

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
DO1 V902

AN BORD PLEANÁLA	
LDG- <u>080332-25</u>	
ABP- _____	
20 MAY 2025	
Fee: € <u>220</u>	Type: <u>Pmo</u>
Time: <u>8:54</u>	By: <u>RegPest</u> <u>se</u>

Catherine & Philip Hickey
Ballylusk
Ballindaggin
Enniscorthy
Co. Wexford
Y21 HK54

17TH
May 2025

Dear Sirs,

Application for a Third-Party Appeal – Wexford County Council – Planning Reference 20250312 for Castledockrell Wind Group.

Please find enclosed a completed appeal form and a copy of our acknowledgement from Wexford County Council regarding our submission. Payment of €220 for this appeal is enclosed with a postal order drawn in favour of yourselves. We are also enclosing a copy of our original submission made to Wexford County Council regarding this development.

With their decision the Local Authority have disregarded our submission and more worryingly in doing so they have failed to recognise planning breaches by this developer. Such matters would have been highlighted previously to them but unfortunately these were also not factored.

Sadly, we have no confidence in the Local Authority being prepared to take any formal action at any time against the primary owners and directors of this development and that is a matter which will be highlighted by us, and by other means than this appeal to yourselves.

The Local Authority with this decision, we believe have set a precedent for this development whereby any further submissions about complaints and required future planning applications on the development, will be detrimental to members of the public and affected parties such as us. Such actions we believe are contrary to the relevant planning laws as are the breaches highlighted.

The Local Authority have we believe also not factored that the original primary basis of acceptance for this development was the EIAR submitted in 2004 and ruled on by yourselves under reference number – 26.211725.

Whilst referencing the other phased part of this project – the supposed Bola More Windfarm (Planning Reference 20070008) in their report, the Local Authority have noted the fact this part of the project despite being granted permission to operate with its own substation is in breach of the planning permission. In essence there are now two separate developments ruled on by the Local Authority distinguishable by 3 separate planning applications for them, that are in breach of what has been originally applied for.

The Local Authority have been notified of additional and unauthorised works that were necessary to connect the Bola More Wind Farm to the substation in Castledockrell – again no action was taken against the developers. In essence it

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could be construed that there is no valid planning permission in place for the entire development.

We are satisfied that what is in existence today is an 18 Turbine windfarm with staged phases of planning permissions being granted by the Local Authority which in essence, has given an authorisation to the developers to do whatever they like here.

Refusal and at the very least enforcement, are we believe the correct options and / or the developers being required to seek a full permission for all the operational factors of the Castledockrell Windfarm with set timelines as opposed to granting over phased periods as now exists and allowed by the Local Authority here. There should certainly be no granting of the substation and ancillary works on a permanent basis as has been granted in this latest submission, particularly when some of those works are not actually authorised by any planning authority.

Our submission needs to be fully and practically considered and a duty of care by those who do this needs to be factored. We don't believe this has been considered by the Local Authority, as planning irregularities are apparent here and the decision of failing to either recognise them or to take any enforcement action paves the way for this developer to continue operating outside of the relevant planning rules. Variances to the permissions granted do exist and our reference to the legal actions we believe are of high significance here.

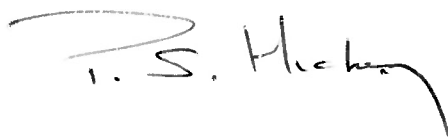
Whilst not professing ourselves to be planning experts – we firmly believe that the Local Authority has not fully recognised what has happened here – which is something we have been directly impacted on with a detrimental effect for the past 14 years and have continually brought these matters to the attention of the Local Authority.

The fact remains there are aspects of this development that have no valid planning permissions regardless of the most recent decision by the Local Authority.

We are now referring this to yourselves for a full and impartial review of the decision made given the variances and aspects highlighted in our submission to the Local Authority.

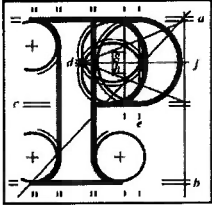
We are happy to engage with yourselves in this matter and our personal contact details are provided in the enclosures submitted for our appeal.

Yours sincerely,



Catherine & Philip Hickey





An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Catherine & Philip Hickey

(b) Address

Ballylusk, Ballindaggin,
Enniscorthy,
County Wexford
Y21 HK54

MOBILE PHILIP 086 8363719.

EMAIL

philh2511@gmail.com

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not Applicable

(b) Agent's address

Not applicable.

Postal address for letters

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

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

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

(a) Planning authority

(for example: Ballytown City Council)

Wexford County Council

(b) Planning authority register reference number

(for example: 18/0123)

20250312

(c) Location of proposed development

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

Various Townlands for the use of Castledockrell Wind Farm.

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see attached cover letter detailing our concerns regarding the granting and extension of this development.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

Catherine Hickey

*P.S. Hickey
17th May 2025.*

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





Wexford County Council

Receipt : "COF0532161"

Name / Address:	CATHERINE & PHILIP HICKEY BALLYLUSK BALLINDAGGIN ENNISCORTHY CO WEXFORD
Receipt Reference:	COF0532161
Site:	001 : CASH OFFICE
D/N/U:	N
Account No.:	000001
Invoice Reference:	
Type:	CASH : Cash
Narrative:	20250312 PLANNING OBS
narrative:	
narrative:	
Receipt Date:	15-APR-2025
Amount (EUR):	20.00

-
CATHERINE & PHILIP HICKEY,
BALLYLUSK,
BALLINDAGGIN,
ENNISCORTHY,
CO WEXFORD,

15 April 2025

Catherine & Philip Hickey
Ballylusk
Ballindaggin
Enniscorthy
Co. Wexford

**ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A
PLANNING APPLICATION**

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE THAT WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME: **WEXFORD COUNTY COUNCIL**

PLANNING APPLICATION REF NO: **20250312**

APPLICANT: **Castledockrell Wind Group Limited**


LOCATION: **Kilcullen/Tomatee/Sroughmore/Knockduff
(Ballindaggin)/Ballynelahillan/Carranroe, Ballindaggin/ Castledockrell**

A submission/observation in writing has been received from **Catherine & Philip Hickey** on 15-April-2025 in relation to the above planning application which was received by the Planning Authority on 19-Mar-2025.

The appropriate fee of €20.00 has been paid.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 (as amended) and will be taken into consideration by the Planning Authority in its determination of the planning application.

WEXFORD COUNTY COUNCIL



Staff Officer
Planning and Development

Planning Authority Stamp



The Planning Department
Wexford County Council
Carricklawn
Wexford
Y35 WY93

14th April 2025

Dear Sirs,

RE: Planning Application Number 20250312 - Castledockrell Wind Group Limited.

Submission from Catherine & Philip Hickey, Ballylusk, Ballindaggin, Enniscorthy, Co. Wexford Y21 HK54.

We would ask you to note and record on the planning file our submission for the development detailed in the proposal and application for planning in the name of Castledockrell Wind Group Limited.

We have detailed several factors in this submission that we believe should be taken into consideration of the developer's application. We believe these to be relevant reasoning as to why this development should not be granted the extension of operation that is sought by the developers - Castledockrell Wind Group Limited for the development that is Castledockrell Wind Farm.

Personal Introduction

We are homeowners that are directly impacted by the Castledockrell Wind Farm and have been for the last 14+ years. In this submission we will summarise how this development has impacted on our home and our lives which have destroyed the amenity, comfort and enjoyment of our home. We will also detail our efforts and campaigns to seek correction to the situation we must suffer from the development through no fault of our own.

We bought a site and began construction of our home in 2006 to be close to family and convenient for our places of work, moving into our home in May 2007. Since the construction and commencement of the operation of the wind farm in February 2011, our home and lives have been impacted by unreasonable interference because of this development.

Our submission will highlight some of the issues and observations made by us from May 2007 right up to the present day. These complaints and observations were in the main made to the Local Authority and as well as us making observations, other residents affected by wind farm development in the County would also have made submissions about this development and others.

History of our Complaints and Submissions

Since the operations of this wind farm commenced in February 2011, ourselves and other homeowners around County Wexford would have had several interactions with the Local Authority regarding various wind farm developments around the County including this development. As the Local Authority was determined by us to be the authorised body that could take enforcement action, our own complaints were submitted to them as opposed to the developers.

Our situation has received significant coverage including television broadcasts, national & local newspapers articles as well as Local Radio. Government Ministers, Local Councilors and other political representatives have engaged themselves during this time including various Ministers for Climate, Environment and Energy. Philip was invited to speak at Leinster House regarding our experience. We were also invited by several Community Development Groups to speak at various locations across the country to share our experiences of how this wind farm impacts on our lives and our home.

We have had several people visit our home to see for themselves what we live with. Some of these visitors would have included political representatives as well as Senior Local Authority officials in the course of their duty. Some officials would have been or still are, colleagues of Philip as he commenced employment with the Local Authority in 2020. Such visits can never really reflect the true extent of our situation but many of these visitors did express their opinion that they would not want to or could not live under such circumstances as we are expected to.

Our own personal view is unchanged in this regard and for which we have highlighted for almost 15 years. We should not have to like this, in the shadow of so-called sustainability. We resided in our home prior to the construction of this development and are reasonable people to recognise the damage it has done to our home and indeed our own lives.

In this latest submission we will highlight relevant factors regarding our past complaints and submissions to the Local Authority as well as observations on this latest planning proposal for the entity that is Castledockrell Wind Farm.

Proposed Planning Application by Castledockrell Wind Group Limited - 20250312 - March 2025

This latest planning application for the Castledockrell Wind Group is based on their proposal for a further operational period of 20 years for 11 turbines and the permanent continued operation of a substation at the Castledockrell Wind Farm.

We believe that the proposal is arguably an invalid planning application and will explain the reasoning for our belief in our submission. As detailed in the submitted Environmental Impact Assessment Report (EIAR), the substation controls 18 turbines including those on the site declared as the Bola More Wind Farm, which was the subject of its own Planning Permission - 20070008 which was to consist of 6

turbines and its own substation. Throughout our submissions to the Local Authority, we have highlighted concerns regarding this and the possibility of unauthorised works that took place regarding these connections. Further evidence of this has been ascertained from various noise and shadow flicker tests that have taken place at or involving our home.

An Bord Pleanála when granting permission for what was meant to be the Castledockrell Wind Farm would not have known about the plans for additional turbines in 2005 in other local areas.

We believe this to be a split-project development. If the developers were to be given permission for this latest proposal, then the development will continue in this manner for future phases such as the additional turbine in Kilcullen and the six turbines in the Bola More Wind Farm site. We would therefore suggest that Castledockrell Wind Farm does not actually consist of two separate wind farms - it is a single entity that comprises one substation and 18 turbines.

It should be noted that the developer delayed construction of the substation, and the 11 turbines referred to in this proposal by some 5 years after the grant of permission by An Bord Pleanála. The substation and all 18 turbines were then constructed and began operations in February 2011.

The planning process is meant to be transparent and another observation on the proposal is regarding the ambiguous wording contained in the planning proposal - "all existing ancillary structure". The proposal for a permanent retention of the substation is also another aspect that needs clarification as to the developer's intentions here.

Planning History for Castledockrell Wind Farm

Granted permissions relevant to this latest proposal would include the following applications. These applications were proposed in various applicant names. However, we believe they are all intrinsically linked to the Castledockrell Wind Farm.

20044702 - Granted but appealed to An Bord Pleanála - Ref 26.211725 and subsequently granted permission by them. The 11 turbines referenced in this latest application were the subject of that proposal.

20053945 - Granted - the Substation referenced in this latest application.

20070008 - Permission for Bola More Wind Farm - Granted. Previously refused under reference 20063078.

20080335 - Permission for an additional turbine sited at Kilcullen - Granted. Previously refused under reference 20073077.

20110926 - Retention permission for entrance at Bola More Wind Farm - Granted.

Primarily, our concerns and submissions to the Local Authority are referenced to the Bola More Wind Farm application, - 20072008. A local community petition and several individual letters of protest

regarding the development as proposed in 2007, were declined by the Local Authority as being deemed to be 1 day too late for consideration. Our letter of protest was among these.

Following submissions and complaints from us when the wind farm became operational in February 2011, the Planning Enforcement Dept. of the Local Authority, the developers were required to submit a retention application regarding deviations of the development. We believe however, that not all aspects that had featured in our submissions were included for this application.

Observations on the Environmental Impact Assessment Report - (EIAR)

We note that a comprehensive and detailed EIAR has been provided as required with the application. However, this report does not replace the fact that the original EIARs submitted for all referenced applications relative to this wind farm, formed the basis of all permissions granted by the Local Authority and by An Bord Pleanála for this development in its various sites.

In our submissions and other affected residents highlighted many deviations in the content and the accuracy of the EIAR reports provided at the time of the applications. We also are aware of that observations were directed to the Local Authority regarding the granting of permission under Planning Reference 20044702. Some of these led to the instigation of a High Court action by a family regarding this development.

As previously stated, because of the phasing of parts of the Castledockrell Wind Farm and its entire operation, the EIAR does not cover the whole area and the population therein that is impacted on by the Castledockrell Wind Farm. That would include the area that we reside in which we believe is part of the development.

Interferences to our home

The two most common interferences on our home and ourselves are Noise and Shadow Flicker, emanating from the turbines located at the side and rear of our home. The nearest turbine is less than 370 metres from the boundary of our home. Despite what has been reported on these aspects in the report submitted does not accurately reflect the real-life experience of living near the wind farm.

Shadow flicker is seasonal and dependent on sunshine and usually impacts on our home from October to early March on an annual basis. Noise interference is a year-long impact which can mean we are affected at any time of the day or night. As indicated earlier we lived in our home prior to the development coming into operation and a reason for building our home was to reside in a quiet rural area. This area was defined as being such an area.

On foot of our complaints to the Local Authority, several noise tests have been carried out at our home. Some were interrupted and stopped because of noise in the backdrop of a quiet rural area - trees and bushes rustling, animal sounds, people talking and the passing of motor vehicles in front of our house.

Others were suggested to have taken place but hadn't and more were misread or not calibrated correctly by the testers. Only one test was detailed enough and whilst reported on as being substantially compliant, it did record details of breaches of the noise levels in the planning conditions.

One thing that these tests did prove was that we no longer lived in a quiet rural area as defined. We are capable and reasonable people to be able to determine the sounds usually associated with nature such as animals, birds, trees or shrubbery as well as the sound of mechanical vehicles passing by our home or operating in the lands that surround our home.

We have lived in rural areas for almost 30 years. What we hear now is very much industrial and mechanical in its nature and noise from a turbine can clearly be distinguished and identified. The reality is the noise that does emanate from them could be argued to be actual noise pollution particularly in rural areas such as where we live.

We can often hear turbine noise distinctively outside our home and even inside our home when all doors and windows are closed. Some days it is a necessity for us to have to close the doors and windows to block out the sound.

As the turbines can operate on a 24/7 basis it is often the case that our rest and sleep periods are disrupted. Contributors to this EIA and others refer to evidence reportedly from the World Health Organisation that living near wind farms doesn't significantly impact a person's health, yet the same organisation does report that aspects such as sleep deprivation and the interruption to sleep and rest, are particularly dangerous situations to a person's health and wellbeing. We can relate to the latter observation in this.

Since this development began in February 2011, we have lodged numerous complaints to the Local Authority about the unreasonable interferences to our home arising from the noise of the turbines.

Shadow flicker impacts our home in the autumnal and winter months in the mornings and early afternoons. For 15 successive years we have had to complain about this sickening phenomenon and despite enforcement instruction to the developers by the Local Authority, it is a limited reactive practice that the developers exercise, shifting the onus to ourselves by asking for reports and logs to be maintained by us as to when this happens. If this development continues to be allowed to operate, we will likely have reason to submit several more complaints about this.

The shadow flicker does not just impact on our home, other homeowners are affected as well as lands around our home when animals may be in the fields as well as the public road where our home is situated. The offending turbines causing this infliction on our home, can be powered off to prevent this

and if necessary for the whole of daylight hours during these months. Mitigation measures proposed by the developers in the EIAR are not worthy of commenting on here.

Other Observations on the EIAR

Noting the submitted letters of consent or deemed support, there are none evident from dissenting residents. As we personally know of some of the people who have signed these letters, it is noted that several of them are from landowners, directors and relatives of them. These could be regarded as having a vested interest in the continued operation of the development as opposed to being reflective of community support. We also personally know a few of the people who have signed the pre-scripted consent letters. These include a family who instigated legal action against the owners and operators of this development.

However, as suggested earlier this scoping exercise does not include all residents and landowners in the locality that will be impacted on by the continuation of this development.

Other concerns in the EIAR are the detailing and impacting of water sources in the locality of the wind farm. Like many residents in the area, we have a private well. No reports on these are provided. The effect on Water Treatment Plants in the area are also not clear and reference to natural sources such as streams and rivers in the local area are also not complete. We note that an application has been registered by the Local Authority recently, for Uisce Eireann under Planning Reference 20250331 which aims to increase and improve the water quality for the residents of Ballindaggin and its local surrounding areas.

The submitted EIAR references the current County Development Plan issued by the Local Authority identifying that the area where this development is situated, is no longer a permissible area for wind energy developments. This has been declared in the last 3 County Development Plans and an additional aspect regarding wind farm developments that has been adopted, is that no turbine should be within 500 metres of a private residence unless the owner consents to this. To consider something that may have been permissible almost 20 years ago does not mean it should be permissible now where laws, rules and publicly adopted plans have changed.

A visual montage has been submitted as part of the EIAR but that again is subjective. Our own home is on an elevated site which from the front of, we have views covering many kilometers' covering lands across 3 counties - Wexford, Carlow and Wicklow. On a clear day we can see the Blackstairs Mountains including Mount Leinster as well as the Wicklow Mountains.

In this view we can also see upwards of 40 wind turbines situated in various wind farms including those that form part of this proposal in Castledockrell, Gibbet Hill, Ballycadden, Croghan, Shillelagh and others as well. Visitors to our home describe the views as spectacular and picture perfect.

As our home is on such an elevated site, it was suggested that prior to submitting a planning application, it would not be advisable to propose for a two-storey dwelling owing to visual interference on neighbouring properties and the impact on the landscape. During the purchase of the land the planning application was lodged for a development known as Bola More Wind Farm. This was refused by the Local Authority citing grounds of noise, shadow flicker and visual clutter as part of the reasoning for the refusal.

To our disbelief only a few months later, a similar plan but to all intent and purpose the same proposal was granted planning permission and shortly ahead of the adoption of the County Development plan that included the restrictions on wind energy developments in our area that we have referenced.

Contrasting views of EIARs are often seen with many challenges highlighted to the published detail, the technical data and the much-used best practices suggested in them. We have met people equally qualified to the contributors for this EIAR, who came to our home or who engaged with us at various community meetings. Often such challenges end up being referred to the European Union's legislative bodies

Negative aspects of impact are rarely focused on in an EIAR and experiences such as ours will never feature. An EIAR for a Wind Energy Development is a required report, commissioned and paid for by a developer with the sole aim of their objective being a commercial development for gain as opposed to having consideration of the countryside and indeed human lives that are affected in a negative and unreasonable way.

Legal Actions for Reference and Consideration

There are some notable and pertinent legal actions that have been taken in recent years that should be taken into consideration as one was about this development, and another was about the content and proposal made by the author of the original EIARs for this development.

It must be reiterated nor be disregarded that the original granting of permissions for this development were based on the submitted EIAR's and proposals in 2004 and 2007 and this latest proposal cannot be considered purely on the EIAR presented here. For reference, the latter case was against a proposed development in Clonroche in County Wexford.

Two other local actions in County Wexford, instigated by people affected by windfarms were recently successful in the High Court and there may well be further implications on the future operations of the offending windfarms involved in those actions. Another successful action in Banteer, County Cork is also of relevance as in that legal action the actions also involved the turbine manufacturer of that development.

Another legal action that should be referenced involves Donegal County Council, who took legal action against a developer to court for planning deviations to what was applied for and granted permissions for. The Council were successful in that action.

Summary & Conclusion

As stated, we have been directly affected by this development and suffered unreasonable interference to our home and lives for 14 successive years. Using a reference that shows up regularly in the submitted EIAR, it is certainly not our intention to 'do-nothing' and to allow this development to impact on us for quite possibly the rest of our lives. We have been active since this development commenced operating and will continue by whatever means that we deem are necessary, to protest the development and all the intrinsically linked components of it.

We are willing to engage further with the Local Authority regarding our submission and we expect our submission to be fully considered in their required determinations of the application by Castledockrell Wind Group Limited. We might respectfully conclude by saying that in our submission, there are several highlighted matters that need to be assessed, addressed and likely consulted on with relevant planning bodies.

Yours sincerely,

Catherine & Philip Hickey