

MARSTON

PLANNING CONSULTANCY

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1

20th May 2026

Our Ref. 26053

Re: Planning & Development Act 2000 and the Statutory Regulations made thereunder (as amended). Third Party Submission by Sean & Dora Corcoran, Leamonaghan, Ballycumber, Tullamore, Co. Offaly in relation to the proposed Lemanaghan Wind Farm that includes 15 no. turbines, a permanent 220kV on site substation and associated infrastructure at Lemanaghan and surrounding townlands, Co. Offaly.

An Coimisiún Pleanála Ref. PAX19.324161

Last day for making submission: on or before end of 26th May 2026

Dear Sir / Madam

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18, D18 T3Y4; are instructed by our clients, Sean & Dora Corcoran, Leamonaghan, Ballycumber, Tullamore, Co. Offaly, R35 K263; to make a submission in relation to this 15 turbine wind farm in Leamonaghan, Co. Offaly.

In accordance with the statutory regulations we enclose payment to An Coimisiún Pleanála for the appropriate statutory submission fee of €50 in this instance. We confirm that we have inspected the subject site and examined the planning drawings and other particulars that form part of this Strategic Infrastructure Development planning application.

We submit that the grounds for this submission that seeks the refusal of the proposed wind farm are clear and unambiguous.

This submission raises the failings of the application in terms of Article 12 of the Habitats Directive; hydrological and hydrogeological concerns relating to the proposed development; as well as concerns in meeting the requirements of the Water Framework Directive.

We would also request the Commission to question whether the EIAR is flawed, and that its complexity is contrary to the principles and guidelines of the EIA Directive

This submission is made without prejudice to our client's right to apply for a judicial review of the planning authority decision to grant planning permission.

1. Overview

The grounds of this submission is to ensure that the current wind farm standards and policies relating to residential properties, environmental legislation and policies and objectives of the Offaly County Development Plan 2021-2027 (CDP) are upheld in an appropriate and acceptable manner. Where they cannot, then it is incumbent on the Commission to refuse permission or omit turbines, on the grounds set out in this submission.

We submit that it is critical that the location of all wind farms is plan led, using objective assessment criteria. The inclusion of a turbine with the application that is a material contravention of the CDP is indicative of that, and is particularly concerning to our clients given that this is the turbine closest to them, and to a concentration of population.

We respectfully request the Commission to refuse permission on the following grounds:

Environmental impact

Our clients has significant concerns in relation to the inadequacy of the Environmental Impact Assessment Report, as well as its complexity being contrary to the principles and guidelines of the EIA Directive and the failure to adequately consider certain noise sensitive receptors; as well as hydrological and biodiversity concerns.

Negative impact on road infrastructure

Our clients have serious concerns in relation to the impact on the local road infrastructure and amenity routes both during construction, and if permission is granted once in operation.

Negative impact on peatland stability and hydrology

There are strong planning and hydrological grounds for the refusal of permission that the applicant has failed to adequately address.

Residential and visual amenity

The proposed development will be seriously injurious to the existing established residential and visual amenity of our client's and other adjoining residential properties. We therefore request that the Commission refuse permission.

Prior to outlining the detailed grounds for our client's submission it is useful that the context of this appeal is laid out before the Commission.

2. Proposed Development site and environs

The Proposed Development of this wind farm extends across a site of 1,111ha. and is located approximately 3kms northeast of Ferbane, and approximately 2.5km south-west of the village of Ballycumber in Co. Offaly. The Proposed Development site includes lands in the townlands of Cooldorragh, Kilnagarnagh, Cappanalosset, Tumbleagh, Killaghintober, Castlearmstrong, Leabeg, Cornafurris and Corrabeg, Lemanaghan, Kilnagoolny, Straduff, Lisdermot, Derrica More, Rosfaraghan, Rashinagh, Cor Mor and Cor Beg, Corbane, Ballindown, Co. Offaly.



Excerpt from Figure 1-2 EIAR site boundary from the EIAR

The proposed development site is a mixture of bare cutaway peat, re-vegetated bare peat, degraded raised bog, scrub, low woodland and remnants of high bog. Current land use within the Proposed Wind Farm comprises natural recolonisation of cutaway and degraded bog and a small area of active turbary along with remnants of high bog.

The applicants state that there are approximately 17kms of Bord na Mona permanent fixed-gauge rail lines running through Lemanaghan Bog. Current land use along the Proposed Grid Connection comprises degraded raised bog and agricultural land. Land-use in the wider landscape of the site comprises of Bord na Mona landholdings, forestry, agricultural land, cutover and cutaway peatland, one-off rural housing and small village settlements. This is a flat and very gently undulating landscape.

Our client's live in a single storey dwelling that is located to the north of the R436 and their home is positioned so that its rear garden extends towards the bog that is the subject of this SID application. Turbines 5 and 12 are the closest turbines to their home, with turbine no. 5 the closest at 1.1km from their home.

We refer the Commission to the application for Substitute Consent for peat extraction and ancillary works on the very same bog that they now want to develop a Wind Farm that has been made to the Commission (ACP Ref. ACP-323676-25. A decision on this is currently unknown, but has clear and obvious ramifications for the proposed development in this instance. If this retrospective application is refused, it must lead to, irrespective of the strong grounds for refusal of this SID application elsewhere, in the Commission in refusing permission for past failures to comply and incompatibility of granting permission for a wind farm on land that is subject to unauthorised development. This is particularly pertinent given that the substitute application was accompanied by a Remedial Natura Impact Statement (rNIS) and Remedial Environmental Impact Assessment Report (rEIAR). The basis of using these, and taking them into account, as part of the baseline assessment in this instance, given their current unauthorised status, must be severely questioned.

The application (Chapter 5 of the EIAR) states that there are 21 no. sensitive receptors within 1km of the proposed turbines. The EIAR states that the nearest residential property is located 896m from a turbine. There are some commercial units located less than 780m from turbine no. 3.

The area has a rich archaeological heritage that includes the identification of two monastic sites at Clonmacnoise and Durrow that are identified as potential UNESCO World Heritage sites, as well as the site at Lemanaghan.

The historic complex at Lemanaghan, with its focus at the early monastic site dedicated to St Managhan, is situated on the R436 between Ballycumber and Ferbane at the junction of the road to Pollagh. These monuments occupy an upland area in Lemanaghan Bog which is bordered to the south by the callows of the River Brosna. Surrounding them is an exceptional number of archaeological find sites, many relating to a complex infrastructure of trackways or toghers, which were built and repaired over several centuries. It consists of a medieval church, St. Mellas Cell, Holy Well and Togher, and a cluster of relatively small dwellings, the largest of which, Lemanaghan House, is to the south-west of the monastic site. The Heritage Council prepared a Conservation Plan for Lemanaghan in 2007. The Commission will have regard to this plan when assessing applications that are within this area or in close proximity to this area

Development plan context

The Offaly County Development Plan 2021-2027 (OCDP) was adopted in September 2021 and came into effect in October 2021. The OCDP outlines the overall strategy for the proper planning and sustainable development of County Offaly. The Proposed Wind Farm turbines are located within an area designated in the Offaly County Development Plan 2021-2027 (OCDP) as '*Open for Consideration*' with the exception of T05 which is located on the boundary of an area designated '*not Deemed Suitable for Wind Energy Developments*'.

Policy Objective AEP-38 of the CDP states that it is Council policy that in assessing planning applications for wind farms, the Council shall have regard to the provisions of the Wind Energy Development Guidelines 2006, the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017 and the Draft revised Wind Energy Guidelines 2019 which are expected to be finalised in the near future; have regard to 'Areas Open for Consideration for Wind Energy Developments' in the Wind Energy Strategy Designations Map from the County Wind Energy Strategy. Notwithstanding the open for consideration designation, the CDP states that wind farm developments in these areas will be evaluated on a

case by case basis subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Wind Energy Development Guidelines.

Policy Objective CAEO-05 of the CDP states that it is an objective of the Council to implement the Council's Wind Energy Strategy as follows In 'Areas Deemed Open for Consideration for Wind Energy Development' as identified in Map No. 10 'Wind Energy Strategy Designations', the development of windfarms and smaller wind energy projects will be considered. In all other areas, wind energy developments shall not normally be permitted. Turbine 5 is therefore a material contravention of the County Development Plan.

It is Council policy under BLP-14 to protect the county's designated peatland areas and landscapes, including any historical walkways through bogs and to conserve their ecological, archaeological and cultural heritage and to develop educational heritage.

3. Nature and extent of the proposed development

The proposed development, as applied for, amounts to a wind farm of 15 no. turbines that have a hub height of 145m; a rotor diameter of 150m; that creates a total tip height of 220m overall. Each turbine will require permanent turbine foundations, hard-standing and assembly areas.

The wind farm will also include a new permanent 220kV electrical substation compound (c. 9,611sqm) to be located in the townland of Cooldorragh within the northern arm of the proposed development site. The substation compound includes a Gas Insulated Substation (GIS) building, 1 no. Independent Power Producer (IPP) control building, and various other ancillary works.



Excerpt from Figure 4-2 of the EIAR showing the proposed turbine layout, with position of our client's home added for clarity

The proposed development will also include underground electrical and communications cabling connecting the 15 no. wind turbines to the proposed 220kV onsite electrical substation. The proposed connection to the national grid is proposed at this northern arm of the site that will require the permanent installation of c. 800m of 220kV overhead line, 4 no. new steel masts, temporary tower build areas, temporary tower crane pads and associated hard-standing areas to facilitate the new 'loop-in/loop-out' connection into the existing 220kV Shannonbridge to Maynooth line. The new permanent overhead line grid connection will require the decommissioning / removal of 1 no. existing steel mast and c. 75m of existing 220 kV line

The proposed development also includes a permanent telecommunications tower with a height of 36m; as well as a meteorological mast with a height of 145 metres and associated foundation and hard-standing area.

The proposed development will also require the permanent upgrade of c.1.14km of existing internal site roads/tracks and the provision of c.17.1 km of new permanent internal site access roads, passing bays and a layby area. The application also seeks permission for the permanent upgrade of c.1.8km of existing tracks and the provision of c.3.9km of new permanent tracks for the purposes of amenity, seating areas, and amenity signage.

The proposed development will also include a temporary access track off the L7001 local road during the construction phase; and the removal of an existing agricultural shed to accommodate the new temporary access track off this local road. The proposed development will also include various ancillary construction, access and ancillary works as part of the proposed development.

The proposed development also includes two watercourse crossings; peat and soil management; removal of woodland and other planting; and as well as referring to biodiversity management and enhancement measures; it is indicated as a ten year permission with an operational life of 35-years.

4. Grounds of submission

The full grounds of our clients' submission together with the arguments, reasons and considerations upon which it is based is set out below. We respectfully submit that the proposed development, by nature of its scale, density, design and layout at this location would be seriously injurious to the residential and visual amenities of the area and would be contrary to the proper planning and sustainable development of the area and should be refused.

Contrary to national, regional and local planning policy

We submit to the Commission that the scale, height and form of the proposed wind farm at this location is contrary to existing development plan policy as set out under the Offaly County Development Plan 2021 – 2027, which is the statutory development plan for the county. It is not a contention that the Council, and indeed national policy is to transition to a low carbon economy that proposes the use of renewable energy, and this is balanced in the Plan by the need to protect the sensitive landscape of certain areas within the County.

The recent Coolglass High Court decision has provided added emphasis for decision makers, which is the Commission in this instance, to prioritise national Climate Action policies above local plans and objectives. We submit that the Commission need to reach a balanced decision in this instance that fully considers the conservation and residential as well as visual amenity of our clients.

The County Wind Energy Strategy, which is 5 years out of date, appears to be based on a consideration of wind speeds and accessibility to the grid; landscape character (this area is identified as of medium sensitivity); as well as a consideration of designated sites. There was a failure to fully consider the impact on local residents and their amenity, although residential concentration was considered.

This reflects poor planning, and will lead to ill-informed decision making and poorly considered wind farm development. This is the case in this instance. The function of such a strategy is to identify how many windfarm developments may be acceptable, where are the best locations and what scale and design is most fitting as opposed to a blanket approach, where the height of turbines is not considered.

We request the Commission to question the rationale for the location of the proposed development, based on a balanced assessment of the proposal. The location of one turbine within an area where wind farms are not permitted reflects the ill-considered nature of the proposal, and lack of plan-led planning of the wind farm in this instance. This turbine, irrespective of other issues, should be refused, and we note that it has the most significant impact on our client's home.

Failure to adequately consider impacts under the Environmental Impact Assessment Report (EIAR)

We submit that the proposed development is contrary to the Irish Government Department of Environment Heritage and Local Government document '*Wind Energy Development Guidelines, 2006*' (WEDG 2006) that sets noise limits for wind energy developments. We have serious concerns that the EIAR and the findings of the Natura Impact Statement does not comply with the requirements of Article 3(1)(b) of the EIA Directive.

We submit that the EIAR has failed to have adequate regard to EIA Directives (2011/92/EU and 2014/52/EU), European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (the bulk of which came into operation in September 2018), the European Communities (Environmental Impact Assessment) Regulations 1989-2006, Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001-2025. The cumulative impact of the proposal has not, in our considered opinion, been adequately assessed.

Noise impact

We submit to the Commission that the methodology used in terms of target noise levels is incorrect as the entirety of the site cannot be considered as a non-quiet area due to its location relative to the N62, which is 5kms from our client's home and cannot be discernibly identified within background noise levels. Our client's home is within a low noise environment, which has failed to be adequately considered in this instance.

We submit that where a low noise environment exists then a lower target noise level should be chosen. The survey from 2021 is also out of date, and we would have grave concerns that the impact of turbine 5, in particular on our client amenity would be significantly negative.

The applicant has failed to adequately justify the use of the upper target noise limit base level of 40 dB(A) instead of 35 dB(A) (section 12.4.3 of the EIAR). We submit that once a low noise environment has been acknowledged the target noise level should not be 35 dB(A) base level at higher wind speeds during the day.

Negative impact on hydrology and other related matters

We request the Commission to consider how land use planning requires a more holistic approach than has been applied here by the applicant. An application on a site that includes unauthorised peat works, which is subject to a substitute application that is with the Commission for determination, cannot be adequately considered in terms of the EIAR.

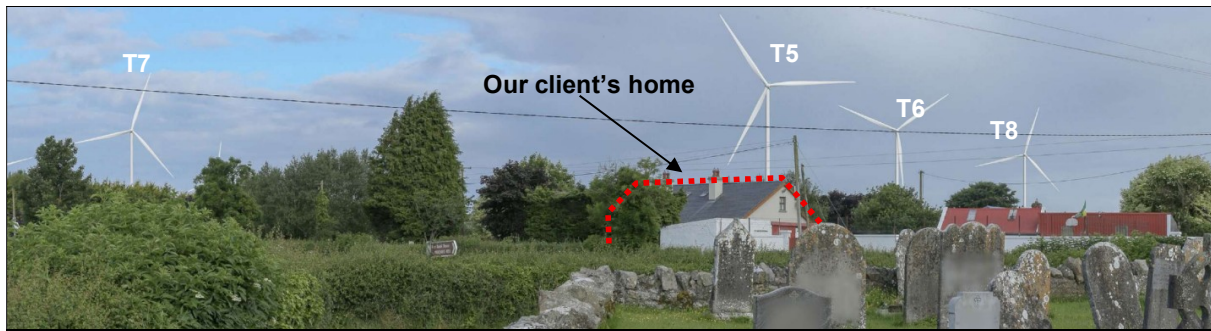
We request the Commission to consider the conflict in Land Use Planning terms between these two applications. If permission were refused for the substitute application there would be an inherent conflict that must lead to the refusal of permission in this instance.

Contrary to SPPR2 of the Draft Revised Wind Energy Development Guidelines December (2019)

The proposed development is surrounded by houses as well as other properties. We refer the Commission to SPPR2 of the Draft Revised Wind Energy Development Guidelines December (2019), which remain in Draft form, that requires a set-back distance for visual amenity purposes of 4 times the tip height of the relevant wind turbine and the nearest point of the curtilage of any residential property in the vicinity of the proposed development.

This requires a set-back of at least 880m in this instance. Whilst it may not be adopted, it certainly forms a best practice guide to developers and Planning Authorities to govern the siting and scale of wind farms in this instance. Whilst the nearest residential property is stated by the applicants as being 895m, the gentle undulating and primarily flat nature of the site means that the visual impact of the proposed wind farm is far more significant than would otherwise be the case. The overpowering visual impact of turbine 5, which is

located in an area where the scale of wind turbines proposed, is not permitted is completely unacceptable and grounds for the refusal of this application.



View of Turbines 5, 7, 6 and 8 from Lenaghan cemetery, with our client's home outlined in broken red line for clarity

Negative impact on cultural heritage

Our clients have serious concerns in terms of the cumulative impact of the entire wind farm on the local cultural and archaeological heritage. The historic complex at Lemanaghan, with its focus at the early monastic site dedicated to St Managhan, is located at the crossroads between the main Ferbane-to-Ballycumber road, and the Lemanaghan-to-Pollagh road. This rich archaeological area extends to the application boundary, and we refer the Commission to the findings of the Lemanaghan Heritage Conservation Plan, undertaken by the Heritage Council. A key aspect of the Conservation Plan was to protect the sense of place of the place being untouched by the modern world. The proposed development will materially denude this fragile cultural heritage environment.

We submit to the Commission that the importance of the heritage sites in the surrounding area, are an important consideration for them in terms of the correct balance between retaining this historic landscape and the small offering of the five turbine wind farm's contribution to achieving the Climate Action plan goals. In our considered opinion the wind farm will have a negative effect and is significant due to the sensitive nature of the receiving environment of the heritage resource. There is no basis for the applicant to conclude that the visual impact on this heritage resource is anything but severe.

Inadequacy of Appropriate Assessment screening

We refer the Commission to the Appropriate Assessment that fails to remove all scientific doubt regarding potential adverse impacts on any Natura 2000 site. There is a lack of ex-situ impacts on birds foraging within the area; fails to consider Natura 2000 data that is readily available online; and failure to consider influences on habitats having regard to Natura 2000 sites.

Negative impact on residential amenity as a result of shadow flicker

Our clients remain significantly concerned that our clients and other local residents will experience shadow flicker in excess of the DoEHLG guideline as a result of the proposed development. We refer the Commission to the Draft Revised Wind Energy Development Guidelines December (2019), which whilst they are not fully adopted, are a more up to date guideline on flicker than the 2006 Guidelines, and may well be adopted during the Commissions assessment of the SID application, that states:

"A condition should be attached to all planning permissions for wind energy development to ensure that there will be no shadow flicker at any existing nearby dwelling or other relevant existing affected sensitive property and that the necessary measures outlined in the shadow flicker assessment submitted with the application, such as turbine shut down during the associated time periods, should be taken by the wind energy developer or operator to eliminate the shadow flicker."

The Guidelines state that if shadow flicker is not eliminated for any dwelling or other potentially affected property then clearly specified measures which provide for automated turbine shut down to eliminate shadow flicker should be required as a condition of a grant of permission. The applicant has failed to provide such proposals, and the Council have failed to attach suitable conditions to address shadow flicker, in this instance.

5. Conclusion

Our clients represent local residents of a rural community within which the turbines and ancillary elements are proposed to be located. We respectfully submit that there are substantive and forceful arguments which when taken collectively must lead to a conclusion that the proposed development should be refused.

There are strong and unambiguous grounds for refusing permission for this application in this instance. We submit that the application has completely failed to adequately demonstrate compliance with the required policy of the County Development Plan as well as best practice relating to EIAR and AA; and particularly the cumulative effect of the proposed development in relation to a range of environmental effects, including residential and visual amenity; as well as cultural heritage.

We submit that it is critical that the location of all wind farms are plan led, using objective assessment criteria. It is unequivocal that part of the wind farm is located in an area where wind farms are not permitted under the County Development Plan. This means that the proposed development is contrary to Policy DMS-109 Wind Farms of the CDP. A failure by the Commission to remove turbine no. 5 amounts to a material contravention of the CDP.

Furthermore, having regard to Policy DMS-109, the proposed development will:

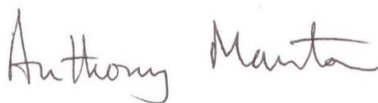
- Negative impact on the visual amenities of the area;
- Negative impact on the residential amenities of the area;
- Excessive scale and layout of the project,
- Negative visual impact of the proposal with respect to protected views, scenic routes and designated scenic landscapes;
- Negative impact on nature conservation, ecology, soil, hydrology, groundwater, archaeology, built heritage and public rights of way
- Failure to adequately consider falling distance plus an additional flashover distance from wind turbines to overhead transmission lines; and
- Negative impact on human health in relation to noise disturbance (including consistency with the World Health Organisations 2018 Environmental Noise Guidelines for the European Region), shadow flicker and air quality.

Our client's are concerned that the operational noise emissions from the wind farm, as experienced at their home, will be above the thresholds of acceptability under multiple national and international standards. We request that the Commission refuse permission on the basis that the proposed development will be seriously injurious to the existing established residential and visual amenity of our clients.

We respectfully submit that when considering all elements of this application it is incumbent on the Commission to conclude that the proposed development would be contrary to the proper planning and sustainable development of the area. We respectfully request the Commission based on these considered and objective planning arguments to refuse permission in this instance.

We look forward to a favourable decision in due course.

Yours faithfully,



Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy