

TO: AN COIMISIÚN PLEANÁLA

RE: PLANNING APPLICATION FOR BALLINLA WIND FARM (ABP REFERENCE 323579)

FROM: Daniel Kavanagh (The "Submitter")

NAME: Daniel Kavanagh

ADDRESS: Leitrim, Edenderry, Co. Offaly

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DATE: 24/10/2025

GROUND OF OBJECTION AND LEGAL SUBMISSION

This document constitutes my formal objection and legal submission pursuant to the **Planning and Development Act 2000, as amended**, and the **Planning and Development Regulations 2001, as amended**, against the proposed Ballinla Wind Farm (the "Proposed Development").

I submit that the Environmental Impact Assessment Report (EIAR) submitted by **Ballinla Wind Farm Limited** (the "Applicant") is **legally deficient**, and the cumulative effects and the Applicant's documented compliance history constitute material considerations warranting refusal.

1. LEGAL DEFICIENCY: FAILURE TO ADEQUATELY ASSESS ENVIRONMENTAL AND RESIDENTIAL AMENITY EFFECTS

I submit that the submitted EIAR is deficient in its assessment of significant effects on **human health, biodiversity, and residential amenity**, as is mandatory under Irish law.

A. STATUTORY MANDATE (GENERAL): The requirement to assess effects on these factors is a mandatory obligation, transposed into Irish law via **Regulation 94 and Schedule 6 of the Planning and Development Regulations 2001 (as amended)**, which implement **Article 3(1)(a) of the EU Environmental Impact Assessment Directive (2014/52/EU)**.

B. INADEQUATE ASSESSMENT OF HUMAN HEALTH: The EIAR fails to meet the statutory duty to assess human health systematically. I contend that the assessment must follow the authoritative standard articulated in the **World Health Organization (WHO) Environmental Noise Guidelines for the European Region (2018)**, which recommends the **integration of a Health Impact Assessment (HIA)**. By failing to incorporate an adequate HIA, the EIAR is **non-compliant**.

C. LEGAL DEFICIENCY: FAILURE TO ASSESS IMPACTS ON PROTECTED FAUNA AND COMMERCIAL INTERESTS: The EIAR fails to adequately assess the potential for significant negative effects on protected fauna (including **Swans** protected under the

Wildlife Act 1976, and **Birds of Prey** protected under the **EU Birds Directive**), and on key commercial interests.

I submit the following omissions:

- **Collision and Displacement Risk:** The ornithological assessment fails to demonstrate conclusively that collision mortality rates for protected species will remain within acceptable limits.
- **Wake Effect and Equine Industry:** The EIAR fails to analyse the indirect adverse effects of the Proposed Development's "**wake effect**" (or similar air disturbance) on the established and elite-level **equine industry** within the local area, representing a material detrimental impact on a commercial economic sector.

D. UNACCEPTABLE IMPACT ON RESIDENTIAL AMENITY (PROXIMITY FACTOR): The Proposed Development will result in an unacceptable deterioration of residential amenity for my dwelling, which is located at a **critical proximity of approximately 700 metres from Turbine T4**, as detailed in the attached **Appendix B: Turbine Buffer Map**. This close proximity renders the impact significant due to:

- **Shadow Flicker:** The reliance on potential future mitigation (i.e., turbine shut-off) is not a legally binding condition of the planning permission, rendering the assessment of shadow flicker impacts inadequate and purely speculative. This proximity makes the impact on dwelling habitability significant.
- **Visual Proliferation:** The sheer scale and number of the proposed turbines, combined with the existing proliferation of such structures in the surrounding area, will result in an undue and overbearing cumulative **visual impact** that fundamentally undermines the character and amenity of the landscape.

2. ABSENCE OF A VERIFIABLE BASELINE HEALTH ASSESSMENT

The absence of any pre-development baseline health assessment critically undermines the **Precautionary Principle** under Irish planning law.

I hereby place **An Coimisiún Pleanála** on **formal notice** that, should permission be granted, I reserve the right, and confirm my intention, to commission an independent, objective, and verifiable **baseline health study** of my immediate area prior to the commissioning of the Proposed Development.

3. MATERIAL CONSIDERATION: APPLICANT'S COMPLIANCE HISTORY

I submit that the Applicant's proven history of non-compliance with planning conditions at a separate development is a **material consideration** that must be taken into account when assessing the likelihood of compliance with any conditions attached to this proposed permission.

A. EVIDENCE OF BREACH: I enclose and rely upon a Noise Survey Report prepared by L. Huson & Associates (Job No. LHA468, October 2025, attached herein as **Appendix A**), which relates to the **Cloghan Wind Farm**. The **Executive Summary of the Cloghan Noise Survey Report** states that:

“The survey has shown that the Cloghan Wind Farm is **not compliant with its permitted noise emissions.**”

B. RELEVANCE TO THIS APPLICATION: This documented breach demonstrates a failure by the Applicant to adhere to environmental conditions elsewhere. It is **unreasonable to expect** that the Applicant will adhere to conditions imposed on the Ballinla site, given this clear evidence of non-compliance with equivalent conditions.

4. ADVERSE EFFECT ON SUSTAINABLE DEVELOPMENT AND LAND USE

The Proposed Development will unduly prejudice the proper planning and sustainable development of the area by effectively **sterilising future residential development potential**. The presence of the wind farm will, due to setback and amenity concerns, either:

- Preclude the grant of future planning permissions for dwelling houses for my children and family on adjoining or nearby lands.
- Result in a significant reduction in the amenity, value, and desirability of the land for future residential use.

This direct limitation on future land use is contrary to the long-term planning objectives of the area.

5. PROCEDURAL IRREGULARITY: FAILURE IN COMMUNITY ENGAGEMENT

The Applicant's failure to conduct meaningful and appropriate community engagement prior to submission constitutes a procedural irregularity that compromises the integrity of the public consultation process. I received only a generic letter and was never engaged for dialogue. This lack of communication has led to me having **extremely limited information** and compromises my ability to provide a fully informed and timely objection, thereby undermining the principles of **natural justice** and a **fair planning process**.

6. RELIEF SOUGHT

For the reasons stated above, I respectfully and firmly request that **An Coimisiún Pleanála** cannot lawfully grant planning permission for the Proposed Development.

I request the Board to:

1. **Refuse Permission** on the grounds that the EIAR is legally non-compliant regarding human health, biodiversity, and residential amenity, and/or that the

Applicant's compliance history renders the Proposed Development contrary to the proper planning and sustainable development of the area.

2. **Alternatively**, require the Applicant, by way of Further Information, to submit a comprehensive and independent Health Impact Assessment, a robust Ornithological Impact Assessment, and binding, enforceable mitigation protocols for shadow flicker.

The protection of public health, biodiversity, residential amenity, and the enforcement of planning compliance must be core considerations.

SIGNED:

A handwritten signature in black ink, appearing to read 'Daniel Kavanagh', with a stylized, cursive script.

Daniel Kavanagh

APPENDICES APPENDIX A: NOISE SURVEY REPORT (L. Huson & Associates, Job No. LHA468, October 2025) **APPENDIX B: TURBINE BUFFER MAP** (Illustrating 700m Proximity to Turbine T4)

LHUSON & ASSOCIATES

REPORT

NOISE SURVEY

R42 D274

CLIENT:

Communities & Environmental Protection
Alliance (CEPA)

Job No LHA468
October 2025

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NOISE SURVEY

R42 D274

EXECUTIVE SUMMARY

A noise survey was completed between 12 September 2025 and 30 September 2025 at R42 D274 (dwelling) to test compliance with permitted noise limits for the Cloghan Wind Farm.

The 43 dB(A) $L_{90(10\text{-minute})}$ wind farm noise limit was exceeded in the morning of 15 September 2025. This was a period of high winds when the Cloghan Wind Farm would be generating most power.

No other period exceeded the permitted 43 dB(A) $L_{90(10\text{-minute})}$ sound level after exclusion of extraneous noise events.

Sound from the Cloghan Wind Farm exhibits impulsive sound characteristics.

Sound from the Cloghan Wind Farm is occasionally tonal.

The survey has shown that the Cloghan Wind Farm is not compliant with its permitted noise emissions.

Prepared by

W Les Huson BSc MSc CPhys MInstP MIOA MAAS

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INTRODUCTION

A noise survey was completed between 12 September 2025 and 30 September 2025 at R42 D274 for the purpose of assessing noise associated with the Cloghan Wind Farm.

The dwelling (R42 D274) is approximately 750m to the north of the nearest wind turbine within the Cloghan Wind Farm.

Measurements were completed in accordance with ISO R1996-1.

MEASUREMENT EQUIPMENT

Sound level meter/logger (Class 1):
SVANTEK 977D s/n 99745
Date next calibration due: April 2026

Rain Logger:
Rainwise Rainlog2.0 s/n 2008478

Field Calibrator:
CEL 120/1 s/n 2221119
Date next calibration due: 15 August 2026

Field calibrations at deployment and survey completion show a drift of less than 0.1 dB

MEASUREMENT LOCATION

The measurement location is shown in Figure 1 having coordinates 29U 575081 E, 5896275 N (WGS84).



Figure 1: Noise Logger Location, approximately 10m from nearest building

Figure 2 shows the measurement location in relation to the three nearest wind turbines of the Cloghan Wind Farm.



Figure 2 Nearest wind turbine 750m to the measurement location

Figure 3 shows the logger installation looking towards the nearest wind turbine.



Figure 3

PERMIT CONDITIONS

Condition No. 4(a) of Offaly County Council Planning Register PL2/19/404 requires:

Noise levels emanating from wind farm noise when measured at the nearest noise sensitive properties, i.e. dwelling houses, shall not exceed 43 dB(A) $L_{A90}(10 \text{ minutes})$. There shall be no tonal or impulsive noise and measurements shall be made in accordance with ISO recommendations R1996-1 (Acoustics-description and measurement of environmental noise, part 1; basic qualities and procedures).

The 43 dB(A) noise limit always applies, day and night, and is the noise contribution from the wind farm.

The noise limit is not dependent upon the operating conditions of the wind farm.

If sound from the wind farm has a tonal or impulsive character this breaches the permit.

DATA ANALYSIS

Sound level data for the A-weighted, Fast response, L_{90} statistic and L_{eq} over each 10-minute period throughout the survey are shown for each day in Figures 4 to 21. The 43 dB(A) L_{90} noise limit (horizontal line) is also shown in each figure.

The data shown includes periods of rain, passing road traffic and other extraneous sounds.

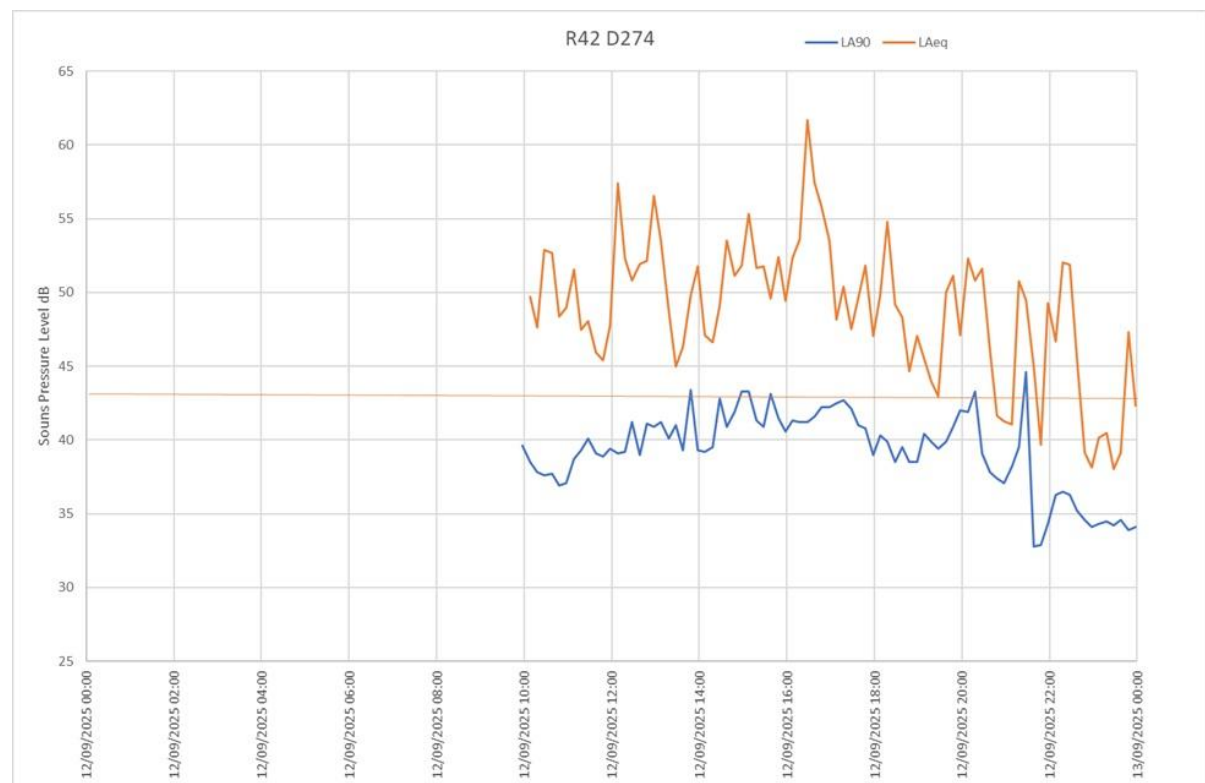


Figure 4

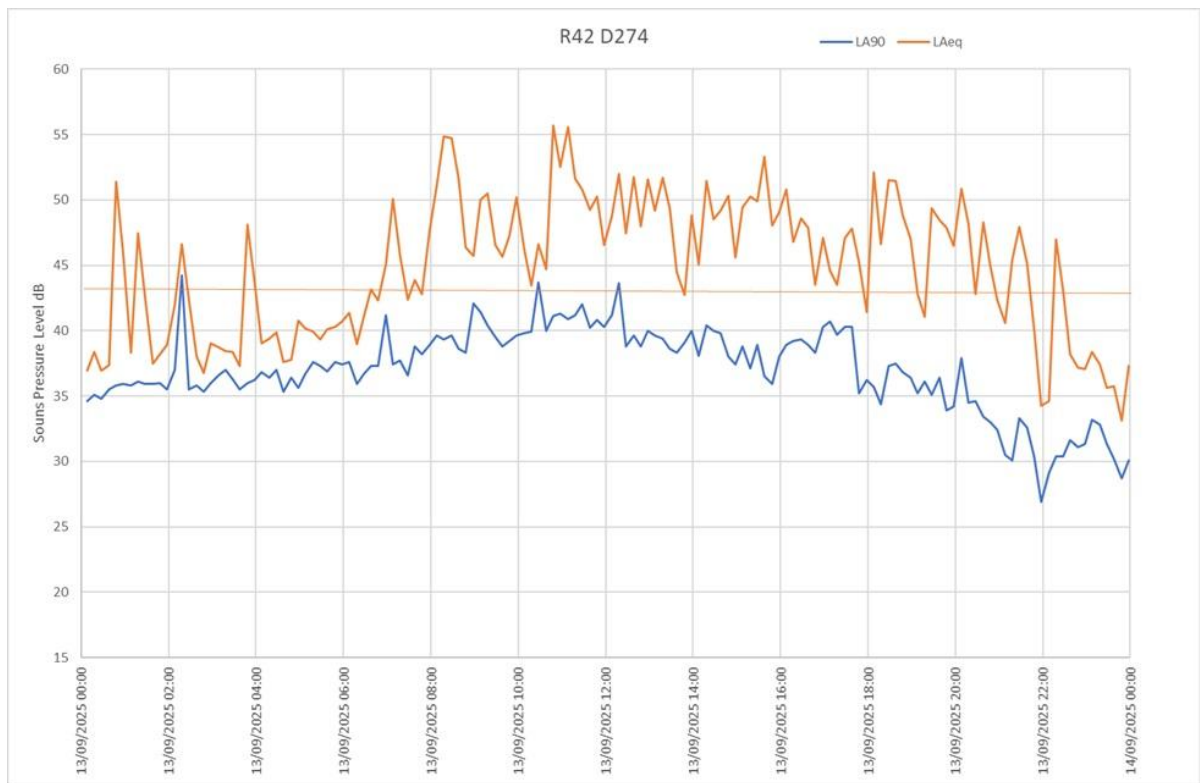


Figure 5

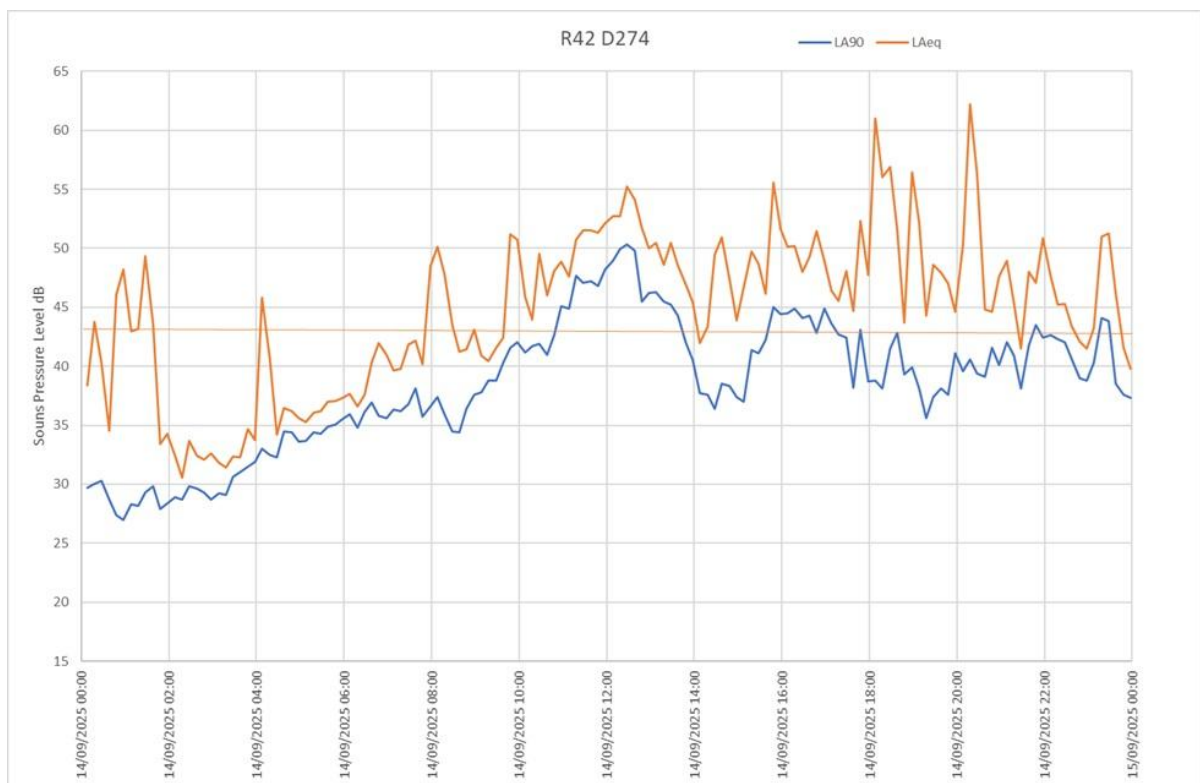


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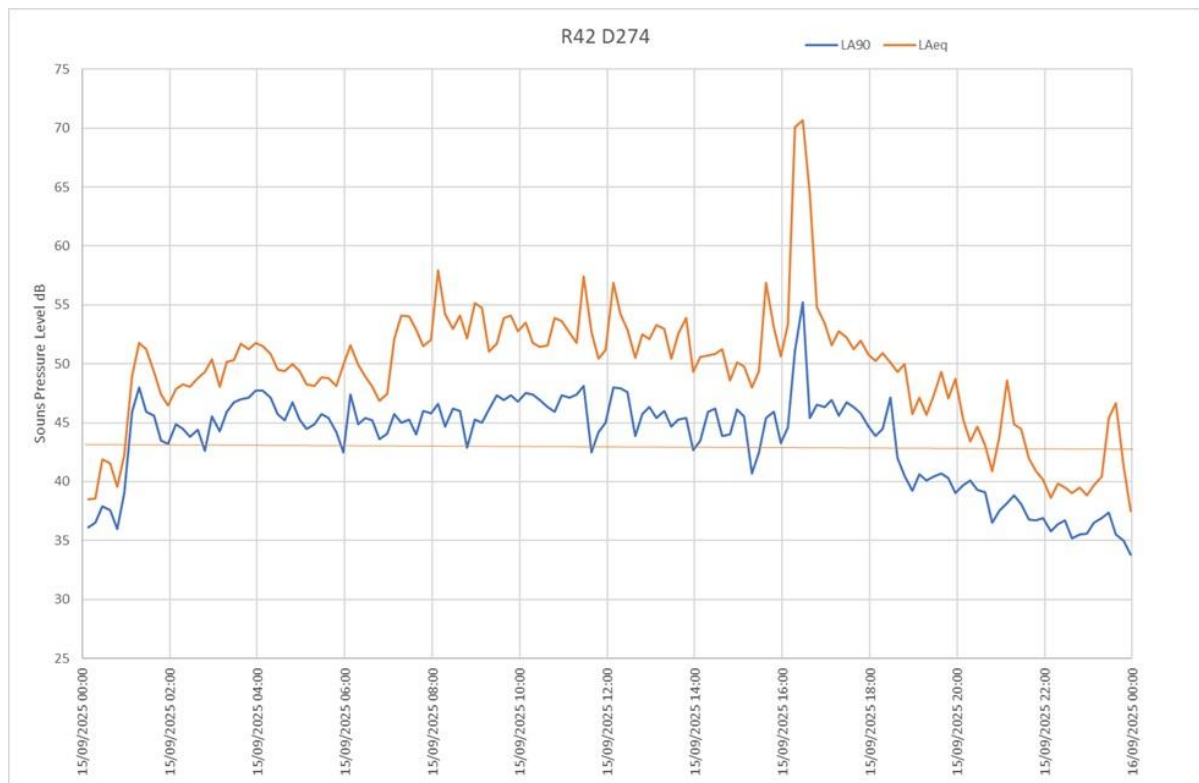


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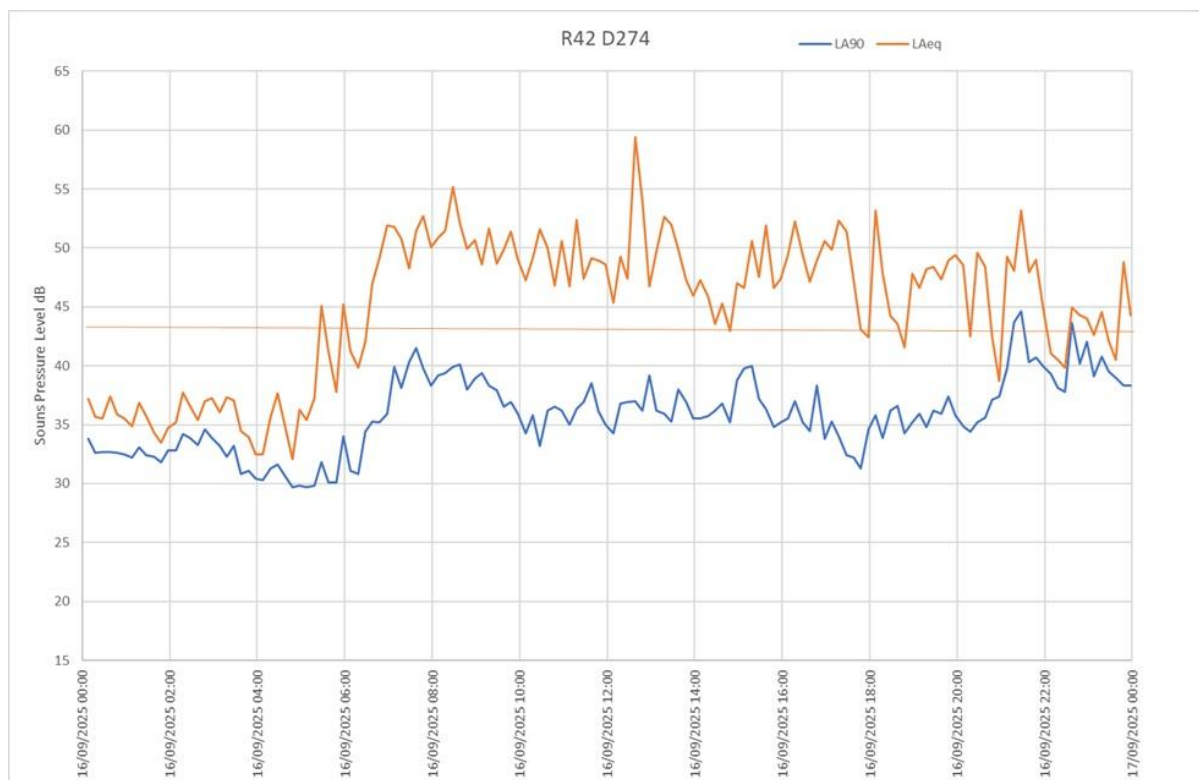


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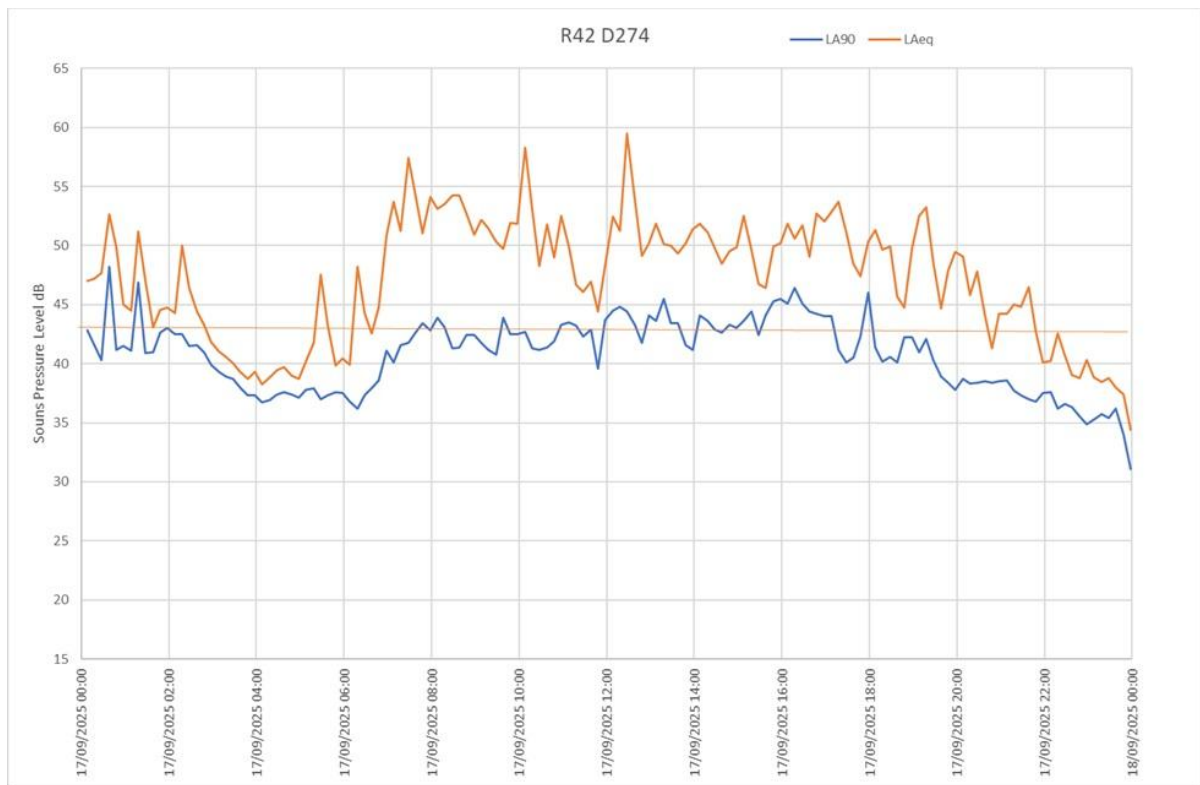


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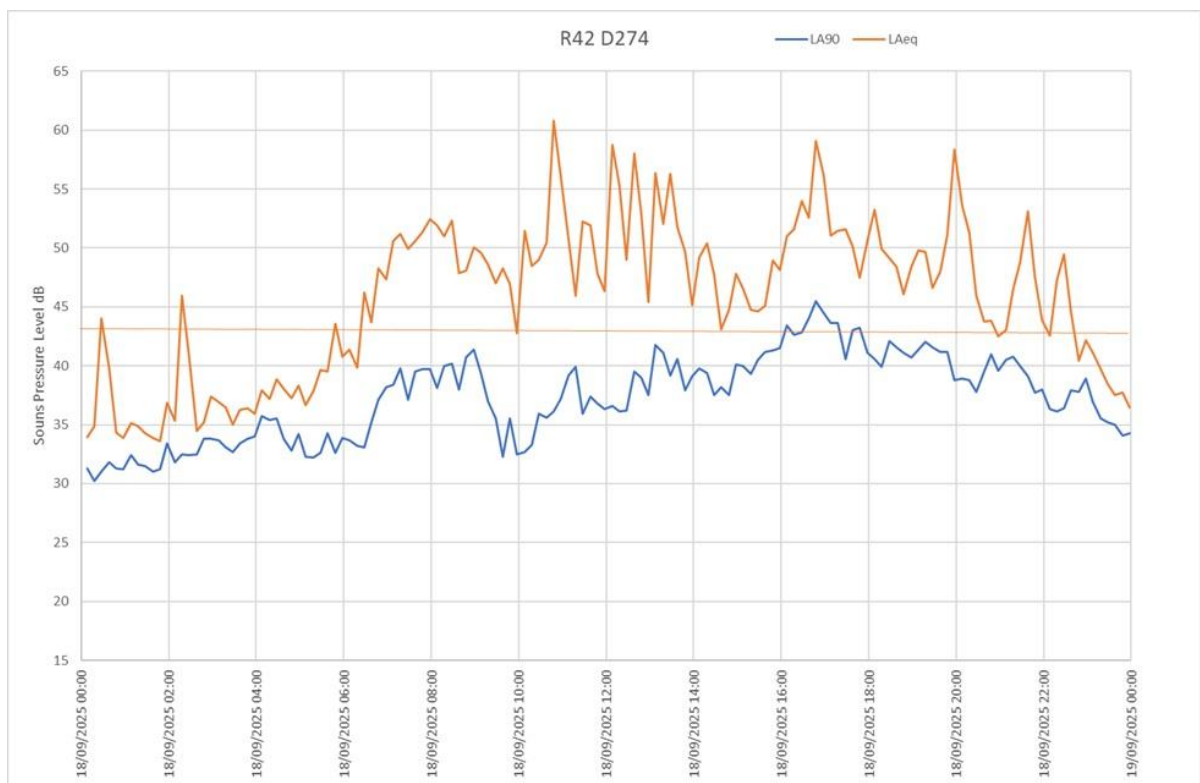


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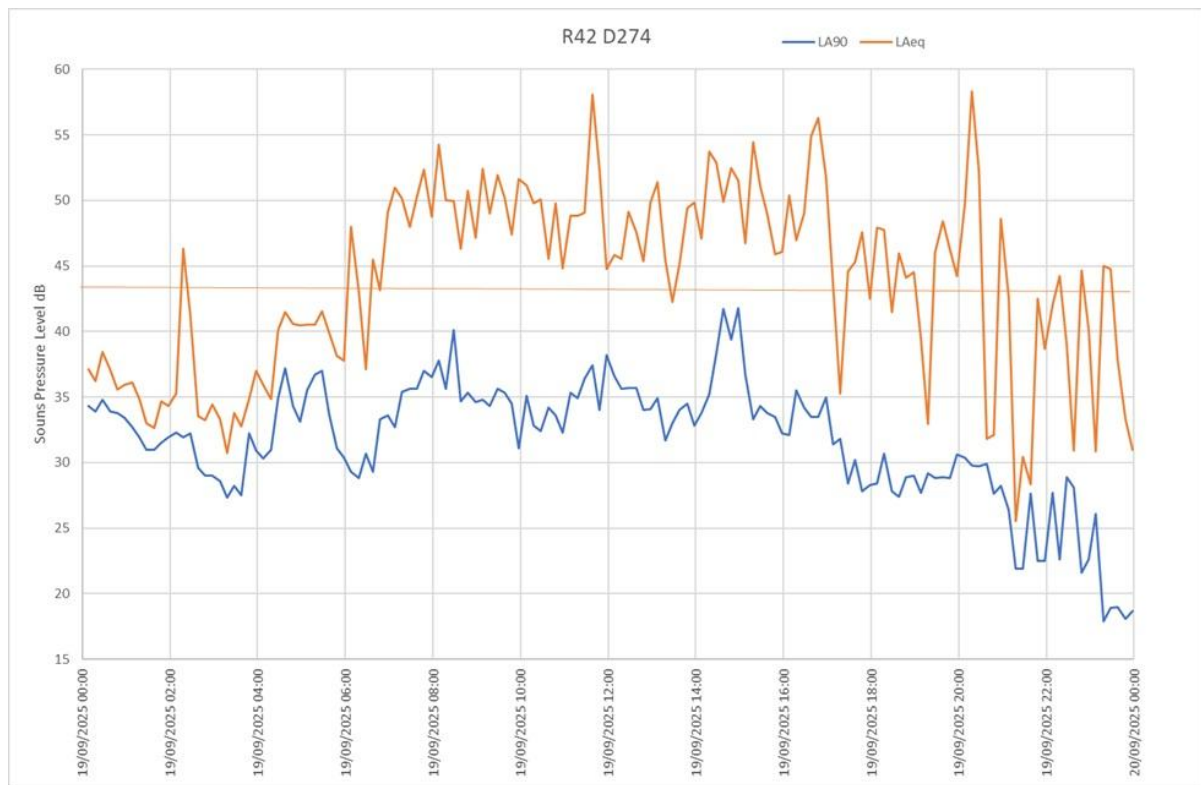


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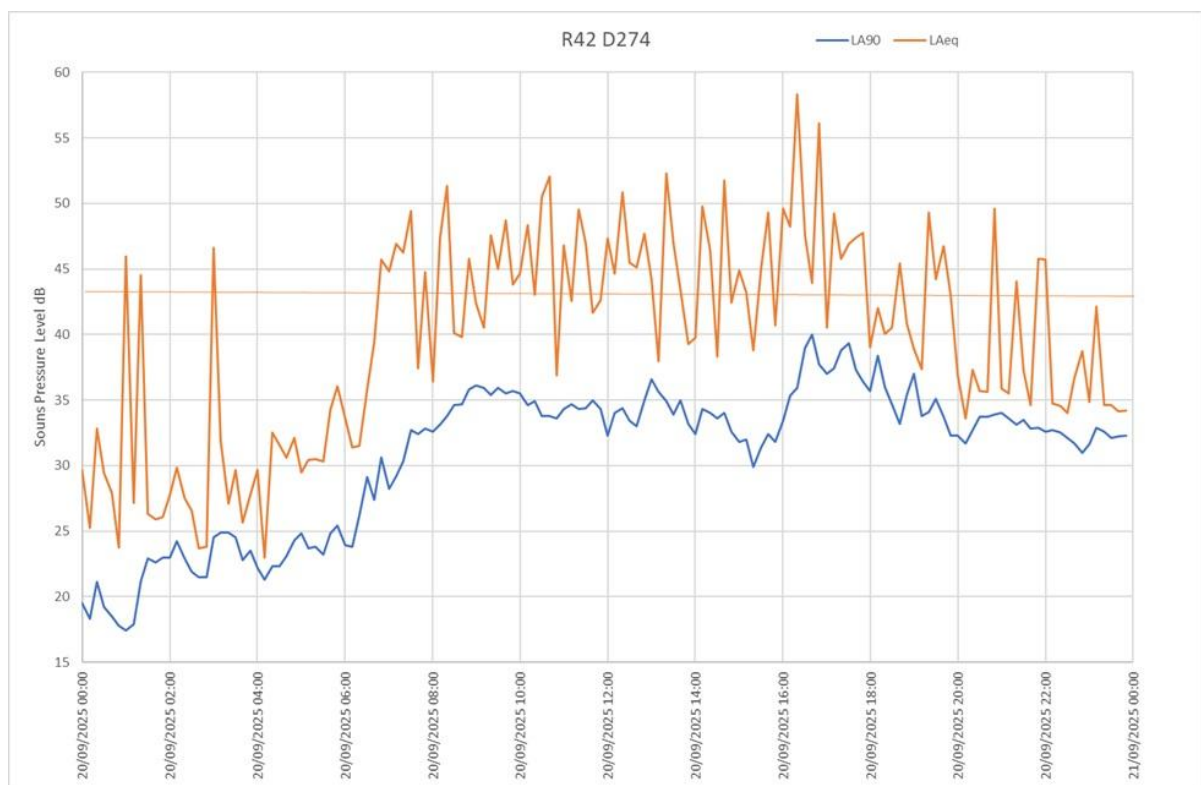


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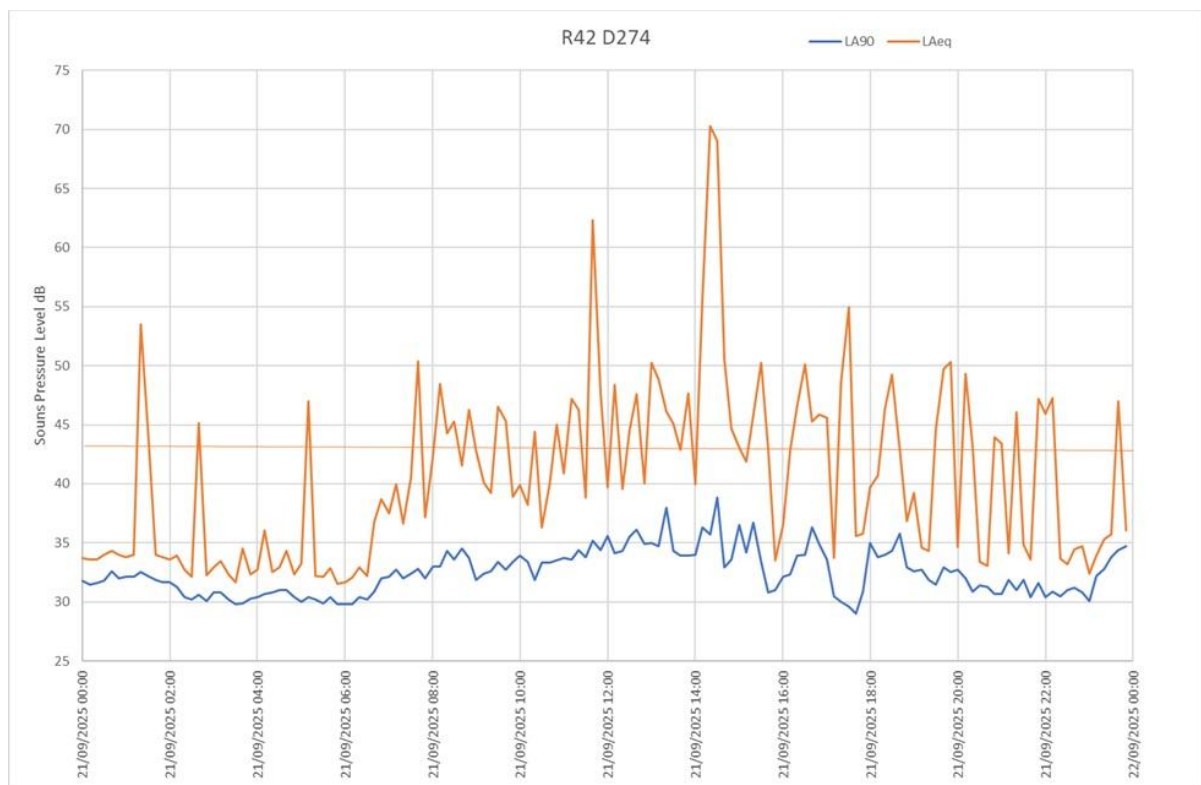


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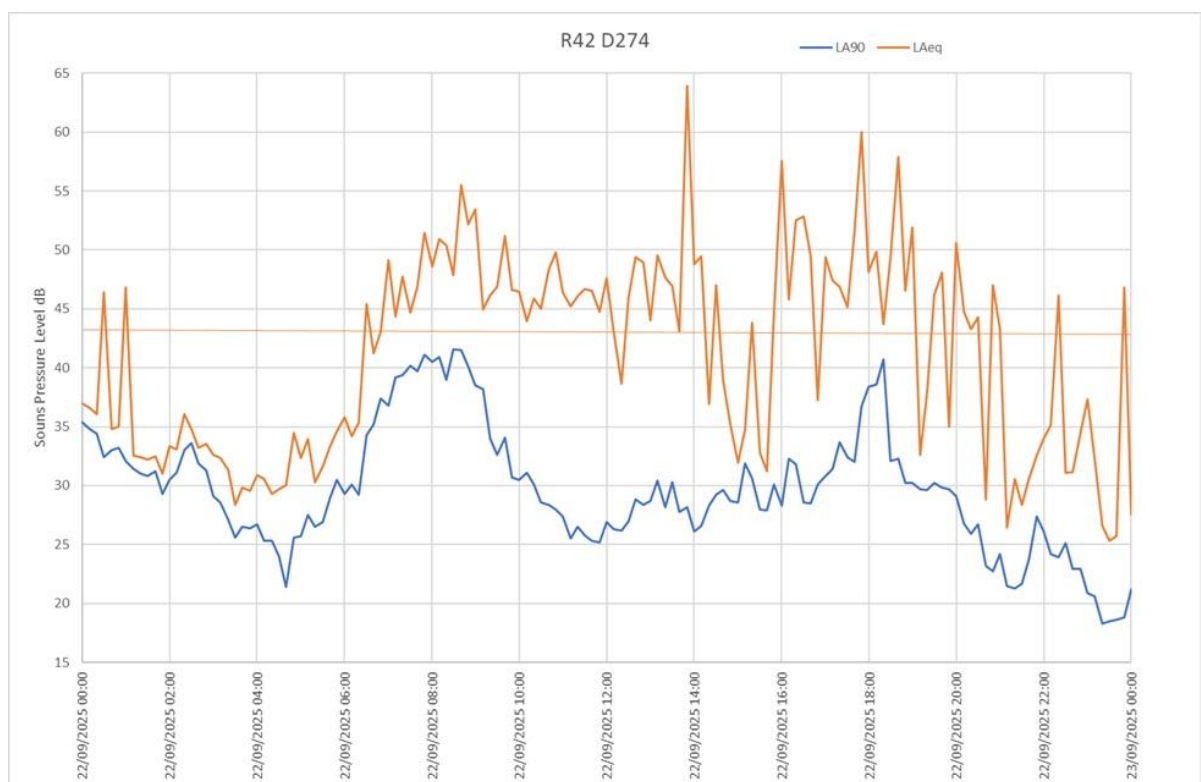


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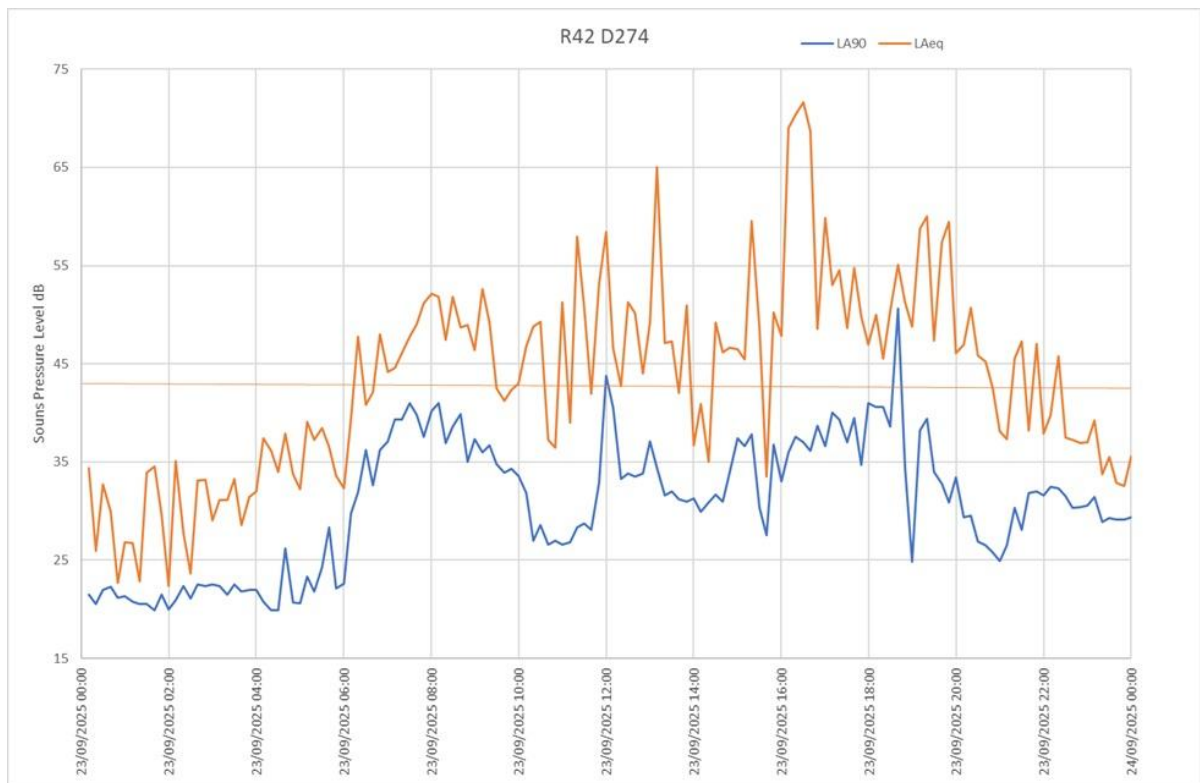


Figure 15

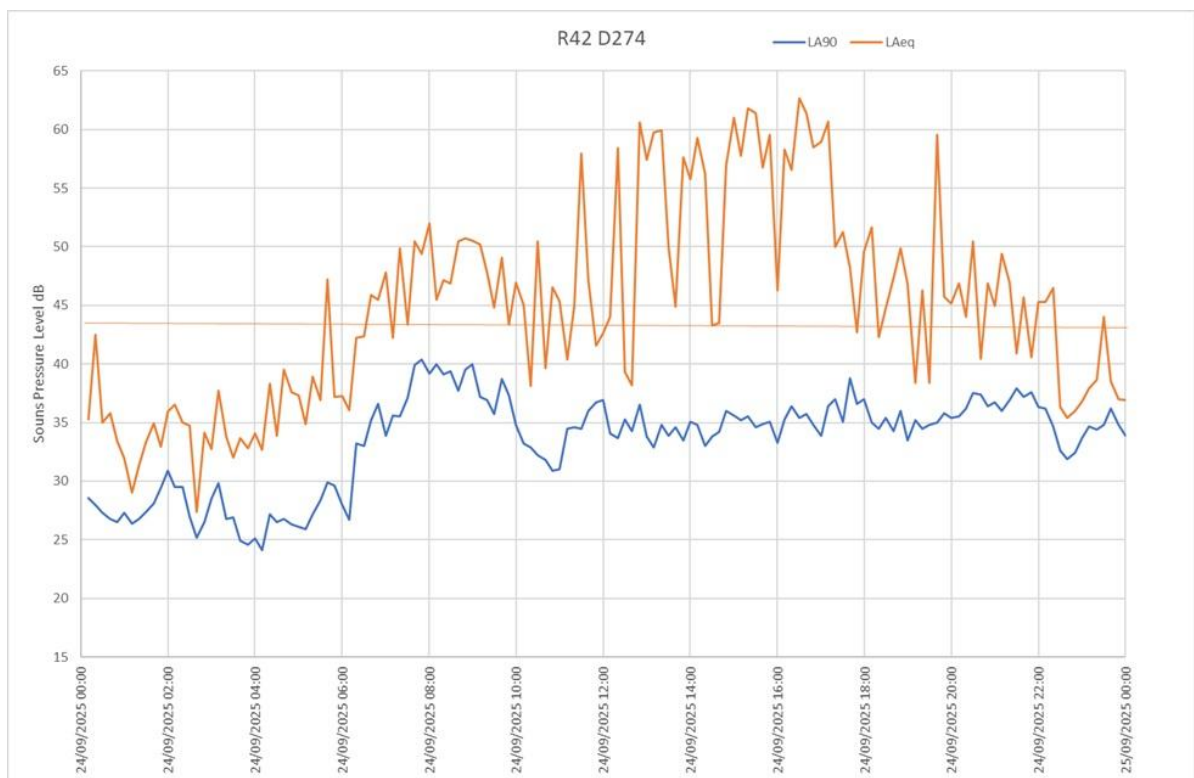


Figure 16

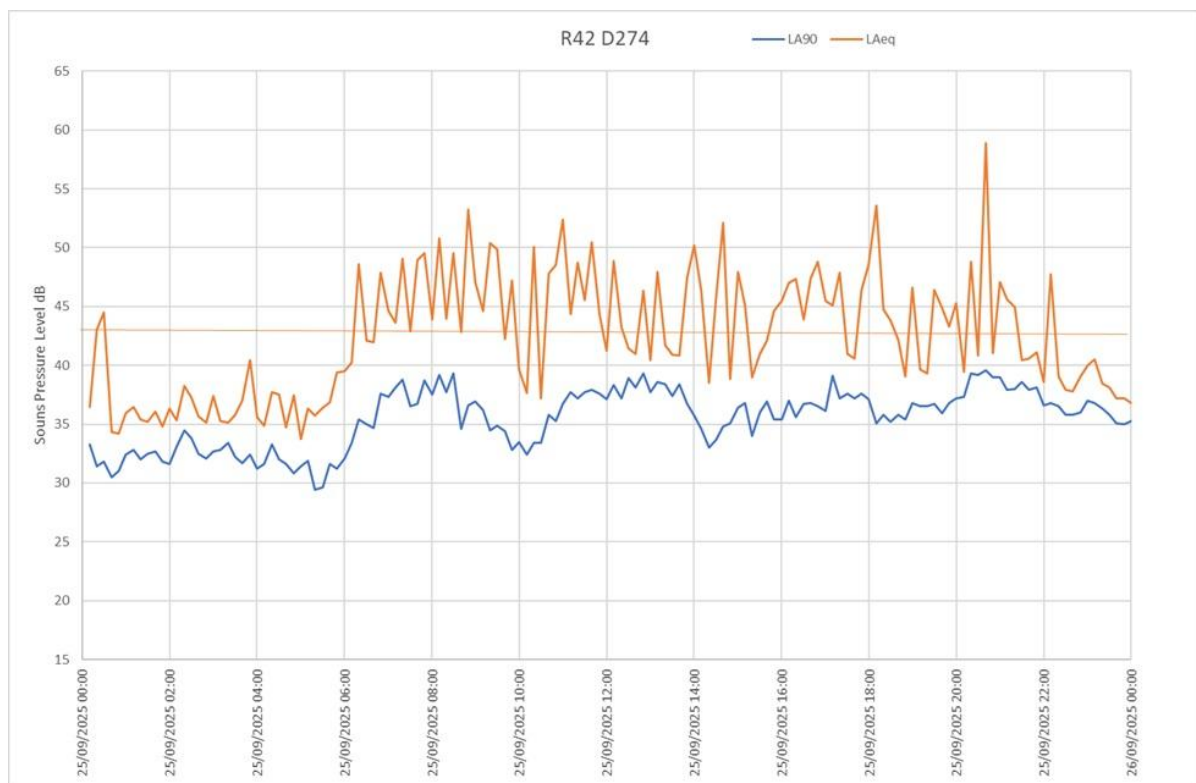


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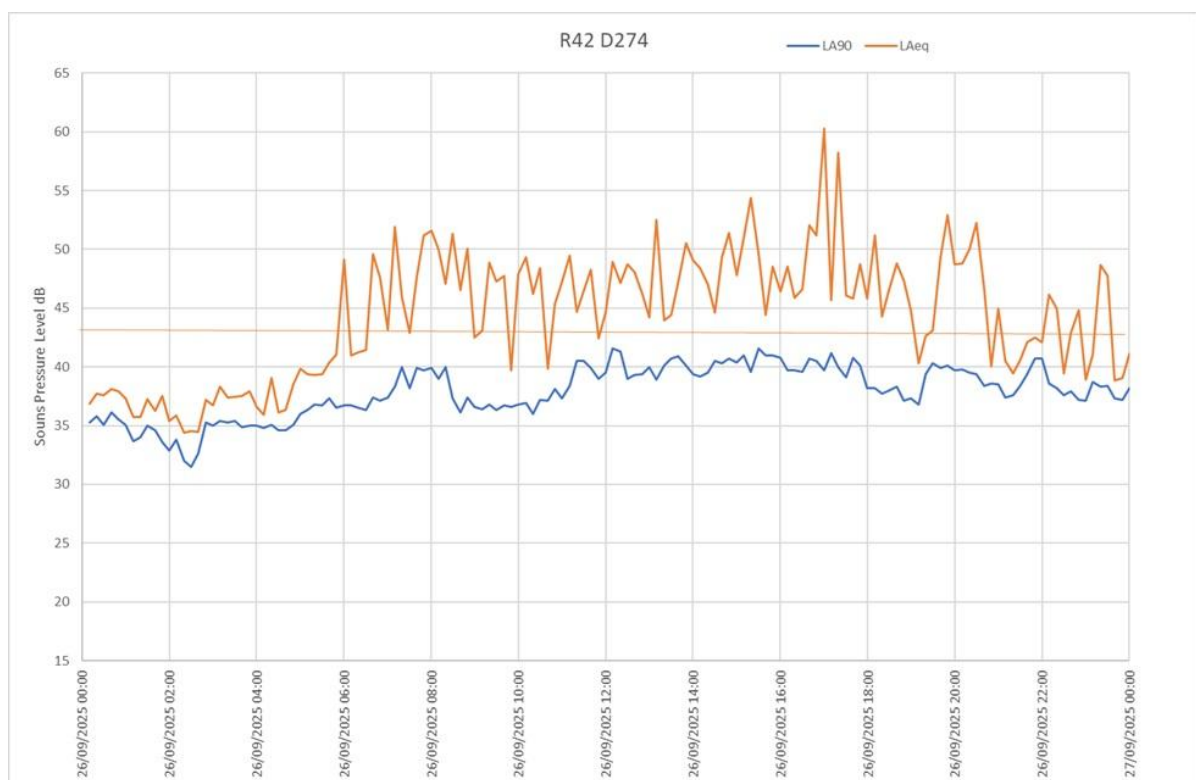


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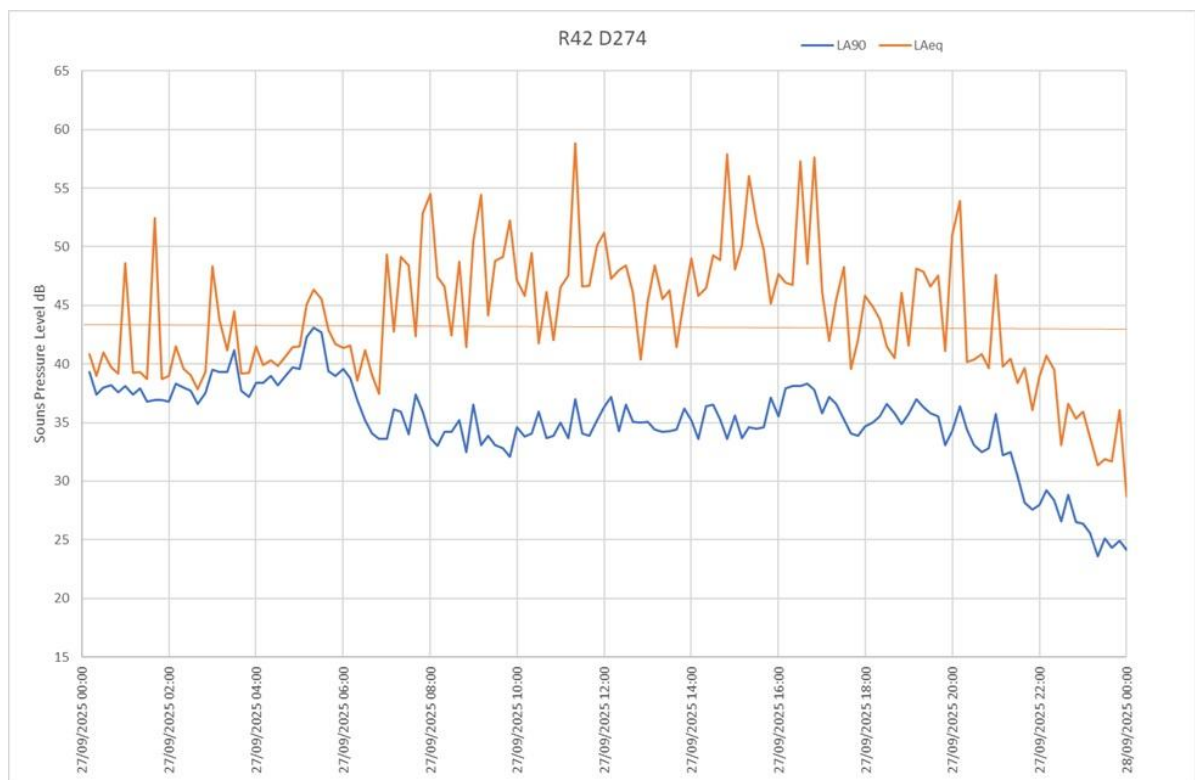


Figure 19

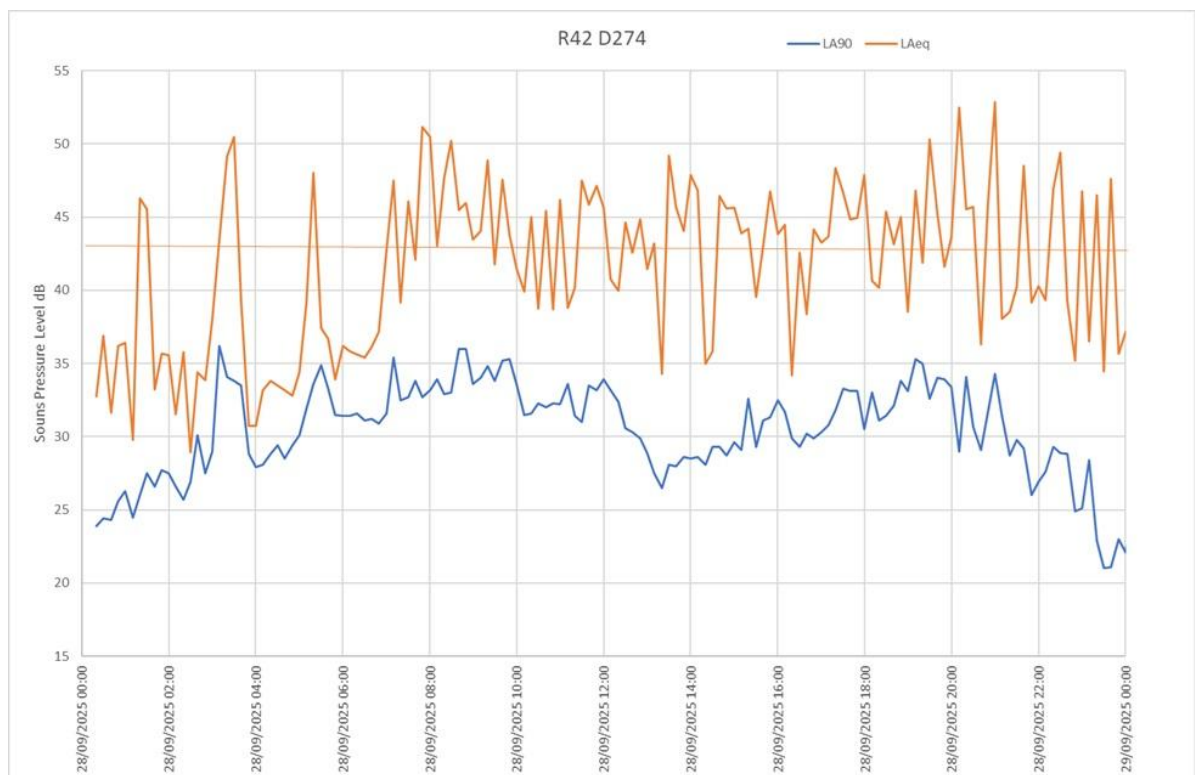


Figure 20

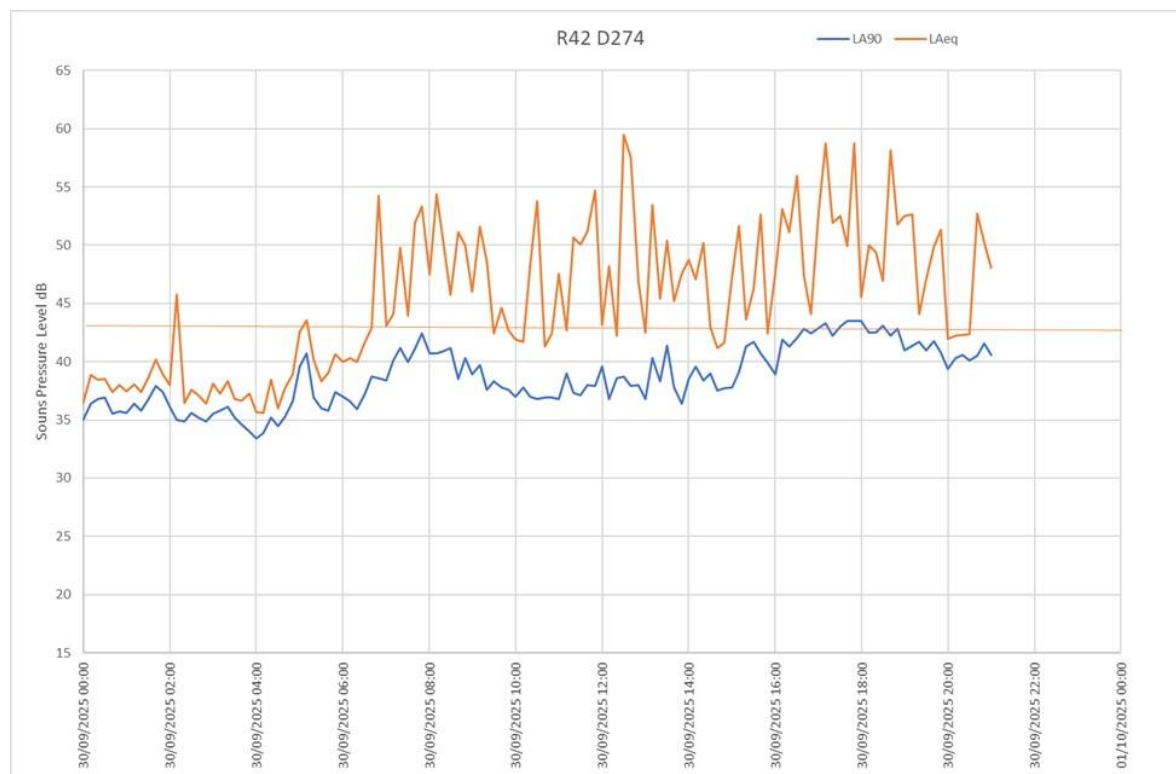


Figure 21

A resident provided diary notes listing nights when noise from the Cloghan Wind Farm was most prominent. The diary also noted times when different individual or all wind turbines were noticed to be inoperative.

SCADA data from the wind farm is presently unavailable for the survey period so the detailed analysis has focussed on one night from 10pm 16 September 2025 to 5am 17 September 2025 that the resident noted disrupted sleep. It is not known if all wind turbines were operating at this time. The diary note mentioned high winds on 15 September 2025. The permit condition requires an assessment of tonality and impulsiveness.

Analysis was made of continuous audio recordings (10-minute WAV files) and numerous sound level parameters sampled every 100ms.

Tonality

ISO1996-1:2017 refers to an objective test method (ISO/PAS 20065) that was used to assess tonal audibility.

Spectrum analysis shows that there are no constant tones observed in the recordings. However, tonal sounds are observed periodically. One example is a 403Hz tone that has a tonal audibility rating of 5.7 dB that can be seen in the spectrogram in Figure 23 around 4.25am 16 September 2025.

Impulsive sound

BS4142:2019 provides a method to assess impulsive sounds. A sound is impulsive if its level changes by more than 10 dB/second.

Figure 22 shows the dB(A) level changing during a 10-minute period from 4.20am 16 September 2025 that regularly demonstrate impulsiveness.

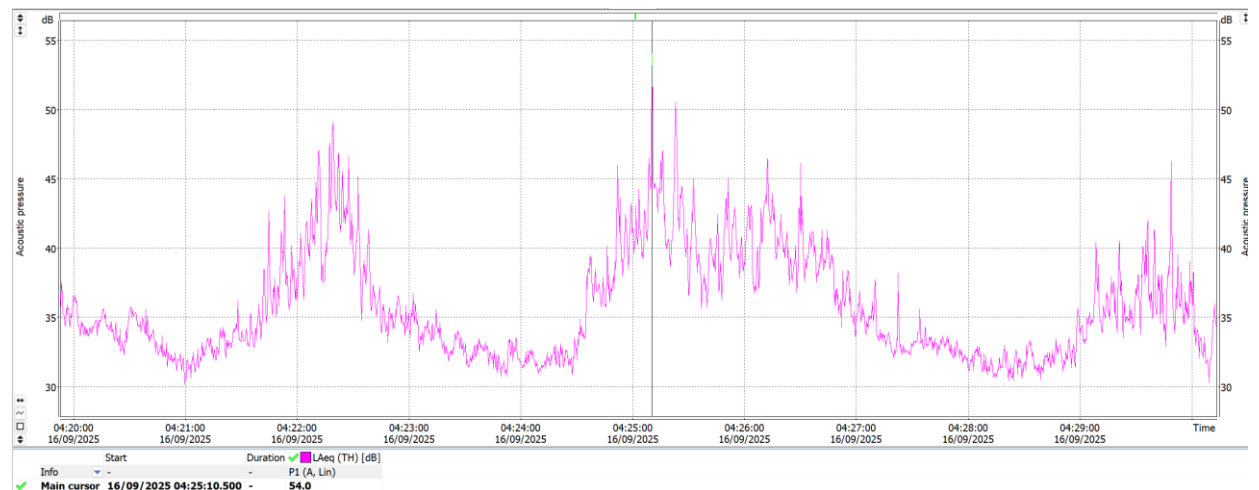


Figure 22

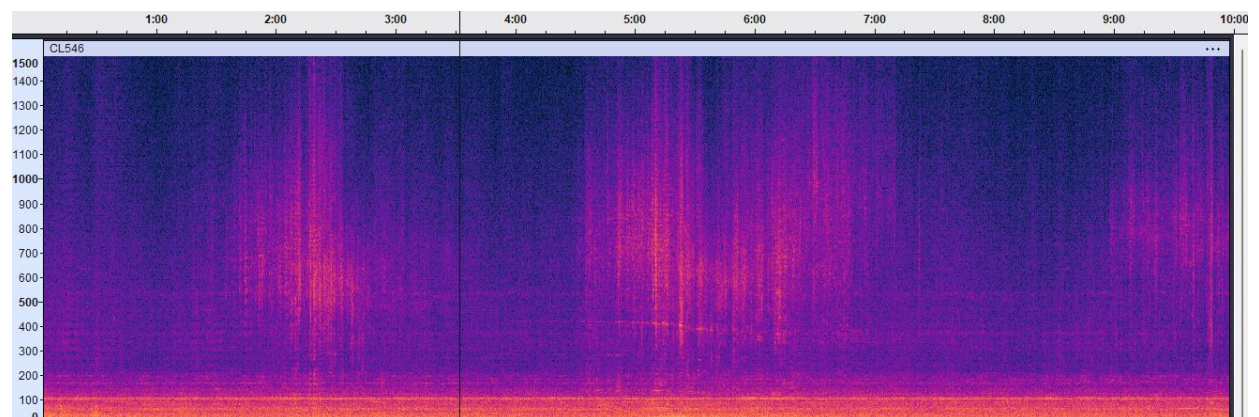


Figure 23 Spectrogram up to 1,500Hz of the data shown in Figure 22

The data demonstrating impulsive and tonal sounds were checked to ensure there was no extraneous noise that could give a false assessment.

SUMMARY

The 43 dB(A) L90(10-minute) wind farm noise limit was exceeded in the morning of 15 September 2025 in high winds.

No other period exceeded the permitted sound level after extraneous noise events were excluded.

Sound from the Cloghan Wind Farm exhibits impulsive sound characteristics.

Sound from the Cloghan Wind Farm is occasionally tonal.

