

Our Case Number: ABP-318816-24



An
Bord
Pleanála

Theresa Watkins
Ballycollin
Fivealley
Birr
Co. Offaly
R42 HP27

Date: 04 March 2024

Re: 10 year planning permission for wind energy development consisting of 8 no. wind turbines and all associated works located at Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, Co. Offaly. (www.cushwindfarmplanning.ie)

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

The Board will revert to you in due course with regard to the 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,

Ellen Moss
Administrative Assistant
Direct Line: 01-8737285

PA04

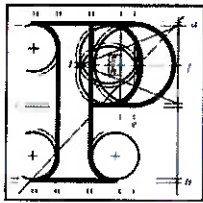
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An
Bord
Pleanála

Observation on a Planning Appeal: Form.

Your details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

Theresa Watkins

(b) Address

Ballycollin, Fivealley, Birr, Co. Offaly
R42HP27

Agent's details

2. Agent's details

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal process we will post information and items to you **or** to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the address in Part 1

☒

The agent at the address in Part 2

☐

Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) Planning authority

(for example: Ballytown City Council)

Offaly County Council

(b) An Bord Pleanála appeal case number (if available)

(for example: ABP-300000-19)

APB-313778-22

(c) Planning authority register reference number

(for example: 18/0123)

PA19.318816

(d) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

Galetech Energy Services for a wind energy development and all associated works at Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, County Offaly

Observation details

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

1. Government Guidelines and Legal Action:

- Our community and my real struggle lie in the implementation of guidelines governing wind farm operations. These guidelines cover setback distances from residential areas, noise and shadow flicker mitigation, and the impact of turbine blades on the environment. However, these guidelines have remained unchanged since 2006, despite significant advancements in turbine technology. For instance, back then, turbine blade spans were around 50m, with corresponding setback distances of 500m. Today, blades can span up to 185m, and noise levels have increased as well. Despite these developments, rural Ireland's concerns have not been adequately addressed, and the outdated 2006 guidelines persist.
- Legal action has brought this issue to the Supreme Court, which ruled in 2019 that An Bord Pleanála must consider any relevant evidence of impact on dwellings, communities & environment, not just adhere to the 2006 guidelines. However, there has been no action from the government since then. [Suspicion, distrust, confusion: Why wind farm developments are being delayed \(irishexaminer.com\)](#)
- While the Department of Housing has stated that new guidelines will be published between October and December 2024 as part of the Climate Action Plan, we urge that these new guidelines which will be published this year be taken into consideration before adjudicating on the Applicant project. [Suspicion, distrust, confusion: Why wind farm developments are being delayed \(irishexaminer.com\)](#)

2. Shadow Flicker:

- The statement in the Applicant planning application, "The 2006 Guidelines also provide that shadow flicker is again not normally an issue where setback distances are more than 500m to sensitive receptors," was formulated with wind turbines having a blade span of approximately 50m, which was typical in 2006. These guidelines recommended a setback distance of 10 times the blade span to mitigate shadow flicker concerns. In 2019, draft guidelines include a setback distance of four times the blade span, but this is not adequate for the sheer size of the proposed Applicants turbines which have a total tip height of 200 meters and shadow flicker will affect the majority of dwelling around the wind turbine farm.
- We believe that the setback requirement of 10 times the blade span should be adhered to, correlating to a setback distance of 172 meters x 10 = 1,720 meters to the nearest dwelling. However, the Applicant has proposed a setback distance of only 750 meters to the nearest dwelling, which we strongly oppose. For example, this inadequate setback distance fails to adequately address concerns regarding shadow flicker impact on nearby residents and must not be allowed.

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

- The EIAR assesses the potential number of shadow flicker hours per year likely to be experienced under 'expected' and exceptional 'worst-case' scenarios at all dwellings within 2,000m of the proposed wind turbines. For example, during the operation phase, 23 no. receptors are predicted to exceed the 30-minutes per day criterion in a 'worst-case' modelled scenario.

The Environmental Impact Assessment (EIA) for the Applicant includes two key documents:

Annex 12.2, detailing the Cush Wind Farm Shadow Flicker Prediction Model, and Annex 12.3, presenting the Cumulative Shadow Flicker Prediction Model.

However, discrepancies arise when comparing these reports with the photomontages provided by the Applicant.

Specifically, there is a lack of correlation between the shadow flicker reports and the actual exposure of nearby dwellings to the turbines. For instance, dwelling H55, representing the old family home, remains invisible to the turbines due to terrain features. Conversely, dwelling H58 experiences full visibility of all 8 turbines, according to Applicant's documentation. This variance in exposure translates into differing projections of shadow flickering impacts. According to Applicant, the worst-case scenario for shadow flickering at dwelling H58 amounts to 0.40 minutes per year. In contrast, dwelling H56, with visibility of only 4 turbines and terrain obstructions, is projected to experience a worst-case scenario of 0.43 minutes per year. Meanwhile, dwelling H52, which benefits from unobstructed visibility, faces a worst-case scenario of 0.20 minutes per year, according to Applicant's assessment. These discrepancies highlight the need for closer examination and clarification regarding the methodologies used in the shadow flicker prediction models. Furthermore, it underscores the importance of ensuring that assessments accurately reflect the real-world conditions and potential impacts on nearby residents.

3. Applicant Amenities and Community Fund:

- The proposed Applicant lacks amenities for local residents and fails to include new access roads which could be designed for walking, cycling, or horse riding. Moreover, there are no plans for additional amenity links or the creation of recreational loops. For instance, the project does not utilize former railway lines as public amenities to enhance local tourism or provide employment opportunities for the community.

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- Although an annual fund of €466,000 for 15 years (stated on the Applicants website under FAQ video, or approximately €37,000 per 200-meter-high turbine per year (stated in the Applicants planning application documents), has been announced, accessing and utilizing this funding poses significant challenges for the community. For example, the requirement to justify and complete projects before funds can be drawn down places a substantial burden on local residents, as they lack the resources necessary to develop proposals without upfront financial support. This must be reviewed.

4. Cumulative Effect of Wind Farms in Offaly Environment:

Wind Turbine Farms in Offaly (local wind turbine farms)

4 - Meenwaun wind farm 4 turbines

9 - The Gaeltech wind farm near Cloghan will have 9 turbines overall tip height of 150m

21 - Bord na Mona wind farm at Derrinlough

8 - Cush Wind Farm overall height of 200 meters

2 - Leabeg, Boora 2 turbines

29 - Yellow River wind farm near Croghan Hill it will have 29 turbines SSE

12 - Moanvane, 12-turbine wind

17 - Bord na Mona wind farm at Lemanaghan

29 - Bord na Móna's facility at Mountlucas, has 29 turbines

21 - Bord na Móna's Cloncreen, will have 21 turbines overall tip height of 170m

- Developing numerous wind farms in the bog area of Offaly presents a significant environmental challenge that cannot be ignored. For example, excavation of the bog for turbine installation, roadways, cables, and substations, coupled with the production and transportation of turbine components from as far away as South America as indicated at the one-on-one community engagement, results in habitat disruption, ecosystem fragmentation, and increased carbon emissions from transportation and cement production. As per Derek Fanning on 17 Nov 2023 OffalyLive reports state: Des Crofton told me that the main problem is a lack of adequate communication on behalf of the company which owns the turbines. "I'm sure if they communicated more with us, in a meaningful way, then things would proceed much more smoothly." ~~Cloghan and the local community are being~~

~~their health and mental health. OffalyLive (onlyexp.com.ie)~~ This can also be said from our inadequate engagement with the Applicant.

- Cement production, a fundamental component of wind turbine infrastructure, exacts a heavy toll on the environment. For instance, the manufacturing process involves high-energy consumption and emits copious amounts of carbon dioxide (CO₂), contributing significantly to climate change.

[Cement and the Climate Crisis — IrishEVs](#)

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Concrete levy good for the environment – The Irish Times

- Addressing the cumulative impacts of wind farm developments requires a comprehensive approach that considers the broader landscape context and interactions between human activities and ecosystems. Planning permission for individual projects cannot be granted in isolation, instead, a holistic approach is necessary to mitigate the cumulative impact of multiple wind farm developments on the environment in Offaly. Plus the height of current wind farm in relation to the height of the proposed Applicant which has 8 turbines that are 200-meter tip high turbines.

5. Lack of Self-Sustainability Measures:

- The Applicant fails to offer self-sustainability measures, unlike other Wind Farms such as Mountlucas Wind Farm [Amenities - Mountlucas Wind Farm](#). For example the Applicant proposed development:
 - It doesn't use its turbines for power to powers its facility with its own turbine.
 - It doesn't manage water efficiently other wind farms uses on-site wells and rainwater for amenities.
 - It doesn't integrate other renewables like solar thermal panels or other renewables.

6. Addressing Environmental Concerns, local area of importance not addressed in report:

- **Lizard:** When addressing the absence of a report or mention of the [redacted] and the Earc Luachra Lizard which has legal status: Wildlife Act, 1976; Wildlife Amendment Act, 2000; The Wildlife Order (Northern Ireland) 1985 as amended) the wind farm planning application submitted by Applicant, it is important to highlight the significance of this natural feature/presents of the Earc Luachra lizard and the potential implications of its omission from the documentation.
 - The [redacted] is not merely a geographical feature but holds cultural and ecological significance as evidenced by its name derived from the old Irish word for lizard. This is a historical connection to the local landscape and biodiversity.
 - The lack of mention or investigation of the [redacted] and the Earc Luachra lizard raises concerns about the thoroughness of the environmental assessment conducted by Applicant. Given its potential importance as a habitat for wildlife, including lizards, and its role in maintaining local ecological balance, its

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exclusion from the reports submitted by Applicant suggests a gap in the assessment process. [The Elusive Earc Luachra](#) & [Licking an Earc Luachra \(Lizard\)](#):

- Furthermore, failure to address the presence or impact of the Earc Luachra in the planning application may indicate a lack of consideration for the broader environmental context and potential consequences of the wind farm development on local biodiversity and ecosystem health.

- To address this issue, it is imperative to request additional information or studies from Applicant specifically addressing the Earc Luachra and its potential significance in the context of the wind farm development. This would ensure that relevant environmental factors are thoroughly assessed and considered in the planning process, thereby promoting sustainable and responsible development practices.

- **Eel:** The European eel, listed as critically endangered with red list status, faces significant threats. While the Applicant's assessment acknowledges the poor conservation status of this species and its presence near the project site and downstream, it falls short in detailing the potential harm to the European eel and fails to provide adequate mitigation measures.

- The lack of clarity regarding the potential risks to the European eel contradicts the objectives outlined in the Offaly County Development Plan 2021-2027. Specifically, policy NHP-08 emphasizes the council's commitment to protecting, conserving, and enhancing the county's biodiversity and natural heritage, including flora and fauna, habitats, and landscapes crucial for wildlife conservation.

7. Concerns about Oversaturation of Developments:

Cumulative Effect of Wind Farms in Offaly Environment:

Wind Turbine Farms in Offaly (local wind turbine farms)

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- Introducing a new wind turbine farm with turbines towering at an overall tip height of 200 meters raises several valid concerns that warrant serious consideration.

- Visual Impact and Landscape Aesthetics
- Negative Impact on Wildlife
- Noise Pollution [Suspicion, distrust, confusion: Why wind farm developments are being delayed \(irishexaminer.com\)](#)

Where the system is really creaking is in the operation of the guidelines under which wind farms must operate. The current guidelines date from 2006. At that time, the span of turbine blades was 50m and the corresponding setback distance was 500m. Today the span is up to 185m. Noise from the turbines has also increased. Residents living near existing Wind Farms in the Cloghan area have openly expressed the detrimental impact of turbines on their mental and physical health. The noise has been vividly described as akin to the thudding of a 'big, thick skipping rope' or the 'relentless hum of a washing machine or dryer'. Moreover, the flicker from turbines exacerbates sensory issues for local residents. Despite these concerns being raised, no tangible resolutions have been provided, fueling significant anxiety among affected residents. This lack of action raises serious doubts about the support we can expect should noise or flicker pose a threat to our own well-being from the Applicant.

8. Verification by a "Suitably Qualified Person" and Planning Permission Application:

- While the wind farm company pledges to conduct a shadow flicker survey by a suitably qualified person within 12 months of commercial operations, we have concerns regarding the independence and impartiality of the individual or entity tasked with verifying the results. Depending on the qualifications and affiliations of the assessor, there could be perceived conflicts of interest or biases that undermine the credibility of the verification process.
- In the planning application, the Applicant stated they do not require a Major Accident Regulations report for this proposed development. However, due to the sheer size of the components of this wind farm development with the structure having an overall tip height of 200 meters, it is essential that a Major Accident Regulations report is conducted for the transport, delivery, unloading, and

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construction and maintenance of this project. Additionally, concerns about flooding in areas used for peat extraction should be addressed.

Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Fee

7. You **must** make sure that the correct **fee** is included with your observation. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

This document has been awarded a Plain English mark by NALA.

Last updated: April 2019.

