

# Formal Observation / Objection

To: An Coimisiún Pleanála  
64 Marlborough Street,  
Dublin 1,  
D01 V902

**Case Reference: PAX19.324161**

**Case Number: 324161 –:**

**Description: Proposed development of 15 no. wind turbines, a permanent 220kV on-site substation, and associated infrastructure**

**Address: Lemanaghan and surrounding townlands, Co. Offaly**

**Name: Ann & Alan O’Shea**

**Address: Thumbeagh, Ballinahown, Athlone, Co. Westmeath**

## Objection to the Proposed Development

We, Ann and Alan O’Shea, wish to lodge a formal objection to the above planning application. Our concerns relate to significant environmental, ecological, legal, visual-amenity, health, and residential-impact issues. These concerns are grounded in national and EU legislation, established case law, and the applicant’s own Environmental Impact Assessment Report (EIAR).

The issues outlined below provide substantial and compelling grounds for refusal.

### 1. Conflict with Bog Restoration Policy and National Climate Obligations

The proposed wind-farm development is fundamentally incompatible with Ireland’s legally binding commitments to peatland restoration and climate mitigation, including:

- National Peatlands Strategy (2015)
- Climate Action Plan 2023
- EU Biodiversity Strategy 2030
- EU Nature Restoration Regulation

Peatlands are recognised as:

- Critical long-term carbon sinks
- Priority habitats for biodiversity
- Natural flood-mitigation systems
- Cultural landscapes of national importance

Industrial development on a bog—particularly one capable of re-wetting—undermines these objectives by:

- Disturbing carbon-rich peat
- Altering hydrology
- Preventing restoration and re-wetting
- Fragmenting habitats essential for ecological recovery

The proposal is therefore inconsistent with Ireland’s climate and biodiversity obligations.

## 2. Wildlife Disturbance and Habitat Fragmentation

The development will cause significant disturbance to protected species through noise, vibration, lighting, construction traffic, and habitat fragmentation. Species at risk include:

- Curlew (critically endangered)
- Hen harrier (Annex I, Birds Directive)
- Snipe, lapwing, skylark and other ground-nesting birds
- Bats (highly sensitive to turbine collision and barotrauma)
- Otter (Annex II, Habitats Directive)
- Pine marten, badger, hare and other mammals

The EIAR fails to provide:

- Multi-season bird surveys
- Nocturnal bat-activity surveys
- Wintering-bird assessments
- Habitat-connectivity analysis

This is inconsistent with the requirements of the **Birds Directive (2009/147/EC)** and **Habitats Directive (92/43/EEC)**, which require robust, site-specific ecological data before consent can be considered.

## 3. Legal Precedent: Derrybrien (C-215/06)

The European Court of Justice ruling in **Derrybrien** established that wind-farm development on peatlands requires exceptionally rigorous environmental assessment due to risks of:

- Peat instability

- Hydrological disruption
- Ecological damage
- Water pollution

Ireland incurred multi-million-euro fines for failing to properly assess peatland risks.

This application does not meet the standard required by that ruling, particularly regarding:

- Peat-depth mapping
- Hydrological modelling
- Long-term and cumulative risk assessment

The legal precedent is clear: peatland wind-farm proposals must be assessed with the highest level of scrutiny.

## 4. Unacceptable Visual-Impact Zones

The proposed **15 turbines at 220 metres in height** will create extensive visual impacts across:

- Rural homes
- Scenic viewpoints
- Walking routes
- Heritage landscapes
- Adjacent counties

The flat, open bog landscape means turbines will be visible for **10–30 km or more**, dominating the skyline and permanently altering the character of the region.

The applicant's visual-impact assessment is flawed because it:

- Uses selective viewpoints
- Excludes sensitive receptors such as rural dwellings
- Underestimates blade-tip visibility
- Fails to assess cumulative visual impact

Under the **European Landscape Convention**, Ireland is obligated to protect landscapes as part of cultural identity and community wellbeing. This proposal conflicts with that obligation.

## 5. Fundamental Deficiencies in the Environmental Impact Assessment (EIA)

The EIAR contains major omissions, including:

- Incomplete hydrological modelling
- Lack of peat-depth mapping
- No cumulative impact assessment
- Insufficient ecological surveys
- No social-impact assessment
- No detailed grid-connection assessment
- Contradictory statements on noise and shadow flicker
- Failure to consider alternative sites or technologies

Under the **EIA Directive (2011/92/EU as amended by 2014/52/EU)**, an EIA must be complete, transparent, evidence-based and capable of informing decision-makers. This EIAR does not meet those requirements.

## 6. Shadow Flicker Impacts on Our Home (House 51, Tumbleagh)

The applicant's own documentation (Figure 5-3 and Table 5.9) identifies our home at **Tumbleagh (House ID 51)** as a **sensitive receptor** located **1,093 metres** from the nearest proposed turbine (T10), which is **220 metres in height**.

The EIAR table records:

- **Daily shadow flicker (pre-mitigation): 00:31:00**
- **Annual shadow flicker (pre-mitigation): 16:28:00**
- **Adjusted annual flicker: 4:50:55**
- **Daily exceedance: Yes**

This confirms that our home is predicted to **exceed the daily shadow-flicker limit**.

### Relevant Guidance

The **DoEHLG Wind Energy Development Guidelines (2006)** recommend that shadow flicker at neighbouring dwellings within 500 m should not exceed:

- **30 minutes per day**
- **30 hours per year**

Although our home is beyond 500 m, these thresholds remain the national benchmark for acceptable residential impact.

### Impact on Our Home

Our living-area windows directly face the bog and the turbine locations. The predicted shadow flicker would:

- Intrude into our primary living spaces
- Cause stress, distraction and loss of amenity
- Create unacceptable impacts on wellbeing and daily life

Shadow flicker is recognised as a material planning concern affecting residential amenity.

## 7. Noise Impacts and Health Concerns

We are aware of significant issues reported by residents living near operational wind farms, including:

- Low-frequency noise
- Infrasound
- Sleep disturbance
- Stress and anxiety
- Headaches and other health effects

Some affected residents live **1.5 km or more** from turbines of **165–185 metres** in height. The proposed turbines here are **220 metres**, significantly larger.

There are ongoing concerns regarding:

- Accuracy of infrasound measurements
- Underestimation of low-frequency noise in EIAs
- Lack of long-term health monitoring

Given the proximity of our home (1,093 m), the scale of the turbines, and the known uncertainties in noise modelling, the risk to our health and wellbeing is substantial.

Noise impacts are a recognised ground for refusal where residential amenity cannot be protected.

## Conclusion

This proposed development:

- Conflicts with national and EU peatland-restoration policy
- Threatens protected wildlife and habitats
- Contradicts established legal precedent (Derrybrien)
- Creates unacceptable visual and residential-amenity impacts
- Fails to provide a legally compliant EIA
- Exceeds shadow-flicker thresholds at our home
- Presents significant noise-related health concerns

For these reasons, and in accordance with Irish planning law, EU environmental legislation, and the precautionary principle, we respectfully request that **An Coimisiún Pleanála refuse permission** for this development.

**Ref: 6 shadow flicker Chapter 5**

Table 5-9 Maximum Potential Daily and Annual Shadow Flicker at the Proposed Wind Farm

House ID	ITM Coordinates (Easting)	ITM Coordinates (Northing)	Description	Distance to Nearest Turbine (metres)	Nearest Proposed Turbine No.	Max. Daily Shadow Flicker: Pre-Mitigation (hrs:min:sec)	Max. Annual Shadow Flicker: Pre-Mitigation (hrs:min:sec)	Max. Annual Shadow Flicker Adjusted for Average Regional Sunshine (hrs:min:sec)	Proposed Turbine(s) Giving Rise to Daily Shadow Flicker Exceedance	Mitigation Strategy Required (Daily)	Mitigation Strategy Required (Annual)
51	616752.5	726893.5	Dwelling	1093	T10	00:31:00	16:28:00	4:50:55	T10	Yes	No

