Outlook

Ref: 324161

From Sean O'Callaghan <socallaghan@antaisce.org>
Date Tue 5/26/2026 5:24 PM
To SIDS <sids@pleanala.ie>

1 attachment (193 KB)
20260526-ACP-324161.pdf;

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A Chara,

Please find enclosed An Taisce's submission on application ref: 324161.

Is mise le meas,

Seán O'Callaghan
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland
Email: socallaghan@antaisce.org
www.antaisce.org

An Taisce
The National Trust for Ireland
5 Foster Place
Dublin 2, Ireland
D02 V0P9

20260526-ACP-324161

An Coimisiún Pleanála,
64 Marlborough Street,
Rotunda,
Dublin 1,
D01 V902.

Sent by email to: sids@pleanala.ie

26th May 2026

Ref: 324161
App: Lemanaghan Wind Farm DAC
For: Proposed development of 15 no. wind turbines, a permanent 220kV on-site substation, and associated infrastructure
Site: at Lemanaghan and surrounding townlands, Co. Offaly

A Chara,

We thank you for referring the above application to An Taisce for comment.

1. Discrepancy with IPC Licence Condition

It is noted that the subject site overlaps with a cutover bog site which is subject to Integrated Pollution Control (IPC) Licence Ref: P0500-01, where Condition 10 requires a rehabilitation plan. The installation of wind turbines at this location may conflict with the rehabilitation requirements of the site, in view of its ecological features, active rehabilitation and potential resident species. As such, any inconsistency in this regard requires close consideration by An Coimisiún to ensure that decarbonisation objectives are not in conflict with the rehabilitation requirements mandated by this licence.

2. Ecological Sensitivity

The subject site may harbour important ecological features and biodiversity due to active rehabilitation. This may also correspond to migratory species associated with the following ecological sites in the vicinity of the proposal:

- Clara Bog SAC (site code: 000572)

- Grand Canal pNHA (site code: 002104)
- Ferbane Bog SAC (site code: 000575)
- Moyclare Bog SAC (site code: 000581)
- Clonydonnin Bog NHA (site code: 000565)
- Fin Lough (Offaly) SAC (site code: 000576)
- Mongan Bog SAC (site code: 004017)
- Middle Shannon Callows SPA (site code: 004096)
- River Shannon Callows SAC (site code: 000216)

Furthermore, Wetlands Survey Ireland mapping[1] demonstrates an abundance of cutover bog sites in the vicinity of the proposal who may be undergoing regeneration and supporting species such as sensitive ornithological receptors. A robust Ecological Impact Assessment (EcIA) and/or biodiversity section of an EIAR should fully account for potential impacts to migratory bird species associated with these areas, in-combination with designated sites. A cumulative effect lens should be adopted to consider impacts alongside other existing and permitted projects in the region, including other wind farm proposals. BirdWatch Ireland's Wetland Bird Survey data[2] should be utilised to inform decision-making on the ornithological sensitivity of the region, particularly data on birds most susceptible to wind turbine collision due to their flight heights.

In addition to consideration of the proposal's impact upon pNHA/NHA and wetland receptors, it should be noted that a likelihood of significant effects, under Article 6(3) of the Habitats Directive, may arise not only from plans or projects located within a protected European site but also outside the strictly delineated boundary of the site. This point was clarified within Case C-142/16 *European Commission v Federal Republic of Germany* (para. 29):

> *"It should be noted at the outset that the fact that the project to which the environmental assessment being challenged relates is not situated in the Natura 2000 areas concerned, but rather at a considerable distance from them, upstream of the Elbe, in no way precludes the applicability of the requirements laid down in Article 6(3) of the Habitats Directive. It is clear from the wording of that provision that 'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon' is subject to the environmental protection mechanism it prescribes."*

An essential consideration is the potential for the subject site to support commuting, foraging and nesting activity for ornithological receptors associated with nearby European Sites. In Case C-461/17 *Holohan v An Bord Pleanála (2018)*, the CJEU held that an Appropriate Assessment (AA) must examine the implications of a proposed project, not just for the species within a European site, but also the significant *ex situ* implications for the habitat types and species found beyond the defined boundaries of a European site.

This is reflected in domestic transposition via Article 27 (4) and (5) of the European Communities (Birds and Natural Habitats) Regulation 2011 (as amended) where the non-deterioration of crucial supporting habitat for Qualifying Interest (QI) species outside of Natura 2000 sites is codified.

[1] https://wetland.maps.arcgis.com/apps/instant/sidebar/index.html?appid=0b602456f4e54b2b808b9cf8d6472cad&center=-7.4933;53.6737&level=7&hiddenLayers=19354f31539-layer-9;19354f31539-layer-8;19354f3153a-layer-10;19354f31537-layer-7;WMI_Import_Jul_2020_4824

[2] https://birdwatchireland.ie/our-work/surveys-research/research-surveys/irish-wetland-bird-survey/

3. Nature Restoration Regulation

It should be noted that research conducted by Renou-Wilson *et al* (2015)[3] demonstrates the importance of rehabilitating/restoring cutover bogs via rewetting and blocking of drains etc., to reinstate their essential carbon sequestration function. As noted by the researchers:

> *"Despite a shallower peat depth, cutover bogs hold the largest soil organic carbon stock (tCha–1) after natural peatlands regardless of peatland type. These results imply the importance of these degraded ecosystems in providing some critical ecosystem services. Therefore, they should be identified for immediate management interventions to prevent further degradation, particularly the ongoing loss of their carbon store."*

This necessitates consideration of potential disturbance to a regenerating carbon sink and a comparative analysis of restored peatland carbon sequestration function versus the climate benefits offered by the wind farm. Peatland rewetting and restoration are required under the legally binding Nature Restoration Regulation (2024/1991). This entails a site specific approach for assessing feasibilities of peatland rewetting which includes site-specific physical and chemical soil properties.

As noted in Preambles 19 and 59 of the Nature Restoration Regulation:

> *"That Regulation emphasises the need for the protection and enhancement of nature-based carbon removals, for the improvement of the resilience of ecosystems to climate change, for the restoration of degraded land and ecosystems, and for rewetting peatlands.*
> *…*
> *To allow for a flexible implementation of the restoration target for drained peatlands under agricultural use, Member States should be able to count the restoration measures and rewetting of drained peatlands in areas of peat extraction sites as well as, to a certain extent, the restoration and rewetting of drained peatlands under other land uses, for example forest, as contributing to meeting of the restoration targets for drained peatlands under agricultural use."*

Furthermore, as an Annex I habitat type, the condition of raised bog habitat is required to be improved and re-established, as well as fostering its connectivity at a landscape level and continuous improvement until good condition is reached. The potential for the subject site to be identified as a priority area for habitat and species restoration under the Nature Restoration Regulation and associated National Restoration Plan requires close consideration.

4. Archaeological Sensitivity

It is noted from the Historic Environment Viewer[4] that the subject site supports a substantial amount of archaeological heritage, indicative of a highly sensitive landscape which requires a robust Archaeological Impact Assessment as part of the proposal. The area in which the subject site is situated was the subject of the Lemanaghan Heritage Conservation Plan (2007) whose objectives should be assessed and balanced with decarbonisation need. Proposed drainage, machinery works,

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[3] Renou-Wilson *et al.* 2015. Peatland Properties Influencing Greenhouse Gas Emissions and Removal. EPA. Research_Report_401.pdf

[4] https://heritagedata.maps.arcgis.com/apps/webappviewer/index.html?id=0c9eb9575b544081b0d296436d8f60f8

access track provisioning, foundation excavation etc should articulate robust mitigation measures for avoiding archaeological impact. It should be ensured that proposed turbine locations do not encroach upon archaeological artefacts. In line with national policy, as set out in the *Framework and Principles for the Protection of Archaeological Heritage (1999),* there should always be a presumption in favour of avoiding development impacts on archaeological heritage. We would highlight the importance of ensuring maximum protection of our national monuments under the National Monuments (Amendment) Act 1994 and we suggest that an archaeological investigation and test is carried out before the development consent determination. This should not be left as a condition after the permission due to monitoring and enforcement constraints within planning authorities.

5. Water Framework Directive

The subject site also overlaps with two river waterbodies, namely the moderate status 'Lemanaghan Stream_010' and 'Brosna_100'. The 'Brosna_100' is considered by the EPA to be at risk of not achieving good status by 2007. The objectives of the Water Framework Directive (WFD) (2000/60/EC) are to protect all high status waters, prevent further deterioration of all waters and to restore degraded surface and ground waters to good status by 2027. Specifically, where there is bad or moderate water quality there is the legal imperative to bring that water body up to good status by 2027.

The proposal should be assessed against Article 4 of the WFD to determine whether the project may cause a deterioration of the status of a surface or ground water body or if it may jeopardise the attainment of good surface or ground water status or of good ecological potential and good surface or ground water chemical status.

We bring the attention of the planning authority to the following points of relevant European case law regarding the WFD. In Case C-461/13 (Weser), the CJEU held that:

> "*Article 4(1)(a)(i) to (iii) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy must be interpreted as meaning that the Member States are required*
>
> *— unless a derogation is granted*
>
> *— to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the directive.*"

The Weser case created a jurisdictional requirement and established that authorisation for a project has to be refused where there may be an adverse impact on the objectives of Article 4. To assess the proposal against Article 4, the EPA monitoring data on the water quality status indicators and Environmental Quality Standards must be used.

Please acknowledge our submission and advise us of any decision made.

Is mise le meas,

Seán O'Callaghan
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland