

To: The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1

From:

Tim van der Knaap

Knockboy,

Mt Melleray,

Cappoquin,

P51H261

Co Waterford

AN BORD PLEANÁLA	
LDG-	065497-23
ABP-	
02 AUG 2023	
Fee: €	50 type: cash
Time: 13:50	By: Hand

July 31st 2023

Re: Construction of Dyrick Hill Windfarm comprising 12 no. wind turbines and related works:

Application to An Bord Pleanála by Dyrick Hill Wind Farm Limited, in accordance with Section 37E of the Planning and Development Act 2000, as amended, for planning permission for a period of 15 years, for development comprising the construction of a wind farm and related works in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

Reference: ABP-317265-23

Fee of €50 enclosed.

To the Members of the Board:

1. INTRODUCTION.

In summary, this is an application for one of the largest wind farms ever built in the country. An output of 74 Mw has been quoted, delivered by 12 wind

turbines, with an output of 6.0-7.2 MW wind turbines and with an overall ground tip height of 185m.

This is an application for a wind farm with unprecedentedly high turbines, in a 3-dimensional landscape, vulnerable and scenic, close to SAC's and home to various species protected by the European Habitat Directive.

The documentation on the development is large and written by teams of (sometimes, eh correction, OFTEN sloppy) professional and serial wind farm permission seekers.

While this is an introduction, I will insert one example quote from the "Dyrick Hill Planning Statement" (<https://dyrickhillwindfarmplanning.ie/wp-content/uploads/2023/06/Dyrick-Hill-Wind-Farm-Planning-Statement-1-1.pdf>)

where on page 55 it states:

The landscape and visual impact assessment (LVIA) in Chapter 11 of the EIAR assesses the impacts of the Development in relation to the Cork CDP. Based on the findings of the collective assessments it is considered that the Development will not give rise to any significant effects, either singly or in combination.

I trust the members of the Board will immediately see where the issue is here....

It is an insult to the residents of this country that an application of this level of sloppiness is called "strategic". So many people now fear for their living environment. Families, who are burdened already with raising children on the autism spectrum; people who want to sell their house, but due to this opportunistic application have already seen more than 50.000 Euro of a reduction in property value; organic farmers who fear for any form of pollution; a community who faces division, due to the greed-driven seduction of payments for land owner consent by sales people from the developer/applicant; people who feel the injustice of this all and make an effort beyond their available time, cutting short social life and burning the midnight oil to research as many aspects of the application to find fault..... In seven weeks! How can this be fair and equitable?

These people work 5 days a week as result-driven consultants. Despite "public consultations", where, at worst, people with the attitude of dodgy 2nd hand car salesmen were trying to convince people that "*it's going to happen no matter what*" and at best glib marketing people presenting their case using platitudes like "*we all have to think of the planet*" and "*we need green energy*"... Clear

information on details, like location of turbines and involvement of (local and absent!) landowners, and especially **consultation**, (*a discussion with someone about something that you are planning, in order to get their opinion or advice*) has been negligent. I confirm that this has been my personal experience.

What the community learned was through the local papers, saying “the application is in”. Then another few days before the documentation was up on the dedicated website (albeit incomplete), just as the school holidays started, and all the anxious people affected in one way or another started trying to find out what exactly was the reasoning behind the application.

The community is given 7 **(SEVEN!) weeks** to try and unravel the application. To try and find fault within hundreds of pages. While trying to hold on to the day job. And entertain the kids – as they are off school.

It took An Bord Pleanála 63 weeks and 6 days to decide IF the application was an SID!

I know the above has no bearing on the formal proceedings. But it highlights the fact that the formal proceedings lack fairness and equality and are biased -in time at least- against the members of the community. This is hardly a fair and equitable process and it is regrettable that residents in Ireland have to deal with these standards.

I would like to request an oral hearing, where people like myself can explain their experiences and frustration with this unjust process, as I strongly feel that there is a detachment between the deciding powers on the one side and the residents in the area on the other.

Further to this I do take issue with the term “Strategic”. If this application is properly “STRATEGIC” then what STRATEGY is it part of? If there is an overall “national renewable energy” strategy, it should contain an element defined by the Dept for Energy, stating that: “*we need “x” amount of renewable energy developments, of which “so” many are land based wind farms, which are to be **in these, strategically assessed, suitable** locations. We invite companies to tender for these potential developments.*”

With much delayed foresight, recently the Marine Area Regulatory Authority was established. Only 20 years after the first offshore wind farm at the Arklow bank was established.... The remainder of that ambitious project was regrettably cancelled, possibly after accountants made the decision that given the erratic planning system in Ireland, it was cheaper to develop on shore. The start of a deluge of opportunistic applications in various counties was the result. The Irish State (and its residents) could have saved a lot of money spent on the planning

and judicial review efforts if it had been more decisive on progress on off-shore renewables development. With the establishment of MARA it is clear now that all efforts for wind energy should focus on offshore developments.

The MARA website [<https://www.maritimeregulator.ie/>] informs us that *Ireland's maritime area is seven times the size of its landmass. When the seabed is included, Ireland is one of the largest EU countries. Its 7,500km of coastline is longer than that of most EU countries.*

What, "for renewables sake", has Ireland been doing for the last 20 years? It has been ignoring the huge potential of its maritime area and instead has been scattering the country with unsightly wind farms. Often poorly regulated, almost always in contentious areas, ignoring experts' advice and causing environmental damage, even through landslides (Derrybrien in Galway, Meenbog, Donegal!)

While the policy failure is not something I can hold An Bord Pleanála accountable for, the Board has certainly been involved in contentious planning decisions.

This absence of Strategic thinking is still present and it shows more than ever in the token naming of "SID". It is nothing more than an effort to make it easier for developers to get their way. The lack of a proper "allocation-policy" now results in a haphazard application frenzy by opportune developers, with little or no consideration for the communities and the natural environment. It is a failure of policy, leading to stop-gap, panic developments with life altering consequences, at incredibly high cost to the State.

Having said this, I wish to object to this proposed development, as I believe it:

- **is contrary to proper procedures and principles of planning.**
- **conflicts with EU law and policies.**
- **conflicts with various local and regional policies**
- **would set an undesirable precedent for proposed developments of this kind in the area, as well as on principle indeed in the whole Republic of Ireland.**

2. The Board's Decision to make this an SID should be invalidated.

- **The required procedures relating to SID's are incorrectly or not applied.**

The Board is supposed to consult with Local Authorities: *"The purpose of any such consultations will be to identify any constraints that would affect the site"* ([https://www.pleanala.ie/en-ie/7th-schedule-sid-planning-authority-guidelines/7th-schedule-sid-\(planning-authority\)-pre-applica](https://www.pleanala.ie/en-ie/7th-schedule-sid-planning-authority-guidelines/7th-schedule-sid-(planning-authority)-pre-applica))

There is no material proof that the Board in fact has consulted and/or taken into account the basic aims of the County Development Plan.

- **Location is a key element for an SID like this. This has been completely ignored at the SID assessment stage.** In Chapter 10: *Landscape, Coast/ Marine and Blue Green Infrastructure of the WCC Development Plan*, the summary refers to the European Landscape Convention 2000 (ELC) and in particular article 5. This article *"urges recognition in law that landscape is an essential component of people's surroundings, an expression of diversity of shared cultural and natural heritage, and a foundation of identity."*

The Chapter refers to the Landscape and Seascape Character Assessment that was prepared for Waterford City and County, in which indicators are given indicating the extent to which the landscape will be vulnerable to change in its character. Given that the SUMMARY OF THE APPLICATION says *"Construction of 12 number wind turbines of approximately 6.2 megawatts with a combined output of approximately 74.4 megawatts and associated works."*, and the fact that its own inspector's report refers to the sizes of the turbines, it is perplexing that the Board did not consider the fact that the size and enormity of this proposed development would be problematic in relation to the landscapes in which they are supposed to sit. (Landscapes classified as "Most sensitive and Vulnerable"!).

One look at the combined Natural Heritage Map of County Waterford (at <https://storymaps.arcgis.com/stories/c405cfe0213145f589ceb44de1a1624f>) should have raised red flags about the viability - in planning terms - about this application!

- **The Board has failed to assess whether the proposed SID has any effects on neighbouring county Tipperary** (and scenic routes/protected views for instance) – blindly following the developers' statement on this. It has failed to do due diligence and inspect the site location **properly** in relation to County Tipperary, its development plan, neighbouring houses, etc.
- **The above, cumulatively, raises questions about the competence of the Board.** The competence to properly assess in its early stages being questionable, almost dismissing the gravity of the application in question. If it does take a disproportionate amount of time, as well as an incomplete and flippant overall assessment, what does that say about the competency of the Board to do a thorough assessment about all the details of the application?

3. The Applicant failed to comply with ABP instructions.

- a. In the letter from ABP to Jennings & O'Donovan, agents for EMPower, a requirement is stipulated which the developer has not adhered to:
 - The Board also requires the prospective applicant to provide a stand-alone website **containing all of the application documentation**. The address of this website is to be included in the public notice.

On the website of the developer: <https://dyrickhillwindfarmplanning.ie/>, there is ***no evidence to be found of the various letters of consent*** that the developer has acquired from various landowners.

- b. A further requirement by the Board in its letter to the agent, is the instruction of **Prescribed Bodies to be Notified**.
 - The applicant's agent has written to some bodies, albeit with peculiar prejudice in relation to gender. Moreover, it has also demonstrated a concerning level of sloppiness, by apparently using a malfunctioning mail-merge program or perhaps tasked an overworked intern with sending out these letters. (attachment *3a.Letters-To-Prescribed-Bodies-notesTvdK.pdf*)

- Most importantly though, there is no evidence that there was a letter sent out to the HSA, prescribed body. The developer ignored this instruction.
- There is also no evidence that the poorly addressed letters in fact reached the appropriate people in the various bodies, therefore making it questionable if these bodies were able to make timely observations about the application.

c. The developer fails to meet the requirement of the Board that “Each document/drawing when opened, should be clearly legible and any scaling of the drawing clearly and accurately indicated”. I refer to the Proposed Overall Site Layout Plan (see <https://dyrickhillwindfarmplanning.ie/wp-content/uploads/2023/06/6497-PL-100-1.pdf>) When opening this document, it is impossible to comprehend.

4. There are precedent decisions by ABP against wind farm developments in the Knockmealdown Mountains.

There have been a few cases in the Knockmealdowns in which the An Bord Pleanála has refused planning for wind farm developments. These developments were refused mainly on grounds of visual intrusion.

At the time of the decisions the visual intrusion was related to turbines of significantly lower hub heights, in some cases half the size of what is currently proposed. In the interest of proper and consistent planning, it cannot be considered reasonable that a development of the current scale should have an acceptable visual impact. There is no mitigation against visual impact.

I refer to:

- Knocknalougha/Knockaveelish 2001 PD00/615 - D122720
- Knocknalougha/Knockaveelish 2004 PD03/1204 - D206203
- Ballymacarbery – PL 93.245211

I note that in Knocknalougha/Knockaveelish the Board overruled the Inspector and found that the nature of the development would not be able to be mitigated and would have an unacceptably negative effect on the scenic environment.

I note that in Ballymacarbery (PL 93.245211) the Board in its decision, emphasised that “Notwithstanding the location of the site within a preferred

area for wind energy in the Waterford County Development Plan 2011 – 2017, it is considered that the proposed development, by reason of its height and extent, would constitute a visually dominant feature in a vulnerable scenic landscape, as outlined in policy 6.2 of this Plan, and would interfere with the character of the landscape which it is considered necessary to preserve.”

And further: “the inherent conflicts between the wind energy policies and the policies relating to landscape and scenic routes, as set out in this County Development Plan, and considered that, in this particular location, the proposed development would, if permitted, become a dominant feature and impact detrimentally on the environmental quality and scenic landscape of the area “

As these are files available in the Board’s Archives, they are referenced and not added as attachments. As it at the time was an important issue, the outcome of the 2001 appeal was published in an article in the Irish Times. It is attached with my highlights. (attachment [4a.irishtimes.com-Wind-farm-Knockmealdowns 20.7.2001.pdf](#))

A final reference to precedent in "wind farm related planning" refers to an ABP decision that for some reason can no longer be found in the ABP archives (at least not by undersigned). I do however have an article from the Irish Times on this and it is attached as a reference document (attachment [4b.irish-times.com - windmast ABP 2000](#)). where it refers to ABP refusing permission in 2 cases for 40m high wind monitoring mast as “it would injure the visual amenities in this area”.

5. The Wind Energy Development Guidelines (2006) (further “WEDG”) are invalid, and no decision should be made of the basis of these.

- a. **The WEDG are incompatible with *Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment*.**
- b. **The WEDG provide a night noise level as being “appropriate”, without validation.** The 2006 Guidelines do not provide a “Health-Based Limit Value”. The Department of Environment is well aware that the 2006 Guidelines do not provide a Health-Based Noise Limit. When the Guidelines were being written in 2006, its authors’ selectively and negligently overlooked the prevailing 1999 World Health Organisation Night Noise Guidelines which identifies that exposure to environmental night noise of 30dBLAeq can give rise to adverse health effects. The Guidelines are based on 1980 research which was identified by WHO as being outdated pursuant to more recent medical research relating to the impact of noise on health. Therefore, from the outset, the Wind Energy Guidelines 2006 did not provide a Health-Based Limit Value. The main contributor to the 2006 Guidelines was Sustainable Energy Ireland, a body whose remit is to expand the proliferation of renewable energy, but who have no competence in relation to health.
- c. **The delay in publishing the Revised Guidelines, where it is now approaching 18 years since 2006 is unacceptable.** This has been acknowledged by the Department of Environment also, who stated in September 2015 that; “*any further delay in publishing the rules could result in local authorities being given the power to set distances themselves*”.
- d. **The review of the Guidelines is flawed** in that it excludes an assessment of the impact of wind turbine noise on health, as identified by the Department of the Environment: “*The Sustainable Energy Authority of Ireland (SEAI) has commissioned consultants to carry out a study on the significance of noise in relation to onshore wind farms – which will input into the guidelines review – but public health is not within its scope.*” (bold emphasis added) It is therefore unsurprising that when the Department published its’ Targeted Review in Draft in December 2013, it proposed a noise level which is categorised by the World Health Organisation as causing the medical condition “*Environmental Insomnia*” - a dangerous level to the health and life of citizens.

- e. **The Department of Health did not input into the 2006 Guidelines.** Furthermore, it has been confirmed on the Dáil Record by the then Minister of Health Leo Varadkar on the 6th of May 2015 that; “*My Department has not carried out any research into the effects of industrial wind turbines on human health.*” (Dáil Record PQ 162)
- f. **A decision based on the WEDG (2006) would conflict with the Constitution of Ireland.** Article 40.3 of the Constitution guarantees the personal rights of citizens, including the right to bodily integrity. In *Ryan v Attorney General* [1965] IR 294, this was defined as requiring that “*no process which is or may, as a matter of probability, be dangerous or harmful to the life or health of the citizens or any of them may be imposed (in the sense of being made compulsory) by an Act of the Oireachtas.*” The right to bodily integrity must be protected by the State ‘as far as practicable’. I suggest that the State would find it difficult to argue that it has protected its citizens to the standard required by Article 40.3 when WHO findings highlighted, as far back as 1999 and reiterated in 2009, that exposure to environmental night noise of 30dB_LAeq can give rise to adverse health effects and that this is so especially in the case of children, older people and those with existing chronic illnesses. It is difficult to see how a Ministerial Direction requiring planning authorities to remove this WHO derived standard from the County Development Plan and therefore as a result clearly require the Council to use a noise limit for wind turbine noise that exceeds the ‘health-based limit value’ identified by WHO in 1999, and again in 2009, would be consistent with the duty of the State to protect “as far as practicable” the right to bodily integrity.
- g. **A decision based on the WEDG (2006) would conflict with the European Convention on Human Rights.** The WHO, in its *Night Noise Guidelines for Europe 2009*, cited the decision of the European Court of Human Rights (ECHR) in *Hatton v United Kingdom* (2003) 37 EHRR 28, in which the ECHR recognized the right to sleep as comprising part of the right to privacy and family life in Article 8 of the European Convention on Human Rights. This underlines that WHO recognized the direct link between environmental noise and the State’s responsibility for the protection of fundamental rights.

6. The proposed development is incompatible with the main Strategic Objective of the Landscape Character assessment in the County Development Plan (reference Chapter 10 of Waterford City & County Development Plan 2020-2018) and will negatively impact the relevant elements of Natural Heritage listed below.

Chapter 10 WCC DevPlan states: The Strategic Objective is: Protect our sensitive landscapes and seascapes which contribute to the distinctiveness of Waterford as a place

I quote: "The management of Waterford's landscape involves:

- Ensuring adequate protection to our most sensitive and vulnerable landscapes through appropriate policies and objectives.
- Providing for development that will enhance and benefit the receiving environment; and
- Protecting the landscape from inappropriate and unsustainable development."

Referring to the above it is hard to dispute that the proposed development will alter the landscape by changing the visual outlines of the areas to such an extent that the distinctiveness of the Knockmealdowns and foothills are negatively affected. The proposed development would therefore be against the main strategic objective of WCC's Objective to protect the landscape.

The proposed development is immediately surrounded by **Blackwater SAC** tributaries. I refer to the attachment "7a.Nature Conservation Map WCC Dyrick Area.pdf" which shows the Blackwater SAC. I also refer to the Developers map, document 6487-PL-100, indicating the location of the turbine and associated construction works in relation to the SAC.

The proposed development is planned in an area qualified as "most sensitive" which means the landscape has "Very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area." I refer to the attachment "7b.Landscape map most sensitive Dyrick area.pdf.

The proposed development is planned in an area qualified as "highly sensitive" which means the landscape is of Distinctive character with some capacity to absorb a limited range of appropriate new developments while sustaining its existing character. It is clear that this capacity cannot refer to 186m high wind turbines. I refer to the attachment "7h.Landscape Map High Sensitive Dyrick Area".

The proposed development would negatively affect the protected view as listed on the Landscape and Seascape Character Assessment Map. I refer to the one listed in attachment "*7c.Landscape Map Protected view.pdf*"

The proposed development would negatively affect the scenic routes in the area. The 186m high turbines on the proposed locations will be seen from many routes in West Waterford. The Landscape will be altered in essence, but clearly and importantly the development will be affecting what are classified as SCENIC ROUTES. I refer to the attachment named "*7d.Landscape map Scenic Routes.pdf*"

The proposed development would affect the Wetlands Lisleagh and Dyrick. I refer to attachments "*7e.Wetlands Lisleagh Dyrick.pdf*" and "*7f.Wetlands Dyrick.pdf*"

"Waterford is very fortunate to have a number of rivers that retain the highest level of water quality as monitored by the EPA. These high status water bodies are part of the Blue Dot Catchment Network -a Water Quality Monitoring Programme managed by the Local Authority Waters Programme aiming to protect and maintain the excellent water quality of these rivers." I refer to the attachment "*7g.Wetlands Blue Dot.pdf*"

The proposed development will have an effect on hillwalking routes of national importance. The uninterrupted views of the Knockmealdowns are a feature that over many decades have attracted hillwalkers from all over Ireland, the UK and indeed Europe and the World. The Knockmealdowns have been a sought after area and have been described in many articles and books. Mount Melleray is a spiritual haven in the Knockmealdowns and is well known to those looking for tranquillity and peaceful surroundings. The proposed development will take away from those and will also and in particular have an effect on the St Declan's way, a walking route referred to on <https://www.stdeclansway.ie/>. This route is of national significance. The route was approved by Sport Ireland in July 2021 as a waymarked long-distance walking trail. It is listed on the National Trails Register and is fully insured. At a ceremony held on September 29th 2021 in Mount Melleray Abbey, the path was officially opened by Heather Humphreys, Minister for Community and Rural Development. I refer to attachment "*9.SportIreland Hillwalking Waterford.pdf*"

7. The proposed development is in an area that lists many species under the EU Habitats Directive

The Hen Harrier is a main species at risk. I refer to *The 2015 National Survey of Breeding Hen Harrier in Ireland, a study by Golden Eagle Trust, Irish Raptor Study Group & BirdWatch Ireland.*

In this report it says the following: *There were recorded declines in the Galty Mountains since 2010 and an increase has been recorded since 2010 in the Knockmealdowns – Kilworth Hills – Comeraghs. This overall increase in this complex is due to an increase in the Knockmealdowns population with increased survey coverage in that range which discovered additional pairs.*

And further (page 60): *“.....survey coverage was considered more complete in the Knockmealdowns in 2015 where the majority of the pairs are located in this complex, with just single pairs in the Kilworth and Comeragh Mountains respectively. Three of the five confirmed pairs in the Knockmealdowns are in heather moorland which is perhaps more extensive and of higher quality here than elsewhere in Munster” .*

Finally a final quote from this report (page 76): *“The available evidence suggests that the status of hen harrier populations in Ireland’s SPAs continue to decline. There is still a large portion of the national population within the SPAs (44%; 69 of 157). However, the overall population has decreased particularly since 2010. Thus the populations remain vulnerable to external or additive mortality factors or pressures and some of SPAs and the wider countryside, may be operating as ‘sink’ populations”*

In the required Assessment by the applicant I have found nothing that can be described as “precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.” The proposed development cannot be given permission based on the importance of the overall area for the Hen Harrier.

8. The project is adjacent to another proposed development (Future Energy, “Scart Mountain”). (<https://scartmountainwindfarm.ie/>)

- While this proposed development is by another developer, it could be seen to be “project splitting”. The one development cannot be considered without referencing the other. The developer even mentions the townland known as “Scartmountain” in the listing of townlands in its own application! However it pretends that the proposed development does not have any impact, by simply ignoring it.
- Accumulative effect needs to be considered – in accordance with EU Law. The Scart Mountain Project was publicly announced in Autumn 2022.
- These 2 projects are clearly interconnected by nature and therefore the cumulative effects should have been looked at.

9. The proposed development is contrary to the policies set out for the regional development of tourism business in South Tipperary and West Waterford.

a. It will negatively affect the aims of the *Munster Vales Strategic Development Plan*. (<https://munstervales.com/>) This is a program supported by various European and Government supported bodies:

- The European Agricultural Fund for Rural Developments
- The Department of Rural and Community Development (DRCD) is responsible for the implementation of the LEADER Programme
- Local Community Development Committees
- The LEADER Programme for Rural Development
- The South Tipperary Development CLG

b. It will negatively affect the views from various walks & activities in the Knockmealdown Mountains.

There are various references to the walks & activities:

- The St Declan’s Walk, [<https://www.stdeclansway.ie>], part of the Irish Camino [<https://www.caminosociety.ie>]

- The Knockmealdown Active is a multi-community initiative to promote trade and tourism in the communities at the foothills of the Knockmealdown Mountains in South Tipperary and West Waterford. [<https://www.knockmealdownactive.com/>]
- Numerous articles in national newspapers over the years as well as walking guides refer to the magnificent views and the peaceful surroundings in the Knockmealdowns and Mt Mellera Abbey.

10. HEALTH & SAFETY issues relating to construction and operation.

- **The Developer has not indicated what turbines are going to be used or whether they are fit for purpose. The absence of a de-construction plan should render the application incomplete and invalid.**

Recent developments at Siemens/Gamesa have indicated that the life span of turbines does not live up to the life expectancy. A much higher failure rate than expected may incur costs to such an extent that the project (after years of operation) may no longer be viable and that costs of repair, or removal and recycling are too high for the developer to bear. It is not clear from the application what guarantees are in place to ensure the full restoration of the sites where the turbines are to be placed. Just as much as a construction plan is part of the application, a detailed **de-construction** plan should also be made available. This is not the case and therefore the application should not be considered valid.

- **The developer has given no guarantees in the application, nor a provision for independent supervision, to ensure that no Sulphur Hexafluoride, (“SF6”) will be used in any of the components.**

SF6 is a widely used gas in the wind-industry and the developer has not indicated anything in the application that guarantees that there will be no leaks of this gas. This is very relevant as SF6 has the highest global warming potential of any known substance. It is 23,500 times more warming than carbon dioxide (CO2). (*see attachment 10, BBC article*)

- **The developer has failed to indicate what mitigation measures in case of a turbine fire are taken.**

There is no evidence of a health and safety risk assessment or method statement, relating to a possible fire. There is no access route plan, no water capacity indication, no safety plan against gearbox oil pollution, no guarantees that in case of a fire oil spills will not pollute the Blackwater SAC contributories, the protected wetlands.

11. The development is linked to a spurious appeal to the Board of a refusal for planning permission by WCC.

I refer to ABP case nr PL316060-23, Planning Authority Reference Number 221073. I have attached a file with comments. (attachment *11.spurious appeal ABP-notes TvdK.pdf*)

- This appeal to the local authority's refusal to "Change of use of building from a dwelling house, to office accommodation together with all ancillary site works and services" is done by Jennings and O'Donovan, ("JOD"), on behalf of client Declan O'Brien, who owns the property.
 - Declan O'Brien is also on the list of Landowners consent for the Dyrick wind farm
 - The dwelling house is in the centre of the area where the Dyrick Hill wind farm is planned.
- The tenant in this house is still present. This has been ignored in the main application documents, where distances to dwelling houses are indicated. This dwelling is omitted.

12. The Dyrick area is classified in the LANDSLIDE SUSCEPTIBILITY CLASSIFICATION as between "Moderately High" and "High"...

When analysing the maps made available by Geological Survey Ireland, Department of the Environment, Climate and Communications, (*Geological Survey Ireland Spatial Resources*) one can see that most of the area under consideration for the development is classified as "Moderately High" and "High". (see attachments 12 a and b.) These classifications are relevant, due to the risks of landslides and their environmental consequences. Nowhere in the assessments by the developer is there any reference to this. It is either deliberately ignored, or not properly assessed.

Based on all the above points, it should be exhaustively clear that granting permission for this proposed development would not be according to proper planning or in the interest of the Locality, Region or even the State.

I therefore respectfully ask the Members of An Bord Pleanála, to refuse permission for the proposed development.

Yours,

A handwritten signature in black ink, consisting of a stylized 'T' and 'K' followed by a horizontal line.

Tim van der Knaap



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6497/401/001/JL

01st June 2023

Minister for Housing, Local Government and Heritage,
Development Applications Unit,
Custom House,
Dublin,
D01 W6X0.

Email: manager.dau@chg.gov.ie

Re: **Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)**

Dear Sirs,

Dyrick Hill Wind Farm Limited gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Dyrick Hill Wind Farm in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

The full planning application, Environmental Impact Assessment Report and Natura Impact Statement can be viewed on the dedicated project website www.dyrickhillwindfarmplanning.ie or may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902.
- The Offices of Waterford City and County Council, City Hall, The Mall, Waterford, X91 PK15

In considering this application, An Bord Pleanála can decide to:

- (a) (i) grant the permission, or
(ii) make such modifications to the proposed development as it specifies in its decision and grant permission in respect of the proposed development as so modified, or

Directors: D. Kiely, C. McCarthy

Regional Director: A. Phelan

Consultants: C. Birney, R. Gillan

Senior Associates: R. Davis, S. Gilmartin, J. Healy, S. Lee, J. McElvaney, T. McGloin, S. Molloy

Associates: B. Coyle, M. Forbes, D. Guilfoyle, L. McCormack, M. Sullivan

Company Reg No. 149104 **VAT Reg. No.** IE6546504D



(iii) grant permission in respect of part of the proposed development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions,

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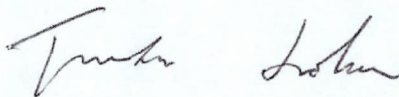
(b) refuse to grant the permission.

Any submissions/observations must be made to the Board at 64 Marlborough Street, Dublin 1, D01 V902 relating to:

- (i) the implications of the proposed development for proper planning and sustainable development of the area concerned, and
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Any submissions/observations must be received by the Board not later than 5.30pm on the 2nd of August 2023.

Yours faithfully,



Justin Lohan
Senior Environmental Scientist

For: Jennings O'Donovan & Partners Ltd.



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W: www.jodireland.com

6225/401/002/JL

1st June 2023

Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,
23 Kildare Street,
Dublin 2,
D02 TD30.

Email: ministers.office@tcagsm.gov.ie

Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Sirs, The Minister is Catherine Martin

Dyrick Hill Wind Farm Limited gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Dyrick Hill Wind Farm in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

The full planning application, Environmental Impact Assessment Report and Natura Impact Statement can be viewed on the dedicated project website www.dyrickhillwindfarmplanning.ie or may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902.
- The Offices of Waterford City and County Council, City Hall, The Mall, Waterford, X91 PK15

In considering this application, An Bord Pleanála can decide to:

- (a) (i) grant the permission, or
(ii) make such modifications to the proposed development as it specifies in its decision and grant permission in respect of the proposed development as so modified, or

Directors: D. Kiely, C. McCarthy
Regional Director: A. Phelan
Consultants: C. Birney, R. Gillan

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Company Reg No. 149104 VAT Reg. No. IE6546504D



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Yours faithfully,



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Senior Environmental Scientist

For: Jennings O'Donovan & Partners Ltd.



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W: www.jodireland.com

6497/401/003/JL

1st June 2023

Minister for Agriculture, Food and the Marine,
Agriculture House,
Kildare Street,
D02 WK12.

Email: info@agriculture.gov.ie

Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Sirs,

Dyrick Hill Wind Farm Limited gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Dyrick Hill Wind Farm in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

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Company Reg No. 149104 VAT Reg. No. IE6546504D



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For: Jennings O'Donovan & Partners Ltd.



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6497/401/003/JL

1st June 2023

Minister for the Environment, Climate and Communications,
29-31 Adelaide Road,
Dublin 2,
D02 X285.

Email: customer.service@decc.gov.ie

Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Sirs,

Dyrick Hill Wind Farm Limited gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Dyrick Hill Wind Farm in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

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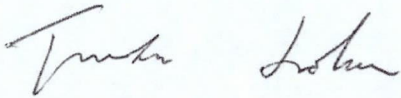
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Justin Lohan
Senior Environmental Scientist

For: Jennings O'Donovan & Partners Ltd.



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W: www.jodireland.com

6497/401/005/JL

1st June 2023

National Parks & Wildlife Service,
90 King Street North,
Dublin 7,
D07 N7CV.

Email: natureconservation@housing.gov.ie

Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Sirs,

Dyrick Hill Wind Farm Limited gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Dyrick Hill Wind Farm in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

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Company Reg No. 149104 **VAT Reg. No.** IE6546504D



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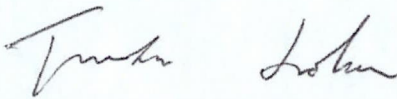
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For: Jennings O'Donovan & Partners Ltd.



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6497/401/003/JL

1st June 2023

Minister for Transport,
Leeson Lane,
Dublin 2,
D02 TR60.

Email: info@transport.gov.ie

Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Sirs,

Dyrick Hill Wind Farm Limited gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Dyrick Hill Wind Farm in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

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Company Reg No. 149104 VAT Reg. No. IE6546504D



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For: Jennings O'Donovan & Partners Ltd.



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6497/401/003/JL

1st June 2023

Mr. Kieran O'Regan,
Development Management Planning,
Irish Water,
Blackwater House,
Mallow Business Park,
Mallow,
Co. Cork.

Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Mr. O'Regan,

Dyrick Hill Wind Farm Limited gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Dyrick Hill Wind Farm in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

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Company Reg No. 149104 **VAT Reg. No.** IE6546504D



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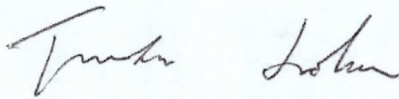
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6497/401/003/JL

1st June 2023

Mr. Michael McPartland,
Environmental Officer,
Inland Fisheries Ireland,
Sunnyside House,
Macroom,
Co. Cork,
P12 X602.

Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Mr. McPartland,

Dyrick Hill Wind Farm Limited gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Dyrick Hill Wind Farm in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

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6497/401/003/JL

1st June 2023

Mr. Michael McCormack,
Senior Land Use Planner,
Transport Infrastructure Ireland,
Parkgate Business Centre,
Parkgate Street,
Dublin 8,
D08 DK10.

sloppy

Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

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Company Reg No. 149104 VAT Reg. No. IE6546504D



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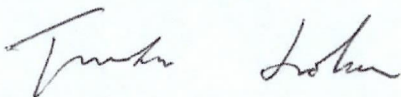
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Yours faithfully,



Justin Lohan
Senior Environmental Scientist

For: Jennings O'Donovan & Partners Ltd.



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6497/401/003/JL

1st June 2023

Environmental Protection Agency,
EPA Regional Inspectorate,
Inniscarra,
Co. Cork.

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Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Mr. McPartland,

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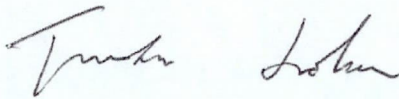
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6497/401/003/JL

1st June 2023

The Heritage Council,
Áras na hOidhreachta,
Church Lane,
Kilkenny,
R95 X264.

sloppy

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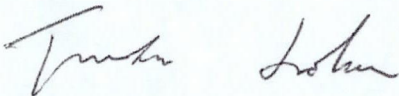
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6497/401/003/JL

1st June 2023

An Taisce,
Tailor's Hall,
Back Lane,
Dublin 8,
D08 X2A3.

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6497/401/003/JL

1st June 2023

An Chomhairle Ealaíon / The Arts Council,
70 Merrion Square,
Dublin 2,
DO2 NY52.

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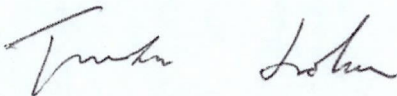
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6497/401/003/JL

1st June 2023

Ms. Yvonne Jackson,
Product Development-Environment & Planning Support,
Fáilte Ireland,
Áras Fáilte,
88/95 Amiens Street,
Dublin 1,
D01 WR86.

well well....

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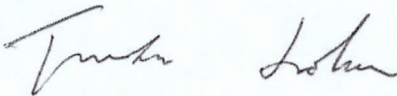
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6497/401/003/JL

1st June 2023

Ms. Deirdre Forrest,
Corporate Affairs,
Irish Aviation Authority,
The Times Building,
11-12 D'Olier Street,
Dublin 2.
D02 T449.

too much copy paste

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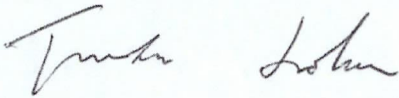
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6497/401/003/JL

1st June 2023

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Engineering Services Administration Unit,
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Jonathan Swift Street,
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....again....

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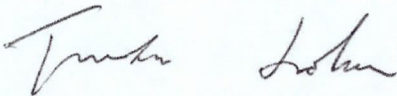
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6497/401/003/JL

1st June 2023

Southern Regional Assembly,
Assembly House,
O'Connell Street,
Waterford.

the man seems everywhere

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The full planning application, Environmental Impact Assessment Report and Natura Impact Statement can be viewed on the dedicated project website www.dyrickhillwindfarmplanning.ie or may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours at the following locations:

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- The Offices of Waterford City and County Council, City Hall, The Mall, Waterford, X91 PK15.

In considering this application, An Bord Pleanála can decide to:

- (a) (i) grant the permission, or
(ii) make such modifications to the proposed development as it specifies in its decision and grant permission in respect of the proposed development as so modified, or

Directors: D. Kiely, C. McCarthy
Regional Director: A. Phelan
Consultants: C. Birney, R. Gillan

Senior Associates: R. Davis, S. Gilmartin, J. Healy, S. Lee,
J. McElvaney, T. McGloin, S. Molloy
Associates: B. Coyle, M. Forbes, D. Guilfoyle,
L. McCormack, M. Sullivan

Company Reg No. 149104 VAT Reg. No. IE6546504D



(iii) grant permission in respect of part of the proposed development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions,

or

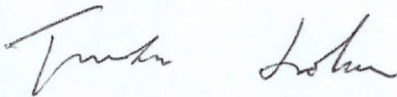
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- (i) the implications of the proposed development for proper planning and sustainable development of the area concerned, and
- (ii) the likely effects on the environment of the proposed development, if carried out, and
- (iii) the likely effects or adverse effects on the integrity of a European site, if carried out.

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Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Justin Lohan', written in a cursive style.

Justin Lohan
Senior Environmental Scientist

For: Jennings O'Donovan & Partners Ltd.



JENNINGS O'DONOVAN
— & PARTNERS LIMITED —
CONSULTING ENGINEERS

Finisklin Business Park
Sligo, Ireland, F91 RHH9

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W: www.jodireland.com

6497/401/003/JL

1st June 2023

Civic Offices

Emmet Street

Clonmel

Co. Tipperary

E91N512

Re: Proposed Dyrick Hill Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

How about addressing it to the Planning department

To whom it concerns,

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Justin Lohan
Senior Environmental Scientist

For: Jennings O'Donovan & Partners Ltd.

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6497/401/003/JL

1st June 2023

Planning

1st Floor
Menapia Building
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Justin Lohan
Senior Environmental Scientist

For: Jennings O'Donovan & Partners Ltd.

Wind-farm plans approved by Waterford council rejected by planning board

CHRIS DOOLEY

Last Updated: Friday, July 20, 2001, 01:00

Permission for a £15 million wind farm near the Vee Gap scenic drive in the Knockmeal down Mountains has been refused by An Bord Pleanála.

The project had been approved by Waterford County Council, which said the 12-tower development at Knockalougha, near Ballysaggart, would not greatly impinge on the sensitivity of the area. Environmental groups, however, said towers of up to 60m in height would turn one of Ireland's most scenic areas into an eyesore.

The development is the third such proposal approved by the council and rejected by An Bord Pleanála in the past 10 months.

Mr Edward Sheehan, who planned to develop the windmill project at Knockalougha, reacted angrily to the board's decision. He had "bent over backwards" to meet everyone's concerns and had offered to reduce the height of the turbines to 50m and to scale down the development, he said.

The planning board said that notwithstanding the reduced height of the structures, the proposed development "would seriously injure the scenic and natural amenities and distinctive character of this remote area".

It would also "detract from the amenities of an important walking route and would set an undesirable precedent for further similar development at elevated locations in the Knockmeal down mountain range."

The site was in an area designated as a "scenic landscape" in the Waterford county development plan and was adjacent to an area of "primary amenity value" in Tipperary south.

Mr Willie O'Donoghue, chairman of the Knockmeal down Protection Committee, said the board's reasons were "exactly the concerns we have been raising from day one. What's the point in calling something a scenic area, then allowing a development like this to go into it?"

The committee and the Peaks Mountaineering Club were the appellants to An Bord Pleanála.

However, Mr Sheehan claimed planning decisions on wind farms were inconsistent. Turbines had been built on the tops of hills in scenic areas including west Cork, while his proposal was for a wind farm below the skyline in an "extremely remote" area. His reduced-height option would have resulted in his farm being visible from the south-west only.

Even the development as approved by Waterford County Council would not have been visible from the Vee drive, a scenic route through the Knockmeal downs linking Tipperary and Waterford, he said.

Last year An Bord Pleanála overturned planning permission by Waterford County Council for two wind-monitoring masts in the Knockmeal downs. The 40m masts would have been used to establish the feasibility of operating wind farms at two locations near Cappoquin, one of them overlooking the Cistercian abbey at Mount Melleray.

In separate decisions, the board said the developments would injure the visual amenities of the area. The Knockmeal down Protection Committee accused Waterford County Council of ignoring those decisions in approving Mr Sheehan's application. The council said the latest proposal was dealt with on its own merits. Tipperary South County Council had also expressed reservations about Mr Sheehan's application.

It asked that four of the turbines be moved so that they would not be visible from Tipperary. The request was rejected as "unreasonable" by Waterford County Council.

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Board turns down wind masts move

CHRIS DOOLEY

Last Updated: Tuesday, September 12, 2000, 01:00

An Bord Pleanála has refused permission for two wind-monitoring masts in Co Waterford which had been opposed by residents' groups and members of the Cistercian order at Mount Melleray.

The 40-metre masts would have been used to establish the feasibility of operating wind farms at two locations close to Cappoquin, one of them in the Knockmealdown Mountains which overlook the Cistercian abbey.

Permission for the developments had been granted in December by Waterford County Council, but An Bord Pleanála, in separate decisions, has said that both would injure the visual amenities of the area.

It said the mast at Knocknafallia, in the Knockmealdowns, would have been in an area designated in the county development plan as having a vulnerable landscape, and would be within view of scenic routes. It would be visually obtrusive and would contravene the objectives of the plan.

The mast was to have been erected by Mr Charles Keane, of Cappoquin Estate, whose family has owned land in the area since 1710 and donated the abbey grounds to the Cistercians in 1832.

In a letter to Waterford County Council opposing the initial application, the abbot of Mount Melleray, Father Eamon Fitzgerald, and 19 other members of the community said wind turbines at Knocknafallia would greatly detract from the natural beauty of the Knockmealdowns.

The monks also raised concerns about noise pollution and the safety of water supplies. "Mount Melleray is a place of religious significance for many people for generations and continues to be visited annually by thousands of people from all over the country and many parts of the world.

"Part of its appeal has to do with its setting in unspoilt countryside. The proposed development would interfere with the natural setting of the monastery," their letter read.

© 2015 irishtimes.com

Natural Heritage



Nature Conservation Designatio...

Landscape and Seascape Charact...

Geological Heritage Sites Map

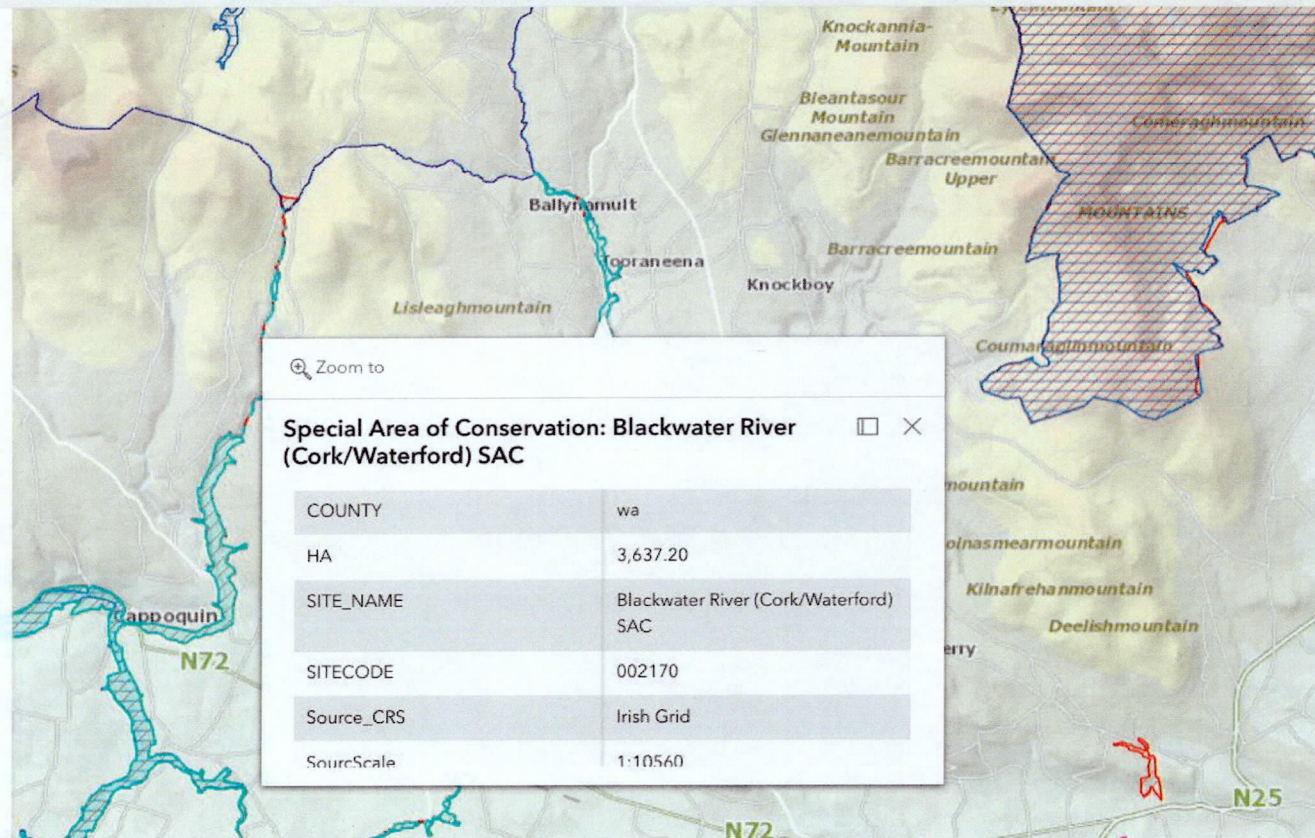
Wetlands Map

High Water Quality River Map

Protect

There are 6 SPAs designated in Waterford. The EU Birds Directive (79/409/EEC) requires designation of SPAs for: Listed rare and vulnerable species; Regularly occurring migratory species, such as ducks, geese and waders; Wetlands, such as Dungarvan Harbour and Tramore Backstrand, attract large numbers of migratory birds each year e.g. Brent Geese, Blacktailed Godwit and Golden Plover. Some SPAs overlap with SACs e.g. along the River Blackwater and at Tramore.

Special Area of Conservation



Natural Heritage

Nature Conservation Designatio...
Landscape and Seascape Charact...
Geological Heritage Sites Map
Wetlands Map
High Water Quality River Map
Protected Trees

documenting the range of factors that contribute to the unique physical identity of a particular geographical area.

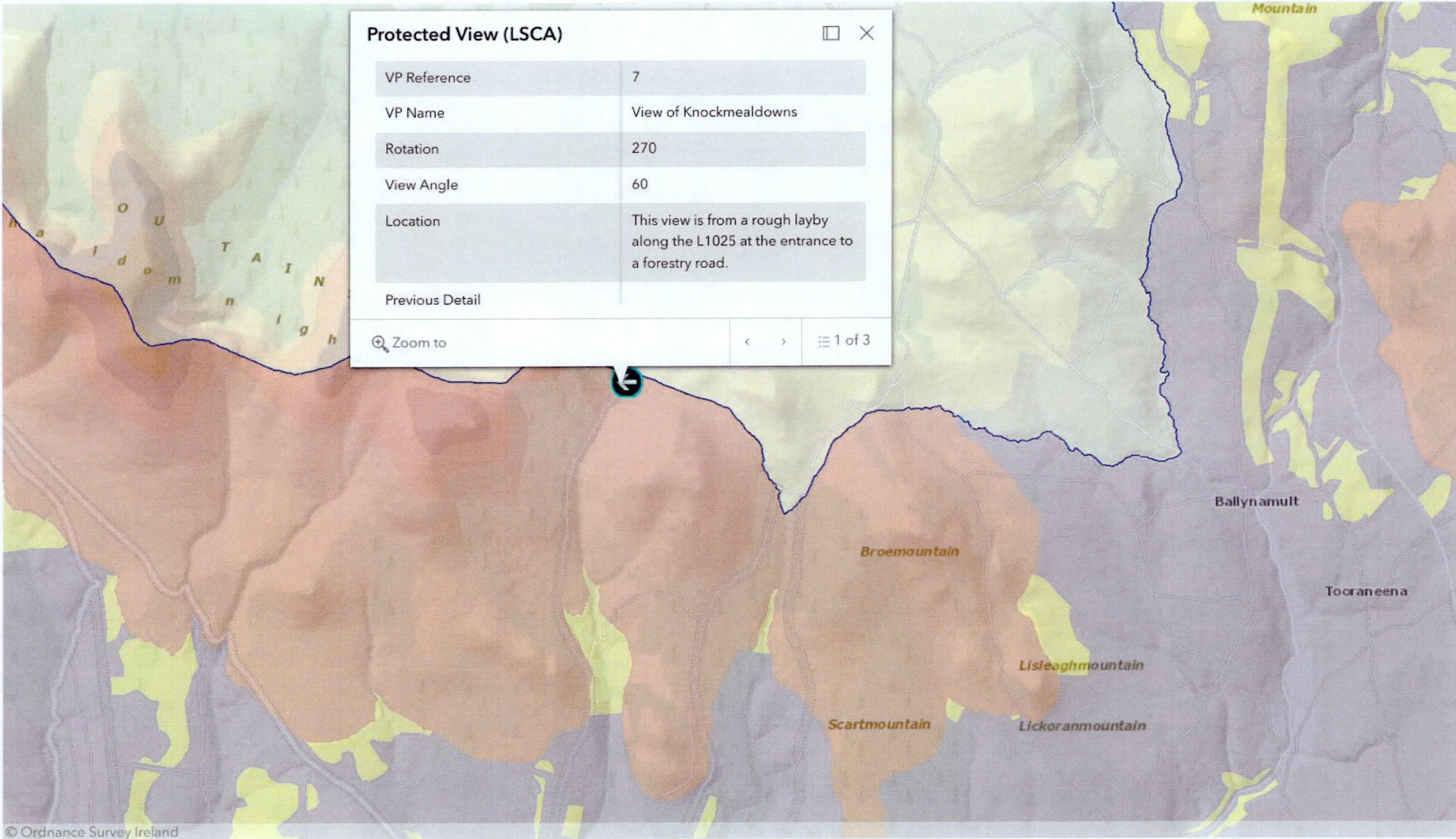
The LSCA acknowledges that distinct areas have different capacities to accommodate change that can impact on that particular landscape character and this is understood as landscape sensitivity.

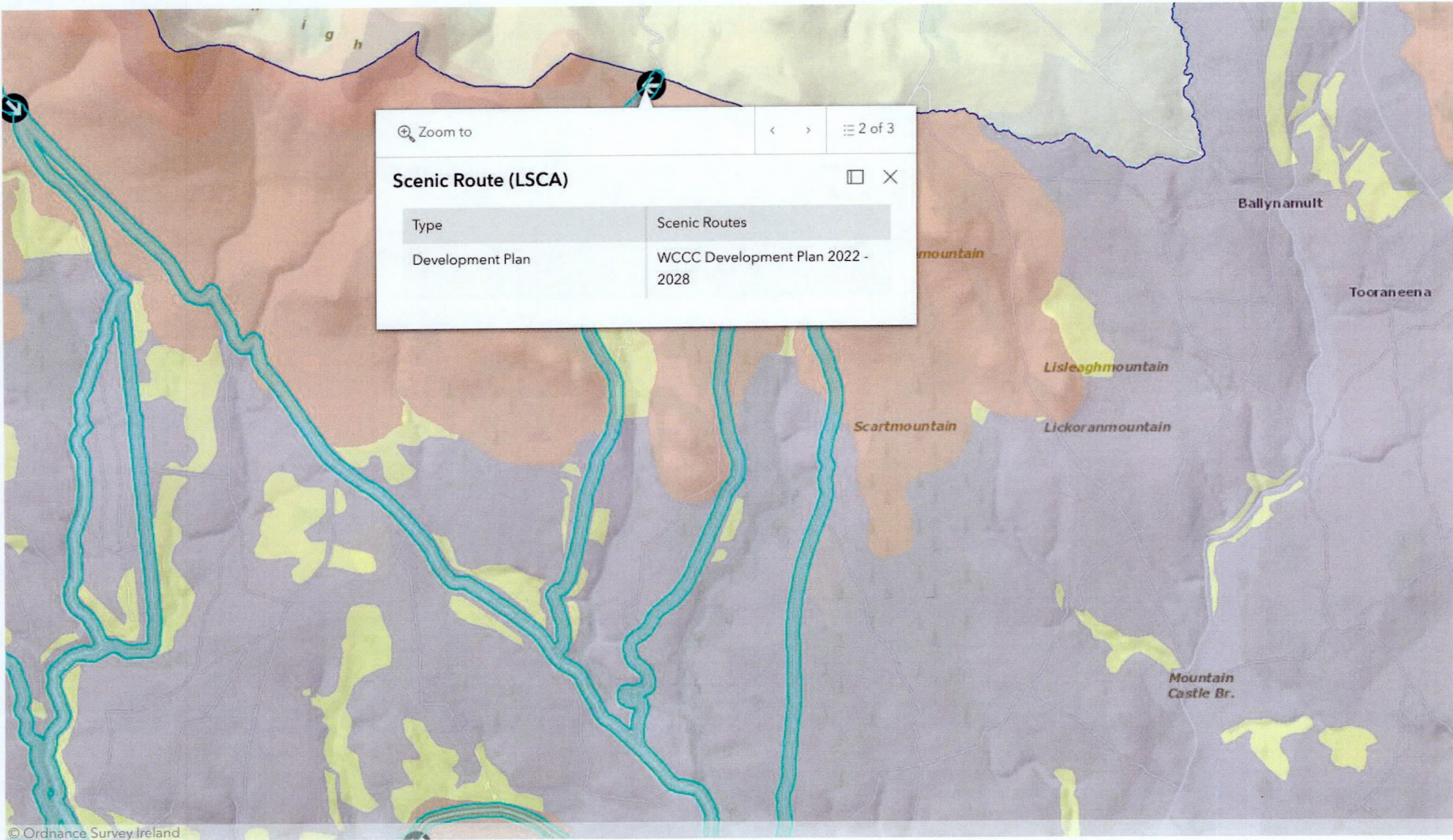
The following provides an overview of the various sensitivity classifications displayed on the LSCA Map.

Zoom to

Landscape and Seascape Character Assessment - Most Sensitive

Classification	Most Sensitive
Description	Very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area.
Development Plan	WCCC Development Plan 2022 - 2028





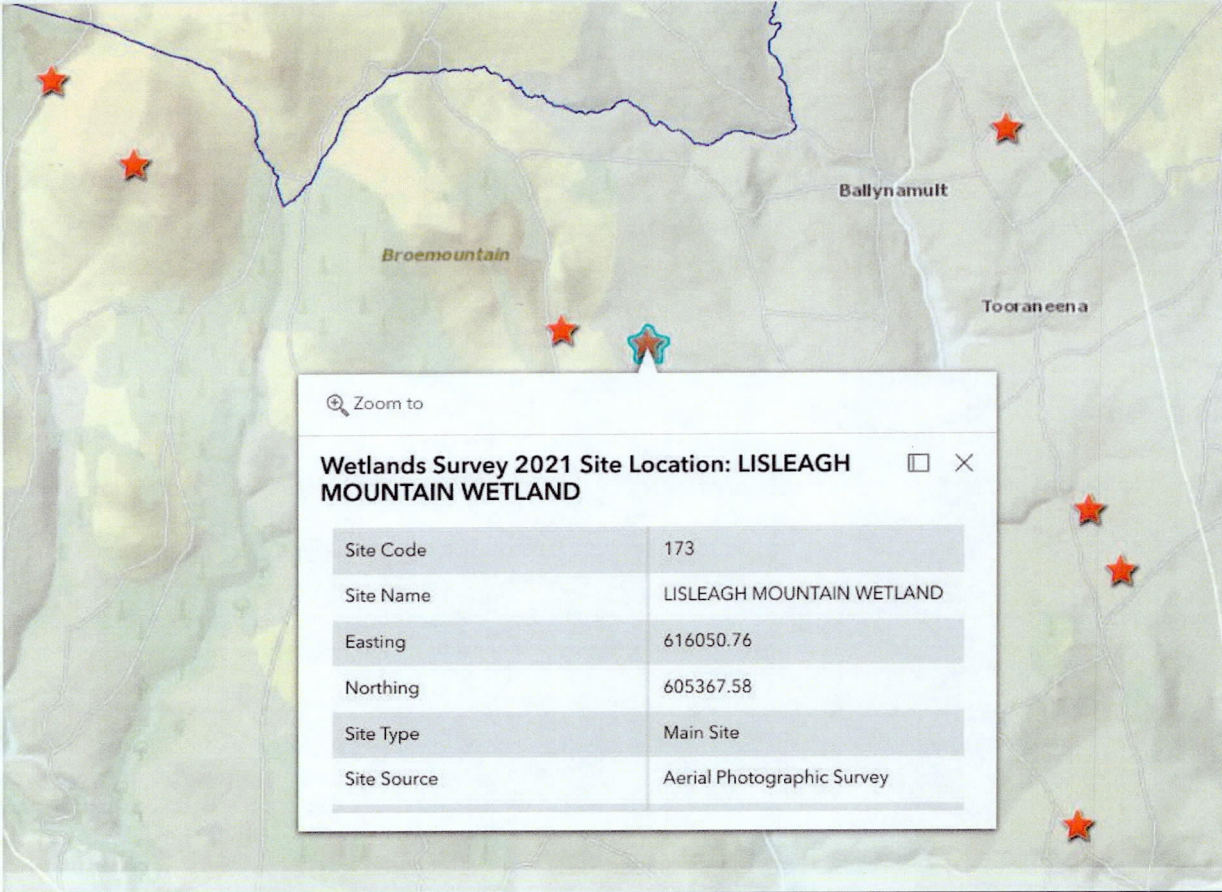
Natural Heritage

Nature Conservation Designatio... Landscape and Seascape Charact... Geological Heritage Sites Map Wetlands Map High Water Quality River Map

Wetlands are areas of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing.

Wetlands provide habitats for communities of species that can survive in aquatic and semi-aquatic conditions.

For more information and to see the policy objectives that relate to these sites please see Volume 1, Section 9.11 of the Development Plan. A full list of these wetlands of local biodiversity importance are



Natural Heritage

Nature Conservation Designatio...Landscape and Seascape Charact...Geological Heritage Sites MapWetlands MapHigh Water Quality River Map

sites in County Waterford.

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Broemountain

Ballynamult

Tooraneena

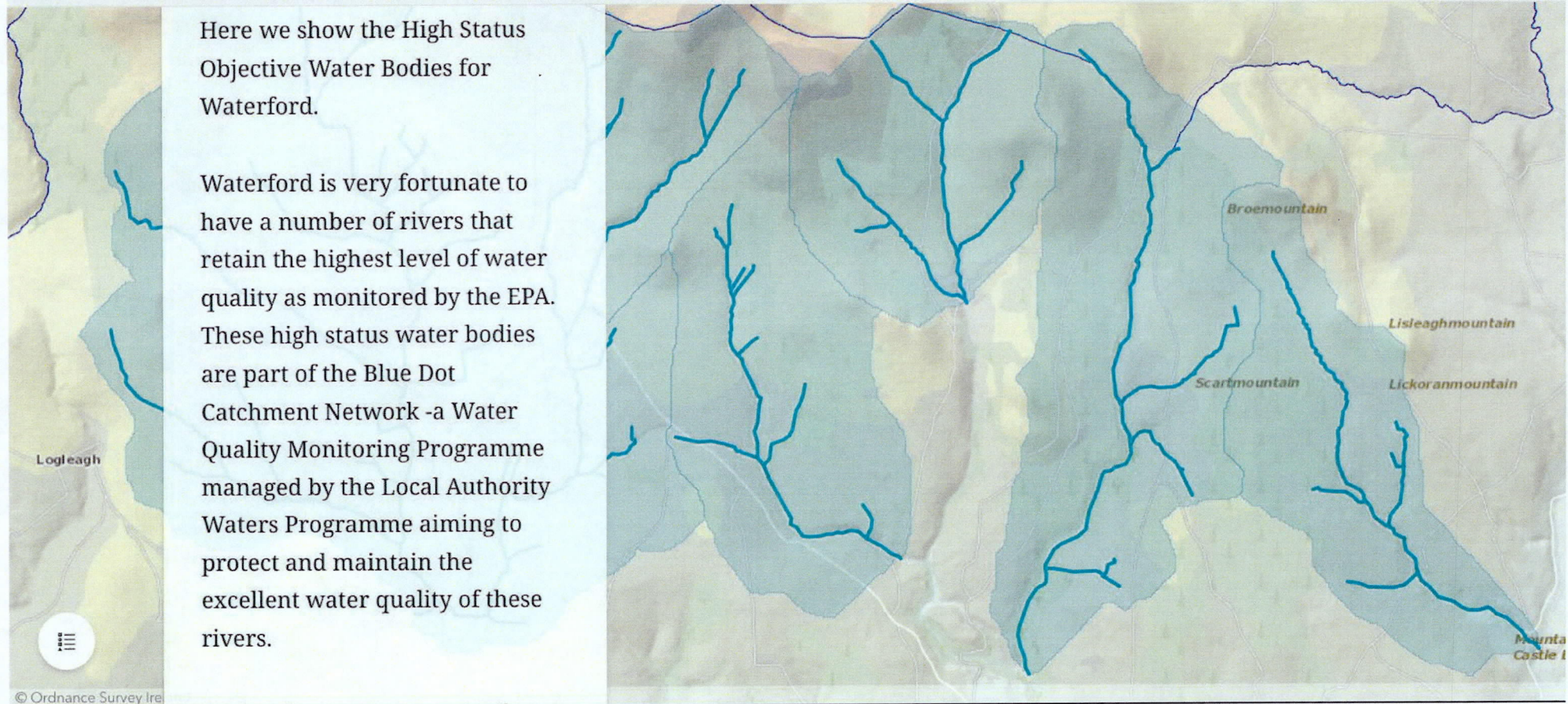
Castle Br.

Zoom to

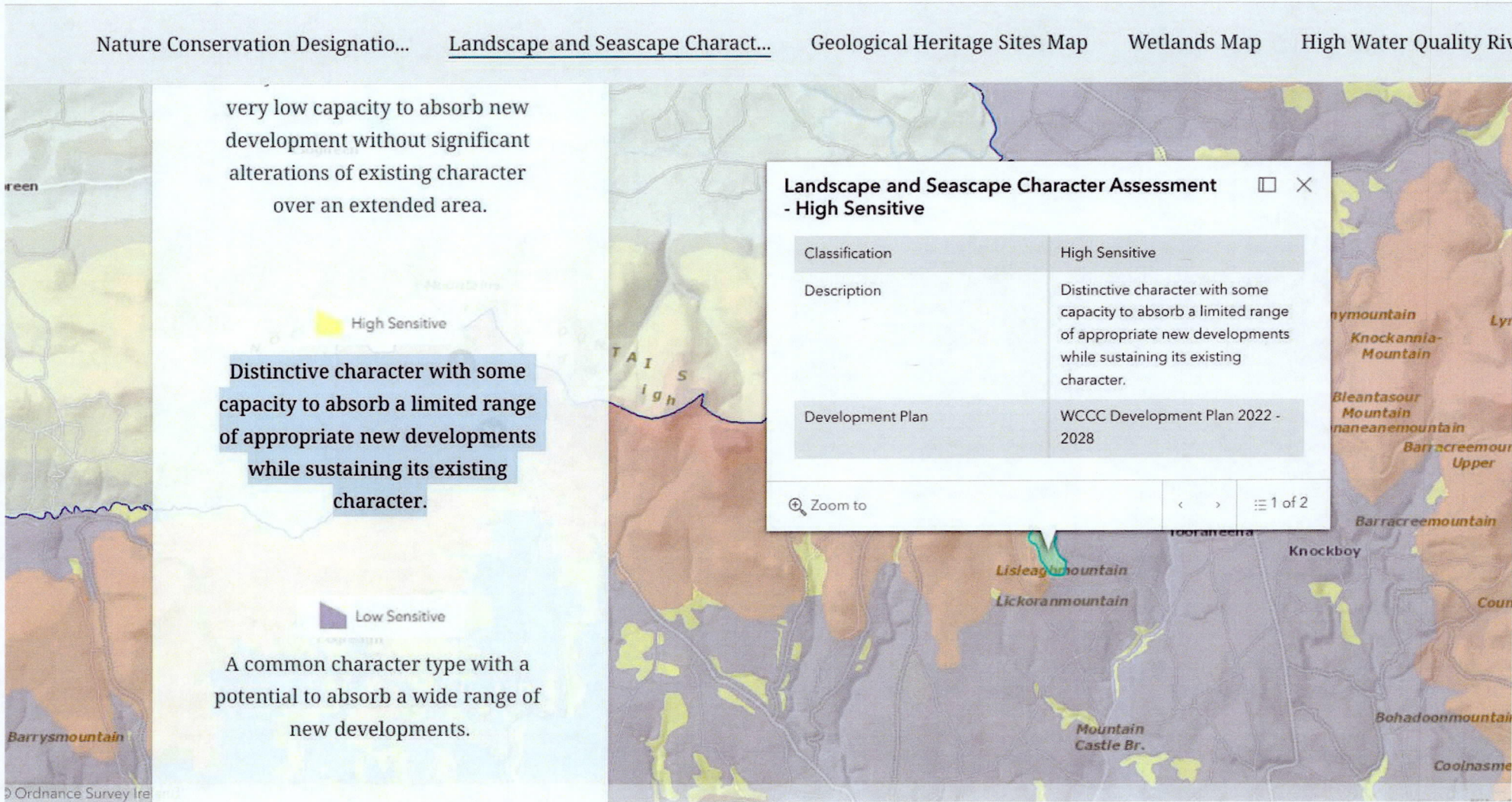
Wetlands Survey 2021 Site Location: DYRICK

Site Code	239
Site Name	DYRICK
Easting	615309.92
Northing	605492.56
Site Type	Main Site
Site Source	Waterford Wetland Survey 2015
Survey Year	

Natural Heritage

[Nature Conservation Designatio...](#)[Landscape and Seascape Charact...](#)[Geological Heritage Sites Map](#)[Wetlands Map](#)[High Water Quality River Map](#)

Natural Heritage





[Find Your Trails](#) [Trail Development](#) [Training](#)

Walking

Search for a trail by name

County

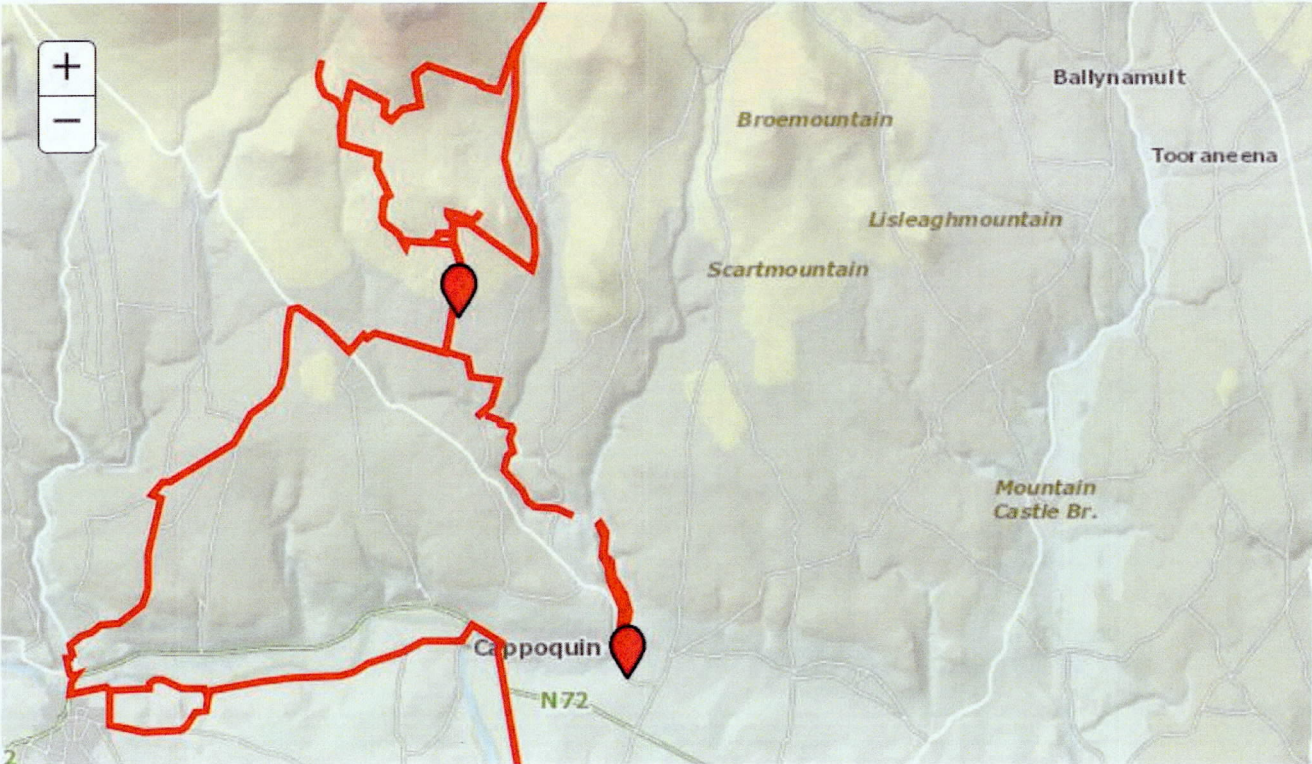
Waterford

Grade

- Any -

Trail Format

- Any -



Climate change: Electrical industry's 'dirty secret' boosts warming

🕒 13 September 2019



| The expansion of electrical grid connections has increased use of SF6

By Matt McGrath

Environment correspondent

It's the most powerful greenhouse gas known to humanity, and emissions have risen rapidly in recent years, the BBC has learned.

Sulphur hexafluoride, or SF6, is widely used in the electrical industry to prevent short circuits and accidents.

But leaks of the little-known gas in the UK and the rest of the EU in 2017 were the equivalent of putting an extra 1.3 million cars on the road.

Levels are rising as an unintended consequence of the green energy boom.

ADVERTISEMENT

- Greenland's ice faces melting 'death sentence'
- China confirmed as source of rise in CFCs
- Manx public 'backs onshore wind turbines'
- Big lifestyle changes 'needed to cut emissions'

Cheap and non-flammable, SF6 is a colourless, odourless, synthetic gas. It makes a hugely effective insulating material for medium and high-voltage electrical installations.

It is widely used across the industry, from large power stations to wind turbines to electrical sub-stations in towns and cities. It prevents electrical accidents and fires.

| Technicians display the importance of preventing electrical overloads

However, the significant downside to using the gas is that it has the highest global warming potential of any known substance. It is 23,500 times more warming than carbon dioxide (CO2).

Just one kilogram of SF6 warms the Earth to the same extent as 24 people flying London to New York return.

It also persists in the atmosphere for a long time, warming the Earth for at least 1,000 years.

So why are we using more of this powerful warming gas?

The way we make electricity around the world is changing rapidly.

Where once large coal-fired power stations brought energy to millions, the drive to combat climate change means they are now being replaced by mixed sources of power including wind, solar and gas.

This has resulted in many more connections to the electricity grid, and a rise in the number of electrical switches and circuit breakers that are needed to prevent serious accidents.

Collectively, these safety devices are called switchgear. The vast majority use SF6 gas to quench arcs and stop short circuits.



Gas-insulated, high-voltage switchgear almost always uses SF6

"As renewable projects are getting bigger and bigger, we have had to use it within wind turbines specifically," said Costa Pirgousis, an engineer with Scottish Power Renewables on its new East Anglia wind farm, which doesn't use SF6 in turbines.

"As we are putting in more and more turbines, we need more and more switchgear and, as a result, more SF6 is being introduced into big turbines off shore.

"It's been proven for years and we know how it works, and as a result it is very reliable and very low maintenance for us offshore."

How do we know that SF6 is increasing?

Across the entire UK network of power lines and substations, there are around one million kilograms of SF6 installed.

A **study from the University of Cardiff** found that across all transmission and distribution networks, the amount used was increasing by 30-40 tonnes per year.

This rise was also reflected across Europe with total emissions from the 28 member states in 2017 equivalent to 6.73 million tonnes of CO2. That's the same as the emissions from 1.3 million extra cars on the road for a year.

Why should we worry about SF6?

1kg of
SF6



Is equivalent to 23,500kg of CO2



SF6 emissions in Europe were
the equivalent of

6.73

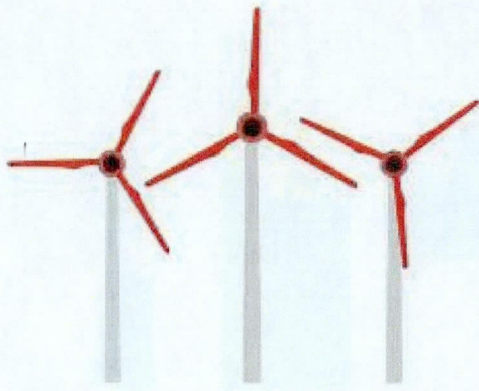
megatonnes of CO2 in 2017



This represents the volume of
greenhouse gas emissions from

1.3m

cars for a year



There was an

8.1%

increase in SF6 emissions across Europe in 2017

Based on five-year percentage change

Source: European Environment Agency

BBC

Researchers at the University of Bristol who monitor concentrations of warming gases in the atmosphere say they have seen significant rises in the last 20 years.

"We make measurements of SF6 in the background atmosphere," said Dr Matt Rigby, reader in atmospheric chemistry at Bristol.

"What we've seen is that the levels have increased substantially, and we've seen almost a doubling of the atmospheric concentration in the last two decades."

How does SF6 get into the atmosphere?

The most important means by which SF6 gets into the atmosphere is from leaks in the electricity industry.



GETTY IMAGES

| Electrical switchgear the world over often uses SF6 to prevent fires

Electrical company Eaton, which manufactures switchgear without SF6, says its research indicates that for the full life-cycle of the product, leaks could be as high as 15% - much higher than many other estimates.

Louis Shaffer, electrical business manager at Eaton, said: "The newer gear has very low leak rates but the key question is do you have newer gear?

"We looked at all equipment and looked at the average of all those leak rates, and we didn't see people taking into account the filling of the gas. Plus, we looked at how you recycle it and return it and also included the catastrophic leaks."

How damaging to the climate is this gas?

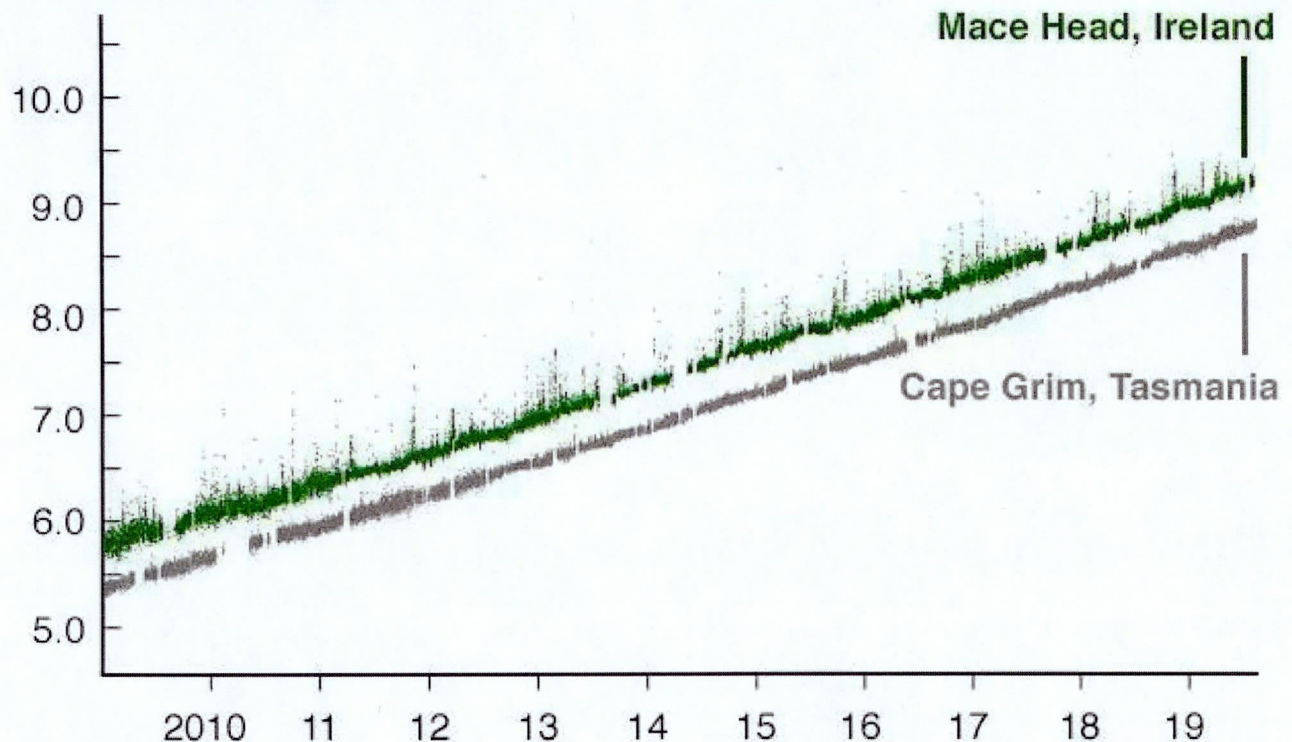
Concentrations in the atmosphere are very small right now, just a fraction of the amount of CO2 in the air.

However, the global installed base of SF6 is expected to grow by 75% by 2030.

Another concern is that SF6 is a synthetic gas and isn't absorbed or destroyed naturally. It will all have to be replaced and destroyed to limit the impact on the climate.

How SF6 concentration has increased in the atmosphere

Atmospheric parts per trillion



Source: University of Bristol

BBC

Developed countries are expected to report every year to the UN on how much SF6 they use, but developing countries do not face any restrictions on use.

Right now, scientists are detecting concentrations in the atmosphere that are 10 times the amount declared by countries in their reports. Scientists say this is not all coming from countries like India, China and South Korea.

One **study found** that the methods used to calculate emissions in richer countries "severely under-reported" emissions over the past two decades.

Why hasn't this been banned?

SF6 comes under a group of human-produced substances known as F-gases. The European Commission tried to prohibit a number of these environmentally harmful substances, including gases in refrigeration and air conditioning, back in 2014.

But they faced strong opposition from industries across Europe.

| Farmer Adam Twine is concerned about SF6

"In the end, the electrical industry lobby was too strong and we had to give in to them," said Dutch Green MEP Bas Eickhout, who was responsible for the attempt to regulate F-gases.

"The electric sector was very strong in arguing that if you want an energy transition, and you have to shift more to electricity, you will need more electric devices. And then you also will need more SF6.

"They used the argument that otherwise the energy transition would be slowed down."

What do regulator and electrical companies say about the gas?

Everyone is trying to reduce their dependence on the gas, as it is universally recognised as harmful to the climate.

In the UK, energy regulator Ofgem says it is working with utilities to try to limit leaks of the gas.

"We are using a range of tools to make sure that companies limit their use of SF₆, a potent greenhouse gas, where this is in the interest of energy consumers," an Ofgem spokesperson told BBC News.

"This includes funding innovation trials and rewarding companies to research and find alternatives, setting emissions targets, rewarding companies that beat those targets, and penalising those that miss them."

Are there alternatives - and are they very expensive?

The question of alternatives to SF₆ has been contentious over recent years.

For high-voltage applications, experts say there are very few solutions that have been rigorously tested.

"There is no real alternative that is proven," said Prof Manu Haddad from the school of engineering at Cardiff University.

"There are some that are being proposed now but to prove their operation over a long period of time is a risk that many companies don't want to take."

However, for medium voltage operations there are several tried-and-tested materials. Some in the industry say that the conservative nature of the electrical industry is the key reason that few want to change to a less harmful alternative.

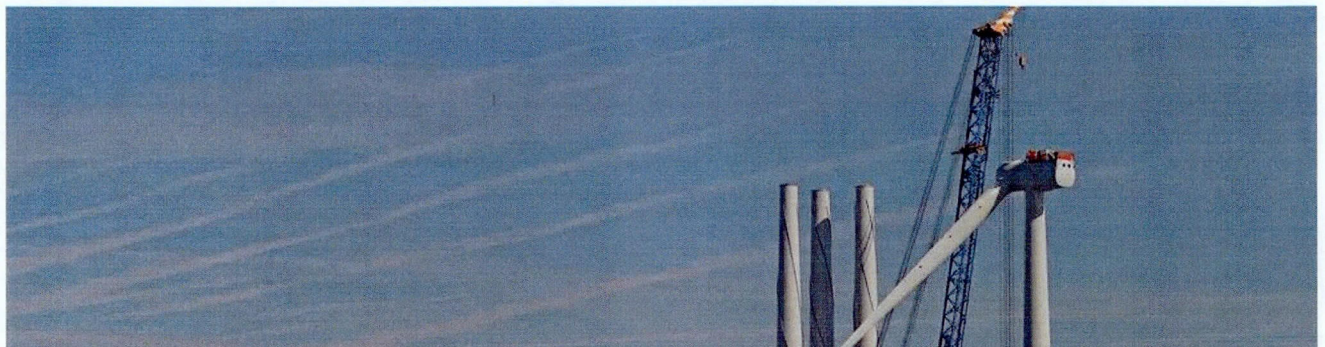
"I will tell you, everyone in this industry knows you can do this; there is not a technical reason not to do it," said Louis Shaffer from Eaton.

"It's not really economic; it's more a question that change takes effort and if you don't have to, you won't do it."

Some companies are feeling the winds of change

Sitting in the North Sea some 43km from the Suffolk coast, Scottish Power Renewables has installed one of world's biggest wind farms where the turbines will be free of SF₆ gas.

East Anglia One will see 102 of these towering generators erected, with the capacity to produce up to 714MW (megawatts) of power by 2020, enough to supply half a million homes.





ALAN O'NEILL

The turbines at East Anglia One are taller than the Elizabeth Tower at the Houses of Parliament which houses Big Ben

Previously, an installation like this would have used switchgear supplied with SF₆, to prevent the electrical accidents that can lead to fires.

Each turbine would normally have contained around 5kg of SF₆, which, if it leaked into the atmosphere, would add the equivalent of around 117 tonnes of carbon dioxide. This is roughly the same as the annual emissions from 25 cars.

"In this case we are using a combination of clean air and vacuum technology within the turbine. It allows us to still have a very efficient, reliable, high-voltage network but to also be environmentally friendly," said Costa Pirgousis from Scottish Power Renewables.

"Once there are viable alternatives on the market, there is no reason not to use them. In this case, we've got a viable alternative and that's why we are using it."

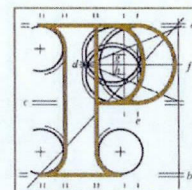
But even for companies that are trying to limit the use of SF₆, there are still limitations. At the heart of East Anglia One sits a giant offshore substation to which all 102 turbines will connect. It still uses significant quantities of the highly warming gas.

What happens next ?

The EU will review the use of SF₆ next year and will examine whether alternatives are available. However, even the most optimistic experts don't think that any ban is likely to be put in place before 2025.

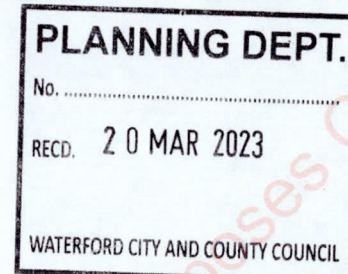
Our Case Number: ABP-316060-23

Planning Authority Reference Number: 221073



An
Bord
Pleanála

Waterford City and County Council
Planning Department
City Hall
The Mall
Waterford City
Co. Waterford



Date: 16 March 2023

Re: Change of use of building from a dwelling house, to office accommodation together with all ancillary site works and services.

Dyrick Td, Ballinamult, Co. Waterford.

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Waterford CCC Planning Authority - Inspection Purposes Only!

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) Certified Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate

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Riomphost	Email	bord@pleanala.ie

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under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-_____) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print: (_____)

Date: _____

Yours faithfully,

P.P: Jan Kelly
Zoe Shannon Spillane
Administrative Assistant
Direct Line:

BP07

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Facs
Láithreán Gréasáin
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JENNINGS O'DONOVAN
 & PARTNERS LIMITED
 CONSULTING ENGINEERS

Finisklin Business Park
 Sligo, Ireland, F91 RHH9

T: +353 (0)71-91 61416
 F: +353 (0)71-91 61080

E: info@jodireland.com
 W: www.jodireland.com

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

AN BORD PLEANÁLA
 LDG- 061792-23
 ABP-
 14 MAR 2023
 Fee: € 1500 Type: CHQ
 Time: By: REG POST

13th March 2023

Re: Appeal of Waterford City and County Council Decision to Refuse Planning Permission for Change of use of existing building from a dwelling house, to office accommodation (total floor area 122.8 sq metres) together with all ancillary site works and services at Dyrick td, Ballinamult, Co Waterford. (Planning Register Reference no: 22/1073)

Dear Madam,

On behalf of our client, Declan O'Brien, we, Jennings O'Donovan and Partners Ltd., Consulting Engineers, Finisklin Business Park, Sligo F91 RHH9, hereby wish to appeal the decision of Waterford City and County Council (the Council) to refuse planning permission to a change of use of existing building from a dwelling house, to office accommodation (total floor area 122.8 sq meters) together with all ancillary site works and services at Dyrick td, Ballinamult, Co Waterford. (Planning Register Reference no: 22/1073). We wish to set out reasons to justify this appeal below under each of the Reasons set out by Waterford City and County Council to refuse planning permission.

this appeal is spurious and serves only 1 purpose: to set up base camp for a wind farm.

Reason 1: "In the absence of any justification for the proposed office use in this remote rural area the Planning Authority is not satisfied that the proposed office use is a genuine development and not one that is the function of service settlements. The proposal as presented is contrary to the policies and objectives of the Waterford City and County Development Plan 2022 – 2028, would set an undesirable precedent and be contrary to the proper planning and sustainable development of the area."

Justification for this Appeal Reason 1: Our client owns the dwelling house subject to the planning application for a change of use from a dwelling house to non-residential office and kitchen use. This building is part of his farm of circa 120 acres. Our client's sole place of residence is at Graigue, Modeligo, Cappagh Co Waterford. Our client does not reside at the dwelling subject to the change of use application and has rented the property for a number of years. However, the tenancy period has elapsed.

Our client is making this submission in order to formally put the building into new use to support his farming enterprise (cattle grazing with associated silage production) on the surrounding lands around which this building is centred. Our client intends to extend his farming practice into milk production in the near future in the vicinity of the proposed office and kitchen to be used on a part-time basis. As such, a land dependant need is justified for use his property for supporting his farming enterprise for conducting accountants, and storage of the existing services which the building supports (electricity, water and wastewater).

Ref	Date	By	Comment
Client			EMPower
Client Representative			JENNINGS O'DONOVAN CONSULTING ENGINEERS
Project			Proposed Wind Farm at Dyrick Hill, Co. Waterford
Title			Design Iteration 3 - Subject to Change

Senior Associates: R. Davis, M. Forbes, S. Gilmartin, J. Healy, S. Lee, J. McElvaney, T. McGloin, S. Molloy
Associates: B. Coyle, D. Guilfoyle, L. McCormack, C. O'Reilly, M. Sullivan
 Company Reg No. 149104 VAT Reg. No. IE6546504D

-1-



see: <https://www.dyrickhillwindfarm.ie>

Reason 2: "The applicant has failed to demonstrate that the proposal would not give rise to additional loadings on the existing septic tank and percolation area or that the existing septic tank and percolation area could adequately accommodate the waste waters generated by the development. The Planning Authority is not satisfied that the proposal would not give rise to an unacceptable risk to ground waters with a resultant risk to public health. The proposal is therefore contrary to the proper planning and sustainable development of the area."

Justification for Appeal Reason 2: An existing septic tank and percolation already service the building on the applicant's property. The building subject to the change of use is in full-time residential use with a 3rd party (Rental leasehold in the proposal). Our client wishes to utilise the existing dwelling on a part-time basis. Thus, rather than leading to an intensification of use, the intended use sought by our applicant will actually result in a reduction in the use of the building and associated water and wastewater servicing requirements, contrary to the reasons set out in the planning report prepared by the Council.

Reason 3: "The applicant has failed to demonstrate that the intensification of the existing substandard access arrangements would not give rise to a traffic hazard with resultant public safety concerns with regard to employees / staff visiting and exiting the site and other road users. The proposal is therefore contrary to the proper planning and sustainable development of the area."

Justification for Appeal Reason 3: The conclusion that the proposed access has historically interrupted lines of uninterrupted lines of vehicle entry requires



Our client farms his total landholding (120 acres) himself solely and as such any argument about an intensification of use of the property is incorrect. The existing access is used for existing domestic residence access and it accommodates extensive, unidirectional traffic where it intersects with the public road network. The proposed access is for car and van access only onto a lightly trafficked local road.

This planning appeal fee of €1,500.

An Bord Pleanála is accompanied by the relevant commercial development

We enclose with the

1. Letter of Authorisation dated 4th January 2023, from the landowner, Declan O'Brien, authorising the planning appeal.
2. Copy of letter dated 14 February 2023 from Waterford City and County Council Notification of Decision to Refuse application reference no. 22/1073.

Yours faithfully,

Justin Lohan, Project Manager
For: Jennings O'Donovan & Partners Limited

Enc

County Council
Waterford
County Council

Re: Letter of Authorisation

Dear Mr Sean Power,

I am writing to confirm that Jennings O'Donovan & Partners Limited are acting as the agent on behalf for the planning application which was issued on the 29th December 2022 to Waterford County Council.

The application details are listed below.

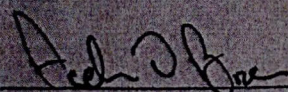
Location

Dyrick Townland
Comeragh Electoral District
County Waterford.

Description of development:

The change of use of existing building from a dwelling house to office accommodation (Total floor area 122.8 sq meters) together with all ancillary site works and services.

Yours sincerely,



Declan O'Brien

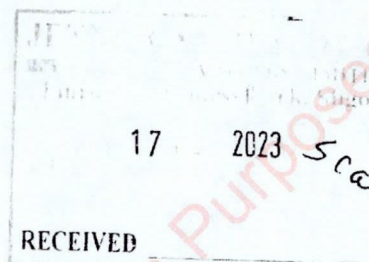
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Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

NOTIFICATION OF DECISION TO REFUSE

TO: Declan O'Brien
C/O Jennings O'Donovan & Partners,
Finisklin Business Park,
Finisklin,
Sligo.



PLANNING REGISTER NUMBER : 22/1073

VALID APPLICATION RECEIVED: 29/12/2022

FURTHER INFORMATION RECEIVED DATE:

In pursuance of the powers conferred upon them by the Planning And Development Act 2000, as amended, Waterford City & County Council have by Order dated 16/02/2023 decided to **REFUSE** PERMISSION for development of land, namely:-


The change of use of existing building from a dwelling house, to office accommodation (total floor area 122.8 sq. mtrs.) together with all ancillary site works and services at Dyrick Td Ballinamult Co. Waterford

For the 3 reasons set out in the schedule attached

In deciding the planning application the planning authority, in accordance with Section 34 (3) of the Planning & Development Act 2000 (as amended) has had regard to submissions or objections (if any) received in accordance with the Planning & Development Regulations 2001, as amended.

Site Notice(s) must be removed on receipt of this decision.

Signed on behalf of Waterford City & County Council.


for DIRECTOR,
CORPORATE SERVICES, CULTURE AND PLANNING.

Date: 16/02/2023

N.B. PLEASE READ CAREFULLY ATTACHED NOTES

Waterford City and County Council, City Hall, The Mall, Waterford.
Comhairle Cathrach agus Contae Phort Láirge, Halla na Cathrach, An Meal, Port Láirge
contact@waterfordcouncil.ie Tel : 0818 10 20 20 www.waterfordcouncil.ie

PLANNING & DEVELOPMENT ACT 2000 as amended.

RE: Planning permission sought by Declan O'Brien for the change of use of existing building from a dwelling house, to office accommodation (total floor area 122.8 sq. mtrs.) together with all ancillary site works and services at Dyrick Td, Ballinamult, Co. Waterford

File No: 22/1073

Decision: Pursuant to the Planning and Development Act 2000 as amended, it is decided to refuse permission for the said development based on the reasons set out below.

Schedule

Reasons:

1. In the absence of any justification for the proposed office use in this remote rural area the Planning Authority is not satisfied that the proposed office use / commercial development would not undermine the function of serviced settlements. The proposal as presented is contrary to the policies and objectives of the Waterford City and County Development Plan 2022 – 2028, would set an undesirable precedent and be contrary to the proper planning and sustainable development of the area.
2. The applicant has failed to demonstrate that the proposal would not give rise to additional loadings on the existing septic tank and percolation area or that the existing septic tank and percolation area could adequately accommodate the waste waters generated by the development. The Planning Authority is not satisfied that the proposal would not give rise to an unacceptable risk to ground waters with a resultant risk to public health. The proposal is therefore contrary to the proper planning and sustainable development of the area.
3. The applicant has failed to demonstrate that the intensification of the existing substandard access arrangements would not give rise a to traffic hazard with resultant public safety concerns with regard to employees / staff visiting and exiting the site and other road users. The proposal is therefore contrary to the proper planning and sustainable development of the area.

NOTES

APPEALS

An appeal against a decision of a Planning Authority under the Planning & Development Act, 2000 (as amended) may be made to An Bord Pleanála, by an applicant for planning permission (first party), and, any person, body or interested group etc (third party), who made submissions or observations in writing to the Planning Authority in relation to the planning application in accordance with permission regulations. There are two possible exceptions to this: (1) a prescribed body entitled to be notified of a planning application by the Planning Authority and (2) a person who has an interest in adjoining lands who did not make a submission or observation may apply to the Board for leave to appeal the decision of the Planning Authority within four weeks of the date of the decision of the Planning Authority.

Except where a person is given leave by the Board to appeal, appeals must be made to the Board within four weeks beginning on the date of the making of the decision by the planning authority (N.B. Not the date on which the decision is sent or received). Where a person is given leave to appeal, the appeal must be received by the Board within two weeks of him/her receiving notification of that fact. These are strict statutory time limits. The Board has no discretion to accept late appeals, whether they are sent by post or otherwise. Please note that the nine days of Christmas/New Year i.e. from 24th December to 1st January inclusive are excluded for the purpose of calculation of all periods of time in relation to planning appeals.

Every appeal must be made in writing and must be sent by post to: **The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1** or delivered by hand to an employee of the Board at the Board's offices during office hours (9.15 a.m. to 5.30p.m. on Monday to Friday except on public holidays and other days on which the offices are closed).

The appeal must be fully complete from the start – you are not permitted to submit any part of it later on, even within the time limit.

You must include:

- Your own **name and address**. Where an agent makes the appeal, he/she must give his/her own name and address and your name and address.
- The **subject matter of the appeal** - you must give sufficient details to enable the Board to readily identify the application the subject of the appeal (e.g. a copy of the Planning Authority decision, or details of nature and the site of the proposed development, or the name of the Planning Authority and the planning register reference number of the decision you are appealing).
- The **grounds of appeal and supporting material and arguments**. The Board cannot take into consideration any grounds of appeal or information submitted after the appeal (except information specifically requested by the Board) and it cannot consider non-planning issues. Ground of appeal should not, therefore, include such issues.
- In the case of a third party appeal, the acknowledgement by the Planning Authority of receipt of the submission or observation made by the person to the Planning Authority at application stage to show that the submission or observation was made at that stage.
- The correct fee:

Fees for each case types

Appeals against decisions of Planning Authorities

	On or after 5th September 2011
(i). 1 st party appeal relating to commercial development where the application included the retention of development.	€4,500 or €9,000 if EIS or NIS involved
(ii). 1 st party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 if EIS or NIS involved
(iii). 1 st party appeal non-commercial development where the application included the retention of development	€660
(iv). 1 st party appeal solely against contribution condition(s) – (2000 Act section 48 or 49)	€220
(v). Appeal following a grant of leave to appeal.	€110
(vi). An appeal other than referred to in (i) to (v) above.	€220
(vii). Request from a party for an oral hearing of an appeal or referral.	€50

Note: Where an appeal has already been made, another person can become an 'observer' and make submissions or observations on the appeal. The time limit for such submissions or observations is four weeks from the receipt of the appeal by the Board (or the last appeal where more than one is made). Submissions or observations must be accompanied by a fee of €50.

APPLICATIONS FOR OUTLINE PERMISSION

Where outline permission for development is granted, the development cannot take place until permission for approval on permission consequent on the grant of outline permission, as appropriate is applied for and granted. Where a Planning Authority decides to grant permission consequent on the grant of the outline permission, there is no appeal to the Board against any aspect of the decision which was decided in the outline permission.

DEVELOPMENT CONTRIBUTION SCHEMES

Where a Planning Authority has made a scheme setting out the development contributions which must be paid, no appeal is possible in relation to the financial contributions payable in accordance with the terms of the scheme. However, appeals will be possible where a developer considers that the terms of the scheme were not properly applied or where a special contribution condition relating to specific exceptional costs not covered in a scheme is imposed by a Planning Authority.

FEE REFUNDS

Provision is made in the above Regulations for the partial refund of fees in the case of certain repeat applications where the full standard fee was paid in respect of the first application (subject to the conditions set out in the Section 162 of the Regulations). An application for a refund must be made in writing to the Planning Authority and received within eight weeks beginning on the date of the Planning Authority's decision on the second application. This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 as amended for the statutory rules governing the making of appeals. Please refer to An Bord Pleanála website www.pleanala.ie for further information.

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chrome://media-app

