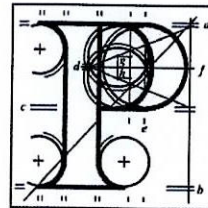


Our Case Number: ABP-314602-22

Your Reference: Peggy and Paddy Healy



**An
Bord
Pleanála**

M.F. Dineen & Co.Ltd.
C/O Michael Dinnen
Clohane
Ironmills
Killarney
Co. Kerry
V93C8K6

Date: 21 November 2022

Re: Wind farm development of 14 turbines with 110kV electrical substation and all related site works and ancillary development.

The townlands of Cahernacaha, Gortnabinna, Derryfineen, Gortyrhilly, Rath West, Derree, Fuhiry, Derreenaculling and other townlands, Co. Cork and Derryreag, Cummeenavrick, Glashacormick, Clydaghrone and Cummeennabuddoge, Co. Kerry.

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. A receipt for the fee lodged is enclosed.

The Board will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of Cork county Council and Kerry County Council and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

Tell
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1890 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
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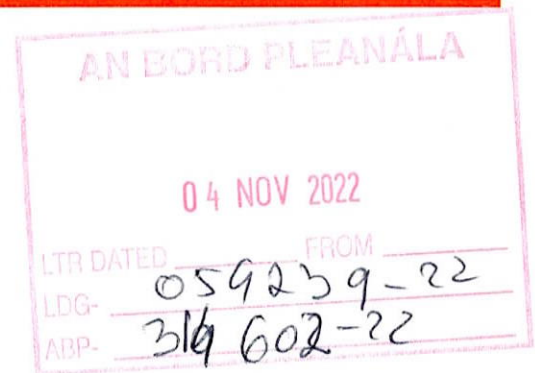


M.F. Dineen & Co. Ltd.
Chartered Consultant Engineering & Professional Services

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Our ref: 20221104 0800/abp/p&phealy/1178/md
Your ref:

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902



November 04th 2022, by online submission

Att: The Secretary
Re: Observers: Peggy & Paddy Healy, Derryfineen, Renaniree, Macroom, Co. Cork
Agent: Ml Dineen of M.F. Dineen & Co. Ltd., Clohane, Ironmills, Killarney, Co. Kerry
Applicant: Gortyrahilly Wind Designated Activity Company
An Bord Pleanála case reference: PA04.314602
Description: Wind farm development of 14 turbines with 110kV electrical substation and all related site works and ancillary development.

Dear Sir / Madam,

MF Dineen & Co. Ltd. chartered consultant engineers of Clohane, Ironmills, Killarney are retained as agents by our clients Peggy and Paddy Healy of Derryfineen, Renaniree, Macroom, Co. Cork (the Observers) to prepare and submit to An Bord Pleanála (the Board) an observation in relation to the above referenced proposed wind farm development. The following sections of this observation letter will present the background, context, and planning grounds for the observation:

1.0 Observation:

1.1 Background & context:

Our clients, the Observers, are owners of lands which lie adjacent to the eastern boundary of the proposed wind farm site. In this regard, we refer to the Figure 01 enclosed under Appendix 01 of this letter. Figure 01 is taken from the Property Registration Authority online system and illustrates our clients' lands indicated in Plan Number A6 of Folio CK28402 highlighted in red. Figure 01 also illustrates a registered easement coloured yellow which is a right of way over the adjacent neighbouring lands to the southwest, and which together with other right of ways, has been in long use by our clients in relation to their farming activities on their Plan A6 lands. Please also refer to Figure 02 of Appendix 01 which illustrates the said adjacent neighbouring lands indicated in Plan Number 29 of Folio CK63179F in pink with its associated burden (the right of way) coloured yellow. Please also refer to Appendix 02 of this letter which encloses a copy of the Folio CK63179F which details the right of way benefitting our clients' lands under Part 3 Item 2 of said Folio CK63179F. The neighbouring lands have now come to form part of the proposed wind farm site and accordingly, our clients' right of way will pass through the operational wind farm should the planning application succeed.

1.2 Planning grounds for observation:

1.2.1

Our clients wish to object to the proposed wind farm on the basis that the wind farm, as proposed, is likely to significantly negatively impact the ability of our clients to access and use their adjacent land in relation to their current agricultural enterprise.

1.2.2

Our clients wish to further object on the basis that, regardless of any differing opinions on the nature of the impact, it is clear that the Environmental Impact Assessment Report (EIAR) submitted with the planning application has failed to even make an assessment of the potential impacts on the use of our clients' lands. An appropriately detailed EIAR is a strict obligation under the EIA Directive as explained under the current EPA 'Guidelines on the information to be contained in Environmental Impact Assessment Reports'. And while the developer might argue that every plot of ground cannot be accounted for, it is submitted to the Board that our clients' affected property and property rights should have been scoped into the mix in the same way that a sensitive receptor might need to be scoped in for a noise and vibration impact assessment. Indeed, it is pointed out that Section 15.3.2 of EIAR Chapter 15 entitled Traffic and Transport goes to considerable lengths in including individual sensitive receptors, including individual properties, in its assessment of impacts at the various haul routes; however, under Table 15.10 it only lists one sensitive receptor in close proximity to the wind farm site, and it is not our clients' property.

1.2.3

Planning application EIAR Chapter 13 entitled 'Material assets and other issues' contains an assessment under the 'Land Use – Agriculture' heading which concludes that *"No significant impacts are predicted on agricultural land use."* The assessment is heavily focused on the construction and operational footprint of the proposed development e.g. the change of use from agricultural pastureland to wind farm use. However this topic is the obvious 'low hanging fruit' here and the assessment appears not to have had sufficient, or any, regard to the potential effects on land use arising out of other more nuanced circumstances – such as those which pertain in relation to our clients' land e.g. effects on land use and associated property rights within the application site, adjacent to the application site, or in close proximity to, the application site.

1.2.4

In this regard, and as outlined under section 1.1 above, our clients' land is 'landlocked' and the only way in and out of it is by the rights of ways it has over various lands - some of which now overlap with part of the proposed wind farm site. Our clients contend that if the wind farm succeeds as planned, the level of difficulty in moving their livestock into their land will be significantly increased and the welfare of their livestock will very likely be affected for the worse. In this regard, Figure 03 enclosed under Appendix 01 illustrates a basemap image of the proposed wind farm site layout per planning application Drg 6225-PL-104 (Jennings O'Donovan & Partners Limited 2022) which is overdrawn with our clients' land (in red) together with their associated access route (in green). Our clients' access route will, at one point, be a mere c. 200 m from the proposed Turbine 14 (T14) which is also shown on Figure 03. T14 will have a ground to blade tip height ranging from 179 m to 185 m inclusive with a tip ground clearance of just c. 30 m. When operational, this magnitude of turbine will be a hugely imposing, rapidly moving, light flickering, and extremely noisy alien structure on the landscape and would be intimidating enough for humans, not to mind livestock who have no means of rationalising the sensory disruption to their usual environment. While the livestock or dairy farming landowners who have signed up for turbines on their lands may, or may not, be able to successfully acclimatise their herds to the turbines, our clients have not signed up for this risk.

1.2.5

Our clients have certainly not signed up for the risk of having the wits frightened out their livestock each and every time they 'run the gauntlet' towards T14 on their way to their own land; with the associated potential effects that their livestock will simply refuse to proceed, or proceed only under additional duress, but in either case, under significantly stressful conditions.

In conclusion, it is respectfully submitted to the Board that an obvious remedy open to the Board in this case is to condition any grant of permission so that the proposed development is scaled back to a 12 or 13 no. turbine wind farm with T14 removed.

We enclose the appropriate observation fee of € 50.00, we thank you for your attention to the foregoing, and we look forward to hearing from you in due course.

Yours faithfully,



Michael Dineen

Chartered Engineer BE CEng MIEI DGeol DFEcol

Enclosures: Appendices 01 & 02

2.0 Appendices:

2.1 List of appendices:

- Appendix 01: Figures
- Appendix 02: Copy of Folio CK63179F

Appendix 01: Figures:

Figure 01: Observation makers' land indicated in Plan Number A6 of Folio CK28402

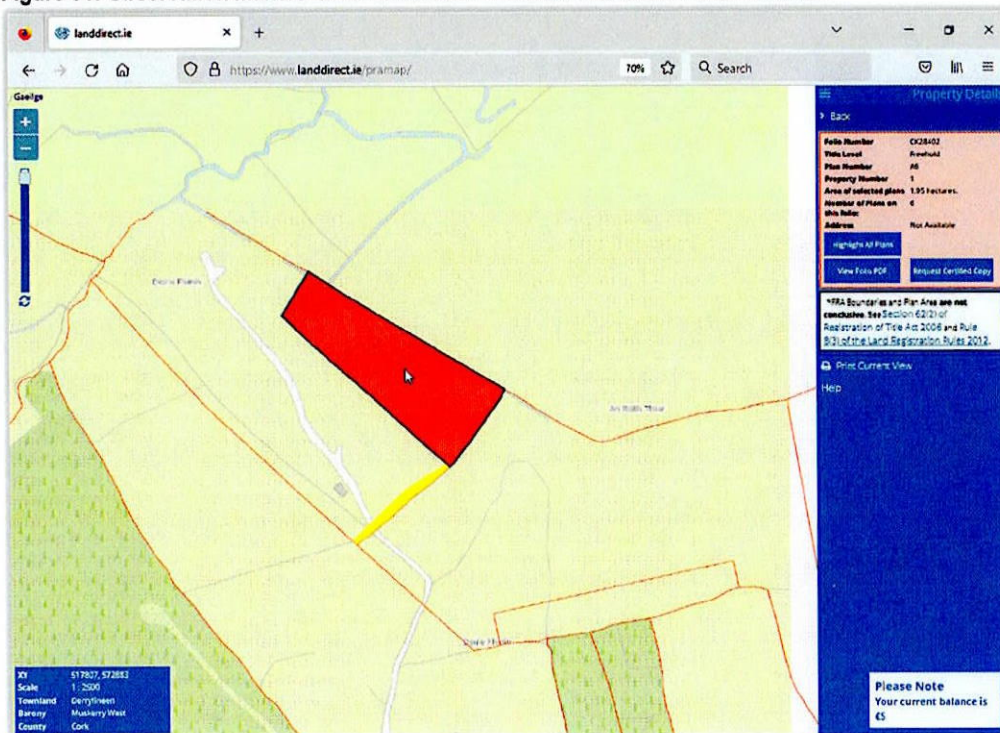


Figure 02: Neighbouring land indicated in Plan Number 29 of Folio CK63179F

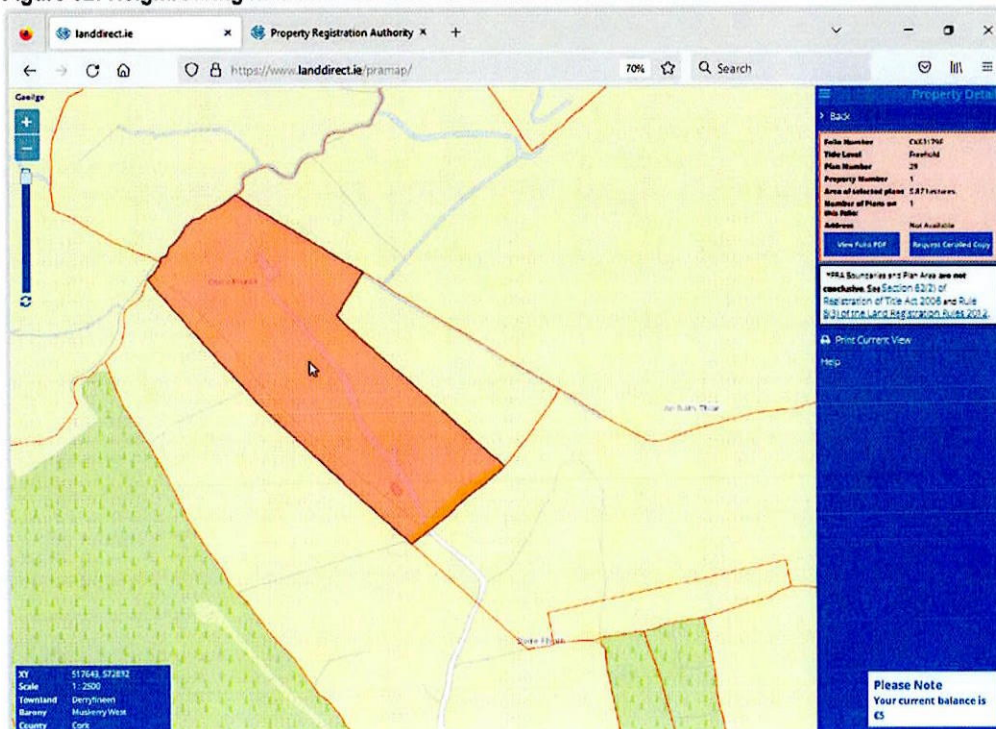
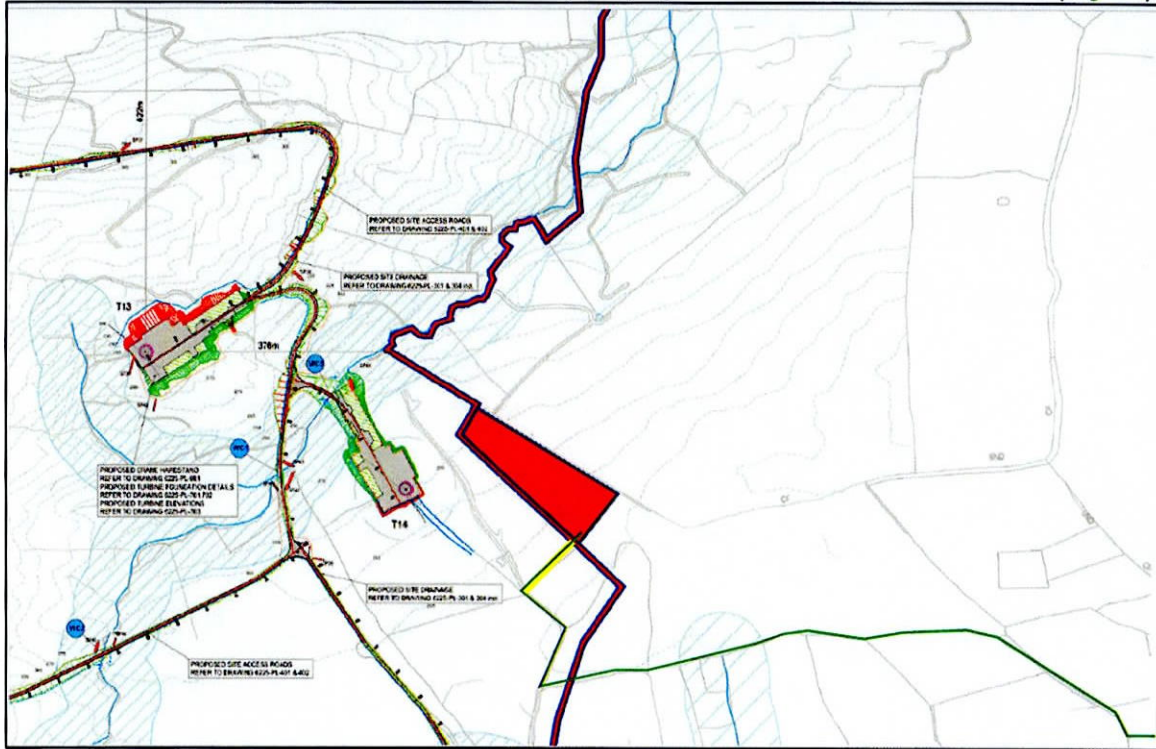


Figure 03: Basemap image of planning application Drg 6225-PL-104 (Jennings O'Donovan & Partners Limited 2022) which is overdrawn with of the observation makers' land (in red) together with the associated access route (in green)



Appendix 02: Copy of Folio CK63179F:

Land Registry

County Cork

Folio 63179F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	<p>The property shown coloured RED as Plan(s) 29 on the Registry Map, containing 5.868 Hectares, situate in the Townland of DERRYFINEEN, in the Barony of MUSKERRY WEST, in the Electoral Division of DERRYFINEEN.</p> <p>The registration does not extend to the mines and minerals.</p>	From Folio CK25779

Land Registry

County Cork

Folio 63179F

Part 1(B) - Property Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares) :	Plan:	Folio No:

Land Registry

County Cork

Folio 63179F

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965		
1	22 NOV 1999 D99CK13391X	JOHN LYNCH of DERRYFINNEEN, KENANIREE, COUNTY CORK and MARY LYNCH of DERRYFINNEEN, KENANIREE, COUNTY CORK are full owners. Note: John Lynch otherwise known as Sean Lynch. Cancelled D2009LR043631Q 04-MAR-2009	
2	04-MAR-2009 D2009LR043631Q	SEAN LYNCH of Derryfineen, Renaniree, Macroom, County Cork and MARY LYNCH of Derryfineen, Renaniree, Macroom, County Cork are full owners. Cancelled D2009LR043631Q 04-MAR-2009	
3	04-MAR-2009 D2009LR043631Q	DENIS LYNCH of Derryfineen, Renaniree, Macroom, County Cork is full owner.	

Land Registry

County Cork

Folio 63179F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.
2	07-JUL-1931 13168/31 The right of the registered owners of the occupiers for the time being of the part of the land of Derryfineen edged red and shown as Plan A6 on the Registry Map of the townland (O.S. 69 Supplemental Map A) to pass and repass for all purposes over the land herein by the way coloured yellow on the Plan.
3a	04-MAR-2009 D2009LR043631Q The rights and privileges specified in Instrument No. D2009LR043631Q in favour of John (orse Sean) Lynch during his life. Note: this burden ranks in equal priority to the burden at entry no. 3b and is also registered on folio 141343F.
3b	04-MAR-2009 D2009LR043631Q The rights and privileges specified in Instrument No. D2009LR043631Q in favour of John Mary Lynch during his life. Note: this burden ranks in equal priority to the burden at entry no. 3a and is also registered on folio 141343F.