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An Coimisiún Pleanála (formally k/a An Bord Pleanála),
64 Marlborough Street,
Dublin 1,
D01 V902

14th August 2025

Planning Reference:	**PA09.322845 – 11 no. Wind Turbines**
Received Date:	19/06/2025
Submissions By:	14/08/2025
Operator/s:	North Kildare Wind Farm Limited,
Dev. Address:	within the townlands of Ballynamullagh, Kilmurry, Coolree, Killyon, Mulgeeth and Drehid, County Kildare
Brief Description:	'11 wind turbines and ancillary development'
URL:	**https://www.pleanala.ie/en-ie/case/322845 (11 no. Turbines) PA09.322845**
URL:	https://www.pleanala.ie/en-ie/case/322843 (Grid Connection) VA09.322843
Submission Fee:	€ 50.00

Dear Sir/ Madam

Note that there are **50 pages** in total to this submission inclusive of the cover page.

At the outset, it is considered that this application is **premature** pending the awaited updated **guidelines** for utility scale solar instillations. It is further premature pending a full **national led SEA assessment** of utility scale wind instillations.

We are aware that numerous other submissions and reports are also being submitted by or on behalf of other groups including *Friends of the Irish Environment*, *Mr. Kieran Cummins*, *Lorraine Quinn*, and others. We hereby adopt all of these other submissions as part of our submission.

Yours sincerely,

Kieran Cummins

Kieran Cummins, BSc, Dip LS, Dip Hort.
Executive Director, Eco Advocacy CLG

SUBMISSION re. PA09.322845 re 11 Wind Turbiens by North Kildare Wind farm Limited / aka Statkraft

APPLICATION

1. The current proposals as stated on described on the ***An Coimisiún Pleanála*** website read as follows: -

"i. Construction of 11 no. wind turbines, each with a rotor diameter of 133 m. 10 no. turbines will have a hub height of 100.5 m and a tip height of 167 m; while one turbine (T1, closest to the site entrance) will have a hub height of 81.4 m and a tip height of 147.9 m;
ii. Construction of permanent turbine foundations and crane pad hard standing areas and associated drainage;
iii. Construction/upgrade of 1. no. main site entrance (off local road L5025), and 1 no. additional site entrance (off local road L50242);
iv. Construction of 1. No. temporary site entrance (off local road L5012) to accommodate the delivery of large turbine components;
v. Use of 1 no. existing Coillte entrance (off local road L5012) for pedestrian/cyclist access to an amenity trail;
vi. Construction of 9.67 km of new internal access tracks and associated drainage infrastructure;
vii. Upgrading of 951 m of existing tracks and associated drainage infrastructure;
viii. Establishment of 2 no. temporary construction site compounds and associated ancillary infrastructure including parking;
ix. Establishment of 1. No. temporary blade set down area;
x.Construction of drainage and sediment control systems;
xi. 3 no. Watercourse Crossings;
xii. Upgrade and extension to an existing recreation amenity trail and installation of signage, picnic tables and bicycle stands;
xiii. All related site works and ancillary development including signage, berms, landscaping, and soil excavation;
xiv. Forestry felling (both permanent and temporary) to facilitate construction and operation
xv. All associated underground electrical and communications cabling connecting the wind turbines to the proposed Substation including the laying of underground cabling along the local road L50242 which traverses the site."

PLANNING HISTORY

1. Drehid Wind Farm is located within the same general area as the previously proposed:
    a. Maighne Wind Farm [**PL09.PA0041**]—(47 no turbines in clusters) which was refused by An Bord Pleanála in 2017.
    b. This site is followed by the Drehid Wind Farm 2018 application [**PL09.306500**], (12 no turbines) which was initially granted but ultimately quashed.
    c. Now the current application in 2025 ref. [**PA09.322845**], (11 no turbines), Despite changes, the current application recycles the same site and concept with minor modifications.

PROJECT SPLITTING

2. This project involves two separate planning applications:
    a. Wind Farm PA09.322845 and
    b. Substation VA09.322843,

Both are part of the one project. Both applications are similar except for a little rewording in places. This may be construed as project splitting, potentially undermining full public scrutiny. It is submitted that this is not in compliance with the principal established in ***O Grianna & ors -v- An Bord Pleanala*** [2014 No. 2014 No.19 JR].

3. The development applied for in the current application is broken into two applications (Wind Farm and Substation), even though both are part of one EIAR. This project involves two separate planning applications (Wind Farm and Substation), despite being part of a single integrated development. This must surely be construed as **project splitting**, which undermines public scrutiny. We question whether this is designed to frustrate pubic participation?

2. These applications are grossly unfair and unreasonable on any community. The following aspects are very troubling indeed: -
    a. Two simultaneous (but separate) applications have to be assessed in a short space of time.
    b. This follows on form 2 earlier planning applications on the same area.
    c. Article 6 the Aarhus Convention and of the EIA Directive require early, informed, and effective public participation.
    d. Coming back 3 times with similar applications with very similar proposed developments is unfair on a community. This demonstrates a total disregard to the community some of whom would have lodged objections on both previous applications highlighting their concerns. It is arguable that this new application is harassment of the local community.
    e. On this occasion with two simultaneous applications is questionable and very concerning. The public have to wade through two very large applications in a very short time frame and devote enormous amount of their precious time. The applicants on the other hand had no time limits when preparing their application. This is manifestly unfair and unreasonable.
    f. The public also has to pay submission fees on the double thereby further stretching their resources.
    g. Moreover the timing of these applications during the traditional summer vacation period necessitate people having to alter their annual leave and summer holidays in order to meat submission dates.
    h. Assertions by the applicants to the effect that they have engaged in public participation ware very thin when people are obliged to cut their summer holidays in order to meat submission deadlines! The applicants have swamped the community/ NGO's with information, which can't reasonably be properly assessed, in such a tight timeframe.
    i. If permission were to now be granted on foot of these latest two applications, it is submitted that this would establish a precedent that if a developer keeps coming back with similar applications, they will eventually get their way and essentially ware down the community. This is very undesirable.
    j. Aspects of this may well in itself be in breach of the Aarhus convention and we question whether aspects of this is an abuse of process?

4. Given the very tight timeframes coupled with the volume of documents, which had to be examined, it has been very difficult to prepare appropriate commentary the application. We are not resouresed in terms of time, professionals or financially to adequately assess and comment on the within application to the standard we would like to have done. There is much more we would like to have stated in our submissions, but time limitations meant that we were unable to conduct the necessary research to do so. As these submissions are rather hurried, its inevitable that there will be some omissions and some grammatical errors and so we ask the reader to kindly bare these factors in mind.

5. Over the years, we have repeatedly asserted over the years that EIAR's, which are prepared directly by a developer/ applicant or their agents, are in our opinion unreliable, self-serving and contrived statements in support of a given development. We have found the current application/s to be particularly so in that respect and in our opinion to some extend glamorises an operation that is anything but glamorous. What EIAR's omit to state is also of concern. In this case for example we were unable to find any reference infrasound or the sustainability of finite resources. In summary we remind the statutory authorities of their duty of care to each individual, the wider community and to the environment.

HEIGHT

6. The height of the proposed turbines is stated to be 10 no. x *167 m & 1 no. x 147.9 m*. This is unacceptable and un-in-keeping with this area of the midlands.

7. Furthermore, temporary accommodation works for turbine delivery are not included in the application for consent but referenced in the EIAR — these should be clearly defined and part of the statutory application.

VISUAL

8. The EIAR does not adequately assess the cumulative visual and noise impacts on nearby communities, particularly when combined with other nearby or permitted infrastructure projects. The development's transport and construction phases will generate:
    - Heavy traffic on narrow, rural, substandard local roads;
    - Potential damage and increased maintenance burden on local infrastructure;
    - Negative impacts on rural tranquility and local tourism.

9. These concerns are especially relevant given the area's previous experience with infrastructure strain during past energy projects. The proposed Drehid Wind Farm comprising of 11 wind turbines, associated access infrastructure, a 110 kV substation, and grid connection should be refused on the grounds of significant and inadequately mitigated environmental impacts.

10. It is submitted that this application fails to comply fully with the obligations set out under **EU Environmental Law**, including the **EIA Directive, Habitats Directive, Water Framework Directive**, and with various aspects of the **Aarhus Convention**, specifically that part relating to public participation.

11. Given the fact that this developer has re-submitted a similar application as the previous ones;

    - Original was part of the Maighne Wind Farm ABP REF PA0041 &
    - The second application was for North Kildare Wind Farm KCC REF 181534/ Appealed to ABP Ref: 306500 and
    - now we have the Drehid Wind Farm which is quite similar except, minus a couple of turbines and using an alternative delivery route for the turbine components. Fewer turbines do not alleviate the rest of the issues and concerns associated with this proposed development.

12. We still have serious concerns for the impacts on hydrology in the area, thus impacting on protected species and leading to implications in sac areas located along the water courses that feed from rivers and streams which are part of the River Boyne catchment area which includes the River Figile and the Blackwood River together with multiple minor streams and artificial drains. We were unable to find a full Water Framework Directive compliance statement in the EIAR.

13. Omissions raise serious concerns under Article 4 of the WFD and Article 6(3) of the Habitats Directive. We raise concerns about habitat disturbance and destruction with the desecration of tress, hedges and vegetation within the proposed development area. Issues that will no doubt arise from increased haulage traffic on our narrow roads with the potential to cause serious harm to both local residents and other road users. Increased noise levels some of which the developer has admitted are above the legal noise limits permitted.

14. This developer Statkraft and the landowners have shown little regard to the community some of whom would have lodged objections on both previous applications highlighting their concerns. It is arguable that this new application is harassment of the local community.

15. The phrase "concerns raised previously..." appears once in the Non-Technical Summary but it is vague and not attributed to a specific submission or consultation. Remarkably, we were unable to find a summary of submissions made by the public, prescribed bodies, or stakeholders during the earlier planning application for the same area.

Non-Technical Summary – A remarkable lack of specific information

16. The Non-Technical Summary of an Environmental Impact Assessment Report (EIAR) is a mandatory section designed to make the findings of the EIA process accessible and understandable to the general public. It should be written in clear, concise, intelligible language and it must still convey all key information from the main report. The Non-Technical Summary submitted with this application is most unsatisfactory as it fails to provide key information. Furthermore, it does not provide enough detail to convey the main findings and is remarkably vague.

17. The Non-Technical Summary fails to meet its purpose as a public-facing document by omitting essential locational information such as GPS coordinates, grid references, and detailed road characterisation. Its reliance on references to other volumes and absence of visual mapping elements limit its accessibility. These omissions undermine the transparency and public participation goals central to the EIA Directive and Planning and Development Regulation. The EIA Directive requires that the NTS be a standalone, accessible account of the development — not one that depends on technical documents or other volumes

18. **Noise**: The document mentions that mitigation measures for noise were incorporated where required but does not specify what those mitigation measures are – we were unable to find a breakdown of whether mitigation applies to construction, operational phases, or both. Mitigation by design (e.g., turbine placement) aimed to reduce ecological impact – but no specific details were provided.

19. **Noise**: While it confirms that noise was assessed and mitigation planned, the specific measures are not detailed in this summary.

20. **Habitats & Birds**: The specific types of bird or habitat surveys e.g. breeding bird surveys, bat activity surveys, habitat mapping are not listed in this summary.

21. **Landscape**: provides an overview of landscape and visual impact considerations, but it does not list specific viewpoints or detailed landscape character areas assessed in the Landscape and Visual Impact Assessment. We were unable to find a list of viewpoint locations used for the photomontages, Specific landscape character areas or zones nor Classification of visual sensitivity or magnitude of change per viewpoints.

22. **Shadow Flicker**: A modeling exercise was conducted. Shadow flicker effects were predicted to be within acceptable thresholds. Mitigation was planned where necessary although no specific details are provided. It does not quantify shadow flicker hours per property. It appears to assume that setbacks eliminate risk, but we were unable to fund evidence or model outputs. We were unable to find any mention of how flicker will be monitored or which homes are at risk.

23. Although the Non-Technical Summary acknowledges a previous planning application was granted and later withdrawn, it fails to provide any transparency about the public's role in that process — specifically the nature, volume, or substance of submissions received. Without this context, it is impossible to determine whether the revised proposal meaningfully addresses the community's previously stated concerns, or if it simply reflects technical or legal corrections stemming from the Derryadd decision. The omission undermines the principles of transparency and participatory planning."

24. The Non-Technical Summary confirms the use of Nordex N133 turbines with tip heights up to 167m, but provides no site-specific justification for selecting this particular model in a low-lying rural landscape. We were unable to find any consideration of alternatives, despite known concerns about noise and visual intrusion. The large size of the turbines increases the risk of shadow flicker, low-frequency noise, and unacceptable visual dominance — particularly in the context of rural settlement.

25. The developer's preference for economic efficiency appears to outweigh environmental or community considerations, in conflict with the EIA Directive and national planning policy requiring careful landscape and amenity protection. The Non-Technical Summary refers to a high-level site selection process, including a nationwide review and the narrowing of options to the Midlands region. However, it is submitted that it fails to meet the requirements of Article 5(1)(d) of the EIA Directive (2011/92/EU).

26. The Non-Technical Summary refers to a high-level site selection process, including a nationwide review and the narrowing of options to the Midlands region. It is submitted that it fails to meet the requirements of Article 5(1)(d) of the EIA Directive (2011/92/EU as amended by 2014/52/EU), which requires a description of the reasonable alternatives studied and an indication of the main reasons for the chosen option, including environmental effects.

27. While the NTS mentions that five sites were originally considered under the Maighne Wind Farm concept, it provides no names, maps, comparative data, or justification for excluding the other sites. There is no evidence that Drehid represents the lowest-impact or most appropriate site in environmental, amenity, or community terms. Additionally, the NTS does not clarify whether local stakeholders were consulted during site selection or only after the preferred site was chosen. This omission prevents meaningful public scrutiny and undermines the transparency of the planning process. A comprehensive and accessible alternative site analysis is essential to justify the selection of Drehid and to demonstrate compliance with EIA legislation.

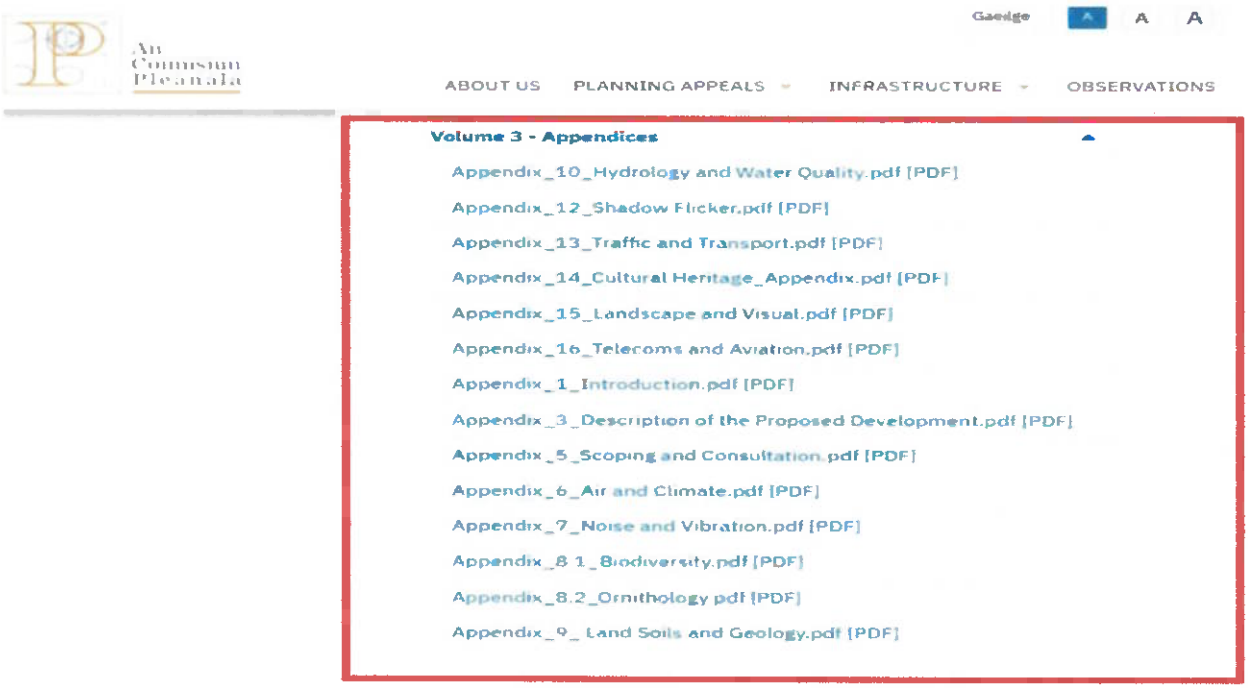
Chapter 1 – Introduction

28. While Chapter 1 outlines the general location and rationale for the proposed development, it does not provide a detailed justification for why this specific area (Drehid and surrounding townlands) was chosen over others. It simply states:
"The Proposed Development is located on a mix of private and public lands, currently in use for agriculture and forestry purposes in a relatively flat area in north County Kildare..."

    One would assume that as this is the 3rd application in the same area that the developer would have conducted a thorough examination of the site, the surrounding areas, the potential impacts from both the proposed wind-farm and other approved developments on the boundary areas of the site and of the communities concerns previously raised. Unfortunately, that is not the case as we will highlight throughout our submission.

Chapter 2 – Need for the Development, Site Selection and Assessment of Alternatives Considered

29. We were unable to find an Appendix 2 – Not available to compare / check



30. The deficiencies in Chapter 2 — including its reliance on an absent appendices and other chapters, its failure to present comparative environmental data in a self-contained manner, and its omission of critical figures and tables — undermine the integrity of the entire Environmental Impact Assessment Report (EIAR). As a result, the EIAR fails to function as a coherent and complete document, as required under Article 5 of the EIA Directive and the EPA's Guidelines on the Information to be contained in Environmental Impact Assessment Reports (2022). The absence of supporting appendices and the reliance on other chapters render Chapter 2 of the EIAR incomplete and non-compliant with the EIA Directive and EPA guidance. This significantly compromises the ability of the public and competent authority to assess the environmental effects of the proposed development and the alternatives considered, and therefore diminishes the legal and procedural adequacy of the full EIAR submission.

31. **Inadequate Alternatives Assessment** – It is submitted that the assessment of alternative sites is far too narrow; largely confined to areas already considered in earlier projects (Maighne / Drehid 2018). The EIAR relies heavily on refining a previously rejected site rather than truly fresh alternatives. More suitable, less contentious locations outside the immediate area were not explored adequately. The previous permission was quashed in the High Court (due to the Drehid judgment). Other issues were ignored Legal and procedural failings remain, especially around EIA quality, cumulative assessment and consultation flaws.

PUBLIC CONSULTATION

32. This proposed site is not explicitly designated for such development. The developer states that: -

"Public consultation was undertaken during the preliminary option development and appraisal phase. This included consultation with statutory consultees and the general public through public display events. These events provided opportunities for members of the public to review and comment on the emerging options for the development. Feedback received during these events was reviewed and used to inform the refinement of the options considered."

Public consultation is described in the context of: "Engagement with statutory bodies"
Public display events – These so-called events actually took place as part of the Maighne Project by Element Power (now Statkraft) in the Hamlet court Hotel, Johnstown bridge in county Kildare advertised 4-8pm on 18th November 2014. That was 11 years ago. A lot of people from the area have since passed away / moved on. We are unaware of any more recent consultation events. There has been close on 100 new homes built / sold in the immediate area since 2104 / 2015 when the original project was proposed and a large number of new homes built / sold in the wider area surrounding the proposed wind farm. This very obviously means that a large number of people have had little or no consultation / interaction with the developers. It is submitted therefore that the developer has failed to engage with the public with the exception of a few leaflet drops to some of the homes within circa a 1-km range. That is most unsatisfactory and abjectly failed to meet minimum standards. Moreover, it is submitted that the developer has not used the correct maps or count of all the homes within a 1km range of the proposal. A number of homes have been omitted (which was also the case in the 2018 application). It follows that the developer has failed to yet again identify all properties that are "at risk" from this proposed development just as they did in the 2018 application.

33. The text notes that public consultation informed the scoping and refinement process, as part of the initial assessment and evaluation of site options for the project – we have already demonstrated that the public consultation with all elements of the scoping process renders the EIA deficient.
— Source: Chapter 5 - Scoping and Consultation- July 2022 Public Display Event: "A first round of public display events took place in July 2022, which introduced the proposed development and presented preliminary turbine layout options to local communities."
— Source: Chapter 5 - Scoping and Consultation - August 2022 Public Display Event:
"Further public consultation was undertaken in August 2022, during which the refined layout and environmental considerations were presented. Feedback from the July events helped shape the updated information."

We take major issue with these statements and submit that neither of these so-called events took place at all; no one in this organization nor any local people whom we consulted were aware of any of the above and it should be borne in mind that we were all highly alert to further applications for wind farms. This being the case, it is submitted that the developer is blatantly trying to deceive the planning authority with these preposterous suggestions that they engaged with the community.

34. Since the July 2022 and August 2022 public consultation events that are claimed to have happened in the Environmental Impact Assessments documentation did not actually take place, that raises grave concerns in relation to transparency and compliance — particularly having regard to the Aarhus Convention. The alleged public display events in July and August 2022 were listed but never occurred as such, then this is a clear violation of the Aarhus Convention's principles on: Public participation (Article 6), and Access to information (Article 4). We draw your attention to case ref. **ACCC/C/2013/107** of the Aarhus Convention Compliance Committee wherein Ireland were found to be in breach of article 6 of the convention.

35. The Non-Technical Summary does mention that alternative sites were considered, including a multi-stage site selection process. However, this assessment lacks detail on the specific alternative sites evaluated, making it open to criticism. It also states that a nationwide and regional site selection exercise occurred, but provides no detailed or transparent comparison between Drehid and other candidate sites. No maps, tabulated assessments, or justification criteria are presented to demonstrate why Drehid was selected over the four other Maighne Wind Farm areas. The lack of spatial data and community context for these options undermines the validity of the selection process and fails to meet the EIA Directives requirement

to present "a description of the reasonable alternatives studied" and the reasons for choosing the proposed site.

36. The site selection process appears retrospective and dismisses alternatives without robust comparison. The chapter does not show a comparative evaluation of multiple candidate sites with scoping or mapping. We were unable to find any evidence of a structured multi-criteria analysis (e.g., grid access vs. biodiversity vs. community proximity) The EIA Directive Article 5(1)(d) requires consideration of reasonable alternatives. Grid access is used as the primary justification, but this does not outweigh other environmental and community risks. While the site's proximity to grid infrastructure is emphasised, there is minimal balancing of impacts such as; Local population density, Sensitive habitats or Road suitability

Grid convenience should not override environmental and residential suitability.

37. The chapter also refers to national energy policy goals, but does not link the development's capacity to local or regional targets. Smaller, dispersed community-led projects could achieve similar outcomes with less local impact. No, serious assessment is given to non-greenfield or repurposed lands, little attention to Commercial or industrial brownfield sites. This undermines the "least impact" principle of sustainable development. This proposal is developer-led and does not consider community-owned alternative.

38. The developer fails to demonstrate that this development is the least harmful or most beneficial option available. No structured assessment of alternative sites, technologies, or layouts is provided. The justification focuses solely on grid proximity without balancing social, environmental, or planning impacts. The developer failed to conduct a comparative alternatives analysis, including smaller-scale and brownfield options in line with Article 5 of the EIA Directive."

CH. 3 Description of the Proposed Development

39. The development involves the felling of approximately 28.4 hectares of forestry and work adjacent to the ecologically sensitive Timahoe & Mulgeek Bog. It also involves **peat excavation and deposition**, which inevetibly gives rise to carbon release, soil instability, and watercourse contamination. The biodiversity mitigation measures rely heavily on further ecological surveys.

40. There is no clear breakdown of construction phases, peak periods, or associated cumulative effects on residents or roads. This chapter states construction will take approximately 18 months but lacks the following: -

    - Timelines for heavy haulage vs. turbine erection, Peak labor periods & traffic or noise phasing analysis without which, proper impact mitigation and monitoring cannot be assured.

    - It defers details to the CTMP (Construction Traffic Management Plan), which undermines the EIAR's ability to stand alone for impact assessment. This reduces transparency for residents trying to understand traffic impact. The chapter mentions culverts and access upgrades but lacks technical descriptions of watercourse works or flood protection measures." This is especially concerning for: Access tracks near wetlands & Drainage at crane hardstands or substation. These omissions are relevant to Habitats Directive compliance and water pollution risk.

    - The reinstatement of temporary works (like laydown areas or road widenings) is vague or undefined. Without, binding commitments, these areas may become de facto permanent, increasing landscape and biodiversity impact beyond what's assessed.

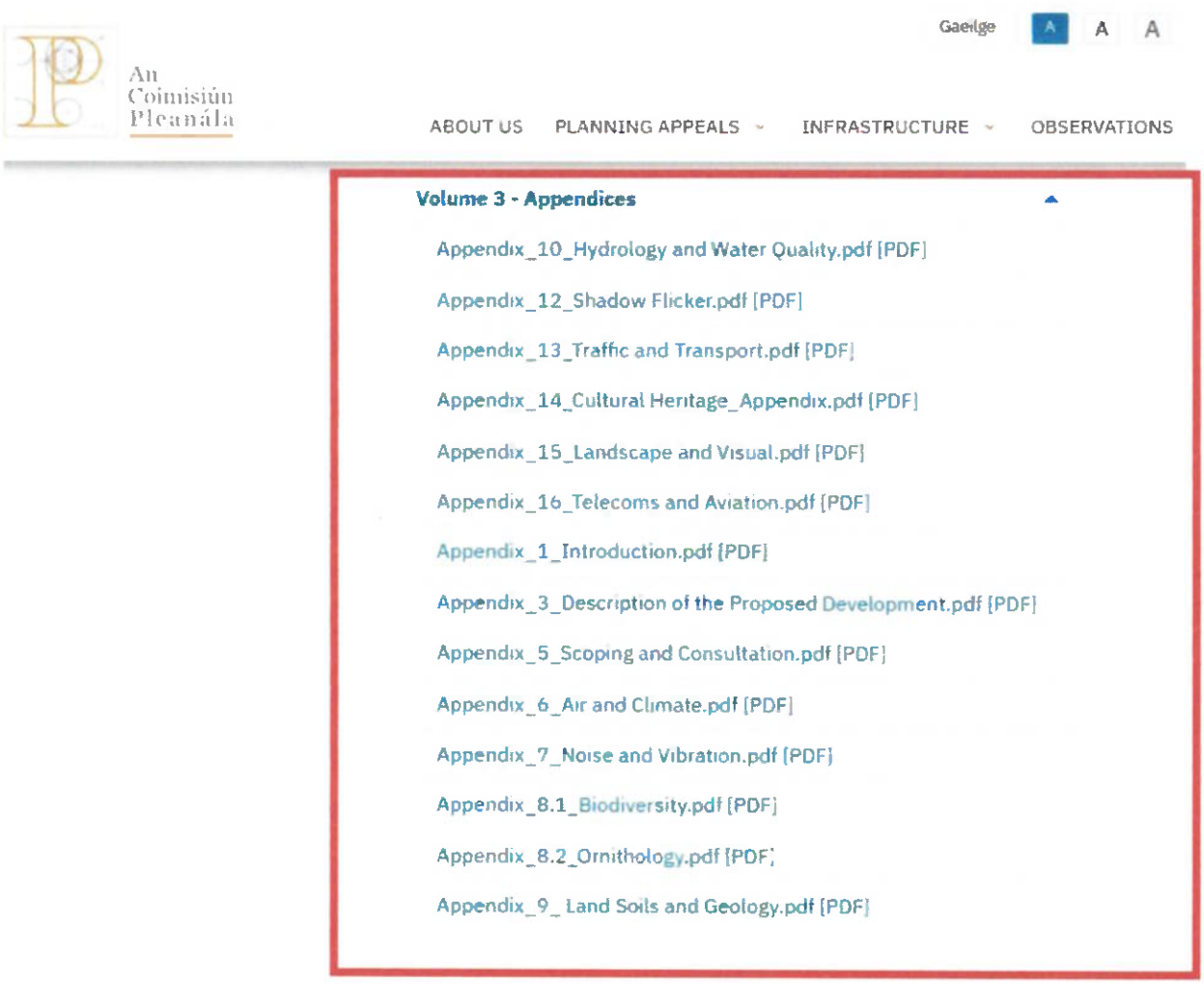
    - Claims about minimal land impact ignore turbine bases, widened roads, and permanent crane pads.

    - The statement that land will "return to agriculture" after construction is in our opinion misleading, as some areas (e.g. around turbines, access routes, substation) are permanently altered. Furthermore, we understand that the massive concrete foundations will remain in place. This is an unsacceptable use of finite resourses.

41. It is submitted that Chapter 3 fails to provide the level of detailed design and phasing necessary for effective environmental or community impact assessment. It omits essential construction timelines, site-specific traffic and flood risk plans, and defers key infrastructure impact details to separate documents. The reinstatement strategy is vague and undermines the credibility of land use restoration claims. These gaps diminish the transparency and enforce-ability of the EIAR. The Board should treat this as a deficiency under the EIA Directive – Under Article 5(1)(a)–(d) of the EIA Directive 2011/92/EU (as amended).

CH: 4 Policy
Appendix 4 is absent – Not available to compare / check

42. We are very critical of the apparent selective Use of National Policy - "The developer references broad national targets for renewable's, but ignores balanced regional planning, landscape protection, and rural amenity policies.



43. Chapter 4 emphasis Climate Action Plan 2023 and the program for Government, which support wind energy. However, it omits the following: -
    - Landscape Sensitivity Designations County Development Plan objectives to protect rural amenity, tourism, or heritage views
    - Cumulative landscape impacts from other projects in the region

44. The developer uses national ambition to justify a local impact without reconciling the two. This is in our view scurrulous conduct. This project fails the test of sustainable siting within a coherent planning hierarchy. "There is no site-specific policy assessment or zoning compliance analysis under the County Development Plan." The developer fails to demonstrate compliance with local planning policy, which is a requirement under the Planning and Development Act 2000 (as amended).

45. **Kildare County Development Plan**: Wind Energy Strategy – Open for Consideration "areas in the northwest and south of the county are emerging as areas where there are less conflicts to potential wind farm development" Not that there is NO conflicts but that there are less conflicts the developer interpreted this to their own needs.

46. The concept of 'Acceptable in Principle' – "*This is the preferred area for wind energy development characterised by a robust landscape, a low housing density, adequate wind speeds and proximity to the existing electricity transmission and distribution grid. The location of a potential wind farm site within.*"

An 'Acceptable in Principle' zone should not be construed as a certainty that planning permission will be granted

47. It should also be noted that while wind energy schemes may be 'Acceptable in Principle' within this area there are a myrid of site-specific considerations such as impacts to residential amenity and biodiversity that will need to be examined and considered at planning application stage. The developer cites the Draft National Planning Framework and previous renewable targets without referencing most recent sector guidelines.

48. This chapter appears to reference outdated targets or policies (e.g., the 2006 Wind Energy Guidelines) and does not show; How the proposal aligns with the Draft Wind Energy Development Guidelines (2019) in terms of community engagement, noise, or setback. The developer is relying on obsolete benchmarks and ignores evolving policy requirements that promote better siting and public consultation

49. Chapter 4 selectively references national policy goals while avoiding critical evaluation against local planning protections and landscape designations. The developer provides no detailed assessment of the County Development Plan or site-specific zoning. Furthermore, the policy chapter lacks any measurable evidence of local benefit, engagement, or compliance with updated national guidelines. The developer has failed to show a detailed, reconciled policy assessment showing clear alignment with national targets and local planning protections.

50. Kildare County Council Wind Energy Development Strategy (Wind Strategy) incorporates a statement of the Council's objectives in relation to wind energy development and sets out the methodology for the identification of suitable locations for wind energy development in the county, having regard to the relevant policy context.

51. The strategy identifies rural areas as having a significant role in the delivery of the energy needs of the region, in the form of wind, solar and biomass. The Strategy acknowledges that Bord na Móna's Strategic Framework for the Future Use of Peatlands identifies cutaway bogs as areas which may be suitable for renewable energy as long-term alternative uses of these sites. This area is characterised by medium landscape sensitivity, which is a less robust category of landscape sensitivity. It has the potential to accommodate wind farm development subject to a detailed assessment on the visual impact of the proposal on the landscape in particular, and cumulative visual impacts with existing and permitted wind farms. "*Wind farm developments will be facilitated in this area subject to compliance with normal planning and environmental criteria outlined in Section 5 of this report*" and the development management standards in the County Development Plan. Wind farm proposals in this area will be required to demonstrate potential for cumulative visual impacts at application stage

SCOPING AND CONSULTATION

52. The developer of the proposed Drehid Wind Farm (North Kildare Wind Farm Ltd.) undertook a multi-stage scoping and consultation process between 2018 and 2024 to inform the Environmental Impact Assessment Report (EIAR) or so they state;

    Initial Scoping Report (2018): -
    "A detailed EIAR Scoping Report was issued in July 2018 to 72 consultees, including: Kildare County Council departments, Government departments (e.g. Agriculture, Defense, Culture, Transport), Environmental NGOs (e.g. An Taisce, Birdwatch Ireland), Infrastructure and utility providers (e.g. ESB Telecoms, EirGrid, Gas Networks Ireland) and Aviation and telecommunications stakeholders (e.g. IAA, DAA, 2RN, RTÉ, mobile operators)"

    Scoping Update Letter (2024):
    "An updated letter was sent to the same consultees to reflect: Changes to the site layout, Inclusion of a new proposed substation and an Updated grid connection method differing from the 2018 plan."

53. The developer also states Community Liaison Officer (CLO) engaged with residents via door-to-door visits, newsletters, a dedicated project email and phone line.

Although a scoping update was issued in 2024, key changes — such as the addition of a substation and amended grid connection — were introduced late in the process. There is no evidence of comprehensive re-consultation with affected parties or full transparency with the community. Furthermore, the limited or non-existent public access to some technical appendices (e.g., mitigation agreements with telecom providers) is unacceptable.

54. While the site is within a medium-compatibility area for wind energy, the proposed development conflicts with other key Kildare County Development Plan objectives including:
    - Protection of residential amenity,
    - Sustainable land use and peatland conservation,
    - Road-safety and infrastructure capacity and
    - the Preservation of recreational and tourism assets

55. The development area is commonly used by the community for recreation, such as walking and cycling. The construction and long-term presence of turbines, fencing, and associated infrastructure would severely disrupt the enjoyment and accessibility of these lands — a matter inadequately considered in the EIAR.

56. The EIAR omits financially involved landowners from critical impact assessments — particularly visual, shadow flicker, and noise analyses. For instance, when assessing turbine visibility from nearby homes or calculating setback distances, the report explicitly excludes properties owned by landowners with a financial stake in the project. This approach undermines the objectivity of the Environmental Impact Assessment and presents a misleading picture of how the turbines will affect the wider community. The visual intrusion and proximity impacts are artificially minimized by excluding properties with the closest or most intrusive turbine views simply because their owners are financially participating in the project.

57. As non-participating residents/ NGO, we find this approach extraordinary. Its unjust and contrary to the principles of fair and impartial environmental assessment. The planning authority must consider the cumulative and community-level impact, not just those on non-involved households.

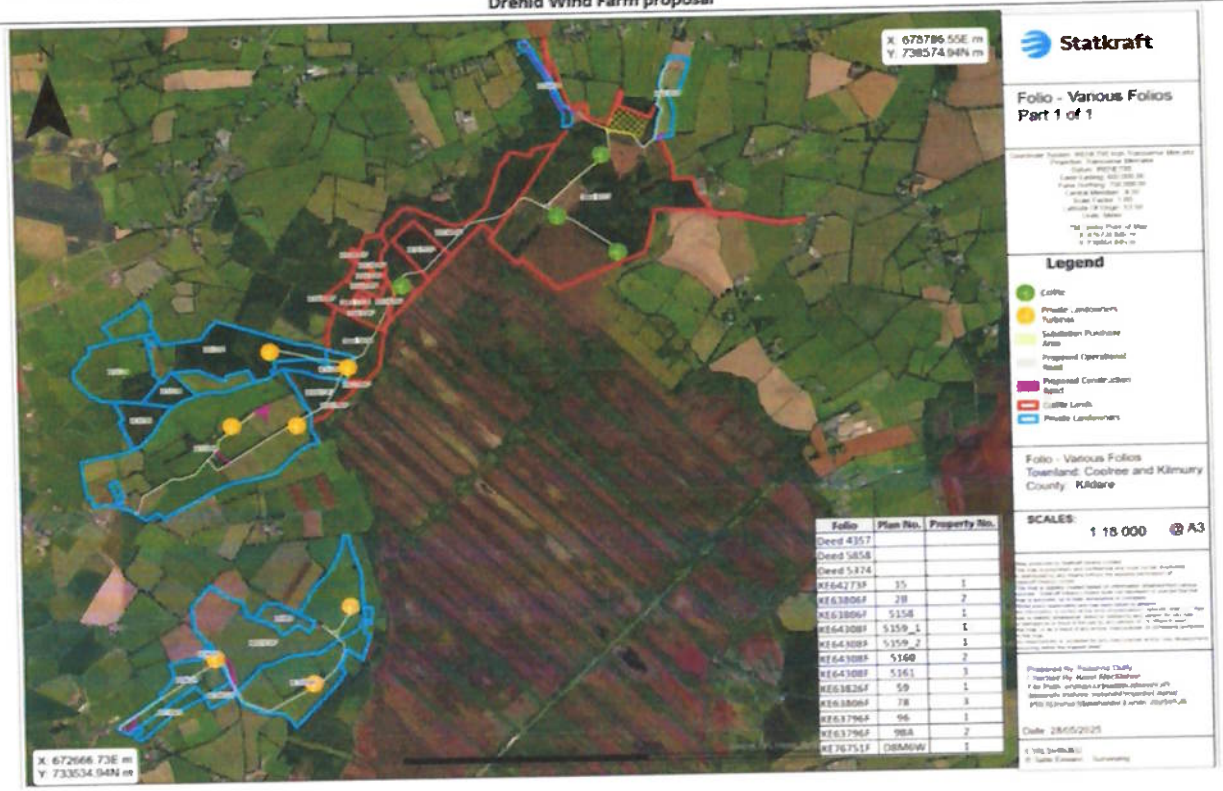
58. Furthermore, the layout of turbines appears to have been influenced by landowner participation rather than optimal environmental or amenity considerations. This calls into question the project's overall compliance with the Kildare County Development Plan's policies on rural amenity protection and equitable development.

LAND OWNERSHIP

59. The landowners mentioned are treated as "involved receptors", and: Higher noise limits may be accepted at their properties (e.g., they may accept noise over 43 dB LA90 at night). For example, Receptor R134, located near the site entrance, is noted as such a property. Under Planning & Development Regulations, planning applications must include: Land Registry documents and folio maps (showing site boundaries and ownership), and landowner consent letters—particularly where the applicant is not the landowner.

    The application does include most landowner consent letters, but fails to show individual folio maps, instead it shows a combined map of all folios, which is not very clear and doesn't state the individual's interest in the proposed development.

Map illustrating proposed location of turbines, a substation and roading requirements as they concern Coillte Property (lands outlined in red) as part of the overall Drehid Wind Farm proposal



60. At no stage in the application does Receptor R134s folio or consent letter appear to be available. Failing to include these is considered very sloppy and further shines a light on the incompletedness of the application. Under Planning & Development Regulations, planning applications must include: Land Registry documents and folio maps (showing site boundaries and ownership), and landowner consent letters—particularly where the applicant is not the landowner. Article 22(2)(g) of the Planning and Development Regulations 2001 provides that, an applicant must demonstrate: "*The name and address of the person or persons who is the owner of the land or structure (if not the applicant), and the nature of the applicant's interest in the land or structure*." This is interpreted as requiring explicit disclosure of legal interest — which may include owner consent, lease agreements, or folio details to show land control. Where the development includes works outside the applicant's ownership, the written consent of the landowner must be submitted (as required under Article 22(2)(g) and Article 17(1)(b) of the Regulations). Compliance with Article 22(2)(g) is Mandatory; it is not optional! The planning regulations require that if the applicant is not the landowner, they must provide the owners name and address and specify the nature of their own interest in the land.

AIR QUALITY AND CLIMATE – PROPOSED MITIGATION

61. The EIAR concludes that with the implementation of best practice dust suppression and emissions mitigation, no significant residual air quality impacts are anticipated during construction. The developers propose six specific mitigation measures to protect air quality during the construction phase. These may be summarised as follows: -
    - **Restrict dust-generating activities** during dry and windy weather.
    - **Dampen down haul roads** and exposed surfaces using water as needed.
    - **Minimize drop heights** for materials during loading and unloading to reduce dust generation.
    - **Regular cleaning of haul roads** and hard surfaces to prevent dust build-up.
    - **Implement speed limits** for construction vehicles to reduce dust from vehicle movement.
    - **Ensure machinery and vehicles are well-maintained** to limit emissions, and avoid engine idling.

    There is no indication that local authorities or third-party inspectors will oversee the application of dust suppression measures or vehicle emission controls. Without independent monitoring and enforcement, there is a risk that the mitigation measures will not be applied consistently or effectively. Self-policing is a ridiculous concept which in our experince is most unsatisfactory.

62. While the EIAR identifies six mitigation measures to manage dust and emissions during construction, these measures are generic best-practice actions and not site-specific commitments with clear implementation guarantees. The site is classified as "Low Risk" for dust impacts under the Institute of Air Quality Management (IAQM) framework primarily because of the rural setting and limited number of nearby receptors. However, this classification assumes ideal conditions and does not account for the combined effects of multiple concurrent activities across the wind farm site, substation construction area, and turbine delivery route upgrades.

63. **Without prejudice to our principal submissions that this application be refused, should the Board actually grant this ludicrous proposal,** at the very least a robust Construction Environmental Management Plan (CEMP) should be required as a condition of any planning approval. It must include real-time dust and air quality monitoring at site boundaries and near sensitive receptors with detailed enforcement protocols, responsibilities, and penalties for non-compliance. We see no commitment by the developer to protect the homes located to the west side of the proposed new site entrance from the effects of the duct from the haul trucks. This would also need to be addressed.

64. The EIAR assesses the wind farm, substation, and turbine delivery route (TDR) impacts in relative isolation. This fragmented approach fails to address the cumulative air quality impacts of simultaneous earthworks, HGV traffic, and vegetation clearance across these overlapping zones. Residents living along the TDR and at multiple receptor locations are likely to be subjected to repeated dust episodes from different parts of the project — a cumulative nuisance that the current assessment downplays. Coordination with Kildare County Council Roads section where construction activities could impact public road safety is reccomended. Without such measures, the proposed project poses an avoidable and serious road safety risk to the local community

NOISE AND VIBRATION

65. The developer of the Drehid Wind Farm proposes to manage noise and vibration from the turbines through several design features, monitoring protocols, and mitigation strategies outlined in Chapter 7 and Appendix 7. The developer asserts that operational noise from the proposed wind farm will remain within acceptable limits, based on predictive modelling and background noise surveys. However, these predictions rely heavily on ideal conditions and guidance (e.g., ETSU-R-97 and IOA 2013) that are widely regarded as outdated and inadequate for protecting rural residential amenity.

66. While the developer acknowledges the potential for Amplitude Modulation (blade swish), which can cause a pulsing or thumping noise, they concede that this is unpredictable and offer only reactive measures—such as pitch control or turbine shutdowns—if complaints arise. This is not a proactive or enforceable mitigation strategy and places the burden on affected residents.

67. Tonal noise and infrasound are largely dismissed, despite increasing international concern about their health impacts. The developer claims these effects will be imperceptible, but offers no site-specific infrasound assessment. Vibration is also deemed negligible based on distance, without real-world data from similar turbine types and site conditions.

68. While the developer mentions ongoing monitoring, there is no firm commitment to independent noise auditing or enforceable curtailment protocols, making it unclear how compliance will be verified or upheld post-construction. The developer's assessment relies on predictive noise models and background surveys benchmarked against ETSU-R-97 and the Institute of Acoustics (IOA) 2013 Good Practice Guide. These are widely criticized as insufficiently protective of residential amenity, particularly in quiet rural areas. No guarantee is provided that actual operational noise will match the predictions, especially given the variability in environmental and turbine-specific factors.

69. The EIAR acknowledges the risk of amplitude modulation (AM), a pulsing or thumping sound from turbine blades. However, the developer admits this phenomenon is unpredictable and offers only reactive measures—such as blade pitch adjustment, vortex generators, or turbine shutdowns—after a problem is identified. This approach provides no certainty or enforceable protection for nearby residents and shifts the burden of proof to affected households. Unpredictable and poorly mitigated. The assessment appears to entirely screen out low frequency noise and infrasound, despite growing research indicating that these

effects, even at sub-audible levels, may cause significant annoyance and potential health impacts. No site-specific measurements or commitments to monitor these effects post-construction are proposed.

70. Operational vibration is dismissed as imperceptible and non-damaging based on general studies, not on data specific to this site or the selected turbine model (Nordex N133/4.8). Given the proximity of residential dwellings (as close as 640m), this lack of empirical validation is unacceptable. Vibration issues are minimised without sufficient evidence.

71. Although post-construction noise monitoring is referenced, there are no binding commitments to: -
    - Independent, third-party verification of noise levels or
    - Real-time monitoring systems accessible to the public or regulators;

    Clearly defined and enforceable curtailment thresholds and response times should be specified. Without these safeguards, residents have little protection should noise exceed predicted levels or nuisance arise. It is submitted that this amounts to Inadequate Commitment to Monitoring and Enforcement.

NOISE MONITERING AT MEENWAUN WIND FARM – NUISANCE ISSUES

72. Take for example The Meenwaun Wind Farm – a development in County Offaly, Ireland. The developer for the Meenwaun Wind Farm was Element Power (now Statkraft) – The same developer as in this application. "A FREEDOM of Information (FOI) request has revealed that people living in the vicinity of Meenwaun Wind Farm have been complaining about "unbearable noise" coming from the wind turbines for years. The Wind Farm is located between Birr and Banagher near the Taylor's Cross area and features four giant turbines. Meenwaun has been operating since January 2018 "and since then, we understand that the noise has been unbearable for some of its neighbors. We further understand that Offaly County Council – Environment Section engaged with the owners, requesting an explanation, details, and so on. We also understand that Wind Farm planning compliance noise monitoring was carried out from 6th of February 2018 to 8th of May 2018. During this period the neighbors emailed the Council to point out that the turbines had seemingly been turned off during the noise-monitoring period. They also pointed out that no noise monitoring was being carried out at the nearest dwelling to the wind farm. The Council therefore hired an independent company to carry out a noise monitoring survey. This company submitted its conclusions in September, which pointed out a number of Noise Compliance issues at the wind farm.

73. Throughout the following months the neighbors continued to complain about the noise levels. The Council continued to engage with them. In September 2019 the Council told the residents it had appointed an independent consultant to carry out an assessment of the wind farm. During this period the Council said its requests for the turbines to be shut down for one-hour periods, between 2am and 3am, weren't complied with. Throughout 2020 the residents continued complaining about the noise levels. In February 2020 the Council's independent consultant issued its report, which stated that the wind farm was not compliant with a planning condition.

74. There are now numerous examples of nuisance coming from low frequency noise and infra sound from wind farms. Who is responsible if people are forced to vacate their homes; the operator or the land owners or the planning authorities (for permitting it)? The state has already had numerous cases re liability indirectly from other authorities. Between the early 1990s and early 2000s, over 16,500 personal injury claims were filed by current and former members of the Irish Defense Forces. These claims alleged noise-induced hearing loss, primarily due to exposure to gunfire and other loud military training environments without adequate hearing protection. In this regard, we note the case of ***B. v. Minister for Defense (1998)*** – In this case, the court emphasised the importance of risk assessment and enforcement of protective procedures. It should be noted that Irish residents have previously brought successful proceedings based on noise nuisance from wind turbines, most notably in ***Curley & Others v. Wind Aware Ltd / Barranafaddock Wind Farm Ltd***. Although that case settled without a judgment, it is a clear example that prolonged turbine noise—particularly low-frequency noise, amplitude modulation, and sleep disturbance—can amount to a legal nuisance under Irish common law. The Drehid Wind Farm proposal fails to guarantee protection from such impacts. The EIAR does not offer enforceable commitments to prevent amplitude modulation or low-frequency noise, both of which were central to complaints in the Curley case. Should this development proceed without strict controls and real-time monitoring, residents will likely be left with no remedy other than the courts.

75. Another case worthy of notes is that of – Byrne & Moorhead ***Gibbet Hill Wind Farm***; High Court, June 2025): In this landmark case, the court ordered a permanent shutdown of three turbines, awarded substantial annual and aggravated damages, and refused to allow the operator to pay to continue the nuisance. The interference from turbine noise was held to be unreasonable, frequent, and particularly problematic during sleep hours. In lacking enforceable limits on amplitude modulation, nighttime noise, or robust mitigation measures, the Drehid wind farm proposal, will likely face similar legal challenges. Even if projected decibel levels comply with planning conditions, the absence of guaranteed real-world noise abatement will likely expose residents to significant nuisance levels. Moreover planning conditions are unlikely to adequately deal with the nuisance issues, which will follow. It is entirely foreseeable therefore that the residents may have to resort to nuisance litigation and seek various reliefs including injunctive relief.

76. In light of the above, the planning authority should not assume that compliance with statutory decibel levels alone is sufficient. Without firm and independently verifiable noise reduction strategies, the precautionary principle should be invoked and permission refused. The potential for civil litigation and legal exposure should therefore be considered.

77. The developer has admitted that the noise levels at the proposed site entrance will be 9.6 dB above a 65 dB limit. They state that R134 is approximately 25 meters from the site entrance and was described as a noise sensitive receptor and according to the developer they are satisfied with the noise levels, likely because they have an interest in the project. We were unable to find any consideration having been given to the home located on the other side of the site entrance. The Eircode for that home is **W91 C6NP** and would inevitably be more affected than those on the R134 because the construction traffic will pass their home to access the proposed new entrance, which is located before the R134's house.

78. Relevant legal frameworks and common-law precedents strongly support the proposition that construction noise will likely amount to actionable nuisance in Ireland, especially when unreasonable and persistent. An exceedence of 9.6 dB at the site entrance above a 65 dB guideline significantly breaches acceptable thresholds. In BS 5228-based assessments, any exceedence signals a high potential for significant impact, which supports the case for legal nuisance.

79. The Environmental Impact Assessment Report (EIAR) acknowledges that predicted noise from site entrance construction activity will reach 74.6 dB LAeq, nearly 10 dB above the accepted 65 dB daytime construction limit. This level of exceed is classified as a "significant adverse effect" under BS 5228 and would be expected to cause disruption and distress to nearby residents.

80. The residents in – **Eircode W91 C6NP**, which is located beside the proposed site entrance, have not given any consent to the developer nor have they been consulted about the proposed noisy environment beside their home. There is no proof that the Receptor ref. 134 has agreed to this imposing noise, although the developer appears to state otherwise. We were unable to find an appropriate letter of consent accompanying the application.

81. Under Irish common law, noise that substantially and unreasonably interferes with a resident's enjoyment of their home can constitute private nuisance, even if the activity is permitted by planning. There is a growing body of Irish case law—most recently the recent **Byrne & Moorhead v ABO Energy Ltd (Gibbet Hill Wind Farm)**—that demonstrates courts willingness to grant injunctions or damages where persistent noise causes harm. A 9.6 dB exceedance, in a quiet rural area, will almost certainly breach the threshold of reasonableness and will expose the developer to legal action from affected residents.

82. *"Location N1, at receiver R126. This location was chosen as the noise environment is representative of the noise environment present at the proposed wind farm. The noise monitor was located at the rear of the dwelling approximate 20m from the façade. The area is mowed with trees and bushes surrounding the perimeter with a hen coop approximately 8m from the noise meter and c. 40m from the local country road. Rustling of foliage, bird song and distant traffic noise could be heard at this location."*

    Re Monitoring Location N1 – What they failed to highlight was that the landowner seemingly left a tractor running in close proximity to the microphone for considerable lengths of time during the recording period. "Distant traffic noise" is a complete deception by the landowner. This was witnessed by one of our volunteers.

83. The developer should take note that "planning permission does not authorise nuisance. Even if the development proceeds lawfully in planning terms, it may still face civil claims or enforcement under the Environmental Protection Agency Act (1992), Section 108, or common law nuisance.

84. No cumulative assessment of future or consented wind developments / Solar projects is provided, despite a clear IOA guideline that if noise contributions are within 10 dB of existing sources, cumulative analysis is required. Failing to consider reasonably foreseeable developments undermines the integrity of the EIA and may breach cumulative impact assessment requirements under Irish and EU EIA law.

85. No detail is given as to which landowners refused access for noise monitoring, nor is there evidence that alternative negotiations were pursued, or that Environmental Health Officers were consulted, as IOA GPG recommends.

86. Old Noise Data Collection - Noise monitoring was conducted in 2017 and 2019, but the EIAR is dated May 2025 - no updated monitoring has been conducted which is even more necessary now with the recent completion of the North Kildare Solar Farm

87. Configuration/Layout of T4,T5,T6 &T7 will likely cause significant noise nuisance as per Gibbet Hill noise nuisance legal case, being less than or equal to 1050 meters from inhabited location(s). Additionally, configuration/Layout of T1& T2 will likely cause significant noise nuisance as per Gibbet Hill noise nuisance legal case, being less than or equal to 1050 meters from inhabited location(s).

IMPORTANT LEGAL CASES

88. Recent Irish court cases have established that wind farm operators may be found liable for nuisance even when compliant with planning noise limits if their turbines cause amplitude modulation (AM), tonal noise, or shadow flicker that materially disrupts nearby residents' lives. Compliance with planning conditions does not eliminate nuisance and is not a bar to nuisance litigation

1. **Webster & Shorten v Meenacloghspar (Ballyduff, 2024),**
- Residents within 370m of two turbines experienced thump noise and vibration.
- High Court ruled that AM caused unreasonable interference with home enjoyment.
- Result: Injunction against turbine operation during sensitive periods + damages.

2. **Byrne v ABO Wind Ireland Ltd (Filed ~2019),**
- Ongoing case: plaintiffs allege noise and vibration effects near a 2013 wind farm.
- Highlights broader legal recognition of non-compliance-related nuisance claims.

3. **Coughlan & Others v ESB Wind Development Ltd** (Waterford, 2018 present)
- Residents sued over visual, shadow flicker, and noise impacts.
- High Court ruled discovery too broad, but allowed case to proceed on nuisance grounds.

4. **Shivnen & Ors -V- Enercon Wind Farm Services Ireland Ltd & Anor 2011/9955 P**: Banteer (Carrigcannon Wind Farm) – High Court, 2016–2017. Seven families from the Banteer area pursued Enercon Windfarm Services Ireland Ltd and Carrigcannon Wind Farm Ltd over noise. The defendants admitted liability in the High Court on December 6, 2016, and the families later settled their actions in June 2017.

In February 2017, the wind farm operator admitted liability in the High Court for noise nuisance. This was a landmark development—marking the first such admission in Ireland. Ref. https://www.irishexaminer.com/news/arid-20442172.html
By June 2017, the High Court was informed that settlement agreements had been implemented and the actions were ready to be struck out. No financial details were publicly disclosed. Ref. https://www.irishexaminer.com/news/arid-30793550.html

5. Donoughmore (near a 10-turbine wind farm) – High Court, 2020. Three Kelleher siblings said their family had to leave their home due to illness allegedly caused by a nearby wind farm. They received a €225,000 settlement (no admission of liability) in February 2020.
The ***Kelleher Family vs. Knockduff Wind Farm***; The claim was brought by Laura (15), David (17), and Jack (10) Kelleher, represented by their father, Valentine Kelleher. They sued Green Energy Supply Ltd (owner/operator of Knockduff Wind Farm in Co. Cork) and the company's director, Michael Murnane. The family lived at Gowlane North, Donoughmore, Co. Cork. The 10-turbine wind farm began operations a few months before their health issues began, and is situated just over 700 metres from their home. Ref. https://www.thejournal.ie/high-court-siblings-settle-wind-farm-action-5021713-Feb2020/
Alleged Health Effects: The Kellehers reported a wide range of symptoms—including nosebleeds, earaches, skin rashes, swollen and painful hands, loss of power in limbs, sleep disturbance, and headaches—which they believed were caused by noise, vibration, and shadow flicker from the turbines.
Timeline of Events: Health problems allegedly started around May 2016. The family subsequently moved out in November 2016, initially staying in a hotel and eventually relocating to Ballyglass, Grenagh, roughly eight miles away.
Legal Outcome: In February 2020, before Ms Justice Leonie Reynolds, the case was settled after mediation, for a total of €225,000, without any admission of liability. The settlement was approved by the court.
Defendants' Position & Medical Evidence: The defendants denied negligence and disputed intrusion of noise, vibration, and flicker onto the property. The medical evidence supporting the Kellehers' claims was contested.

This was Ireland's first-ever successful nuisance claim against a wind turbine operator for noise impacts affecting families. It set a precedent that opened the door to similar legal challenges elsewhere.

Nuisance Factors associated with Industrial Wind Turbines: -

- **Amplitude Modulation (AM)** repetitive thumping sounds, particularly disturbing at night
- **Tonal Noise turbine hum** or mechanical tonal frequencies
- **Shadow Flicker** strobing shadow effect in homes during sunrise/sunset periods
- **Vibration & Psychological Impacts** secondary but frequently reported
- **Annoyance, disruption and loss of amenity** and adverse interference with lifestyle

89. **Without prejudice to our principal submissions that this application be refused, should the Board actually grant this ludicris proposal, we make the following plannign recommendations: -**
    - Enforce post-construction AM and tonal noise monitoring using standardised methods (e.g. IoA).
    - Include automatic curtailment rules triggered by nuisance thresholds.
    - Ensure shadow flicker modelling uses worst-case and receptor-specific assumptions.
    - Require accessible complaint systems and public reporting of monitoring data.
    - Include cumulative noise, vibration, and transformer impacts in final assessments.
    - Lower dB limit.

90. The Irish High Court found wind turbine noise (especially amplitude modulation or AM) to be a nuisance, even when within planning thresholds. AM ("thump" or "swish") was found to cause severe night-time disturbance and which resulted in turbine shutdowns and over 360,000 in damages.
Source: https://www.irishtimes.com/crime-law/courts/2025/03/14/wind-farm-companies-admit-liability-in-co-wexford-couples-nuisance-claims/

91. The developer states in the EIAR - Amplitude Modulation (AM): Addressed via mitigation (blade pitch control), using latest 2023 EPA and UK guidance.

92. **Without prejudice to our principal submissions that this application be refused, should the Board actually grant this ludicrous proposal, we make the following planning recommendations:**
    - Night-Time Limits: Applied stricter night-time threshold (43 dB LA90).
    - Low Noise Areas: Uses measured background levels to define receptor-specific noise limits.
    - Tonal Noise: Uses BS4142 rating methodology with dB penalties applied to tonal sound.
    - Substation Noise: Fully assessed, rated for tonal penalties if present.
    - A legally enforceable monitoring program or curtailment threshold should be included.
    - Full transparency with NGO's and community with full access to noise and other monitoring data.
    - AM curtailment subject to defined thresholds.

93. **Noise Monitoring Review**: Site Entrance and Wheel Wash Area at proposed Drehid Wind Farm

    1. Noise at the Site Entrance

    - Receptor R134 is located 25m from the southern site entrance – No reference to the residents located to the west of the site entrance Eircode W91 C6NP,
    - Predicted construction noise level: 74.6 dB LAeq, 1hr.
    - This exceeds the 65dB construction threshold by 9.6 dB.
    - The dwelling is occupied by a family member of a financially involved landowner.
    - No commitment is made to actively monitor noise at this location.
    - Mitigation includes minor access road realignment, but no barrier or acoustic shielding is proposed.

    2. Noise at Wheel Wash Stations

    - Wheel wash facilities are included for environmental water/silt control. Appears to be no assessment of noise impacts from: -
    - Pump or mechanical operation
    - Idling or queueing HGVs
    - Also appears to be no receptors or acoustic monitoring proposed near the wash area.

    3. Overall Noise Monitoring Approach

    - Seven receptors selected for construction noise monitoring.
    - Monitoring focuses on residential properties, not site infrastructure.
    - No real-time or continuous monitoring proposed for entrance areas or wheel wash.

    No active monitoring planned; i.e. we were unable to find any evidence to say that someone would be employed during construction.

    Wheel Wash Station – Not properly assessed – No monitoring or mitigation listed

    Application identifies a significant noise exceedance near the site entrance, but does not commit to direct monitoring. Noise from wheel wash stations is not assessed, and no mitigation is proposed for their acoustic impact.

94. We raise concerns about the impact of the proposed development on the Whooper Swan. This species often travels to roosting sites at dusk and in darkness and is vulnerable to the blades of the turbines. It certainly roosts in Lullybeg wetland at N 68954 25479 and probably at Ballynafagh Lake N 81073 28935, and Timahoe North at N 76384 34123. There are collision risks for the swans regardless of their roosting site, but especially if the latter two sites are used.

95. The Natura Impact Statement mentions bats only briefly: It notes that a bat survey was conducted (Bat Conservation Ireland, 2022) but provides no detailed results or analysis. It states that no special conservation interests in the relevant European sites relate to bats. It therefore does not consider bats to be a qualifying interest for the Habitats Directive screening. Multiple bat species were detected, including Leisler's bat, Common pipistrelle, Soprano pipistrelle, Nathusius' pipistrelle, Brown long-eared bat, and Myotis species. The site's coniferous and mixed woodland blocks — including those earmarked for felling for turbine bases, roads, and cable routes — were identified as commuting and foraging habitat, with some trees showing low to moderate bat roost potential. Several turbine locations, access routes, and cable corridors will require permanent removal of forest stands. The felling footprint overlaps areas where bat activity was recorded, including woodland edges and internal tracks used as commuting corridors.

96. Mitigation proposed by developer;
"Pre-felling bat roost checks on trees with moderate or high potential
Seasonal restrictions on felling (outside maternity season, generally May–August).
Retention of habitat corridors where feasible.
Installation of bat boxes to "compensate" for any roost loss."

Insufficient survey resolution: The survey did not include aerial inspections or internal cavity checks for trees with potential, so possible roosts may remain undetected.

Underestimation of habitat importance: Even without roosts, removal of foraging/commuting habitat can significantly impact local populations — especially in a forest block of this size.

Fragmentation risk: Felling will break continuous canopy corridors used for commuting, increasing predation and energy costs for bats.

Legal protection overlooked: All bat species and roosts (occupied or not) are protected under the Wildlife Acts and Habitats Directive Annex IV. Destruction of habitat and commuting routes may constitute disturbance or degradation of resting places, requiring a derogation licence.

Mitigation uncertainty: Bat boxes have poor uptake rates compared with natural roosts and do not replace lost woodland structure in the short term.

Cumulative effects not assessed: If other local forestry operations or developments are also removing woodland, cumulative habitat loss could be significant but is not robustly considered.

97. Applicants state that they intend to *"clear existing trees/scrub around 10 of 11 turbines (T1, T2, T4–T11) to create a vegetation-free buffer"; T3 is the only one that does not need felling to meet the minimum buffer (they quote 75.8 m). They also say a larger 90 m buffer previously recommended in 2019 is not required now, because "none of the turbine locations are above low/moderate risk for Leisler's bat."*

98. All Irish bat species are listed on Annex IV of the EU Habitats Directive and are strictly protected under the European Communities (Birds and Natural Habitats) Regulations 2011–2023 and the Wildlife Acts 1976–2023. It is an offence to deliberately kill, capture, disturb, or destroy the breeding/resting places of bats, regardless of population status or proximity to designated sites. The EIAR acknowledges that the site supports Leisler's bat, Common pipistrelle, Soprano pipistrelle, Nathusius' pipistrelle, Brown long-eared bat, and Myotis species. Failure to maintain the precautionary approach – reduction of turbine/vegetation buffer from 90 m to 75.8 m despite continued felling across most turbine sites.

Inadequate roost detection survey effort – absence of aerial or internal cavity checks in high-potential trees.

Loss and fragmentation of protected species habitat – significant removal of woodland used for foraging and commuting without robust connectivity analysis.

Insufficient mitigation – reliance on bat boxes without proven equivalency or monitoring commitments.

Risk of non-compliance with strict protection provisions – under the Habitats Directive and Wildlife Acts. In light of these issues, the proposal fails to demonstrate that no offence will occur under national and EU wildlife law, and does not meet the precautionary standards required in the presence of Annex IV species.

The Ornithology chapter's consultation table records that Bat Conservation Ireland was contacted in both 2018 and 2024 and did not reply. The developer appears to treat the absence of a response as tacit agreement to proceed. Such an assumption has no legal basis. Under the Habitats Directive, Wildlife Acts, and EIA Regulations, the onus rests entirely on the developer to demonstrate that the project will not contravene the strict protection afforded to Annex IV species. Silence from a statutory consultee or stakeholder does not constitute consent, approval, or a discharge of the developer's legal duties. The absence of a reply does not relieve the developer of the requirement to identify, avoid, and mitigate impacts on protected species to the requisite standard of certainty.

99. Several key environmental NGOs (e.g. Bat Conservation Ireland, Bird Watch Ireland, Irish Wildlife Trust) were consulted, but did not respond, and the developer proceeded without further engagement. The absence of a response from NGO's should not be taken as a nod of approval. We are all grossly under resourced. We are personally acquainted with the above referenced NGO's and know that they are unable to deal with the volume of correspondence and enquiries, which they receive. For our part, we have similar resource constraints. This weakens the project's claim to have incorporated robust stakeholder biodiversity input and fails to comply with the legal requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended).

100. In Ireland today, habitat degradation and losses are the main factor eroding biodiversity, including through changes in agricultural practices, poorly managed afforestation, drainage, pollution and poor construction habits. Construction activities in Ireland can significantly damage biodiversity through habitat destruction, pollution, and fragmentation of ecosystems. These impacts can be both direct, such as habitat loss during construction, and indirect, like the effects of increased traffic or pollution on nearby ecosystems.

101. The developer of the Drehid Wind Farm proposes several mitigation and enhancement measures to minimize damage to biodiversity during the construction, operation, and decommissioning phases but we raise the following concerns: -

- Active otter holts were identified as close as 27m from construction zones, yet best practice (NPWS & EC guidance) recommends greater buffer zones (typically 150m in some contexts).
- Mitigation relies on pre-construction surveys and ECoW judgment, but no certainty is provided that disturbance will be avoided.
- The project includes extensive hydrological works and felling close to riparian corridors, which risks destroying breeding/resting sites, a strict liability offence under Irish and EU law.
- For species such as bats, Marsh Fritillary, and otters, some final mitigation details are deferred to pre-construction surveys rather than being fixed in advance. This undermines the predictive value of the assessment and contravenes EU Habitats Directive obligations to assess impacts with "complete, precise and definitive findings".

102. The EIAR promises habitat reinstatement post-construction, but: -

- Timelines and maintenance plans are unspecified or generic.
- Restoration success criteria or contingencies are not clearly defined, making mitigation unenforceable in practice.

- Although the EIAR includes a cumulative assessment, it fails to rigorously analyse combined effects from adjacent developments such as ***Timahoe North Solar Farm***, the recently approved ***Cadamstown Solar Farm*** and existing habitat degradation. There is little clarity on combined hydrological impacts to Mulgeeth Bog, a sensitive habitat adjacent to all projects!

103. The developer's ecological statement does not reflect the known presence of red squirrel (Sciurus vulgaris) within the immediate area of the proposed works. Sightings confirmed by [photos/local records] show active use of nearby tree lines. As a protected species under the Wildlife Act, red squirrels and their dreys must be safeguarded. The omission of focused red squirrel surveys and lack of mitigation planning constitute a serious deficiency in the Natura Impact Statement and contradict established biodiversity data.

104. The Environmental Impact Assessment Report (EIAR) and associated Natura Impact Statement (NIS) rely heavily on mitigation measures that are deferred to the post-consent phase, such as future ecological surveys, pre-construction monitoring, and ecological supervision. This approach is fundamentally inconsistent with the legal standard set by the Court of Justice of the European Union (CJEU) in Case C-127/02 (Waddenzee), which states that: -

"*An appropriate assessment must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the site concerned.*" (CJEU, C-127/02, para. 61)
The project cannot legally proceed unless no significant effects can be ruled out with scientific certainty. That threshold is not met in this case. The precautionary principle under EU law dictates that where such doubt exists, permission must be refused.

105. In addition, the CJEU ruling in ***People Over Wind v Coillte Teoranta (C-323/17)*** reinforces that mitigation measures may not be considered at screening stage unless they are fully specified, proven, and integrated into the design. The reliance here on generic or future mitigation plans – without enforceable safeguards, timelines, or ecological success criteria – means that neither the screening assessment nor the NIS meet legal adequacy. For these reasons the application must be refused on the basis that it fails to comply with: -

- Article 6(3) of the EU Habitats Directive
- CJEU Case Law (C-127/02 and C-323/17)
- Regulation 42 of the Birds and Natural Habitats Regulations 2011
- The principles of precaution and legal certainty in EU environmental law.
- The Wildlife Act, 1976, as amended, and the EU Birds Directive 79/409 EEC

106. The EIAR confirms the presence of at least five Red List: bird species, namely: -

- Hen Harrier (Circus cyaneus),
- Lapwing (Vanellus vanellus),
- Curlew (Numenius arquata)
- Barn Owl (Tyto alba) &
- Yellowhammer (Emberiza citrinella)

These species are afforded heightened concern due to their rapid population declines and sensitivity to habitat change and disturbance. General Mitigation Is too vague and unenforceable - While the EIAR proposes general measures such as avoiding vegetation clearance during the breeding season and deploying an Ecological Clerk of Works (ECoW), these are: Non-binding in detail – No minimum staffing, schedule, or enforcement mechanism is defined for ECoW oversight. Furthermore, this is a form of self-policing which we have no confidence in whatever.

Moreover these are reactive rather than preventative measures – Relying on "pre-works surveys" to identify active nests shifts the burden of protection until after planning is granted and site works begin, which is an unacceptable risk for vulnerable species.

Hen Harrier – There is no Effective Protection or Buffering – Hen Harriers, though recorded only during winter, are extremely sensitive to disturbance and landscape fragmentation. The EIAR fails to define minimum flight corridor or foraging buffer zones. There are thought to be less that 100 breading pairs of

Hen Harriers nationwide which is very concerning. We were unable to find any reference to turbine curtailment during key migration or overwintering periods, despite acknowledging Hen Harrier presence and flight activity.

Lapwing and Curlew – Breeding Waders at Risk – These species were recorded as breeding near the site and are extremely vulnerable to displacement: The mitigation measures rely on undefined "buffer zones" around nests with no commitment to maintaining suitable breeding habitat post-construction. The proposed habitat restoration lacks specificity in terms of target vegetation structure, grazing regimes, or long-term management necessary to support these declining species.

Barn Owl – Roost Disruption Risk is understated – The EIAR suggests that Barn Owls were surveyed, but there is no definitive data presented on confirmed roosts within or near the site, nor any legally enforceable protection for roosting/nesting habitat. The vague mention of potential nest box provision off-site does not offset the risk of turbine collision or roost abandonment.

Yellowhammer – Hedgerow Removal and Displacement – Yellowhammer presence is acknowledged, but mitigation hinges on replanting hedgerows post-construction. There is however no guarantee of hedgerow quality, continuity or timescale to maturity, making such measures inadequate to preserve existing breeding territories. No buffering, quiet zones, or ecological corridors are proposed to support this species through the construction or operational phase.

107. Lack of Adaptive Management or Contingency Planning – There is no binding commitment to adaptive mitigation should post-construction monitoring reveal adverse effects. Without predefined thresholds or mitigation triggers, post-impact monitoring is functionally toothless.

108. The Natura Impact Statement (NIS) submitted as part of the Drehid Wind Farm application fails to consider the potential impacts on several nationally significant Red-Listed bird species that are confirmed as present within or adjacent to the proposed development area. While the Hen Harrier (Circus cyaneus) is briefly acknowledged in relation to its Special Conservation Interest status for a designated SPA (Slieve Bloom Mountains), the NIS omits any reference whatsoever to: -

- Lapwing (Vanellus vanellus),
- Curlew (Numenius arquata),
- Barn Owl (Tyto alba),
- Yellowhammer (Emberiza citrinella)

All of which were recorded during the baseline ornithological surveys submitted with the EIAR. This omission is significant. All four of these species were recorded in the baseline ornithological surveys. Are Red-listed birds of conservation concern in Ireland are potentially impacted by construction and operational phases. The absence of any discussion of these species in the Natura Impact Statement may represent a serious oversight, particularly given that the purpose of the NIS is to assess likely significant effects on species and habitats of conservation concern, including those not confined to European sites.

109. These species are included on Ireland's Red List due to severe population declines and are highly vulnerable to habitat loss, disturbance, and fragmentation—all potential impacts associated with wind farm construction and operation. The absence of any assessment or mitigation for these species in the NIS is remarkable and very concerning and undermines the adequacy of the screening and impact conclusions presented. It follows that In accordance with Article 6(3) of the Habitats Directive and national biodiversity policy, the precautionary principle must apply. A Natura Impact Statement that fails to assess known vulnerable species documented on-site cannot be considered legally or scientifically robust, and should be deemed inadequate for the purpose of informing a grant of permission.

110. Furthermore it is worth noting the Combined Restricted Period from these, we can deduce: -
March to August → No work that could disturb Kingfishers.
October to March → No work that could disturb Whooper Swans.

It follows that the only available window for unrestricted construction (i.e. not restricted by either species) is: September only! That's the only month not overlapping either species' sensitive period, assuming both

are present in the affected area and close to construction zones. Construction in sensitive drainage zones is planned outside peak rainfall seasons.

LAND, SOILS, GEOLOGY & HYDROGEOLOGY

111. The Drehid Wind Farm proposal references peat extensively, particularly in the "Peat Stability Report" (Appendix 9.1), and outlines several mitigation measures to address peat-related risks. The applicants approach may be summariesed with the following excerpts from the EIAR: -

- *"Peat is described as low strength, high moisture, fibrous, and highly variable, making it susceptible to instability from preparatory factors like water content changes, vegetation loss, and slope geometry."*
- *"Most turbines and infrastructure are located on areas with low slope (<2°), minimising landslide risk. Where deep peat is present (e.g., T8, T9, T10), foundations and access roads are carefully sited and designed to avoid major disturbance."*

Mitigation Measures Proposed - Minimising Excavation in Peat Areas
Where *"deep peat is present (e.g., T8, T9, T10), foundations and access roads are carefully sited and designed to avoid major disturbance."*

Design Controls: *"Foundations (gravity or piled) will be designed with peat depth and strength in mind. For deep peat areas, floating roads are not proposed due to associated failure risks seen in other projects like Meenbog. The design incorporates a minimum Factor of Safety (FoS) of >1.3, indicating stable slope conditions."*

Drainage Management: *"Existing surface drainage patterns will be maintained or improved during construction to prevent waterlogging and reduce shear stress buildup in peat layers. Drainage from forestry and agricultural land will be integrated and shallow flooding areas managed carefully."*

Construction Practices: *"No peat removal is proposed where avoidable. Where removal is necessary, peat will be carefully excavated, stored, and reused in approved peat deposition areas. Use of low ground-pressure machinery, minimal traffic, and clear construction protocols in peat areas. Controlled tipping and restricted access in sensitive areas during high rainfall or thaw conditions."*

Monitoring and Inspections: Ongoing site inspections, shear vane testing, and slope monitoring throughout the project. *"A peat risk register was compiled and is to be updated during construction."*

112. The developers reference many best practice guidelines and appear to follow voluntary industry standards for peat stability assessment, but there's no clear evidence of binding legal compliance or statutory peat risk register requirements being fulfilled in advance of construction. The EIAR states that a peat risk register was compiled and is to be "updated during construction." This approach is inadequate and does not reflect the seriousness of peat instability risks in high water-content, low-shear-strength peat environments. Post-approval updates to a risk register during the active construction phase are inherently reactive and not preventative. This is more of this daft self policing concept.

113. Excavated peat is to be stored, reused or reinstated in accordance with a peat management plan (this referenced but we were unable to find it in any of the documents included in the NIS).

114. Given the documented peat depths of up to 5.4 metres (T8) and the presence of cutover raised bog with variable geotechnical properties (Von Post H7–H8, B2–B3), there is a credible risk of peat slippage or slope instability, especially during wet weather, thaw conditions, or under loading from construction equipment. It is considered that a final, site-wide peat risk register should have been completed and peer-reviewed before any planning permission was applied for on this site. This is especially important given the history of catastrophic peat failures in other Irish wind energy projects such as at Derrybrien, County Galway and Meenbog, County Donegal. Reliance on live updates during construction does not provide adequate safeguards for sensitive peatlands, nearby watercourses, or downstream ecosystems.

115. Saying the register "will be updated during construction" contradicts the core principle of pre-emptive risk management in PLHRAG and IWEA guidelines, which recommend all slope stability hazards be identified and mitigated in the planning/design phase. The applicant's reliance on a peat risk register "to be updated during construction" does not meet the standards of the Environmental Impact Assessment Directive (2011/92/EU, as amended), particularly Article 5, which requires a clear, proactive outline of mitigation measures prior to consent.

HYDROLOGY & WATER QUALITY

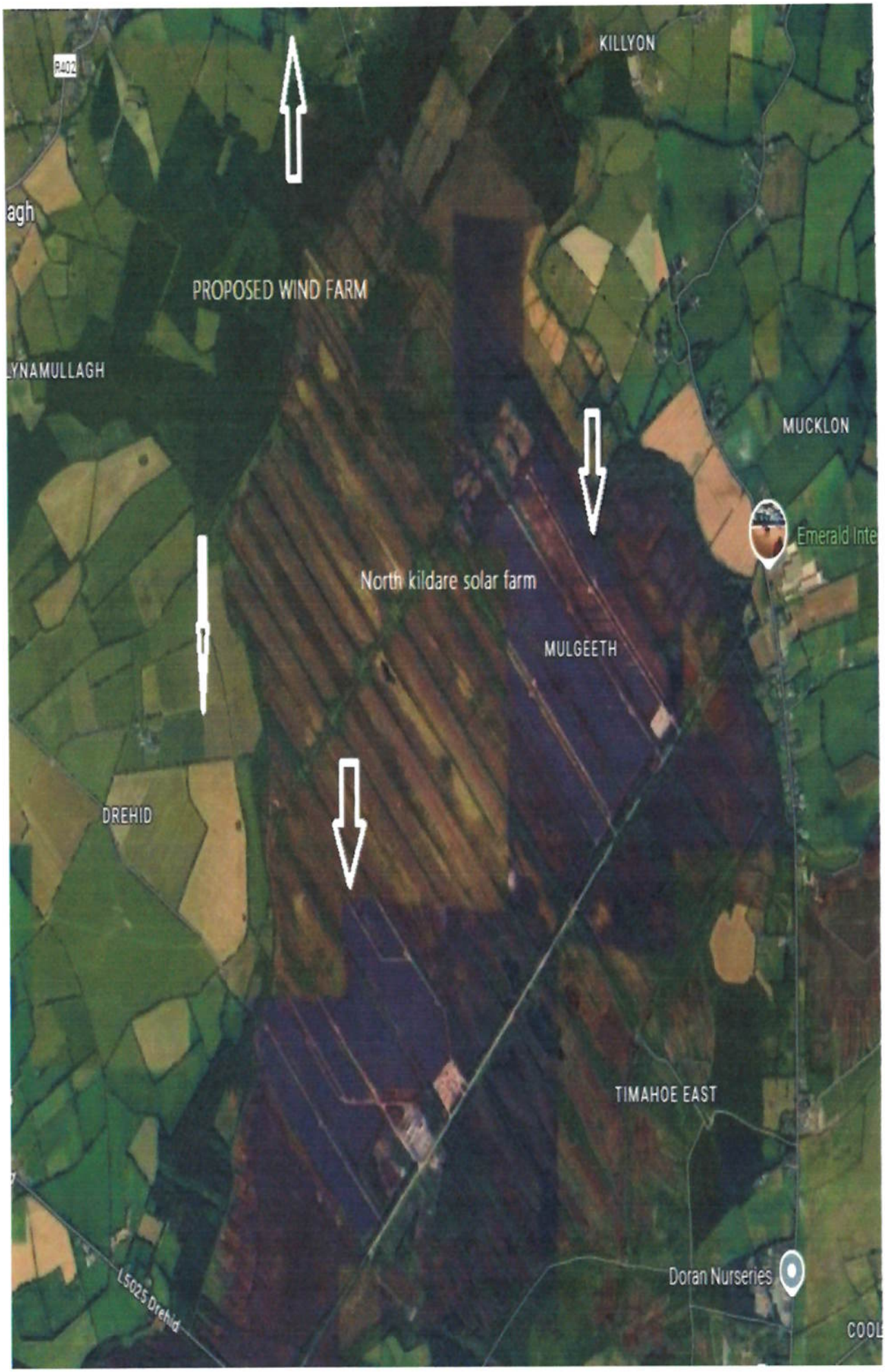
116. The NIS appears to assume that no hydrological connectivity exists between the site and Timahoe Bog, based on a lack of visible surface hydrology, but does not provide detailed hydrogeological evidence to fully exclude subsurface or lateral flows through cutover peat. Given the known vulnerability of peatland systems to subtle hydrological changes, it is submitted that this assumption is insufficiently robust without a full peat hydrology and connectivity assessment.

117. The focus here is on catchments and tributaries within the development footprint—primarily the Fear English River (EPA name: Ballynamullagh) and its tributaries. These flow northward toward the River Blackwater and ultimately the River Boyne, which is away from the Timahoe Bog area. There is no mention of Timahoe Bog or any indication of surface water or groundwater connectivity to it in either the main report or appendices. The Environmental Impact Assessment Report (EIAR) does not appear to have properly assessed whether Timahoe Bog has any hydrological connectivity—direct or indirect.

118. The hydrological study area is narrowly defined: it only considers the Fear English River and its tributaries, which drain northward to the River Blackwater and River Boyne. There is no dedicated section, figure, or assessment ruling out potential hydrological connectivity to sensitive nearby peatlands like Timahoe Bog, either at surface or subsurface level.

119. The EIAR fails to demonstrate that the proposed development has considered or assessed potential hydrological connectivity to Timahoe Bog. Despite its proximity and ecological sensitivity, the bog is entirely omitted from the hydrological study area. No groundwater flow modelling, connectivity analysis, or cumulative impact consideration appears to have been undertaken to rule out adverse effects on the bog's hydrology. This omission undermines the robustness of the impact assessment and may contravene requirements under the EIA and Habitats Directives

120. The Drehid Wind Farm proposal does reference the EU Water Framework Directive (WFD) in parts of its hydrology and water quality assessment, but there is no clear evidence that it fully complies with all relevant obligations—especially with respect to sensitive receptors like Timahoe Bog


KILLYON
R402
agh
PROPOSED WIND FARM
YNAMULLAGH
MUCKLON
Emerald Inte
North kildare solar farm
MULGEETH
DREHID
TIMAHOE EAST
Doran Nurseries
L5025 Drehid
COOL

CUMULATIVE IMPACTS

121. The hydrology and water quality studies for the Drehid Wind Farm do not appear to include the existing solar farm that also drains into the Fear English River. There seems to be no cumulative impact assessment of the combined projects.

122. The Environmental Impact Assessment Report (EIAR) for the proposed Drehid Wind Farm fails to assess the cumulative hydrological impacts of other significant developments within the same sub-catchment—specifically, the two solar farms known to discharge surface water runoff into the Fear English River. This constitutes a critical omission in breach of both the Environmental Impact Assessment Directive (2011/92/EU as amended by 2014/52/EU) and the Water Framework Directive (2000/60/EC).

123. Under Article 5(1)(d) and Annex IV of Directive 2011/92/EU, environmental impact assessments are required to include a description of the likely significant effects of a project in combination with other existing or approved projects. Similarly, the Water Framework Directive requires, under Article 4, that Member States prevent deterioration of the status of all bodies of surface water, and under Article 11, that programmes of measures be implemented to achieve "good status" across all water bodies, including through controlling cumulative pressures.

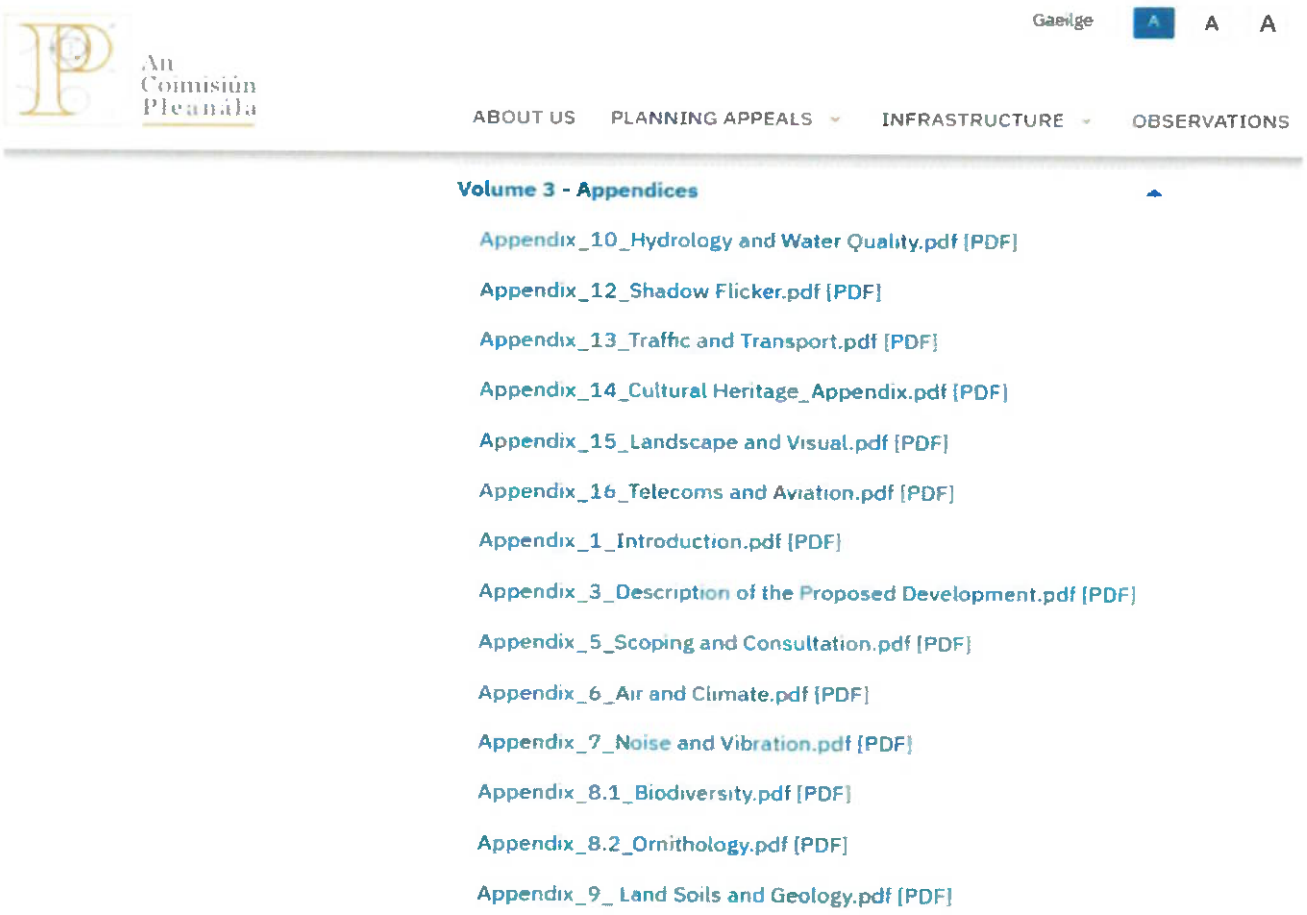
124. By failing to identify and consider the surface water discharges and hydrological alterations associated with the two solar farms that also lie within the Fear English River catchment, the EIAR does not meet the required standard of assessment. This undermines the ability of the competent authority to evaluate whether the proposed development, in combination with other projects, would result in increased runoff, pollution risk, or altered flow regimes within a shared and sensitive hydrological network. Such deficiencies may also compromise the achievement of environmental objectives set out in Ireland's River Basin Management Plan (2022–2027) under the WFD.

125. There is no identification or analysis of other existing or permitted developments within the Fear English River catchment, such as the North Kildare solar farm. We were unable to find any mention of mapping or quantitative assessment of cumulative runoff, sedimentation, or flow changes from other projects.

126. The Natura Impact Statement does not assess in-combination hydrological impacts in the catchment either—it focuses on protected habitats/species but only in the context of the wind farm's own drainage. The EIAR and its associated hydrological assessment do not comply with the requirements of the EIA Directive (2011/92/EU, as amended by 2014/52/EU) or the Water Framework Directive (2000/60/EC) in respect of cumulative assessment. There is no evidence that all developments discharging into the Fear English River and its tributaries were identified or evaluated for cumulative hydrological impact.

127. The EIAR fails to include cumulative hydrological impacts from other significant developments within the same catchment—namely, the North Kildare solar farm that also discharges into the Fear English River. This is a critical shortcoming in terms of compliance with both EIA and Water Framework Directive obligations. Without considering these projects in combination, the assessment of potential impacts on water quality, peak flows, and ecological sensitivity is incomplete until a hydrological impact assessment is provided that explicitly addresses cumulative effects from all developments discharging into the Fear English River and its tributaries. Therefore, the application should be deemed invalid

Population, Human Health and Material Assets
No Appendix 11 submitted - Not available to compare / check



128. The applicants state that;

"***Population – Current Population**: The area is rural, with low population density. 91 receptors are within 1 km of the site, mostly residential*".

These figures are incorrect as the calculations were based of old maps and some homes were also omitted in the study.

The applicants further state: -

"**Construction Phase**: Temporary increase in local population due to workers; expected to have slight, short-term, neutral impact".

These jobs are Short-term jobs for people coming from outside of the catchment area. There will be no long-term job prospects for the area.

"**Operational Phase**:" Minimal impact; a small number of maintenance jobs may cause imperceptible population effects.

"**Decommissioning: Similar to construction but with lower magnitude.**" This is due to the fact that nothing is to be removed from the ground; therefore the land will not be returned to the state it was in before construction. Leaving the giant concrete bases in place together with all the internal haul routs is an unacceptable use of resources.

Recreation, Amenity, and Tourism – Applicants state that there are no significant tourism assets are within the impact area. The existing recreational trail will be closed during construction; this will mean a loss of amenity for local residents during construction.

Human Health – Assessed based on air quality, noise, shadow flicker, and safety. Applicants conclude that there will be no significant health risks, including from EMF, noise, or air emissions.

This is preposterous and self-serving. The proposed development will significant health risks, including from EMF, noise, or air emissions. Why else to wind farms give rise to so much nuisance litigation?

Material Assets – the applicants state that Infrastructure such as roads, utilities, and natural resources are accounted for and that impacts will be temporary, minor impacts during construction with no major long-term effects expected.

This is more self serving nonscence; the visual impact on the landscape will be very significant for many miles around.

Cumulative Effects – Considered in combination with other projects (e.g., other wind/solar farms). The applicants allege that there will be no significant cumulative impact predicted.

The EIAR merely asserts that cumulative impacts will be "imperceptible" beyond 20 km without sufficient evidence or justification. This approach does not satisfy the requirements for evidence-based assessment, nor does it allow *An Coimisiún Pleanála* or the public to fully evaluate the likely significant effects of the proposed development in combination with other projects, as is explicitly required under Schedule 6 of the Planning and Development Regulations 2001 (as amended). It follows that this assessment by the applicants lacks objectivity and is entirely self-serving. We raise concerns about the integrity of the EIAR and submit that it is not fit for purpose and is as inadequate and non-compliant with statutory requirements. A revised and robust cumulative impact assessment must be carried out to accurately reflect the impact of the scale of development and its real-world consequences on the environment and local population.

SHADOW FLICKER

129. While the NTS refers briefly to shadow flicker and visual impact, it fails to substantively assess the proposed development's effect on residential amenity. There is no clear mapping or identification of sensitive receptors; no quantification of visual intrusion or shadow flicker per dwelling; and no engagement with the cumulative effect of turbine proximity, construction disruption, and loss of rural character. As such, it is submitted that the NTS does not meet the requirement under the Planning and Development Regulations to provide a clear, understandable summary of potential impacts on human health and local amenity. The applicants further state that "*There are no receptors located within 4 times the tip height of any turbine.*" (Section 3.1 – Proposed Development, p. 11). They also state that "*Shadow flicker... will be limited due to the large setback distance of 640m. If it does occur, mitigation measures will be implemented.*" (Section 12.3 – Mitigation Measures, p. 52).

A set back distance of 4 times tip height is wholly unsatisfactory given the height of the proposed turbines. A set-back distance of 10 times hub height would be far more realistic. We are well aware that if a set back distance of 10 times hub height were applied, that this would likely eliminate many of the proposed turbines given proximity to local residencs.

Furthermore, chapter 12 and the appendix completely contradict this

Chapter 12 discusses the turbine control system (light sensor + software) and estimates indicative energy-yield impacts from shut-downs (e.g. worst-case annual shutdown up to about 6.16% for one turbine before adjusting for realistic sunshine; reduced when applying ~31% sunshine factor). The modeling shows that 57 receptors are predicted to exceed the 30-hours/year limit under worst-case conditions. Even under adjusted (realistic) sunshine conditions, 5 receptors still exceed 30 hours/year. While mitigation is proposed, exceedance is confirmed, and residents may experience nuisance unless mitigation is properly enforced and proven effective. The following should be thoroughly explained:

- The effectiveness/enforce-ability of the turbine shut-down system?
- Whether affected households have been notified or consulted?
- Whether fallback mechanisms exist if automated systems fail?

The mitigation appears to be based entirely on a light sensor and software-controlled turbine shut-down system.

130. This is a very unsatisfactory approach. Reliance solely on software mitigation poses risks if the system malfunctions. There is no binding legal commitment shown to guarantee system installation, calibration, or verification. Residents have no input or independent oversight of the system. We were unable to find a map showing individual receptor locations vs. turbine positions at a scale that lets residents verify impact. The "zero flicker" target is aspirational and not guaranteed. It is submitted that this so-called modeling understates real exposure. There are no site-specific audits nor does verification appear to have been carried out to confirm the realism of these assumptions. The EIAR confirms that even after mitigation, turbine shutdowns would still cause energy yield losses of up to 6.16% per turbine in some cases. This further calls into question whether mitigation will be faithfully implemented in the long term. Shadow flicker is thought to significantly impact on mental and physical health, especially for vulnerable individuals. The developer's shadow flicker assessment admits to multiple exceedances of national guidelines, with no firm enforcement mechanisms or community protections proposed. This raises questions about the suitability of the site for large-scale wind energy development so close to residence.

Ch 12 – EIAR – Shadow Flicker 12.9: "*When considering the 'Total Theoretical Hours Per Year', shadow flicker levels may exceed the WEDG 2006 threshold of 30 hours per year at 57 receptors. However, when accounting for a more realistic scenario, where the average annual sunshine hours are taken into account, the number of receptors exceeding 30 hours per year is reduced to 5*"

TRAFFIC AND TRANSPORTATION

131. The L5025 is described as the main site entrance to the wind farm Access to the site follows the M4 → R402 → L5025 route. The L5025 will be used by all construction traffic, except for turbine delivery to the northern section. A detailed route for abnormal Indivisible Loads (AILs) includes the L5025 from R402 Sweep Crossroads to the southern access junction. Having regard to the delivery logistics, including blade transfer areas and oversize load constraints; there are several constraints along the L5025 as identified below:

- Bend 1 & Bend 2: require verge over sailing, tree canopy trimming, and possibly overhead utility relocation.
- North/South of River Kilooney Bridge: loads over sail both verges; similar mitigation required.
- Site access junction: removal of fences and vegetation, modifications for access

All overhead utilities on the L5025 are flagged for lowering or relocation to accommodate raised blade delivery. The EIAR and Appendix 13.1 both acknowledge that loads will over sail verges, require hedge/tree trimming, and alterations to junctions on L5025.This indicates that L5025 is not inherently suitable for these large vehicles without major modifications. It is submitted that the use of L5025 for turbine delivery traffic constitutes an over-intensification of a narrow rural road, is contrary to proper planning and sustainable development. The route involves sharp bends, blind corners (e.g., Bend 1 & Bend 2), and sections north and south of the River Kilooney bridge that require verge and vegetation encroachment. The intensified use of L5025 for oversized and frequent construction traffic poses a significant safety hazard, especially at constrained sections and junctions, contravening the safety objectives of the Roads Act and proper planning guidelines. The TDR report recommends load-bearing surfacing and significant verge modifications. Tree canopy trimming and hedge removal are required, affecting the visual character of a rural road and potentially impacting biodiversity (e.g., bird nesting habitat)

132. The visual and ecological impact of repeated tree and hedge cutting on L5025 has not been adequately assessed in the EIAR and would degrade the rural character of the area. The EIAR indicates this is the primary access route, yet limited evidence is presented regarding alternatives. While consultation with Kildare County Council supposedly occurred, there's no clear evidence that residents along the L5025 were consulted about roadworks, access restrictions, or noise/dust. It is submitted that the proposal lacks adequate consultation with affected local residents, undermining procedural fairness and the participatory rights under the Aarhus Convention and Irish planning law. The applicants state: -

- "*Construction of 1. no. site entrance (off local road L5012) to accommodate the delivery of large turbine components.*" (Section 3.1 – Proposed Development, p. 11)
- "*There is potential for temporary elevated noise levels... due to the instatement of sections of the access road and grid connection works.*" (Section 7.6 – Residual Impacts, p. 22)
- *"A designated turbine delivery route and preferred haul road network have been identified and approved prioritizing safety, minimization of disruption, and alignment with local authority guidance"* – but yet they state –
- *"Transport Management Plan to be agreed with Kildare County Council"*

Are these not conflicting statements from the developer?

Deficiency Concerns – There is no mention of live GPS vehicle tracking, CCTV, or traffic marshals beyond basic flagmen. There is no detailed plan or contingency for holding HGVs off-site if delays occur. This assumes traffic flow but lacks stress test scenarios (e.g., overlapping deliveries, incidents). There appears to be no fallback routing or holding area plan in case of road closure or local emergency.

A similar statement was made in an application for the *North Kildare Solar Farm* [KCC Ref 181514] – Yet numerous instances occurred on the L5025 with the haulage trucks arriving to the site entrance too early and left blocking & loitering on the road. Not giving any consideration to the locals who had to call on the guards to come out to deal with trucks speeding excessively and not stopping when meeting other road users; Not using the designated haul route to and from the quarries. There were numerous complaints re the trucks using shorter yet not suitable routes. A truck speeding and not using the designated route overturned thus causing the road to be closed in order to facilitate its removal from the ditch. The continuous use of heavy vehicles traveling to the construction site resulted in the verge being severely damaged thus leaving a lot of the road as single lane use.

[CASE: KCC-126464] NON COMPLIENCE PLANNING REF 181514 - CRM:00001000240557

133. Appendix 13.1 assumes that all utility lowering, verge trimming, and sign removal will occur, but offers no enforceable commitments or timelines. There is no evidence of consultation with the relevant entities The mitigation measures proposed for L5025 are in our opinion vague and unenforceable and lacking detail on timing, contractor responsibility / consultation and post-construction monitoring. The L5025 is a narrow rural road with significant geometric constraints. The applicant acknowledges that loads will over sail verges, require hedge and tree trimming, and necessitate infrastructure modifications to accommodate turbine transport. These factors demonstrate that the road is not suitable for such heavy and oversized vehicle use without substantial, disruptive interventions. It is further submitted that the over development of a local road contrary to sustainable planning and infrastructure guidelines. Moreover it is submitted that there will be adverse impacts on road safety for existing users, which are contrary to the objectives of the Roads Act and proper planning standards.

134. The Turbine Delivery Route Report calls for verge widening, fence and hedge removal, and additional load-bearing surfaces. There is no clear commitment to post-construction road reinstatement or protection against long-term damage. Inadequate protection of public infrastructure and lack of enforceable mitigation measure. There is no clear indication that any consultation or approval has been obtained by the relevant parties or owners of the properties that need works in order to facilitate the route. The proposed roadwork's along the L5025, including the trimming and removal of mature trees and hedgerows, will have a significant adverse visual impact on the rural character of the area and may affect habitats used by birds and small mammals. The proposed roadwork's along the L5025, including the trimming and removal of mature trees and hedgerows, will have a significant adverse visual impact on the rural character of the area and may affect habitats used by birds and small mammals. Failure to comply with the following; Article 6(3) of the EU Habitats Directive &The Wildlife Act, 1976, as amended, and the EU Birds Directive 79/409 EEC. Residents and landowners directly affected by the use of L5025 have not been adequately consulted regarding: -

- Disruption due to roadworks
- Construction traffic volumes and timing

- Visual and noise impacts
- Removal of mature trees – the removal of mature trees (some of which are hundreds of years old) is unwarranted and unacceptable.
- Failure to uphold participatory rights under Irish planning law and the Aarhus Convention,
- Appendix 13.1 outlines mitigation in broad, non-binding terms (e.g., vegetation trimming, utility relocation, overrun areas). We were unable to find a Construction Traffic Management Plan with detailed enforcement, timelines, or roles identified.

135. The L5025 is demonstrably unsuitable for the scale and nature of traffic proposed in this development. Its use will result in unacceptable impacts on infrastructure, road safety, residential amenity, and the environment. The EIAR acknowledges that significant coordination with utility providers will be required to relocate or lower overhead cables along the turbine delivery route. However, the developer has not completed this coordination prior to submitting the application, nor have they confirmed the feasibility or scope of these works. Does this not represent a lacuna in the planning application? It is submitted that the traffic, environmental, and amenity impacts of such infrastructure works are not assessed in the EIAR. Consequently, the proposed turbine delivery route — a critical element of the project — cannot be considered robust or deliverable as presented. Approval of the development in its current form would improperly defer key feasibility, environmental and safety issues to post-consent phases, contrary to the requirements of the EIA Directive (2014/52/EU) and proper planning practice.

136. L5012 is only for turbine delivery to the northern section. There will also be a temporary-use site entrance constructed off the L5012, immediately west of the existing Coillte entrance, for the purposes of turbine delivery for the northern section of the site only during the construction. The TDR Report (Appendix 13.1) fails to assess or even acknowledge the use of the L5012, despite it being listed in the main EIAR as part of the turbine delivery access. There is no swept path analysis, no route constraint assessment, and no visibility or safety review for this access route. This may represent an incomplete assessment of traffic impacts and could be grounds for further objection or clarification.

137. The planning application contains a critical inconsistency in the treatment of the L5012 local road, which undermines the adequacy of the traffic and transport assessment. Chapter 13 of the EIAR clearly states that a temporary site entrance will be constructed off the L5012, west of the existing Coillte entrance, for the delivery of turbine components to the northern section of the site. It further states that while use of this entrance will be infrequent, it is intended for the delivery of abnormal loads (AIL), including turbine blades or other oversized components, both during construction and potentially over the operational lifetime of the project. Despite this, Appendix 13.1 – the Route Survey Report (RSR) – which specifically assesses the feasibility and constraints associated with turbine delivery routes, makes no reference whatsoever to the L5012. The route assessed in the RSR is restricted to the M4 → R402 → L5025 route only. No swept path analysis, visibility assessment, or constraint identification has been provided for the use of the L5012, nor has any mitigation been proposed for its temporary use as an AIL route. The delivery of long turbine blades or oversized loads via an unassessed and unmitigated entrance on the L5012 poses substantial risks to road safety, structural integrity of the road network, and local amenity. The L5012 is a narrow rural road not designed for AIL traffic and may include constraints such as limited width, sharp bends, inadequate sightlines, and vulnerable road verges—all of which should have been explicitly evaluated in the Route Survey Report. It is submitted that these inconsistencies impugn the integrity of the EIAR, which fail to meet satisfactory standards required for an EIAR.

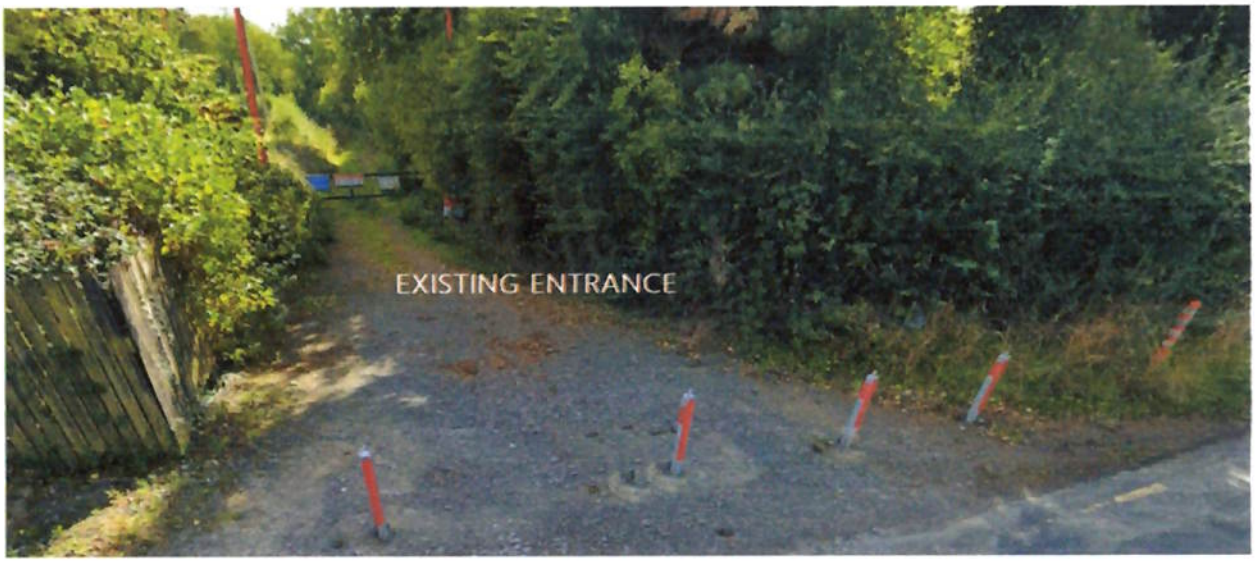
138. The L5012 is a narrow, rural road, not designed for all use, and is likely to contain significant physical constraints including narrow carriageway width, restricted verges, mature hedgerows, limited visibility at entrances, and tight bends. These risks have not been evaluated or disclosed in the EIAR, rendering the assessment incomplete and non-compliant with the above planning standards and legal obligations under the EIA Directive (2011/92/EU as amended by 2014/52/EU). The planning application contains a critical inconsistency in the treatment of the L5012 local road, which undermines the adequacy and lawfulness of the traffic and transport assessment submitted as part of the Environmental Impact Assessment Report (EIAR)

Chapter 13 of the EIAR clearly states that a temporary site entrance will be constructed off the L5012, west of the existing Coillte entrance

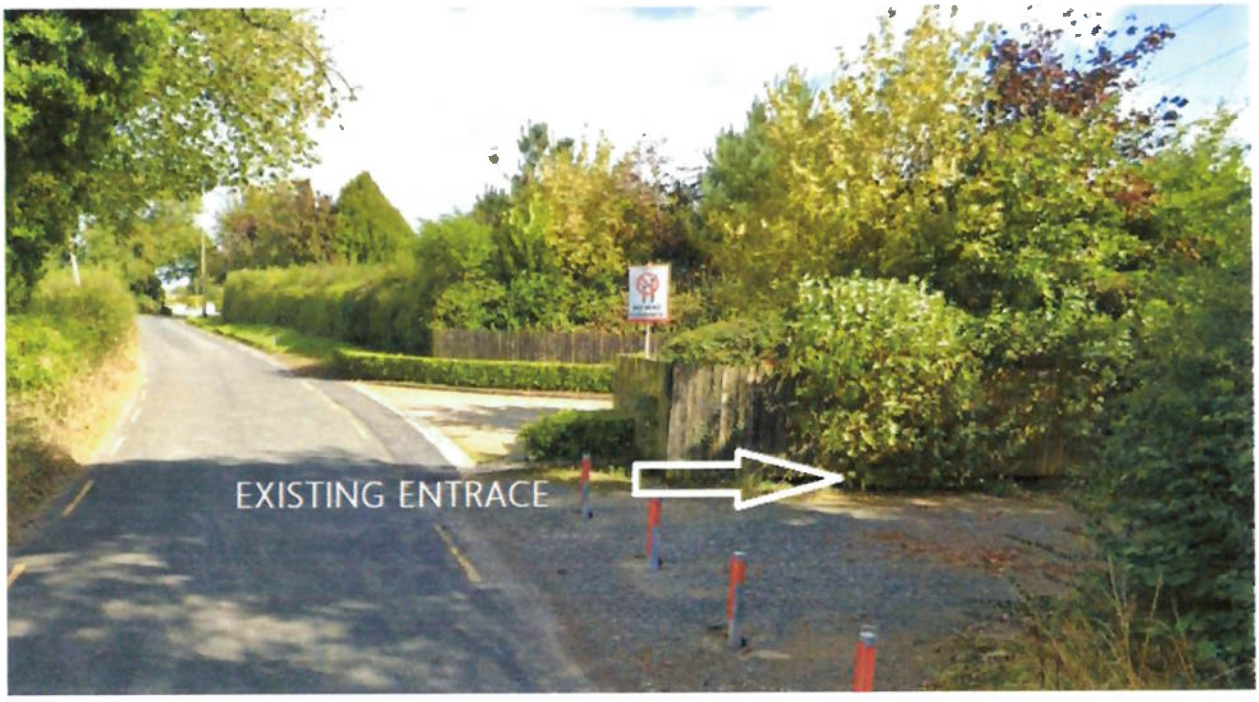

County Kildare
Google Street View
ep 2024 See more dates
PROPOSED NEW ENTRANCE
GREENFIELD


NO SIGHTLINES
FROM PROPOSED
NEW ENTRANCE

139. The existing Coillte entrance should have been considered for upgrading rather than destroying a Greenfield site with an unnecessary roadway. Wasting finite aggregates in this manner is foolhardy. There is a shortage of aggregates in the British Isles in general. Conservation of aggregates is advised if Ireland is to fulfill it supply issues for housing developments and other meritorious road projects.

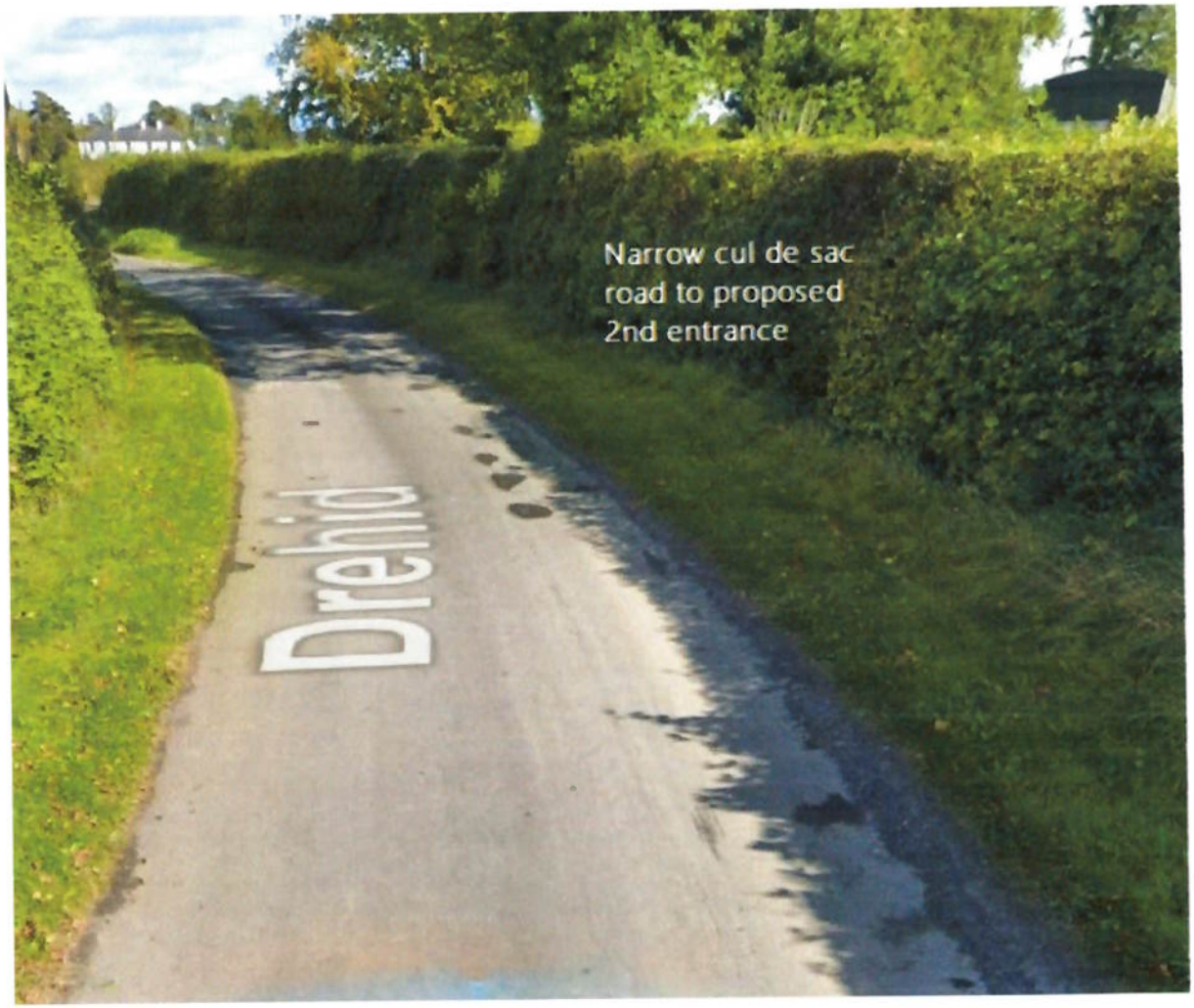



EXISTING ENTRANCE


EXISTING ENTRACE

140. The L50242: It is a cul-de-sac road centrally located within the proposed development site. It will be used for cable installation to connect the northern and southern sections of the site. It will also be used as an internal connection road during both construction and operation. This road will facilitate internal site access and cable route installation. There is no stated mechanism (e.g. traffic order, physical barrier, condition of consent) that prohibits haulers from using the L50242. The applicants have not committed to enforceable constraints that prevent haulers from accessing or deviating onto local roads like L50242. The applicants have not provided a legally binding commitment or traffic management condition to prohibit turbine delivery haulers from using the L50242, a local cul-de-sac road not designed for HGV access. Without such guarantees, the risk of inappropriate routing and damage to local infrastructure or amenity remains.


Narrow road with dangerous bends
Drehid
Drehid
Drehid
Drehid
Drehid
Drehid
Drehid
Proposed 2nd entrance


Narrow cul de sac road to proposed 2nd entrance
Drehid

CULTURAL HERITAGE

141. Impacts on archaeology, architectural, and cultural heritage within and around the proposed development site; Features Identified: -

- RMP (Recorded Monuments): Ringforts, church sites, habitation areas
- Protected Structures and NIAH Sites: Metcalfe Park, local churches, vernacular houses
- Undesignated Heritage: Old houses, field systems

In summary the applicants state: -
Mitigation Measures: Pre-construction archaeological testing, Archaeological monitoring of groundwork's and avoidance of key features by turbine and road layout.
Proximity to heritage assets: Some turbines are within 100–300m of recorded ring forts and houses.
Delivery route: Passes near protected and undesignated structures, but no direct impacts anticipated with careful routing.

Inadequate Cultural Heritage Protection

Several Recorded Monuments and Protected Structures lie close to the site and along the turbine delivery route (TDR). Visual and setting impacts on sites like Dunfierth medieval church, Mulgeeth ringfort, and Metcalfe Park have in our opinion been downplayed. The proximity of turbines to cultural features may breach the guidelines in the Kildare County Development Plan 2023–2029. Invasive species such as Rhododendron ponticum, Cherry Laurel, and Snowberry are already established on site. The risk of spread due to construction disturbance is high, and while a management plan is proposed, no independent enforceability mechanism is evident. This represents a significant ecological risk within a Natura 2000 catchment

Invasive species: Invasive species including Rhododendron and Cherry Laurel, have been identified near the site and could spread, threatening biodiversity.
CH 8.1 EIAR – Biodiversity *"The Schedule III invasive species Rhododendron ponticum was recorded in conifer plantation c. 170m northeast of T9. Another non-native species, Lawson cypress Chamaecyparis lawsoniana was observed invading a block of conifer plantation c. 320m west of T11"*

There is no record of substantive engagement with many key stakeholders e.g. An Taisce, Irish Wildlife Trust or indeed ourselves. Invasive Species is own areas of expertise.

The NIS concludes that the development will not adversely affect site integrity, but this conclusion is based on assumptions about mitigation effectiveness rather than evidence of no adverse effect — a key requirement under Article 6(3) of the Habitats Directive. As the precautionary principle applies, the absence of certainty means consent should not be granted.

In terms of cultural heritage, the developer proposes monitoring and avoidance measures near several ringforts, a medieval church and graveyard, and protected houses. We were unable to find any geo-physical examinations of the various heritage sites, several of which lie within 100–300 meters of turbines or access roads. Visual, contextual and archaeological risks remain unresolved, and mitigation here is also based on future actions rather than secured outcomes. Article 6(3) of the EU Habitats Directive (92/43/EEC), requires that any plan or project may only proceed if it can be proven beyond reasonable scientific doubt that there will be no adverse effect on the integrity of any Natura 2000 site.

The applicant's own EIAR confirms that the proposed development will cause irreversible adverse effects to the setting of multiple High and Very High sensitivity heritage assets, including a National Monument and numerous Protected and Recorded Monuments. These impacts are permanent, cannot be fully mitigated, and are contrary to both statutory protection requirements and adopted planning policy.

Monuments listed in the Substation file: -

- Carbury Hill Complex (National Monument, RMP multi-period site)
- Newbury Hall House (Protected Structure RPS B08-10) RPS protected structure
- Mulgeeth Ringfort & Habitation Site (RMP KD004-011 & KD004-010)
- Coolree Ringforts (RMP KD004-008 & KD004-009) Early medieval ring-forts, well-preserved in pastoral landscape
- Ballynamullagh Ringfort (RMP KD008-010) Recorded Monument within the wider wind farm area
- Dunfierth Medieval Church & Graveyard (RMP KD004-005001-003)
- Metcalfe Park House, Walls & Gates (RPS B04-017)

LANDSCAPE AND VISUAL

142. **Ecological Context**: Site includes conifer plantations, some raised bog, and is bisected by the Fear English River. Located within the River Boyne catchment, which includes two designated Natura 2000 sites: River Boyne and Blackwater SAC (002299) & River Boyne and Blackwater SPA (004232)

Species of Concern: Otters, Kingfishers Whooper Swans.

Baseline Landscape: Flat peatland and lowland farmland. The Natura Impact Statement acknowledges that the site is used by wintering Whooper Swans, a Special Conservation Interest (SCI) species for the River Boyne and Blackwater SPA. Despite a collision risk assessment being included, the proximity of turbines to known foraging fields (T1–T3 area) creates significant residual uncertainty regarding potential adverse effects, particularly in cumulative scenarios. The mitigation is insufficient to eliminate the precautionary principal threshold under Article 6(3) of the Habitats Directive. Moreover, we do not accept that the turbines do not pose a collision risk. This needs further evaluation from an independent third party and or statutory agency.

The development spans degraded watercourses (e.g. Fear English/Ballynamullagh Stream), many of which have Q3 pollution ratings and are at risk under the Water Framework Directive. Construction activities, including three watercourse crossings, pose high sedimentation risk to the River Blackwater catchment and, ultimately, the River Boyne SAC — an EU-designated salmonid and lamprey habitat. It is submitted that the cumulative effects of forestry, drainage, and turbine delivery works were not adequately considered.

The proposed development is hydrologically linked to the River Boyne and River Blackwater SAC/SPA, which are ecologically sensitive and protected under EU law. Despite mitigation claims, the receiving waters are already classified as "Moderately Polluted" (Q3) with many water bodies at risk.

Appendix 15 confirms that several viewpoints (e.g., VP4 – Grange, VP5 – Johnstown Bridge, VP3 – M4) will experience moderate-slight negative long-term impacts. The turbines are co-dominant or sub-dominant in key panoramic views, especially from elevated local roads and settlements. These impacts are downplayed as "acceptable," but cumulatively they degrade visual amenity for residents, road users, and tourists.

The area is designated "Flat Peatland" and "Lowland Farmland" under the Kildare CDP, both of which are identified as less compatible with wind development under Tables 13.3 and 13.4 of the CDP. The proposal conflicts with the landscape sensitivity guidance outlined in the CDP, where developments should be visually absorbed without major change to character. The project fails this test with the proposed use of use of Nordex N133 turbines with tip heights up to 167m, but provides no site-specific justification for selecting this particular model in a low-lying rural landscape.

It is submitted that the EIAR is grossly deficient in assessing the full visual and ecological cumulative burden of multiple nearby wind and solar farms. Visual clutter, particularly turbine overlap, is acknowledged in several viewpoints. This incremental degradation is contrary to sustainable landscape stewardship principles and Planning Guidelines for Wind Energy Development.

The project heavily relies on mitigation by design and voluntary environmental management plans, which are not subject to independent enforcement or real-time monitoring. In particular, it is submitted that The Water Quality Monitoring Programme lacks baseline clarity and public reporting mechanisms. Mitigation for bird species is reactive, not preventative. Invasive species control measures are vague and appear under-resourced.

143. The development will Disrupt local amenity routes and rural tranquility. It would undermine potential for eco-tourism and public use of adjacent bog and forestry lands. It would introduce long-term visual intrusion with no direct benefit to most local residents.

144. No alternatives were considered, despite known concerns about noise and visual intrusion. The large size of the turbines increases the risk of shadow flicker, low-frequency noise, and unacceptable visual dominance — particularly in the context of rural settlement. We fear that the developer's preference for economic efficiency appears to outweigh environmental or community considerations, in conflict with the EIA Directive and national planning policy requiring careful landscape and amenity protection.

145. The central study area includes extensive flat peat lands, some of which are cutaway or cut over bogs that have undergone previous peat extraction. The proposed development site includes extensive areas of cutaway or cut over bog, which are described in the applicant's own Environmental Impact Assessment as having been subject to previous peat extraction.

SUBSTITUTE CONSENT ISSUES

146. Under Irish planning law — specifically Part XA of the Planning and Development Act 2000 (as amended) — **substitute consent** is required where environmental impact assessments were unlawfully bypassed, particularly in relation to peat extraction. We are unaware of any such substitute consent applications. Given that these bogs were likely extracted without prior EIA or AA, it would be essential that the substitute consent issues be addressed prior to any further applications on site.

147. These bogs appear to form part of the wind farm infrastructure footprint (access roads, hard standing, turbine locations). The development could be seen as facilitating or intensifying the effects of an unlawful activity, and as no substitute consent process has been identified in the application, It is our position that the application should not be considered valid without a prior or parallel substitute consent application covering the legacy peat extraction works. Failure to address this represents a potential breach of EU law and the State's obligations under the EIA Directive (2011/92/EU, as amended by 2014/52/EU) and the Habitats Directive (92/43/EEC). This is particular important having regard to the ECJ case of the Derrybrian Wind Farm in Galway which related to the issue of substitute consent and which gave rise to legislation on the issue in Ireland generally.

148. Furthermore, allowing development on these lands without proper remediation, baseline assessment, or substitute consent creates an undesirable precedent of environmental laundering — whereby legacy damage is legitimised by a new development. Landscape and Ecological Interventions Must Not Be Split Off from Main Assessment! All interventions in the natural surroundings — including ground clearance, earthworks, screening vegetation, or hydrological changes — must be included in a single, integrated environmental assessment. Failure to do so may amount to project splitting, which is legally impermissible under EU and Irish law.

TELECOMS AND AVIATION

149. The applicant's assessment may be summerised thus; This chapter assesses the potential impacts of the Drehid Wind Farm on telecommunications and aviation systems. It includes: Identification of relevant telecom and aviation stakeholders. A description of existing infrastructure (e.g., telecom masts, aviation radar). Desktop assessments using tools like Ofcom maps and Net share to evaluate potential signal interference.

150. Having examined the assessment on this point, it is submitted that this is inadequate and Insufficient Telecommunications and Aviation Consultations in Respect of Drehid Wind Farm Planning Application. While the applicant lists several telecommunications and aviation stakeholders who were contacted in early 2023, it is noted that no responses were received from key authorities such as: Com Reg (Commission for Communications Regulation), Shannon Airport Authority, Dublin Airport Authority (DAA), or the Coast guard.

151. These organisations play crucial roles in safeguarding national communications infrastructure and aviation safety. Their lack of response should not be interpreted as consent or absence of concern. The application fails to demonstrate that follow-up efforts were made or that meaningful consultation occurred in their absence. The consultation appears to rely on **desktop assessments** and simple acknowledgment letters rather than site-specific assessments or on-site verification. In rapidly evolving telecom environments, a generic response (e.g. "no impact anticipated") does not suffice in ensuring protection of service quality or public safety, particularly in rural areas where signal disruption can have serious consequences. The impact assessments and response summaries are entirely prepared and compiled by the developer's consultant. No independent technical review of the claimed "no impact" conclusions appear to have been undertaken by the various regulatory bodies cited above. This raises a concern about the objectivity and completeness of the findings. It is essential that an Independent third party and or statutory agencies properly and fully engage on this issue.

152. There can be no shortcuts or assumptions when it comes to Aviation. We draw the readers' attention of the tragic crash of the rescue helicopter 611 which took place off Blackrock Island, County Mayo on 14th March 2017 causing the deaths of the pilots and all crew on board. The island hadn't been mapped on the GPS system, which they were using. Coastguard helicopters regularly fly through the area of the proposed wind turbines.

OMISSION OF CUMULATIVE IMPACT CONSIDERATION

153. There is no evidence that the cumulative impact of this proposal—when taken together with other existing or proposed wind energy or telecom infrastructure in the area—was considered in the telecommunications or aviation context. This undermines the credibility of the assessments provided

154. **Failure to Meet Best Practice Standards**: Best practice in planning consultation requires proactive engagement, not passive issuance of emails. Given the potential safety implications of wind turbine interference with aviation radar, radio transmission, or emergency communication systems, confirmation of no objection should have been secured from all major statutory consultees, or else clear reasoning provided as to why their input was not received. Failure to address these points would be inconsistent with EU and national EIA law, planning best practice, and the precautionary principle.

155. For residents working from home, this creates potential risks:

- Service instability — intermittent dropouts in broadband or mobile data can interrupt video calls, disrupt remote meetings, and reduce productivity.
- Latency spikes — interference may cause delays in real-time applications such as VoIP, remote desktop access, and cloud-based software.
- Loss of redundancy — if one connection type (e.g., fixed wireless) is degraded, alternatives may not be available in rural areas, causing prolonged outages.
- Economic harm — prolonged interference could affect residents' ability to meet work obligations, impacting livelihoods and potentially breaching employers' service level agreements for remote work.

Given the increasing prevalence of home working, reliable telecommunications are now a core component of rural residential amenity. The current EIAR lacks binding safeguards to ensure these services will remain uninterrupted for the 25–30 year operational period of the wind farm

156. Reliable communications are now essential infrastructure for rural living. Without binding pre-construction safeguards, the current proposal could undermine Internet and mobile service for residents and businesses for decades. Planning consent should not be granted until these risks are fully assessed, publicly documented, and backed by enforceable conditions.

INTERACTIONS OF THE FOREGOING

157. The chapter examines how the various issues already assessed in earlier chapters may interact with each other in real-world conditions. In summary the applicants discussed some examples along the following lines: Dust, Noise & Traffic during construction: Could affect people's health, animals, and plants (e.g., dust reducing plant photosynthesis). Noise + Visual + Shadow Flicker: Might affect local residents' quality of life—but the developer claims mitigation will avoid significant effects. Drainage changes from turbine foundations: Could cause peat instability or habitat destruction—raising safety concerns.

Excavation & Tree Felling: Risk of sedimentation and water pollution, harming aquatic ecosystems. Construction Traffic: Soil from the site could reduce road safety (e.g., muddy roads becoming slippery). Telecom & Aviation: Possible interference risks—but deemed unlikely if proper checks are done. The developer asserts that: They considered these interactions when designing the turbine layout and access routes. They included mitigation measures in the EIAR to minimize combined impacts. Most of the interactive impacts are either temporary or not significant after mitigation.

There are several cumulative or interactive impacts discussed in Chapter 17 of the EIAR that raise potential concerns in relation to national planning guidance and policy. Below is a breakdown of areas where conflicts may arise, especially when compared against key Irish planning documents such as:

- Wind Energy Development Guidelines (2006, Draft 2019 update),
- EPA Guidelines on the Information to be Contained in EIAR (2022),
- National Planning Framework (NPF),
- Kildare County Development Plan,
- EU Directives (e.g., EIA Directive, Habitats Directive)

158. The applicants assert that combined effects on residents (noise, flicker, and visuals) are not significant after mitigation. It is submitted that mitigation is insufficiently demonstrated or unenforceable, and the developer fails to fully comply with residential amenity protection standards.

a. The Wind Energy Guidelines (2006) stress that cumulative impacts on residential amenity must be thoroughly assessed and clearly demonstrable mitigation must be in place.
b. The Draft 2019 Guidelines are even more stringent, suggesting limits of 30 minutes/day for shadow flicker and stricter noise thresholds, which many legacy assessments don't fully comply with.
c. The risks to peat stability and habitat integrity; inadequate precaution and need for more conservative risk management under national/EU biodiversity protections. Construction could alter drainage, risking slope failure and biodiversity harm.
d. The EPA EIAR Guidelines (2022) require detailed hydrological and geotechnical assessments for developments affecting peatlands or sensitive hydrology.
e. Protected habitats/species under the Habitats Directive (e.g., bog habitat, Red List birds) are at risk from hydrological changes, this could violate Article 6(3) Appropriate Assessment requirements.
f. Peat disturbance can also release stored carbon, undermining Ireland's climate and biodiversity objectives.
g. Concerns re conflict in road safety – especially for rural roads during cold weather—this is a major gap in cumulative risk analysis

h. How will monitoring protect Johnstown Bridge (a protected structure) from damage due to heavy construction vehicles?
i. The Architectural Heritage Protection Guidelines (DAHG) emphasize the precautionary principle: protected structures should not be exposed to risk without clear protective design and avoidance
j. Monitoring after the fact is not an acceptable substitute for preventive measures.
k. Reliance on monitoring rather than structural protection undermines heritage policy compliance.

Given the above concerns — including residual ecological risk, landscape degradation, flawed cumulative assessment, and unenforceable mitigation — the proposed Drehid Wind Farm is contrary to:

- The Habitats Directive (92/43/EEC),
- The Planning and Development Act 2000 (as amended),
- The Kildare County Development Plan 2023–2029

a) The Habitats Directive (92/43/EEC) – Article 6(3)
Under Article 6(3), a project can only proceed if it can be shown, beyond reasonable scientific doubt, that it will not adversely affect the integrity of a European site. The Natura Impact Statement fails to definitively rule out significant effects on the River Boyne and River Blackwater SAC and SPA, particularly concerning Whooper Swan collision risk, watercourse pollution, and hydrological impacts. The reliance on mitigation and uncertainty in key areas (e.g., species use of agricultural fields, degraded hydrology, cumulative effects) breaches the precautionary principle enshrined in Article 6(3). Therefore, the proposal is non-compliant with the Habitats Directive as the risk to Natura 2000 site integrity cannot be confidently excluded

b) The Planning and Development Act 2000 (as amended)
Section 34(2): Planning decisions must have regard to the proper planning and sustainable development of the area. The project undermines this by

Causing landscape degradation in an area not designated for strategic wind development.
Presenting unresolved ecological risks in a sensitive catchment.

Section 10(2)(c): Requires protection of the environment, including European sites. The development conflicts with this by placing undue risk on European sites and protected species within the zone of influence. The development, by threatening ecological integrity and undermining sustainable development principles, conflicts with the Act's objectives

c) The Kildare County Development Plan 2023–2029
Policy NH 1.1: Protect and conserve designated European Sites and avoid any project likely to have a significant adverse effect on site integrity. The NIS does not eliminate this risk. Policy NH 1.5: Apply a precautionary approach where there is uncertainty. The residual uncertainties around species impact, invasive species, and hydrology violate this principle. Table 13.4 – Landscape Sensitivity Factors: The development occurs in "Flat Peatland" and "Lowland Farmland" areas which are assessed as less compatible with large-scale wind development.

159. This application relies on mitigation measures to rule out significant environmental effects at the screening stage, this would contravene CJEU C-323/17 (People Over Wind). Mitigation cannot lawfully be considered during EIA or AA screening. Furthermore, under **C-258/11 (Sweetman)**, the Environmental or Natura Impact Assessments must contain complete, precise, and definitive findings, leaving no reasonable scientific doubt. The application must show robust evidence that impacts—particularly from access roads or hydrological interventions—have been assessed in accordance with this standard.

160. A Limited Felling License (LFL) may be required from the Department of Agriculture, Food and the Marine. Two LFLs must be applied for: 1) to cover turbine bases, roads, buildings and 2) to cover the area on which turbulence felling will take place. If required The LFL applicant may be required to carry out replacement planting at an alternative site in their ownership as a condition of the license. We were unable to find any reference to a licence being applied for / nor granted in the EIAR.

161. An Coimisiún Pleanála must independently assess and agree that mitigation is sufficient and precise, with no lacunae in evidence. We have reviewed the submitted Natura Impact Statement (NIS), and we have concerns regarding the adequacy and robustness of the mitigation measures upon which the conclusions of no adverse effect rely. In particular: -

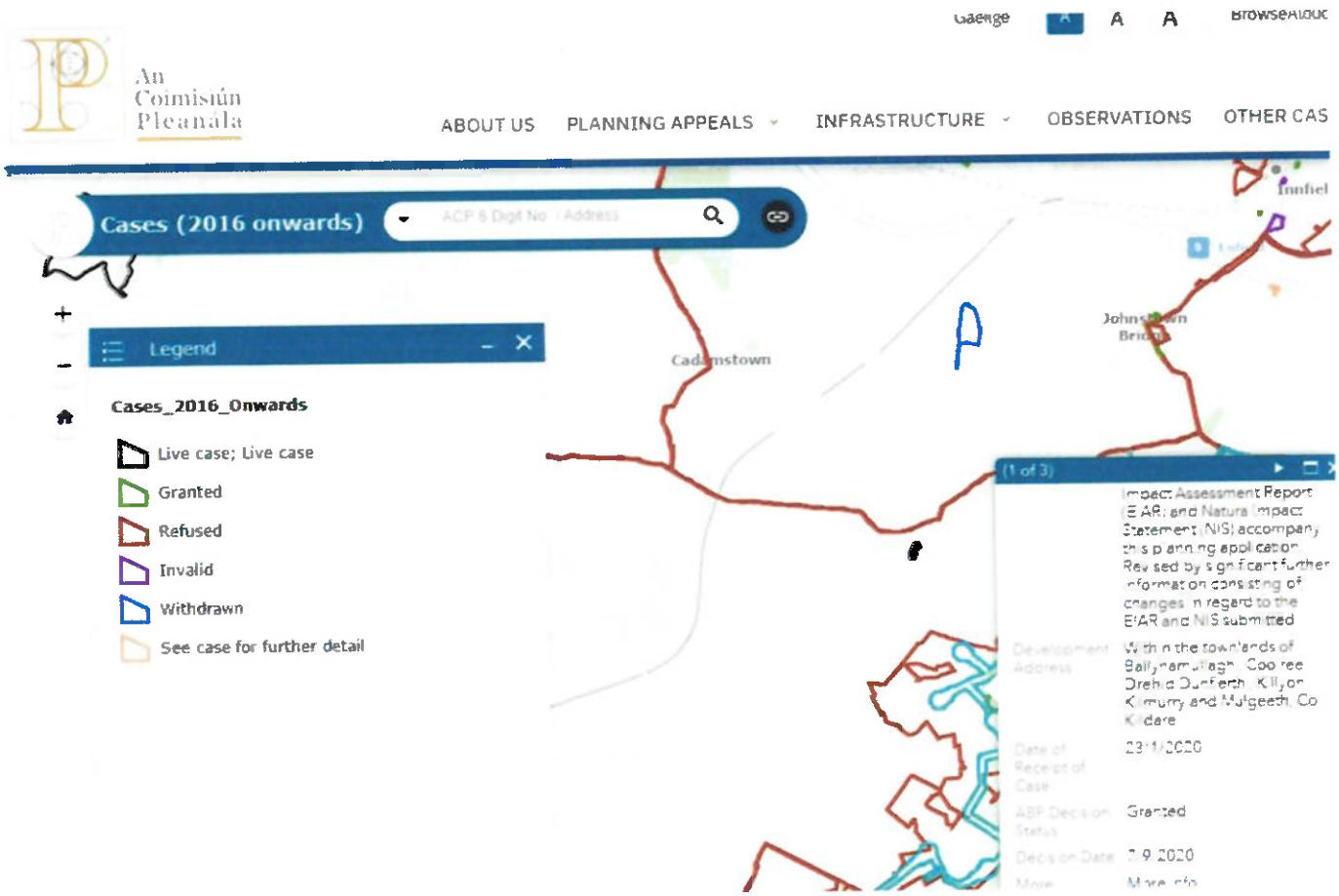
a. The mitigation measures — including silt fencing, buffer zones, and timing controls — are not supported by quantified, site-specific performance data
b. No contingency or fallback measures are proposed in case of partial or complete mitigation failure (e.g. due to adverse weather or implementation error).
c. The conclusions of the NIS depend heavily on assumptions of perfect and complete implementation, which is not supported by detailed enforcement mechanisms or oversight protocols.
d. Under CJEU C-258/11, mitigation must remove all reasonable scientific doubt. In this case, that standard may not be met given the limited detail and evidentiary support for mitigation effectiveness. The NIS does rely on mitigation to reach its conclusion of no adverse effect.
e. While the turbine delivery route passes through various local roads and possibly crosses county boundaries (e.g., via the M4, R402, and L5012), the documents do not mention consulting or notifying other councils. Meath County Council most certainly should have been included in the consultation process yet there is no mention of such consultation.
f. The EIAR discusses a number of alternatives (bioenergy, offshore wind, solar, etc.), but fails to provide an objective, evidence-based comparison between these alternatives and the proposed development as required by Article 5(1)(d) of the EIA Directive. In particular Offshore wind and brownfield renewable options were dismissed with insufficient technical justification.
g. **Most importantly we were unable to find any reference what so ever to Deep-bore geothermal energy. Unlike Wind, which is intermittent; Deep-bore is dispatchable and far more reliable. This is a MAJOR shortcoming of the EIAR.**
h. The "Do-Nothing" scenario is treated superficially despite being a legally required baseline.
i. Alternative layouts were largely driven by internal design convenience rather than environmental optimization.
j. The EIAR fails to provide a holistic, quantitative assessment of cumulative effects on local biodiversity, traffic, visual landscape, and hydrology. This omission contradicts Annex IV of the EIA Directive, which requires assessment of "cumulative and synergistic effects" with other existing and proposed developments.
k. The application site is located in or near ecologically sensitive habitats, including boglands and water-dependent systems. The development includes extensive access roads, cable trenches, and turbine foundations on or near peatlands and potentially waterlogged soils.
l. The EIAR lacks robust survey data on bat and bird populations, including collision risk modelling. This is contrary to Article 6(3) of the Habitats Directive, which mandates an Appropriate Assessment where significant effects cannot be ruled out.
m. The application may also breach Article 12 of the Habitats Directive and Article 5 of the Birds Directive, which protect species from disturbance and harm.
n. The risk of run-off, sedimentation, and peat instability is not adequately mitigated. This could lead to deterioration in water quality or status in connected rivers or bogs, in breach of EU law.
o. The Aarhus Convention and Article 6 of the EIA Directive require early, informed, and effective public participation. Coming back 3 times with a similar application to the same community is also very concerning and an aspect which may be considered an abuse of peoples precious time which may well in itself be in breach of the Aarhus convention.

162. The earlier version of this development was represented as "permitted" in the County Development Plan and also on An Bord Pleanála website in the "Maps section "creating public confusion.

See Appendix 2 – Wind Energy Strategy (CDP 2023 – 2029)

3.4.3 Approved/proposed windfarm developments

There are currently no operational wind farms in County Kildare. However, two developments have been approved recently in north Kildare: Drehid Wind Farm and the Cushaling Wind Farm. The location of these windfarms in Map 7 below indicates developers have considered the northwest of the county viable for windfarm development



163. It is worth noting that the 2006 guidelines were drafted at a time when turbines were much smaller. It is submitted that this application is premature pending the implementation of the revised wind energy guidelines. We understand that there are still no recent **guidelines for wind energy**. Is this application not premature?

CONCLUSON

Having regard to the foregoing, the proposed development is therefore considered wholly incompatible to this area and it follows that *An Bord Pleanála* should therefore REFUSE the proposals and are requested to do so. We trust that the issues highlighted herein, sufficiently clarifies the position of the local community. It follows that we request the Planning Authority to dismiss the current proposal by *North Kildare Wind Farm Ltd. / Statkraft*. Moreover, having regard to the deficiencies and risks outlined above, we respectfully request that permission be refused for **ABP-322845** under the Planning and Development Act and associated EU Directives, also that the Board ensures full compliance with EU and national law, particularly in relation to public rights under the Aarhus Convention

ENDS