

The Secretary

An Coimisiún Pleanála
64 Marlborough Street
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Date: 3rd July 2026

Supplementary submission by an observer in response to the applicant's Response to Observations

Application: Knockshanvo Wind Farm, Co. Clare (nine wind turbines, 110kV substation and ancillary development)

Case reference: ABP-320705-24

Applicant: FuturEnergy Knockshanvo Designated Activity Company

Observer: Dr Anthony Kelly, Monanooag, Old Kildimo, Limerick, V94 D7TK

Responding to: Knockshanvo Wind Farm Response to Observations (Rev 01, Final, 17 April 2026), prepared by MKO

1. Purpose of this submission

As an observer who lodged an observation on the above application concerning the effect of the proposed development on the Sunyata Buddhist Centre, I make this supplementary submission to draw the Commission's attention to specific respects in which the applicant's Response to Observations does not answer the substance of my observation. I respectfully request that the Commission have regard to it in reaching its decision.

I do not repeat the whole of my original observation here. This submission is confined to the points on which the applicant's response is, in my view, deficient, together with the alternative relief I ask the Commission to consider should it be minded to grant permission.

2. Summary of position

The applicant's response confirms three things that support refusal, or at minimum a bespoke set of conditions:

- **The retreat centre was assessed as an ordinary dwelling.** The applicant confirms it applied to the centre the same noise criteria as a permanent residence, that is, the same protection as every other house in the study area.
- **The applicant's own model predicts a breach at the centre.** Sunyata (dwelling 310) is predicted to exceed the shadow flicker threshold in the guidelines in the absence of mitigation.
- **Two of the grounds raised are left unanswered.** The response does not address the mischaracterisation of the centre in the consultation process, and is silent on the equality of treatment point.

Taken together, these confirm that the defining characteristic of the receptor, its dependence on sustained quiet, has been acknowledged in words while being assessed against a standard designed for a different kind of place.

3. The central deficiency: a silence dependent facility assessed as a dwelling

My observation made a single, specific point. Sunyata is the only Theravada Buddhist residential retreat centre in the State, and its function depends on sustained quiet in a way that an ordinary dwelling does not. The correct question for the assessment was therefore whether the proposed development would preserve the conditions on which that function depends.

The acoustic response answers a narrower question. It states that the criteria applied to the centre treat the location *“as permanent residence... the same as all other locations”*, and reports a worst case cumulative predicted level of 38.5 dB LA90 as being within that criterion. That confirms the flaw rather than resolving it. A limit calibrated to protect ordinary residential amenity, principally sleep and normal domestic activity, is not evidence that a facility whose purpose is contemplative silence will remain fit for that purpose. Passing a house limit and preserving a retreat are different findings, and only the first has been made.

The Environmental Impact Assessment Directive requires the effects on population and human health, and on material assets and cultural heritage, to be assessed on their own terms. Where a receptor has a distinctive sensitivity, the assessment must engage with that sensitivity rather than default to a generic category. Recording the centre as a sensitive receptor, and then applying to it the identical threshold used for every dwelling, does not discharge that obligation.

4. The applicant's own admission on shadow flicker

The response confirms that dwelling 310, the retreat centre, is predicted to experience daily shadow flicker in excess of the 30 minute threshold in the Wind Energy Development Guidelines, in the absence of mitigation. The proposed answer is operational turbine control, that is, curtailing or stopping the relevant turbine when flicker would occur.

This is an admission of a significant predicted effect on the very receptor my observation concerns. An assessment that has to switch the source off to protect the receptor has established that the effect is significant, and has moved the question to whether the mitigation can be relied upon. Other observers have questioned the reliability of the control system relied upon, and the applicant has answered that point only in general terms. Reliance on real time curtailment at a site whose whole value lies in undisturbed conditions places the burden of the applicant's design choice on the receptor, and does so through a mechanism whose performance is asserted rather than demonstrated for this location.

5. Tranquillity is an assessable amenity, and it was not assessed as one

The response treats tranquillity as something to be acknowledged. It states that the tranquil nature of the centre has been acknowledged and considered. Although this acknowledgement is welcome, it is not assessment. Nowhere does the response quantify the existing acoustic and visual baseline at the retreat, characterise the qualities that make it suitable for its use, and then test the predicted change against those qualities. The assessment measures the receptor against a national dwelling standard and stops there.

This matters because the relevant guidance itself recognises that quiet environments warrant greater protection, and that a fixed dwelling limit can be inappropriate where the prevailing background is very low. A residential retreat in a rural setting is precisely such an environment. The correct comparator is the measured baseline at the retreat, together with an appropriate margin above it, rather than an absolute limit set for ordinary houses.

6. What I ask the Commission to require

My primary request remains that the Commission refuse permission on the basis that the effects on this uniquely sensitive receptor have been under assessed and, on the applicant's own evidence, are significant.

If the Commission is minded to grant permission, I ask that the following be required, and that the adequacy of the assessment be revisited before any grant:

- **Disclosure and use of the retreat baseline.** That the measured baseline noise level recorded at the retreat (Location A in the assessment) be placed on the file, and that the operational noise limit at the centre be set by reference to that measured baseline plus an appropriate margin, rather than the standard dwelling limit.
- **A guaranteed quiet outcome, independently verified.** That any permission secure a defined and monitored acoustic and shadow flicker outcome at the centre, with independent post construction monitoring, a published complaints and response procedure, and enforceable curtailment where the defined outcome is exceeded.
- **A receptor specific assessment.** That the population and human health, cultural heritage and material assets assessment be required to address the retreat function of the centre on its own terms, rather than by reference to its status as a dwelling or as a tourism attraction.

7. Matters the response did not address

For completeness, I note two points from my observation that the response does not engage with. First, the consultation section describes a general programme of engagement within two to four kilometres of the site but does not confirm any direct engagement with the centre, which lies approximately 90 metres from the site boundary and is well within that zone. The mischaracterisation of the centre in the assessment is itself evidence that its nature was not properly understood at the time the application was prepared. Second, the response is silent on the fairness of assessing sites associated with one faith tradition while omitting a comparable assessment of this centre, pointing to the same underlying failure, which is that the distinctive character of this receptor was not assessed on its own terms.

8. Conclusion

The applicant's response demonstrates, on its own evidence, that the retreat centre was assessed as though it were an ordinary house, that a breach of the shadow flicker threshold is predicted there without mitigation, and that the qualities on which the centre depends were acknowledged rather than assessed. I respectfully ask the Commission to refuse permission, or in the alternative to require the receptor specific assessment and the enforceable, independently verified protections set out above, before any grant is made.

I am grateful to the Commission for its consideration of this supplementary submission.

Yours faithfully,

Dr Anthony Kelly

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