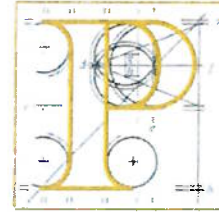


**Our Case Number:** ABP-317560-23

**Your Reference:** Mayo/Sligo Energy Concern Group



An  
Bord  
Pleanála

Kieran Cummins  
Trammon  
Rathmolyon  
Enfield  
Co. Meath

**Date:** 27 May 2024

**Re:** Proposed windfarm development including 13 no. wind turbines in Bunnyconnellan, Co. Mayo and hydrogen plant in Castleconnor, Co. Sligo.  
Carrowleagh, Bunnyconnellan, Co. Mayo and Curraun, Castleconnor, Co. Sligo.

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.


The Board will revert to you in due course in respect of this matter.

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

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

  
Lauren Murphy  
Executive Officer  
Direct Line: 01-8737275

PA09

<b>Tel</b>	<b>Tel</b>	(01) 858 8100
<b>Glaao Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
<b>Ríomhphost</b>	<b>Email</b>	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

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

**Lisa Quinn**

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**From:** Kieran Cummins <kieran@kierancummins.com>  
**Sent:** Friday, May 24, 2024 11:12 AM  
**To:** Appeals2  
**Cc:** Bord  
**Subject:** PA16.317560-23  
**Attachments:** 2024-05-22-KC to ABP-Mercury Renewable-Observation-PA16.317560.pdf

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/ Madam

Please find attached submission in respect of the re-advertised planning application.

Kind regards,

Kieran

# Kieran Cummins, Consultant

Kieran Cummins  
BSc Management & Law,  
Dip. L.S.,  
Dip. Horticulture,

Trammon, Rathmolyon, Enfield,  
County Meath

Phone: 086-7853333

Email: [kieran@kierancummins.com](mailto:kieran@kierancummins.com)

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Contact reference: Our Ref. 01\_8588100, 1890\_275175,  
Public Access Desk: 01\_8737104: from 10 to 12:30 & from 2 to 4:30.  
Email: [bord@pleanala.ie](mailto:bord@pleanala.ie) , [appeals@pleanala.ie](mailto:appeals@pleanala.ie)

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

22<sup>nd</sup> May 2024

## INVITED OBSERVATION

For and on behalf of: Mayo/ Sligo Energy Concern Group

Reference: ABP:	PA16.317560-23
Reference: ABP:	<a href="https://www.pleanala.ie/en-ie/case/317560">https://www.pleanala.ie/en-ie/case/317560</a>
Application lodged:	6 <sup>th</sup> July 2023 (Thursday)
Applicant/s:	Mercury Renewable (Carrowleagh) Limited
Dev. Address:	Proposed windfarm development including 13 no. wind turbines in Bunnyconnellan, Co. Mayo & hydrogen plant in Castleconnor, Co. Sligo
Submission Fee:	/

Dear Sirs

Further to the recent re-advertised application, we now make the within submission in respect of the latest information submitted to An Bord Pleanála.

We hereby make the within submissions for and on behalf of **Mayo/ Sligo Energy Concern Group**, c/o Aileen Donagher McGowan, Chairperson, Carraun, Corbally, Co. Sligo  
There are **9 pages** in this submission inclusive of cover page and appendices.

Again, we reiterate our belief that this application is premature pending satisfactory guidelines for utility scale hydrogen installations. It is further considered that this premature pending a full national led SEA assessment of utility scale wind and hydrogen installations together with the loss of finite agricultural land together with natural habitat.

Yours sincerely,



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Kieran Cummins

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## Observation re PA16.317560-23 (Mayo and Sligo County Council's)

### LANDOWNER CONSENTS

1. My clients are not satisfied that the recently submitted 'Property Overview 10561743, 1-2 document', covers all consents.

We were unable to locate letters of consent from landowners listed to prove that these consents are in place. This is relevant in light of the fact that landowners have already made submissions stating that they haven't given any consent for different parts of this project. In fact, there only appears to be three letters of consent submitted with the planning application form. They are from John Reape, G Murray (first name is not clear from letter not address or correct project title included) and Mayo County Council, Claremorris / Swinford district respectively, with no reference number, project number or name of person who put initials on the letter.

2. **Why have no other letters of consent been included?**

**Where are the letters showing consents for the bog plots with turbary rights?**

**Why are there no letters of consent from the Donegal Co. Council, Sligo Co. Council, Galway Co. Council for any works on roads in their jurisdictions?**

**Where is the letter of consent from Coillte for its lands included in the project on the L6612?**

We note that there is an absence of consents where passing bays are referred to on the L66121, L6612 L5136-0. We wish to point out that mention of these passing bays refers to drawings 6129-PI 013- 6129-PI 014, 6129-PI 015, 6129-PI 016. However there are no labelled passing bays on these drawings nor mention of same in the legend for these drawings. There are project boundary lines that encroach on private lands on the above-mentioned drawings.

**Where are the consents for these?**

However, the applicant states...*'Queries relating to consents were addressed in Section 4.12.4 of the Submissions Response Document. Proof of landowner consents to areas adjacent to the public road were submitted with the planning application. Passing bays on lands other than those outlined in the Planning Application are not needed, therefore no additional consent is required. No passing bay abuts'*

*'Passing places have been provided along the public road network as shown on Drawing No. 6129-PL-013, 6129-PL-014, 6129-PL-015. The location of the passing places have been chosen by the design team at intervisible locations in so far as is practical on the local road network...In terms of capacity concerns on the L-6612, Drawings 6129-PL-013, 6129-PL-014, 6129- PL-015 show the passing bays on the L-6612. Landowner consents are in place for these. (Response to submissions nov 23 4.6.3)'*

*'The Interconnector Connection traffic will also be serviced via the N59 at Corbally along the construction haul route to the Wind Farm Site, Hydrogen Plant Site and construction haul away route from the Wind Farm Site and Hydrogen Plant Site as shown in Figure 15.2. Traffic will be allowed to use the constructed passing bays along the L-6612-1, L-6612, L- 1102 and L-5136-0. (15.2.5)'*

3. **Where are the drawings for all of the passing bays including those on L66121 and L1102?**

**The L1102 will be subject to all traffic returning from the wind farm during the construction phase. This is already a very dangerous stretch of road, with bad bends and narrow stretches.**

**Also exiting the junction of L1102/ N59 will have the hazard of additional traffic delivering to all parts of the project coming from the Sligo direction, during construction phase.**

*'Road Opening Licences will be obtained for the Grid Connection trench and chambers within public roads as well as for the widening of public roads. (15.6.1)'*

4. **Will this be possible in the absence of consent of landowners? Can a private developer put a CPO on private lands for a private development?**

## MAYO CO. COUNCIL CONSENTS

5. What consents are in place from Mayo Co. Council to dig up the public roads?  
The following is a letter from Mayo Co. Council (Claremorris office, not main council office in Castlebar), submitted with the planning application form and appears to be in relation to the turbine delivery route.

**What legal advice was sought by the council and what was the legal advice pertaining to?**  
**What correspondence from Mercury Renewables leads to this response?**



26<sup>th</sup> June 2023

An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

**RE: Planning Application - Firlough Windfarm and Green Hydrogen Project.**

Dear Sirs,

I refer to recent correspondence regarding the proposed Firlough Windfarm and Green Hydrogen Project. The legal advice received by Mayo County Council states that from hedge to hedge is part of the public road and is subject to a public right of way, therefore no additional permissions are required other than the proposed planning permission.

Therefore, Mayo County Council confirms that it has no objection to the inclusion of the lands on the attached maps in this application in respect of the proposed works on the turbine delivery route.

Yours sincerely,


  
Head of Municipal District

Óifig Ceantair Chlár Chlainne Mhuiris, Bóthar Chill Cholmáin, Clár Chlainne Mhuiris, Contae Mhaigh Eo, F12 P383  
Claremorris Area Office, Kilcolman Road, Claremorris, Co Mayo, F12 P383

6. We note that this letter from Mayo Co. Council, Claremorris area office, does not have any name, or job description assigned to the person who initialled the letter. Neither does this letter have any reference details for council records, nor does it have any reference number, or project location detailed as per An Bord Pleanála case referencing system. Curiously, there is no reference to folio numbers in this letter.

## Irish Grid Reference: G 49597 01483

- The swept path analysis provided is produced from a purely transport orientated view, and does not consider any political issues in terms of land ownership, or any other precincts raised, that may otherwise be restrictive.
- The drawing has been produced from Topographical Survey Data provided by the client.
- All swept path diagrams and assessments are made and calculated for the road movement of loaded trailer equipment carrying Turbine components. These dimensions are based on the turning circles and specification of Collett & Sons Ltd trailer equipment.
- This SPA is a means of providing evidence of minimum requirements of any one vehicle as a footprint and there is no safety factor or margin included.
- Turbine delivery vehicles can be both left and right hand drive vehicles, therefore due to drivers perception it must be assumed that every vehicle will not follow the exact same line and so a margin of additional space should be allowed for.
- Land take is usually referred to when land is required from Private Land Owners, road widening is usually referred to when land is required within highways boundaries. The boundaries between private land and highways property are assumed by using obvious demarcation such as fence lines/hedges etc. It should be noted that actual boundaries between highways and private land are not substantiated in this report and can only be authenticated by carrying out land searches.
- Police escorts and permits will be required for the movement of all of the components. These permits are at the discretion of the Local Authority (LA). Therefore, approval of these 'permits for movements' by the LA are a major consideration before the physical capability to deliver these components are undertaken.
- In critical areas, where modifications are required, the road construction must be formed to the minimum specification contained in the Turbine Manufacturers Transport Guidance Notes.
- The Turbine Manufacturers Transport Guidance Notes will state the minimum road width required for the transport of components. Any roads below this stated width will require widening to reflect this regardless of any swept path analysis not indicating modifications.
- The information is privileged and confidential and is for the exclusive use of the nominated client.
- All dimensions in meters.

- Area within red outline will be swept by tractor and trailer axles
-  Hatched area within red outline to be levelled and prepared to accept axle loadings
- Area within magenta outline will be oversailed by load and projections
- Area within green outline will be oversailed by trailer body

D JUNCTION WITH L1331

ER

JENNINGS O'DONOVAN

FIRLOUGH WIND FARM

DWG. NO 381311.290A1.1

7. The Sixth bullet point on the above drawing states: 'actual boundaries between public highways and private land are not substantiated in this report and can only be authenticated by carrying out land searches.'

Has evidence of consents for any private lands and for tree felling etc. been provided?

## TURBARY RIGHTS

8. DRAFT Firlough Wind Farm FRA Project no. 603676-Hydro-R02-- (00) mentions 'underground electrical and communications cabling connecting the wind turbines to the wind farm substation' Appendix 9.1 ground water assessment

Where are the drawings for these?

Does the location of these cables affect turbary rights?

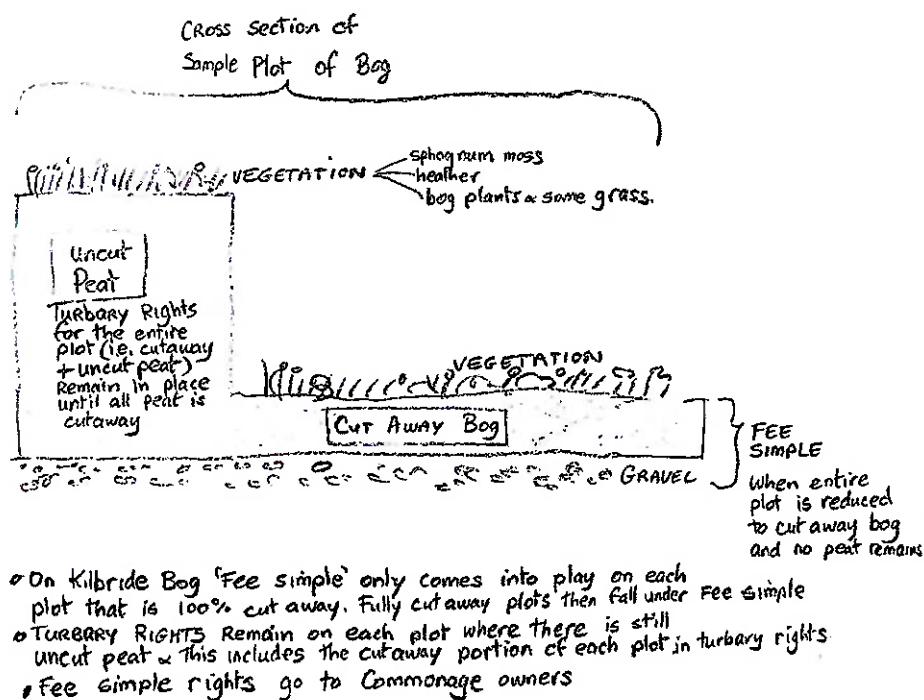
It is submitted that consents need to be in place for these. There don't appear to any letters of consent for same from owners of turbary rights.

'Almost the entire Wind Farm Site is subdivided into turbary plots lying primarily on a north south axis between the east west alignments of the road network. There are over 620 individual plots each measuring 50 m x 180 m.'

...Project description

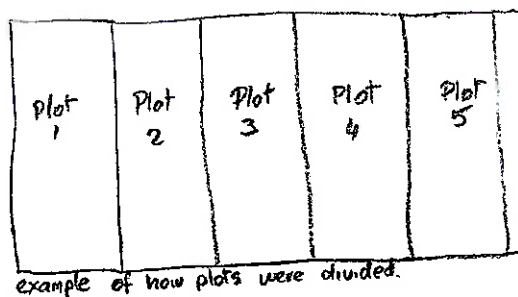
My clients submit that this is incorrect information in relation to size and number of plots.

9. The Land Commission allocated turbary rights and commonage on Kilbride Bog (also referred to as Carrowleagh). This bog is where the applicant proposes to develop a wind farm. It is our understanding that turbary rights to a plot of bog, remain in place for that entire plot, (i.e. bank of turf and cutaway area), until such time as the entire plot is cut away. Rights of commonage cover the surface area of the bog for grazing. It is our understanding that the Land Commission decided that 'Fee Simple' comes into play on each plot that is entirely cut away and no peat remains for harvesting. In the case of this bog, this effectively means that commonage owners have the rights to the plots that are fully cut away, but not plots that still have peat remaining. My clients prepared the following diagram to demonstrate this point



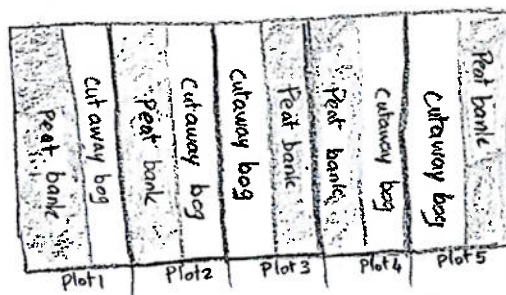


My clients also prepared the following diagram re Turbary rights.



example of how plots were divided.

- Turbary Rights to harvest Turf Plots were allocated by number to houses in the area & many to Ballina Town householders
- Bog plots are not typically 50m x 180m as stated by the developer
- There are not over 620 plots as stated by the developer.



Sample of how bog plots have been cut in Kilbride bog\*

- Turbary Rights owners have cut turf on their plots. There is no rule for where they cut on their plots so the pattern throughout the bog is that of plots with strips of peat with strips of cut away bog.
- Therefore Fig. 5.3 does not represent this correctly. Figure 5.3 Habitats map is misleading and shows vast areas of cutover bog.

\* KILBRIDE BOG is the name referred to, by bog plot owners, locally. The developer refers to this area as 'Carrowleagh'. many bog plot owners of turbary rights were unaware that the windfarm was planned for Kilbride bog.

My clients are not satisfied that Figure 5.3 of the EIAR is a true representation of the existing banks of turf.

10. It would appear that consents are not in place for all of the turbines. It is submitted that the applicant has not provided any evidence of consent from owners of turbary rights, for either the concrete bases and hard stands of the 13 turbines, or for cabling that may have to pass through bog plots, or for plots that will be affected by road widening.
11. My clients are gravely concerned in relation to access for approximately 323 turbary plot holders since T2 and T4 have hardstands that traverse two of the access roads to the bog.

Firstly, the planning drawings do not show these hardstands and they are portrayed differently in the planning drawings to other turbine bases and hardstands. T4 is not shown in its entirety on a single drawing sheet, in the same manner as the other turbines.

Secondly, during the construction phase, it will not be possible to travel over these stands. It is also questionable as to whether or not people with turbary plots will be able to safely drive over them, with heavy loads, following completion of the project.

There is no evidence of consents being in place for turbary plot owners as to how they will access their bog plots throughout the year.



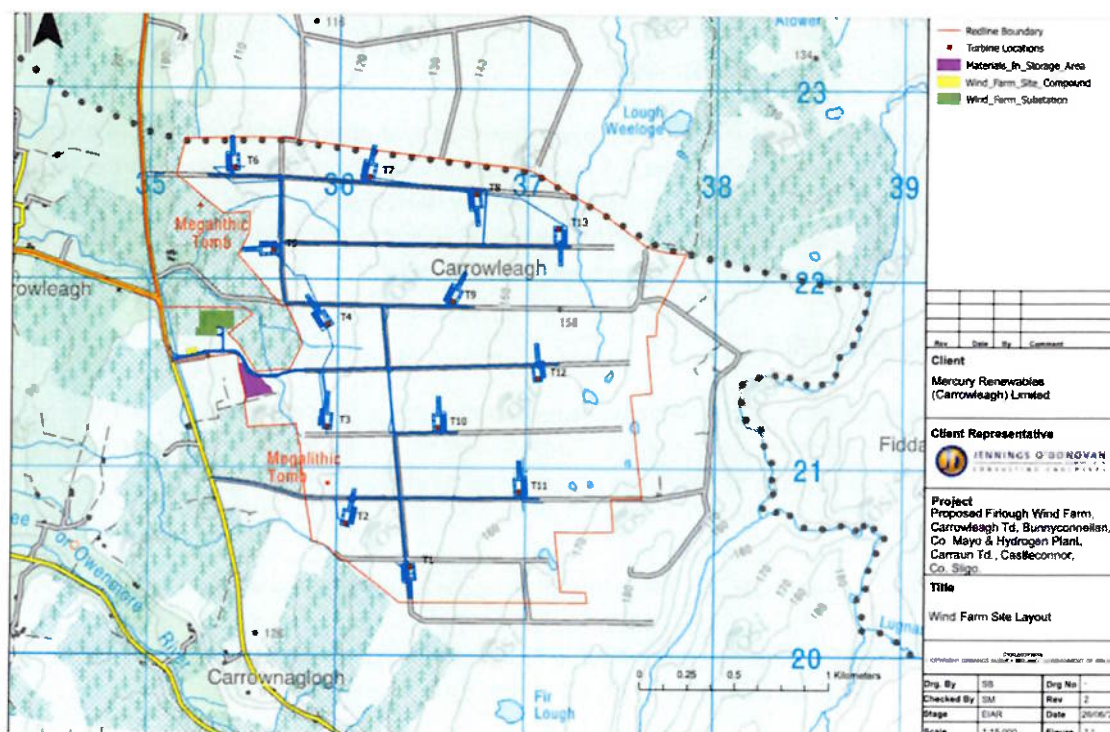
## ROADS IN WINDFARM

### 15.4.5 Wind Farm Internal Access Roads

Within the Wind Farm Site, existing access tracks will require reinforcement. No borrow pits will be utilised during construction and all construction material will be imported to Wind Farm Site.

The northern branch will give access to turbines T7 and T9, with the northwestern and north eastern branch giving access to T6 and T8 respectively. The western branch will give access to T4, and the eastern branch will give access to T13 and T12. The southern branch will give access to turbines T1 and T10, with the southwestern and south eastern branch giving access to T2, T3 and T11 respectively. There will be a new internal access road constructed that will connect the north wing turbines to the south wing turbines of the Wind Farm Site.'

12. It is difficult to understand what is meant by the above paragraph when it is read in conjunction with the below Wind farm Site Layout. Why is there no mention of T5? We seek clarification of this.



## NO STRATEGIC ENVIRONMENTAL ASSESSMENT

13. We wish to point out to the Board that to our knowledge, there is currently no Strategic Environmental Assessment. Is this not a legal requirement under EU law? It follows that any guidelines drawn up for wind farms in 2006 and 2019 in its absence are likely to fall foul of European Law.

## INCORRECT INFORMATION RE L6612

*'The L6612 runs along the western side of the Proposed Firlough Wind Farm Site, this local road was widened and upgraded for the neighboring Carrowleagh Wind Farm and will be used by both wind farms during operations.'* (Pull up on open day re transportation routes included in PACC)

14. It is considered that this information is not correct. We ask that Mayo Co. Council records are checked to ascertain the exact nature of the 'upgrade work' that the applicant claims was done the L6612. My clients also want to point out that this road does not 'run along the western side of the proposed Firlough Wind Farm site'. It is submitted that this kind of information is another example of the low level of accuracy in relation to information given by the applicant. We understand that other inaccuracies have already been pointed out by other observers.

## MERCURY RENEWABLES' PORTFOLIO.

*'Mercury Renewables has been responsibly developing renewable energy projects in the West of Ireland since 2009. The team combines local knowledge with international expertise to deliver projects in an environmentally sensitive way that also brings economic growth to the regions in which they operate.'* ([www.firloughwindfarmplanning.com](http://www.firloughwindfarmplanning.com))

15. Why were unable to find evidence of any completed and operational renewable energy projects in the West of Ireland, owned and managed by Mercury Renewables? Surely there must be at least one completed, operational project owned by Mercury Renewables, in the West of Ireland if they have been '*responsibly developing renewable energy projects in the West of Ireland since 2009.*'? Such assertions should be supported by examples if they exist.

## WATER EXTRACTION CONCERNS

16. We refer to Appendix 9.8 ground water supply assessment. This assessment states: -  
*'A constant rate discharge pumping test commenced on the 11/07/22 and pumping continued until the 03/08/2022 (approximately 546 hours of pumping in total over 24 days)*

Figure 3.9. SP2 on the 11/07/22 i.e., pre-pumping (left) and after 10 days of pumping 22/07/22 (right).

*Reductions in flow at local springs (SP1 and SP2) were noted. However, further investigation would be required to ascertain whether this is due to pumping or low rainfall levels.*

17. We are gravely concerned with these results as reductions in these springs, resulting from pumping, will have a detrimental affect the local streams leading to the Dooeighney River. The above referenced figure appears to illustrate this after only 10 days of pumping. Why was there no photo included after the completion of testing i.e. after 24 days?

*'The closest well to the site is located approximately 1.4km to north. Thee reported borehole details are as follows: GSI Name 1131NEW005: 30.5m deep borehole. Yield Class: Poor. Agri & domestic use. Located in proximity to the castle. Locational accuracy: 500m. 'There are no other boreholes reported with at least 4 km of the site. However, given the stated poor accuracy of the database and the unregulated nature of private wells a survey would be required to accurately identify wells in the proximity to the site.'*

18. What castle is being referred to by Minerex? Why was this database used for the purpose of analysing this site? It is already stated to be inaccurate in the report at 9.8.  
Why did this company not check with local householders within the buffer zone, or with houses identified on the hydrogen plant site house locations, to ensure that there were no private wells in the area?  
Did the company check with local farmers in order to locate other local wells in use?  
There is at least one private agricultural well within the buffer zone that was not tested.

This further illustrates lack of communication with and consideration for the people living and farming closest to the proposed hydrogen plant site.

*'Recovery was monitored for a 3-day period by manual measurement in all boreholes and by the water level logger in FW1 for 1 week.'*

- 19. If FW1 was being used as a basis for estimated impact on surrounding land, why was this only monitored for 1 week?**

*Considerable information has been obtained through this pumping test investigation with a conceptual model presented herein (i.e., Step 1 and Step 2). Further investigation should be carried out in order to identify sensitive sites (Step 3). At a minimum SP1 And SP2 (Section 3.3.6) should be monitored to obtain baseline flow data. As discussed in Section 2.6, given the unregulated nature of private wells and the absence of a database pertaining to their existence/location, a survey would be required to accurately identify wells in the proximity to the site.'*

- 20. In the absence of such a survey, how can this report be acceptable justification that water extraction for the purpose of hydrogen production, won't adversely affect the aquifer and have a knock on affect on the surrounding area? Why was baseline data not collected re SP1 and SP2 prior to drilling of and pumping from boreholes.**

*'Reductions in flow at local springs (SP1 and SP2) were noted. However, further investigation would be required to ascertain whether this is due to pumping or low rainfall levels.*

*A notable reduction in water level/flow was observed at SP1 and SP2 (Figures 3.8 and 3.9, respectively). Flow at SP2 was measured at 0.65 l/s before pumping, however, it had reduced to 0.3 l/s after 10 days of continuous pumping. Flow further reduced to 0.06 l/s on the 01/08/22 at 8.00, however, it increased to 0.2 l/s by 20.00 on the same day. This is consistent with a heavy rainfall event (approximately 17mm) (see Figure 3.6).'*

*'Flow at SP2 did not increase after the cessation of the pumping test. While flow is apparently somewhat correlated with rainfall, further work would be required to identify the impact of the groundwater abstraction.'*

- 21. Why was rainfall data from Knock Airport and Markree used in the context of water recharge, in light of the fact that both of these locations are over 40 km away?**

## **EURO VÉLO 1 ROUTE**

- 22. The Euro Vélo 1 Route traverses Portugal, France, The UK, Ireland and Norway. This is an important cycle route for cycling tourists and local residents alike along the way. It aims 'To encourage large numbers of European citizens to give cycling a try, and so to promote a shift to healthy and sustainable travel – for daily trips and as cycling tourism.' It passes along the L5137-9, L5137-0 and L2604 which is on the haul route for the Wind Farm. This is a very important European funded route both for health and for tourism. It follows that there would be a considerable hazard to cyclists on this route throughout the construction phase of the proposed development. It is submitted that impacts on the Euro Vélo 1 Route must also be subject to appropriate evaluation having regard to the hazards with would flow from construction traffic together with European measures to improve health and reduce the carbon footprint of tourists.**

**ENDS**