

An
Bord
Pleanála

Observation on a Strategic Infrastructure Development Application

Your details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

John Lawlor

(b) Address

26 TJ Murphy Place
Dungarvan
Co. Waterford

Agent's details

2. Agent's details

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal process we will post information and items to you **or** to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) Planning authority

(for example: Ballytown City Council)

Offaly County Council, Kildare County Council

(b) An Bord Pleanála appeal case number (if available)

(for example: ABP-300000-19)

324055

(c) Planning authority register reference number

(for example: 18/0123)

(d) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

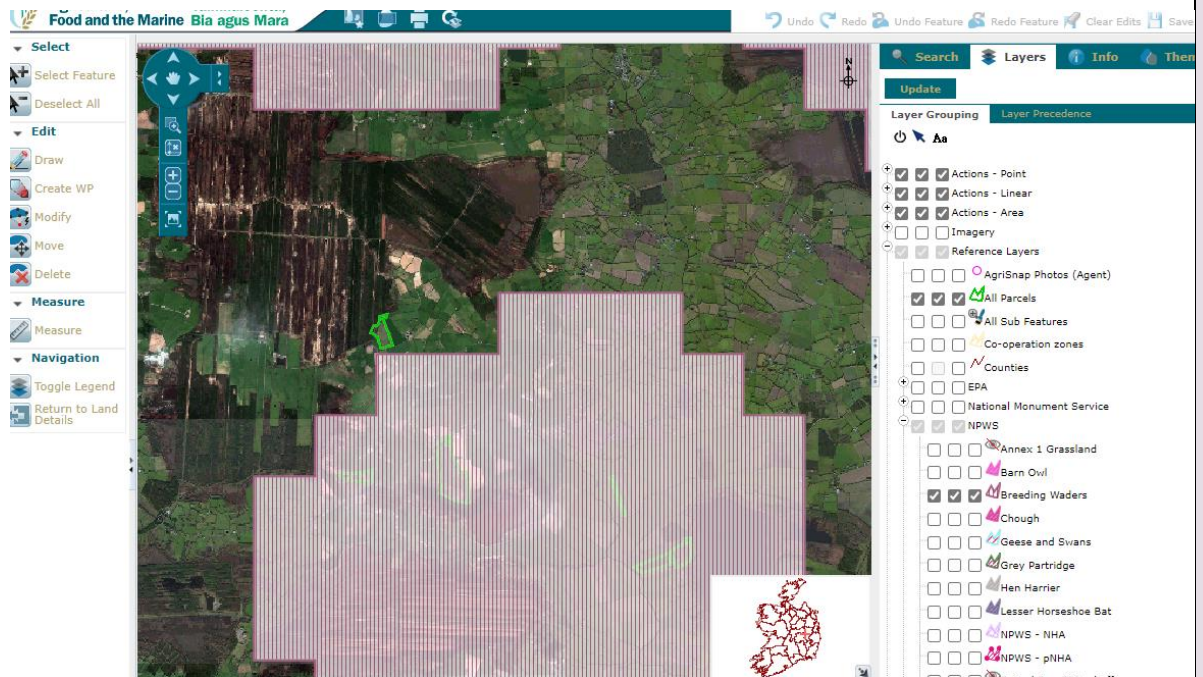
In the townlands of Cushina, Clonsast Lower and Chevychase or
Derrynadarragh near Bracknagh, in County Offaly and the townlands of
Aughrim and Derrylea near Monastervin in County Kildare

Observation details

5.	Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.
	<p>Offaly County Development Plan Part of this development lies in the townland of Clonsast. The Wind Energy Strategy from the Offaly County Development 2021-2027 plan states that there is a preference for retaining areas within Clonsast North and Clonsast for a Wilderness Corridor, page 18:</p> <p style="text-align: center;"><i>A potential constraint in this area is the objective in Chapter 4 to examine the feasibility of developing Wilderness Corridors at bogs at Cavemount, Esker, Ballycon, Derrycricket, Clonsast North, Clonsast and Derrycastle. The Council will not be in favour of any developments proposed on these bogs with the potential to impact upon the character, uniqueness and wilderness potential of these areas. The impact on a potential Wilderness Corridor from any wind farm development will be assessed at project level by the Council.</i></p> <p>This development is not in line with this constraint from the Wind Energy Strategy.</p>

Birds

The EIAR states that 'the wind energy development site falls within a 'low sensitivity' zone as defined by the Bird Sensitivity Mapping Tool. The guidance document for the Bird Sensitivity to Map Wind Energy Development outlines that 'No new distributional data were gathered through this project'. The document dates from 2015, over 10 years ago. Contrary to the 'low sensitivity' assessment, the NPWS has designated the area covered by the development as a nesting site for breeding waders (including the critically endangered Curlew). See the figure below:



The hatched area shown is part of the NPWS Curlew Conservation Programme. This site has been repeatedly surveyed by this programme:

Table 1. Survey results for breeding Curlew in CAT areas 2017-2023

Region	2017 ^o		2018 ^o		2019		2020		2021		2022		2023	
	Min.+	Max.#	Min.+	Max.#	Min.+	Max.#	Min.+	Max.#	Min.+	Max.#	Min.+	Max.#	Min.+	Max.#
Stacks Mts.	6	6	6	6	2	6	2	5	1	1	1	1	1	1
Lough Ree	16	16	16	16	14	17	14	18	8	16	8	14	11	13
Roscommon/Mayo	5	5	5	5	5	6	5	7	4	8	3	7	6	7
Mid-Leitrim	4	4	5	5	8	11	8	11	5	9	6	6	7	7
Monaghan	4	4	5	5	3	6	2	7	2	5	2	3	2	3
Donegal	2	2	3	3	4	4	3	3	3	4	2	2	3	4
Lough Corrib Nth.	9	9	3	3	5	6	7*	7*	*7	*7	1	5	2	4
Slieve Aughties	N/A	N/A	N/A	N/A	N/A	N/A	0	2	3	6	2	4	5	5
Laois-Kildare	N/A	N/A	N/A	N/A	N/A	N/A	1	4	1	5	1	4	1	4
Totals	46	46	42	42	41	56	42	64	34	61	26	46	38	48

*One of these pairs was on South Lough Mask, (7km from nearest Lough Corrib pair)

The results of this surveying programme are not outlined in the EIAR relying mainly on surveys carried out on behalf of the wind farm developer and many of these surveys date from 2017-2018.

The EIAR acknowledges that curlew populations are 'highly vulnerable to disturbance during construction' as per (Pearce-Higgins et. al. 2012) but concludes that there is 'No significant effect'. According to the EIAR Curlew were recorded on two occasions in 2022 and flightlines of these birds were 'recorded in the central part of the proposed Wind Farm site'. Many red and orange listed birds transit through the development apart from curlew. These include golden plover, hen harrier, kestrel, lapwing, mallard, meadow pipit, merlin, peregrine, redwing, snipe, sparrowhawk, swift, whooper swan, woodcock, yellowhammer, grey heron. This is contrary to a 'low sensitivity' assessment as outlined in the EIAR.

The EIAR outlines nocturnal woodcock surveys of which 'would be expected to also pick up any owl activity occurring in the area'. The EIAR outlines that 'No owl activity was observed during woodcock nocturnal surveys'. However, Barn Owls are nesting within 1km of the development. The following figure shows a fledged owl recorded on the 22nd of July 2025:



This owl is from a nesting box which was erected in 2018 and another box which was erected in 2025. One is within 1km of the development and the other is less than 100m from a wind turbine. These are shown in the next figure.



Barn owls have also been recorded in the southern part of the development. Barn owl surveying does not appear to be adequate which is unexpected given the calibre of the ornithologists outlined in the Statement of Authority in the EIAR.

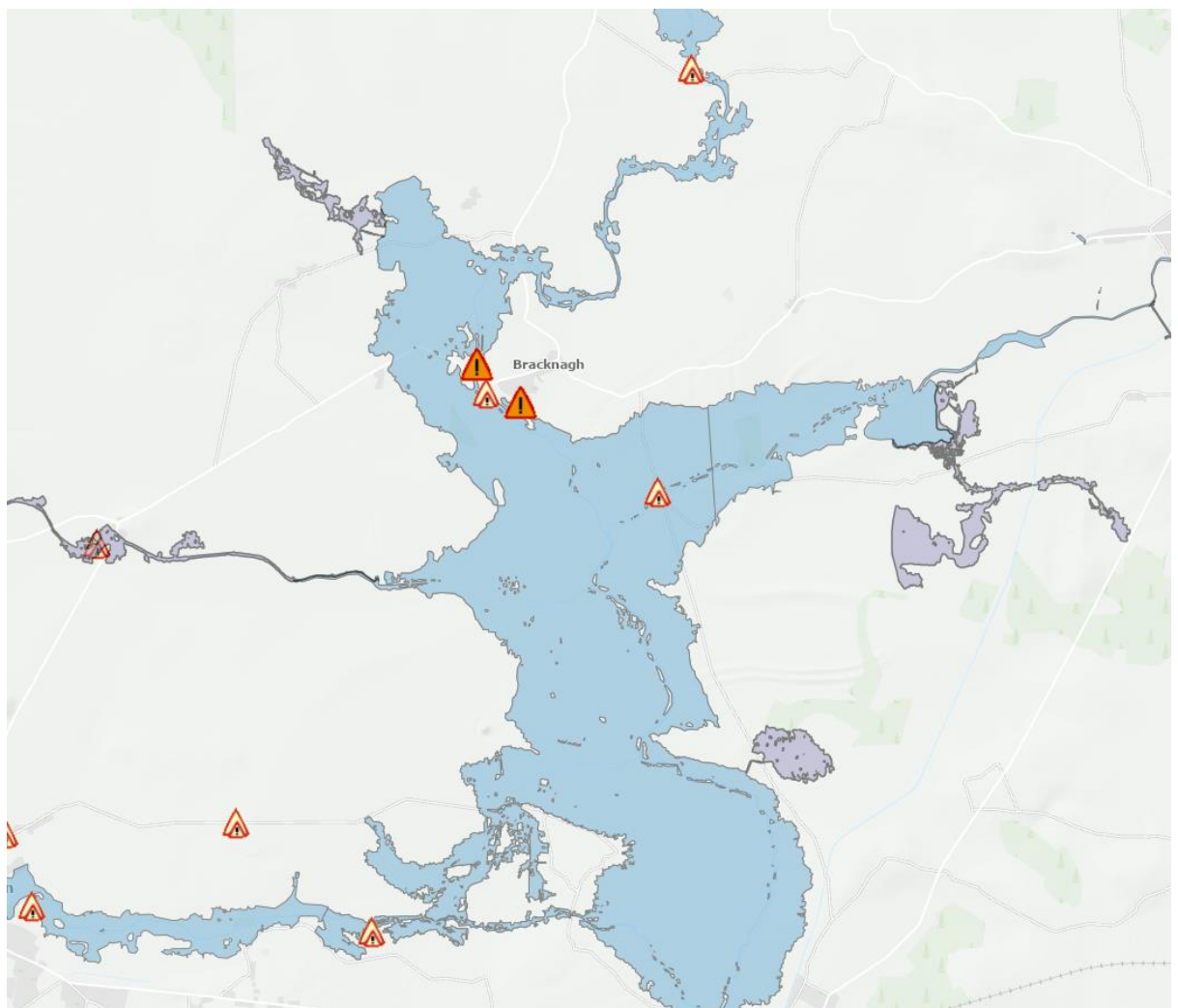
Flooding

The Planning System and Flood Risk Management Guidelines for Planning Authorities set out a mandatory framework for assessing flood risk through two approaches:

- Sequential Approach: avoid building on flood risk lands
- Justification Test: where avoidance is not possible, demonstrate reasonable alternatives, demonstrate that the development will be safe and will not increase flood risk

Failure of the Sequential Approach

The development *is* on flood risk lands. The proposed development is on a flood plain as identified by OPW, see the following figure (source: floodinfo.ie):



Flood modelling for the development is not sufficient. Flooding is presented in the EIAR as a 1/100-year event whereas significant pluvial flooding has occurred at the development site in 2018, 2020, 2022 and 2025. These were not exceptionally wet years as shown in the rainfall data outlined in the EIAR but rather the flooding occurred because of a significant rainfall (pluvial) event.

Failure of the Justification Test

The next figure shows flooding which occurred at the site in November 2025. The red dots indicate approximate locations of wind turbines in the proposed development:



The EIAR states that turbines T1, T4, T5, T8 and T9 lie within or very close to flood zones.

The November 2025 flood event shows that:

- 5 of the 9 turbines are vulnerable to waterlogging confirming the situation outlined in the EIAR
- Maintenance and emergency access could be compromised,
- The underlying drainage network is already overstressed.

The development does not meet the criteria of the Sequential Test or the Justification Test. The development is 'Inappropriate in Principle' and therefore does not meet the criteria for approval under national flood-risk planning policy.

This document has been awarded a Plain English mark by NALA.
Last updated: April 2019.

