The Section 28 Guidelines on Wind Energy in 2006 also defined large turbines as over 100m to blade tip whilst recognising that turbine heights will change over time. It is clear that the heights of the turbines as now proposed are not representative of the range of turbines identified in the wind energy strategy or the 2006 Guidelines.

In addition to the above, it is noted that the application site interweaves with the Oatfield windfarm application that is currently before the Board. The EIAR recognises that the proposal and the future Knockshanvo application will be perceived in the landscape as the same visual unit. Whilst this may be the case, as outlined above in this report, the submission or requirement for two separate applications here is not clear. A single detailed application incorporating both sites would provide for a more coordinated/comprehensive development of this strategic area and would allow for all interested parties to adequately comment and assess the landscape impacts of the wind turbines at this location.

In light of the above, the Planning Authority wishes to outline its concern in respect of this development from a visual amenity perspective.

5.3 Residential Amenity

5.3.1 Shadow Flicker

The Planning Authority notes the analysis in terms of shadow flicker as set out in Section 5.8 of the EIAR, whereby the various potential turbine sizes were assessed. It is noted that there are 78 dwellings within 1.6km radius of turbines, whereby 31 dwellings may potentially exceed guideline thresholds. It is noted that the proposal and the cumulative impact of the Oatfield application have been considered in the analysis, and whereby in some scenarios up to 4 no. dwellings will be affected by the development.

However it is also noted that with the benefit of the mitigation measures outlined in Section 5.9.3.6 of the EIAR, any turbine to be installed onsite will comply with the DoEHLG 2006 guidelines thresholds of 30 minutes per day or 30 hours per year, or with the revised guidelines if required, through the use of turbine control software. Subject to such mitigation it is considered that the proposal may not give rise to negative impacts on surrounding houses. If the Board are minded granting permission in this instance, then it is respectfully recommended that a specific condition is attached with regard to this control system.

5.3.2 Noise

The 2006 guidelines state that noise is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500 metres. In respect of the proposed development, noise levels have been calculated for a set of 526 noise sensitive locations, identified within 3 km of the proposed turbines, including an omnidirectional assessment. Noise levels at the 10 locations with the highest predicted noise levels (at 9 m/s wind speed) were also assessed and it is stated that no exceedances of the noise criteria were found.

A cumulative assessment of the predicted levels of the wind turbines at Knockshanvo, Ballycar, Carranagowan, Fahybeg, Lackeragh and Oatfield was also undertaken. This assessment included 13 locations with the highest predicted noise levels. It is stated that the predicted cumulative noise levels will be within the relevant best practice noise criteria and therefore it is not considered that there will be a significant noise effect associated with the subject development.

The Planning Authority notes that whilst the proposal appears to comply with the existing Departmental guidelines, it is again noted that these guidelines are from 2006 and the draft guidelines have not yet been adopted. Having regard to the height and scale of the turbines as proposed, together with any cumulative noise impacts it is respectfully requested that the Board ensure that any noise impacts from this proposal are addressed. It is also considered that in the absence of newly updated guidelines, the noise requirements of the World Health Organisation (WHO) may be more appropriate in light of the number of noise sensitive receptors in the vicinity of the proposed development and having regard to changes in turbine technology and design since the 2006 Guidelines were introduced.

The Board will also note that it is an objective of the Development Plan as set out under CDP 11.47 to strike an appropriate balance between facilitating renewable and wind energy-related development and protecting the residential amenities of neighbouring properties. In this regard there is a concern in respect of the noise generated by this and the adjoining proposed windfarm, and the implications for same on the residential amenities of the area.

5.4 Traffic

It is noted that the haul route for turbines is from Foynes Port via the N69 to Limerick City and onto the site via the R465 Regional Road and onto the site. Parts of the Regional network serving the site are poor in terms of capacity, width and alignment, and it is noted that there are a number of pinch points along same. The EIAR (table 15.6-15.8) outlines the extent of traffic movements associated with the development and it is noted that there will be 6,592 two-way HGV trips during the first construction stage. It is also noted that there will be 108 one-way movements of turbines, blades etc.

It is considered that the construction traffic generated by this development would be significant. Furthermore, noting the application on the adjoining site for the Oatfield windfarm, there is a concern in respect of the orderly management of two construction sites, the timing of the work, the co-ordination of deliveries between the two and duplication of road/junction improvement works. In this regard the Planning Authority note that two separate haulage routes are proposed for both windfarm sites, with the Oatfield going via Limerick-Killaloe ByPass-R471. The requirement for two separate routes is unclear and it is considered that a single route for both sites would be preferable. In addition it is noted that both windfarm applications will involve extensive removal of forestry from the subject sites with over 100ha of forestry to be removed for the current application. The traffic generated from forestry removal in conjunction with the construction traffic has the potential to result in significant disruption for residents of the local area in terms of access/haulage routes and it is respectfully requested that this matter be revisited by the applicants.

The Board will also note that the Regional Road network serving the site is narrow in parts and concerns arise in terms of the capacity of same to cater for excess loads arising from this development.

Notwithstanding the above concerns, in the event that the Board decide to grant permission for this development then the following points from the Killaloe MD office should be considered and conditioned accordingly:

Tree Felling

- No haulage is permitted on the R-471 or local road network
- Haulage must be limited to the R-465, details of haulage routes are to be provided and agreed before any haulage commences.
- The applicant is to review the R-465 prior to Haulage, if damages are caused to the road network, the applicant will be made responsible to repair and haulage stopped until agreements are in place with the Killaloe Municipal District office Roads Engineer (061 640815)
- Limitations may be necessary on the R-465 following details provided on the number of HGV movements per day
- Proposed roads built within the windfarm site are to be utilised for future tree felling. Future tree felling from private and Coillte plantations must be allowed to utilise the road network linking to the R-465 in the interests of protecting the local road network
- No plant or machinery is to use the local road network, all work vehicles to utilise the R-465 as the main access point for the construction of the wind farm

Road Opening Licenses

- A T1 License will be required for the overall Grid Connection in each local authority
- T2 Licenses will be required in 4no. or more Sections and be applied for as works progress in the project.
- Road Opening License fees will automatically be calculated by Map Road Licensing.
- A Bond will be required, this bond will be required to ensure Clare County Councils road network will be preserved particularly with diversions from the proposed works. This Bond value will be agreed between the applicant and Clare County Council before works commence.
- A Clerk of works will be required to supervise the works from Clare County Council, the applicant shall bear these costs
- The applicant is to provide a community relations officer and 24 hour contact number

Road Reinstatement

- Lane width reinstatement will be required on the R-471 Regional Roads in Compliance with Standard Drawing SD4 of the Guidelines for Managing Opening in Public Roads, Second Edition (Rev 1) April 2017
- All Junctions with Opening and Changes in Direction of routes at Junctions with require Full Junction reinstatement in compliance with Standard Drawing SD4 of the Guidelines for Managing Opening in Public Roads, Second Edition (Rev 1) April 2017
- Launch And received pits from Directional drilling will require reinstatement in compliance with Standard Drawing SD4 of the Guidelines for Managing Opening in Public Roads, Second Edition (Rev 1) April 2017
- Cabling laid on Local roads shall receive Double Surface dressing on 100mm paved CI.806 full road reinstatement, Surface dressing to be carried out by an approved contractor, works to be completed within the surface dressing season in compliance with Standard Drawing SD5 of the Guidelines for Managing Opening in Public Roads,

Second Edition (Rev 1) April 2017 and in compliance with the IAT Guidelines for Surface Dressing.

- Approach roads to Ardnacrusha will require SMA wearing course to full road widths

Road Closures

- Road closures are to be advertised in advance of works with key dates provided taking account of diversion routes.
- Traffic from Regional road networks cannot be diverted to Local Primary roads. All Regional road closures will require traffic to be diverted to Regional roads only
- Road closures and diversion routes are to be agreed with the Killaloe & Shannon Municipal Districts

Bridges/Culverts/Pipelines

- Pre-condition survey to be carried out on all Bridges/Culverts and pipelines along the route
- Damage to any structure will require immediate notification to the Scarriff of Shannon Offices of Clare County Council, full replacement will be required to damaged structures and pipelines
- Post works surveys of each Bridge/Culvert structures will be required.

Wind Turbine/Blade Delivery

- Proposed routes to be agreed with the Killaloe & Shannon Municipal Districts in County Clare, works relating to junctions or aligning works shall be under the approval of Limerick City & County Council
- Land take/land dedications are the responsibility of the applicant
- Road Opening License will be required if the road network is to be temporarily altered.
- Transport times and dates to be agreed with Local Gardai and Local Authority

5.5 Soils & Hydrology

The site is located in an upland setting consisting predominately of coniferous plantation forestry, with blanket bog, wet heath, rough/wet grassland and agricultural land being the remainder of the habitat types. Peat depths throughout the windfarm site range generally from 0 to 3.9m with an average peat depth of 0.55m. Peat depth at the turbine locations range from 0.2m to 0.9m.

Peat has a very low compressive strength and low density. Generally, it has a higher water content and once disturbed a very low shear strength which can enable long run-out landslides to form. In particular, special care is necessary to prevent instability in areas of blanket peat coverage/cut over bog and pockets of deep poorly drained mineral soil.

It is noted that as part of the EIAR (Section 8), a peat analysis and assessment has been carried out incorporating a drained and undrained assessment of the site. This has determined that all locations have an acceptable Factor of Safety (FoS) in terms of peat stability (i.e. negligible/none). It is also noted that part of the application involves the felling of an area of approximately 107.56ha. Furthermore, there is also an extensive drainage network on the subject site/

The Planning Authority notes the analysis as carried out in respect of this development in terms of peat and surface water management. However concerns remain in respect of the impact of this development on surface waters and the potential contamination of water bodies both within and downstream of the site by reason of the following:

- The upland nature of the site and the soil type which includes peat;
- The high density of drainage channels throughout the site and the upgrade works required for same which will require careful oversight and detailed mitigation measures;
- The extensive area of trees to be felled (107ha) along with other site clearance works;
- The volumes of spoil material requiring excavation, handling, storage and management on the site;
- The nature and extent of the construction works, hardstanding areas, cable connection works, road upgrades and potential alterations to the hydrological regime of the site;
- The hydrological connectivity of the watercourses to the Lower River Shannon SAC
- The overall scale of the development and the cumulative impacts of the development including with the Oatfield windfarm application

There is a concern therefore that the proposed development would present a significant risk of adverse environmental impact on the sensitive natural habitats of the site and of the wider area, constituting an unacceptable risk of pollution of watercourses in the area and seriously injuring the amenities of the area.

5.6 Natural Heritage

Hen Harrier

The hen harrier (*Circus cyaneus*) is a protected raptor, listed in Annex I of the EU Birds Directive and as such, Member States are obligated to protect and conserve the species. It is a noted Ecologically Sensitive Species. While the application footprint for the proposed wind farm is not located within a Special Protection Area (SPA) or within the associated Core Foraging Range it does contain significant records in terms of the observed Hen harrier species (101 occasions during vantage point surveys) together with significant breeding and roosting behaviour within or partially within the Wind Farm Site.

It is noted from the EIAR (Section 7.5.1.2) that the species was recorded regularly during the breeding season, with a confirmed nest located in 2018, 2019 and 2023 and probable breeding at the Wind Farm Site in 2020 and 2022. Additionally, Hen harrier were observed regularly throughout all winter seasons surveyed. It is also noted that in 2020, a roost was identified with a minimum of four birds going to roost. The Wind Farm Site is of National Importance to this species throughout the year, given that the species were regularly observed at the Wind Farm Site.

As concluded in the EIAR with respect to *Displacement and Barrier Effect* the magnitude of the effect is assessed as Medium for foraging hen harrier. The cross tabulation of a High sensitivity species and Medium Impact corresponds to a High effect significance with Long-term Significant Negative Effect for foraging hen harrier.

It is noted that the key measures to offset this significant effect is outlined in Section 7.8 Compensation and Enhancement Measures where permanent felling of 54.2ha of forestry is proposed together with planned restoration of the underlying peatland with the total area being proposed for compensation and enhancement for hen harrier at 100.7 hectares which it is noted will reduce the impact of the Wind Farm Site on foraging hen harrier.

The [Hen Harrier Conservation and the Forestry Sector in Ireland \(npws.ie\)](https://npws.ie) Report 2022 outlined how Hen harrier habitat-offsetting works have been permitted as part of several wind energy developments. Focused research on the efficacy of such works would not only increase the planning authorities' confidence as to whether such works are effective in supporting the Hen Harrier, but furthermore, such research may also provide opportunity to provide guidance for the development of the most effective measures to minimise effects of wind energy developments on Hen Harrier.

The application documentation does not provide evidence in terms of the efficacy of these measures and the residual effects (if any) from the implementation and monitoring of such compensatory and/or enhancement measures. Evidence of any previous application of this type of compensation and enhancement is needed to support the findings of the application.

In addition, a total of five wind farms and two one off turbines, composing of 20 existing/permitted turbines and 38 proposed/pending turbines, fall within a 25-kilometre radius of the proposal as detailed in Table 7-12 of chapter 7. The assessment in terms of the cumulative or in combination effects appears to rely on the assessment from each individual EIAR prepared previously. There is no attempt to quantify or assesses the cumulative impact across the landscape in terms of the Hen harrier or other avian species in terms of habitat loss or the impacts of multiple compensatory and/or enhancement measures. Given the high number of windfarm applications within such proximity it is difficult to ascertain through the documentation as published the exact loss of foraging, commuting, or breeding sites and what the long-term effects may be. Considerable work is needed to quantify this and to determine whether the cumulative loss of open thicket for example through clear felling will have a permanent and long-term effect on the population (as a whole) in East Clare.

Bats

The Bat survey, Appropriate Assessment and Environmental Impact Assessment (specifically the Biodiversity Chapter) extensively outline the survey work, data collection, monitoring and roost searches which took place over the course of almost 4 years. The reports clearly document the extent of bat usage in terms of roosting, foraging, and commuting and the potential impacts which the proposed Windfarm and associated Grid Connection route may have on the various bat species found across the site. Of note is the location of the Proposed Development Site in proximity to two European Sites designated for the protection of Lesser horseshoe bats. This species has been recorded foraging and commuting across the site, with activity peaks considered high during transitional periods in Autumn and Spring. The populations associated with the designated roosts are likely to utilise the site as it is within or in close proximity of their core foraging ranges (2.5km); therefore, the Lesser horseshoe population recorded on the site has been assigned International Importance.

Significant mitigation measures are proposed to offset or remove any risk of adverse effects. A key area in terms of mitigation is the Operational Monitoring which has been designed to include for at least 3 years of post-construction monitoring to assess the effects of construction related habitat modifications on bat activity.

Post-construction monitoring will include static detector surveys, walked survey transects and corpse searching to record any bat fatalities resulting from collision. At a minimum, monitoring will be conducted for 3 years post-construction. The results of post-construction monitoring shall be utilised to assess changes in bat activity patterns post-construction and to monitor the implementation of the mitigation strategy. The performance of the curtailment programme in terms of its ability to respond to the changes in bat abundance based on temperature and wind speed would be analysed to confirm the efficacy of the curtailment during different periods of bat activity. At the end of each year, the efficacy of the curtailment programme will be reviewed, and any identified efficiencies incorporated into the curtailment programme. This approach allows for an evidence-based review of the potential for bat fatalities at the site, post construction, to ensure that the necessary measures, based on a new baseline post-construction, are implemented for the protection of bat species locally.

This evidenced-based approach and review as to the efficacy of the measures is welcomed. The post-construction monitoring results and any changes required to the curtailment programme and/or mitigation strategy will need to be agreed with the Planning Authority. Careful review of these results and discussion with relevant experts will be required to validate any changes to the curtailment programme given its nature.

5.7 Amenity

The Board is advised that the 12 O'Clock hills are identified as a recreational route under Appendix 6 of the Development Plan, and it is an Objective under CDP 10.11 and CDP 10.12 of the Plan to support the development of recreational routes throughout the county. It is noted that part of the works to the development incorporate the provision of a new marked trail, 2 no. new viewing areas and the upgrade of an existing viewing area, together with associated signage and seating. Whilst the proposed upgrade works are noted and generally welcome, the impact of the development as a whole on the recreational route is of concern in particular the visual impact of the development on this recreational route and views from same.

5.8 Aviation

The Planning Authority notes the proximity of the site to both Shannon Airport and the radar equipment at Woodcock Hill. The impacts of the proposed development on the airport operations and associated infrastructure needs to be carefully considered so as not to impact on aviation safety. In this regard it is respectfully requested that any comments and requirements from the Shannon Airport Authority or the Irish Aviation Authority are taken into consideration by the Board.

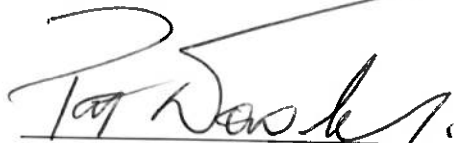
6.0 Conclusion

The above report sets out the views of the Planning Authority in accordance with Section 37E (4) of the Planning and Development Act, 2000, as amended. It is respectfully requested that the Board take the above issues into consideration in the assessment of this application.

In summary the Planning Authority notes that the proposal is broadly supported by the existing Wind Energy Strategy, however as outlined in this report the Planning Authority has reservations in respect of the orderly development of the wider lands designated as 'Strategic' for windfarm development, noting the potential development of the adjacent Oatfield windfarm, and the piecemeal development of these lands. Concerns also remain in respect of the overall height and scale of this development and the assessment of same in the absence of updated Section 28 guidelines noting the advances in technology and turbine design since 2006.

Having regard to the proximity of the site to the proposed Oatfield windfarm there are significant traffic safety concerns in respect of this development including impacts on the wider road networks noting the separate haulage routes as proposed. Furthermore, the Planning Authority has concerns surrounding the protection of residential amenity, soils/hydrology, natural heritage, impacts on a recreational route and potential impacts on aviation safety.

In the event of a grant of permission it is recommended that appropriate conditions are attached for a windfarm development of this scale including residential amenity (noise/shadow flicker levels), construction management and oversight, road network (as set out in Section 5.4 of this report), protection of water quality, implementation of compensatory habitat for hen Harrier, bond conditions, and relevant community gain conditions.

A handwritten signature in black ink, appearing to read 'Pat Dowling', with a long, sweeping horizontal line extending to the right.

Pat Dowling
Chief Executive
08th October 2024



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

At the October meeting of Clare County Council held on

Tuesday, 15th October, 2024 it was:

Proposed by: T. O'Brien

Seconded by: J. Cooney

and agreed

“To attach correspondence under Section 37 E (6) of the Planning Act, submitted by Cllr. T. O’Brien, on behalf of the Broadford to Oatfield Windfarm Action Group, to the Chief Executive report submitted to the members under Section 37 E (5) of the Planning Act, to An Bord Pleanála, in respect of the proposed Knockshanvo Windfarm”.

Signed: *T. O'Brien*
Riarthóir Cruinnithe.

Signed: *A. O'Callaghan*
Cathaoirleach.

Dated: 15th October 2024.

Item 7: Report in accordance with Section 37E (4) and (5) of the Planning and Development Act 2000 (As amended) for the Knockshanvo Windfarm, Co. Clare.

Chief Executive Report dated 8th October, 2024 from Pat Dowling, Chief Executive was circulated with the agenda. The Chief Executive report is in accordance with Section 37E (4) and (5) of the Planning and Development Act 2000, as amended, following on from the submission of a Strategic Infrastructure Development (SID) to An Bord Pleanála, known as the Knockshanvo Windfarm.

The development consists of 9 no. wind turbines with an energy generating capacity of between 51MW to 64MW with a 35-year operational lifespan. The main components of the development are as follows:

- Construction of 9 no. wind turbines with a blade tip height range from 179.5m to 185m inclusive, a hub height range from 102.5m to 110.5m inclusive and a rotor diameter range from 149m to 163m inclusive with associated foundations, hard-standing and assembly areas.
- Construction of 1 no. permanent 110 kV electrical substation including 2 no. control buildings, lightning protection, welfare facilities, car parking, and all associated electrical plant and apparatus, security fencing, external lighting, underground cabling, wastewater holding tank and all associated infrastructure, apparatus and landscaping,
- Underground electrical cabling (33kV) and communications cabling connecting the wind turbines to the proposed on-site 110kV electrical substation and associated ancillary works.
- Erection of 1 no. Meteorological Mast of 105 metres above existing ground level for the measuring of meteorological conditions, including a lightning rod which will extend above the mast.
- Construction of new permanent access roads and upgrade of existing roads to provide access within the site and to connect the wind turbines and associated infrastructure.
- Construction of 1 no. new permanent access to the site off the R465 regional road to serve as the sole entrance to the wind farm during its operational phase and to facilitate the delivery of the construction materials and turbine components to site during the construction, operational and decommissioning phases.
- Construction of 2 no. new permanent access points off the L-3042 and L-30144-0 local roads to facilitate traffic movement across the site during construction, operation and decommissioning phases. Both accesses will be gated and opened when required during the operational phase.
- Development of 5 no. borrow pits.
- Construction of 3 no. temporary construction compounds and associated ancillary infrastructure including temporary site offices, staff facilities and car parking areas, all to be removed at end of construction phase.
- Temporary works at 3 no. locations along the R465 regional road associated with the facilitation of turbine component and abnormal load delivery to site. These works will primarily include the trimming of vegetation and strengthening of road verges.
- Installation of a temporary transition compound to facilitate turbine blade delivery during the construction phase, within the townland of Court, Co. Limerick. The works will include

installation of a temporary stone hard standing area and associated entrance and egress to and from the N69 national road and will be removed at the end of the construction phase.

- Permanent amenity works comprising the construction of 1 no. new marked trail, the development of 2 no. new viewing areas and upgrade to 1 no. existing viewing area, including the installation of associated signage and seating.
- Permanent and temporary Site Drainage.
- Operational Stage Site Signage.
- Ancillary forestry felling to facilitate construction and operation of the proposed development.
- Biodiversity enhancement measures including the permanent clear-felling of land, and.
- All related site works and ancillary development including landscaping considered necessary to facilitate the proposed development.
- A thirty five-year operational life from the date of full commissioning of the entire wind farm is being sought and the subsequent decommissioning.
- The application is seeking a ten-year planning permission. A planning application for underground electrical cabling (110kV) which will connect the wind farm to the existing Ardnacrusha 110kV electrical substation is also being lodged to An Bord Pleanála.
- The application is accompanied by an Environmental Impact Assessment Report.

Cllr. T. O'Brien welcomed the Chief Executive report and outlined concerns he and the other Killaloe members had along with the residents of the Broadford to Oatfield Action Group.

Cllr. O'Brien noted that the Killaloe MD elected members were submitting a report on behalf of the Broadford to Oatfield Action Group and requested that it be appended with Clare County Councils submission to An Bord Pleanála.

The report to be submitted sets out the three principal concerns with regards the Knockshanvo windfarm:

- Noise and nuisance referring to the high court case of Webster & Anor v Meenacloghspar (Wind) Limited.
- Aviation and Mid-West economic risks with regards to AirNav and Shannon Airport.
- Hen Harrier and a lack of an appropriate cumulative assessment for all East Clare Windfarms.

Ar moladh Cllr. T. O'Brien

Cuidithe ag Cllr. J. Cooney agus glacadh leis

"To attach correspondence under Section 37 E (6) of the Planning Act, submitted by Cllr. T. O'Brien, on behalf of the Broadford to Oatfield Windfarm Action Group, to the Chief Executive report submitted to the members under Section 37 E (5) of the Planning Act, to An Bord Pleanála, in respect of the proposed Knockshanvo Windfarm".

Broadford to Oatfield Windfarm Action Group

Councillor Joe Cooney
Chairperson of Killaloe Municipal Councillors
Áras Contae an Chláir
New Road
Ennis
Co. Clare

7th October 2024

Dear Councillor Cooney,

RE: KNOCKSHANVO WINDFARM, ABP Ref: 319215-24

Thank you for meeting with our group last Friday evening. As promised at the meeting I have detailed below our three principal concerns with regards to the Knockshanvo windfarm.

For each concern I have provided a brief summary of the concern and concluded with the point that we wish Clare County Council to include in their observation to An Bord Pleanála ("ABP").

Noise and Nuisance

We wish to bring to your attention the recent High Court case of Webster & Anor v Meenacloghspar (Wind) Limited. This case concerned the Ballyduff Wind Farm, near Enniscorthy in Co Wexford which went into operation in 2017. The case was brought by two couples from rural Wexford. Most importantly this is the first court judgment on a private nuisance claim related to wind turbine noise in both Ireland and the United Kingdom.

The couples claimed constant noise and nuisance from the wind farm affected their lives, health, and property values. The two turbines are 150 metres in height.

The case heard the couples were constantly stressed and sleepless, that one of the couples split up largely because of it and one party was left suicidal and remained under treatment for depression.

High Court judge Ms Justice Emily Egan found they had established their right to receive damages from the company involved. Judge Egan stated that, *"this is wind turbine noise that an objectively reasonable person should not be expected to tolerate,"*.

The following judgements were served by the court:

- The court determined that the wind farm substantially interfered with the couples' use and enjoyment of their homes.

Broadford to Oatfield Windfarm Action Group

- Judge Egan found that noise levels from the wind farm constituted an “unreasonable interference” with the enjoyment of neighbouring properties.
- Judge Egan noted frequent and sustained periods of noise associated with high levels of annoyance, which were unreasonable and exceptional.
- The noise was particularly problematic in the evenings, weekends, nights, and early mornings, interfering with the plaintiffs’ comfort and enjoyment of their homes.
- Judge Egan ruled that the noise amounted to an unreasonable interference, entitling the plaintiffs to damages.

With regards to one of the injured parties Judge Egan stated that, *“I am satisfied on the balance of probabilities that Mr. Rollo has suffered personal injury in the form of a recognisable psychiatric illness. I also find that this injury was caused by the sleeplessness caused by the wind turbine noise, and so caused by the nuisance in suit”*.

A second part of their case will consider the level of damages due and, significantly, whether an injunction should be granted against the wind farm. It has been reported in the national media that the Attorney General of Ireland and various government Ministers are currently reviewing the ruling.

With regards to the High Court case of Webster & Anor v Meenacloghspar (Wind) Limited, if the developer cannot guarantee that noise levels will not cause a private nuisance to any residential occupier in the locality, then it would be contrary to proper planning to allow the proposal to proceed.

Aviation

Both Shannon Airport and AirNav Ireland have submitted observations to ABP with regards to the Oatfield windfarm which comprises the same tract of land as the Knockshanvo windfarm. In particular AirNav Ireland have stated that *“this development (Oatfield windfarm) would result in significant impacts on high-level traffic, in the altitude range 10,000 feet to 35,000 feet, which would not be acceptable to AirNav Ireland. AirNav Ireland cannot accept a reduction in the level of safety in our Shannon En-Route Air Traffic Control center”*.

This aviation risk was not recognised at the time of drafting the Clare Wind Energy Strategy. This risk to aviation safety is of serious concern along with the serious risk of an adverse impact on Shannon airport and thereby on the airport as a crucial economic and tourism driver in the MidWest. This planning application should not be considered until such time that the applicant has obtained express agreement from AirNav Ireland and Shannon Airport.

Broadford to Oatfield Windfarm Action Group

Hen Harrier

A proper cumulative assessment to include the other five East Clare Windfarms has not taken place and does not lead to the obvious conclusion that the application should not be allowed to proceed until a proper cumulative assessment has been undertaken.

Conclusion

Our final request is that we wish you include the above serious concerns in the Councils conclusion to ABP:

- Noise and nuisance with regards to the High Court case of Webster & Anor v Meenacloghspar (Wind) Limited.
- Aviation and Mid-West economic risks with regards to AirNav and Shannon Airport serious concerns.
- Hen Harrier and a lack of an appropriate cumulative assessment for all East Clare Windfarms.

Kind regards

Broadford to Oatfield Windfarm Action Group