

AN BORD PLEANÁLA

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Willie Aherne
 112 Howth Road
 Howth
 Co. Dublin
 D13YX82
 15th June 2025

The Secretary
 An Bord Pleanála
 64 Marlborough Street
 Dublin 1

Planning Application Ref No: Cork County Council 24/5503

Applicant: Tullacondra Green Energy Limited

Description: The Applicant is seeking permission for the construction, operation and decommissioning of a wind energy development including: 9 wind turbines each with a blade tip height of 175 metres, rotor diameter of 150 metres, hub height of 100 metres and a rated output of 4.5 megawatts

Location: Polnareagha, Ardskeagh, Tullacondra, Croughta, Kilmacleanine, Ballyclough, Knockaunavaddreen, Copestown, Ballybeg, Baltydaniel East, Twopothouse, Caurraghakerry

A Chara,

I refer to the above planning decision and my objection later dated 1st September 2024. The proposed development is located right beside our family farm (Folio numbers D35307124, D35307133 and D35307131) and family home (P51D425). No one from the Applicant or its agent has contacted me at any stage about the proposed development.

The grounds for my appeal are that the Council did not take into consideration the objections that I made and that the significance of these objections should have resulted in a rejection of the planning application. The objections that I made to the Council are as follows:

1. Contravention of Policy Objective GI 14-9 of the Cork County Development Plan 2022

In July 2023, I was refused planning permission (Planning Register Reference No. 23/04900) to construct a single story dwelling on our family farm. The applied for site boundary is located 105 meters from the Wind Farm boundary as seen in Figure 1.



Figure 1: Location of Planning Ref 23/04900 relative to proposed Wind Farm

The reasons for the refusal are set out in Figures 2a and 2b below.

<p style="text-align: center;">CORK COUNTY COUNCIL PLANNING & DEVELOPMENT ACTS, 2000 – 2010</p> <p style="text-align: center;">NOTIFICATION OF DECISION TO REFUSE TO GRANT</p> <p style="text-align: right;">Reference No. in Planning Register 23/04900</p> <p>Willie Aherne C/O T.G. Lenihan & Co. O'Brien Street Kanturk Co. Cork</p> <p>In pursuance of the powers conferred upon it by the above mentioned Act the Council of the County of Cork has by Order dated 03/07/2023 decided to REFUSE to grant Outline Permission</p>
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Figure 2a: Planning Ref 23/04900 – Extract from the Notification of Decision to Refuse to Grant letter Planning Ref 23/04900

FINAL SCHEDULE

No.	Reason
1	The planning application for outline permission relates to the construction of a single dwelling in a rural area under strong urban influence on lands forming part of a High Value Landscape as defined in the Cork County Development Plan 2022. Having regard to the site context, the location and the siting of the proposed dwelling set back a significant distance from the public road with a lengthy private access lane, it is considered that the proposed development would constitute a piecemeal, disorderly and haphazard form of development which would be out of character with the pattern of development in the area and would be likely to seriously injure the amenities of the receiving environment. It is considered that the proposal would materially contravene policy objectives GI 14-9, RP 5-22 and PL 3-5 of the Cork County Development Plan 2022 and it would set an undesirable precedent for future similar development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Figure 2b: Planning Ref 23/04900 – Extract from the Notification of Decision to Refuse to Grant letter Planning Ref 23/04900

The full Notification of Decision to Refuse to Grant letter is attached as Attachment 1.

The lands on which I sought permission to build on are referred to by the Council, in the Notification of Decision to Refuse to Grant letter, as lands forming part of a **High Value Landscape** as defined in the Cork County Development Plan 2022. The lands are immediately adjacent to the Wind Farm development site. Hence, the lands on which the Applicant is seeking permission to construct the Wind Farm are also part of the same **High Value Landscape**.

The Council's Notification of Decision to Refuse to Grant letter also states that my proposal for a single story dwelling, 105m from the Wind Farm development boundary, would materially contravene **Policy Objective GI 14-9** of the Cork County Development Plan 2022. If a single story dwelling, circa 6m in height, contravenes **Policy Objective GI 14-9**, then there is little doubt that the Applicant's turbines, with tips of 175m high, would also contravene **Policy Objective GI 14-9**.

Policy Objective GI 14-9 of the Cork County Development Plan 2022 is shown in Figure 3 below:

County Development Plan Objective GI 14-9: Landscape	
a)	Protect the visual and scenic amenities of County Cork's built and natural environment.
b)	Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
c)	Ensure that new development meets high standards of siting and design.
d)	Protect skylines and ridgelines from development.
e)	Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

Figure 3: GI 14-9 of the Cork County Development Plan 2022.

The Cork County Development Plan 2022 (see Figure 4) then emphasises the importance of protecting the character and quality of those particular stretches of scenic routes that have special views and prospects particularly those associated with High Value Landscapes. This is a primary requirement in the Development Plan.

Landscape Views and Prospects
<p>The County contains many vantage points from which views and prospects of great natural beauty may be obtained over both seascape and rural landscape. This scenery and landscape are of enormous amenity value to residents and tourists and constitutes a valuable economic asset. The protection of this asset is therefore of primary importance in developing the potential of the County. Therefore, the Plan identifies specific Scenic Routes consisting of important and valued views and prospects within the County.</p>
<p>Each of the scenic routes was examined individually and their location related to the landscape character type traversed and some of the features lending themselves to the attractive nature of these particular routes identified. Scenic routes highlight the quality of the overall environment and landscape experienced within Cork County. It is important to protect the character and quality of those particular stretches of scenic routes that have special views and prospects particularly those associated with High Value Landscapes.</p>

Figure 4: Landscape Views and Prospects; p331 of the Cork County Development Plan 2022.

It is my recent understanding that the Department of Defence will require fixed red obstacle lighting of minimum 2,000 candela on the turbines, to be operational 24/7. I am very concerned that this lighting will be very damaging to the landscape. This is not in keeping with the **Policy Objective GI 14-9**.

For lands that are not considered **High Value Landscapes**, there are secondary requirements within the Development Plan to protect landscape visibility and quality.

ET 13-5 suggests that **High Value Landscapes** can only fall within the default category of Normally Discouraged 'Wind Deployment Area'; as shown in Figures 5 and 6 below.

County Development Plan Objective
ET 13-5: Wind Energy Projects

- Support a plan led approach to wind energy development in County Cork through the identification of areas for wind energy development. The aim in identifying these areas is to ensure that there are minimal environmental constraints, which could be foreseen to arise in advance of the planning process.
- On-shore wind energy projects should focus on areas considered 'Acceptable in Principle' and 'Areas Open to Consideration' and generally avoid "Normally Discouraged" areas as well as sites and locations of ecological sensitivity.

'Acceptable in Principle': These areas (River Ilen basin north of Skibbereen and an area south of Macroom) are an optimal location for wind farm development with minimal environmental impacts. They have viable wind speeds (>7.5m/s) and good proximity and access to the grid. These areas exclude urban areas and town green belts, avoid Natura 2000 Sites (SPAs and SACs), high value landscapes and Natural Heritage Areas (NHAs).

Figure 5: ET 13-5; p297 of the Cork County Development Plan 2022.

County Development Plan Objective
ET 13-7: Open to Consideration

Commercial wind energy development is open to consideration in these areas where proposals can avoid adverse impacts on:

- Residential amenity particularly in respect of noise, shadow flicker and visual impact;
- Urban areas and Metropolitan/Town Green Belts;
- Natura 2000 Sites (SPA's and SAC's), Natural Heritage Areas (NHA's), proposed Natural Heritage Areas and other sites and locations of significant ecological value.
- Architectural and archaeological heritage;
- Visual quality of the landscape and the degree to which impacts are highly visible over wider areas.

In planning such development, consideration should also be given to the cumulative impacts of such proposals.

Normally Discouraged: These areas (coastal areas, some areas in North Cork, Cork Harbour, and the Lee Valley) are normally not suitable for commercial wind farm developments due to their overall sensitivity arising from ecological, landscape amenity, recreational and settlement, considerations.

Figure 6: p298 of the Cork County Development Plan 2022.

Basis of my objection

- Cork County Council has confirmed that lands c.100m from the proposed Wind Farm development form part of a **High Value Landscape**; the lands on which permission is being sought are also part of the same **High Value Landscape**;
- The Cork County Development Plan 2022 requires the protection of the character and quality of **High Value Landscapes**;
- There is recent Council planning precedent that a building of c.6m height contravenes **Policy Objective GI 14-9** of the Cork County Development Plan 2022. On that basis, nine turbines of 175m tip height each, immediately adjacent to the location of the recent planning precedent, would also contravene **Policy Objective GI 14-9** of the Cork County Development Plan 2022;
- The lands should fall by default into the category of Normally Discouraged 'Wind Deployment Area'.

2. Strategic Infrastructure Development

Section 37 of the Planning and Development Act 2000 (Revised) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, An Bord Pleanála may only grant permission where:

- the proposed development is of strategic or national importance

AND one or more of the following three criteria are present:

- there are conflicting or ambiguous objectives in the development plan or;
- permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan or;
- the development is consistent with Regional Planning Guidelines, or Ministerial directives and guidelines, or Government policy.

The Act defines development that is of strategic or national importance as including “An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts.”

As the Applicant’s development is comprised of nine turbines with a maximum rated capacity of 40.5 megawatts (9 No. x 4.5 megawatts), this does not satisfy Section 37 of the Act. The Applicant’s development is therefore not of strategic or national importance.

Basis of my objection

- a. The Applicant’s development is not of strategic or national importance.

3. Noise Nuisance

While I’m currently considering applying for planning permission in respect of another location on our family farm, I am seriously concerned about progressing this when there is a risk of the Wind Farm proceeding and the negative impacts it would then have on my health and wellbeing.

Turbine noise is a confirmed nuisance issue as seen in the Irish Courts. In *Webster/Rollo and Shorten/Carty vs Meenacloghspar Wind* (2024), the courts found that the defendant’s wind farm substantially interfered with the plaintiffs’ use and enjoyment of their homes and that wind turbine noise is a nuisance.

Basis of my objection

- a. The Irish Courts have recently confirmed that noise from wind farms is a nuisance;
- b. The noise from the Applicant’s wind farm will be a nuisance to me in any house I construct on our family farm.

4. Failure to disclose and consider extent of Mineral Resources in Tullacondra

EIAR Volume II Main Report Section 2.5.3.3 “Cumulative effects and interactions of effects between different factors” and Table 2.2: “Existing, proposed and planned projects in the study area” contains a list of the projects and proposals that were monitored for cumulative assessment. Figure 7 provides an extract from Table 2.2 showing two prospecting licenses; PLAs 3535 and 3536.

Table 2.2: Existing, proposed and planned projects in the study area

Project	Planning Ref. or other reference	Nearest distance to Tullacondra project	Description	Scoped in / out for cumulative assessment
Adventus Mining	PLA 3535 PLA 3536	The proposed Project lies within prospecting area	The Fermoy project in north County Cork consists of twelve (12) prospecting licences covering 477km ² and is located in the southern sector of the Irish zinc-lead-silver orefield. The prospecting licences apply to the following townlands in Orrery and Kilmore Barony: Ardskeagh, Ballinaltig, Ballyclogh, Ballycushen, Curraglass, Derryorgan, Dreenagh West, Garranageevoge, Garryduff, Lisieagh, Poulnareagha, Scart (E.D. Kilmacleanine), Tullacondra, Ballybeg, Ballykitt, Boherascrub West, Copsetown, Croughia, Dromdowney, Dromdowney Lower, Grange East, Grange West, Kilmacleanine, Knockaunavaddreen, and Mountnorth and in Duhallow Barony in the townlands of Ballynamona, Kilgilly North, Kilgilly South, and in Fermoy Barony the townlands of Ballydaniel East, Ballydaniel West.	The subject licences relate to lands over a wide area. The licences were granted on 20/06/2020, are valid for a period of six years, and can be renewed by application to the Minister for the Environment, Climate and Communications. According to the notice of intention to grant the subject prospecting licences a Prospecting Licence entitles the holder to explore for mineral deposits and does not authorise mining of any minerals. The activities permissible under a licence are, in general, non-invasive and of minimal environmental impact. The Minister has assessed the exploration programme proposed by the company and has determined that the activities are not likely to have a significant effect on the environment. Where there is currently no application for mining lease or licence, no application for an integrated pollution control licence and no application for planning permission related to
				mining in the area, this licenced prospecting activity is scoped out for cumulative assessment in this EIAR.

Figure 7: Extract from EIAR Volume II Main Report Section 2.5.3.3 Table 2.2

The licensees for both PLAs appear to be incorrectly stated as being owned by Adventus Mining. Group Eleven Mining and Exploration is stated as being the licensee in the Department of the Environment, Climate and Communications' competition document as seen in Figure 8 below.

PL Area	Licensee	Start Date	County	Minerals
3535	Group Eleven Mining and Exploration Ltd.	04-09-2020	Cork	Bm, b, s
3536	Group Eleven Mining and Exploration Ltd.	04-09-2020	Cork	Bm, b, s
3537	Adventus Zinc Ireland Ltd.	18-11-2021	Cork	Bm, b, s, g, PGE
3538	Adventus Zinc Ireland Ltd.	18-11-2021	Cork	Bm, b, s, g, PGE

Figure 8: Extract from Department of the Environment, Climate and Communications document “Prospecting Licence Areas Open for Application Under Competition 1 May 2024”; page 18 (source: <https://assets.gov.ie/291994/811e8597-9ccf-4769-9ded-3bf88fcedf20.pdf>)

Even though the extent of copper and silver in the Tullacondra region is significant, the Applicant has excluded the PLAs from its cumulative assessment in the EIAR.

While Section 10.3.7 of the Applicant's EIAR refers to the existence of copper and silver (see Figure 11), it completely underplays the significance of the reserves present. In my opinion, this is a failure to disclose a material fact about the site of the Wind Farm development.

10.3.7 Economic geology

There is one unaudited site within the wind farm site boundary (ITM: 548961, 605055) which is classified as a 'County Geological Site' (CGS), as recognised by the National Heritage Plan (2002). This site is located close to T5 and T6. This unaudited site (Site Name: Mallow (Tullacondra) [site: Cu, Ag]) has been given the description of 'Mineralization within faulted monocline structure in Lower Carboniferous limestones'. While the location of the mineralisation is known since the 1970s, no mineral extraction has occurred. This site falls under the IGH 15 theme related to Economic Geology. There is no surface expression of this mineralisation and there are no likely significant effects to the CGS.

The GSI database has identified some mineral localities within the wind farm site. These mapped features include outcrops of non-metallic dolomite (dolostone) to the east of T2 as well as significant silver and copper metallic mineralization within faulted monocline structure in Lower Carboniferous limestones (1973) located directly south of T7.

Figure 11: Extract from EIAR Volume II Main Report Section 10.3.7 Economic geology

Basis of my objection

- a. Failure to include PLA 3535 and 3536 in the cumulative assessment in the EIAR;
- b. Failure to correctly disclose the licensees for PLA 3535 and 3536; should such error be confirmed;
- c. Failure to disclose a material fact about the site of the Wind Farm development relating to the significance of copper and silver reserves present.

5. Sustainability

Wind turbine blades require disposal or recycling when the turbines are decommissioned at the end-of-use stage, or when wind farms are being upgraded. Either way, the fibreglass blades, once they are no longer needed, pose the greatest decommissioning challenge for wind energy.

Fibreglass is not fully recyclable. It's non-biodegradable and is made up of a composite of very fine strands of plastic and glass, which is extremely difficult to process at the point of recycling. Instead, it's usually discarded at landfills or incinerated which consumes energy.

While it's possible to cut the blades into a few pieces onsite during a decommissioning process, the pieces are still difficult and costly to transport for recycling or disposal. The process of cutting the extremely strong blades requires enormous equipment such as vehicle mounted wire saws or diamond-wire saws similar to what is used in quarries. Because there are so few options for recycling the blades currently, the vast majority of those that reach end-of-use are taken to landfills as seen in Figure 12 overleaf.



Figure 12: Fragments of wind turbine blades await burial at the Casper Regional Landfill in Wyoming (Source: <https://www.bloomberg.com/news/features/2020-02-05/wind-turbine-blades-can-t-be-recycled-so-they-re-piling-up-in-landfills>)

Additionally, each wind turbine in the Applicant's proposed development requires large amounts of concrete in its foundation and piling. There are significant amounts of embodied carbon in concrete. Furthermore, the extent of tracks, temporary and permanent, to support vehicle movements on the Wind Farm site are extensive and destroy the ground on which they are constructed. The Applicant has also proposed 13.5km of underground cabling from the site to Mallow. This has the potential to disrupt the local habitat and drainage systems.

Basis of my objection

- a. Turbine blades are non-recyclable and contribute to landfill
- b. Large quantities of concrete are used and contain significant embodied carbon
- c. The network of tracks and extent of underground cabling created is inconsistent with sustainable development.

6. Biodiversity

There are two acres of land on our family farm set aside for over 30 years. These lands are adjacent to Turbines 7 and 8. Our family has no evidence of a survey being undertaken by the Applicant on this ecosystem.

Basis of my objection

- a. No survey was undertaken on 2 acres of setaside lands immediately adjacent to the Wind Farm site;
- b. Wildlife in the setaside lands are very exposed to collision with the turbines or haemorrhaging if caught in the draught of the blades.

I trust that my significant concerns as set out in this letter will be taken into consideration.

Yours sincerely,

Willie Aherne

Willie Aherne

**CORK COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS, 2000 – 2010**

NOTIFICATION OF DECISION TO REFUSE TO GRANT

Reference No. in Planning Register **23/04900**

Willie Aherne
C/O T.G. Lenihan & Co.
O'Brien Street
Kanturk
Co. Cork

In pursuance of the powers conferred upon it by the above mentioned Act the Council of the County of Cork has by Order dated **03/07/2023** decided to **REFUSE** to grant **Outline Permission**

For the development of land namely;

1) The construction of a dwelling house, 2) the construction of a private on-site waste water treatment system and 3) all associated site works

At: Derryorgan, Ballyclough, Co. Cork

In accordance with the plans and particulars submitted by the applicant

On: 08/05/2023, as amended on ERR: FI Received Date not available

For the reasons set out in the Schedule attached hereto.

An appeal against a decision of the Planning Authority may be made to An Bord Pleanála by any authorised person before the EXPIRATION of the period of FOUR WEEKS beginning on the day of the giving (i.e. Date of Order) of the decision of the Planning Authority.

Signed on behalf of the said Council



Cathal DeBaroid
Administrative Officer

Date: 03/07/2023

SEE NOTES ATTACHED

Please note that pursuant to S.34 (3) of the Act, the Planning Authority has had regard to submissions or observations received in accordance with these Regulations.

In accordance with Article 20, site notice shall be removed on receipt of this Notification.

FINAL SCHEDULE

No.	Reason
1	<p>The planning application for outline permission relates to the construction of a single dwelling in a rural area under strong urban influence on lands forming part of a High Value Landscape as defined in the Cork County Development Plan 2022. Having regard to the site context, the location and the siting of the proposed dwelling set back a significant distance from the public road with a lengthy private access lane, it is considered that the proposed development would constitute a piecemeal, disorderly and haphazard form of development which would be out of character with the pattern of development in the area and would be likely to seriously injure the amenities of the receiving environment. It is considered that the proposal would materially contravene policy objectives GI 14-9, RP 5-22 and PL 3-5 of the Cork County Development Plan 2022 and it would set an undesirable precedent for future similar development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.</p>

Willie Aherne
112 Howth Road
Howth
Co. Dublin
D13YX82

01/09/2024

APPLICANT: Tullacondra Green
Energy Limited

DEVELOPMENT: The Applicant is seeking permission for the construction, operation and decommissioning of a wind energy development including:• 9 wind turbines each with a blade tip height of 175 metres, rotor diameter of 150 metres, hub height of 100 metres and a rated output of 4.5 megawatts.• Turbine Foundations, crane pad hardstanding areas and associated drainage.• Upgrade of existing site tracks and construction of new site tracks and associated drainage.• Access from the local road L5302 at Crouth, Ballyclogh including a new site entrance for the construction phase and upgrading of an existing entrance for the operational phase.• An on-site 38 kilovolt electrical substation to Electricity Supply Board Networks specification to include control building with electrical infrastructure, welfare facilities supplied by rainwater harvesting and storage tank, a wastewater holding tank with high level alarm, car parking, security fencing and lighting, and all associated infrastructure, services, and site works including a temporary construction compound.• All associated underground electrical and communications cabling connecting the turbines to the proposed electrical substation.• A temporary site construction compound and associated ancillary infrastructure including welfare services, office accommodation, parking, fencing, lighting etc.• Areas for temporary storage of excavated materials.• A permanent meteorological mast of 100 metres height above ground level on a concrete base.• Installation of approximately 13.5 kilometres of 38 kilovolts underground electrical cabling, mainly within the public road, between the proposed wind farm substation to the boundary of Mallow 110 kilovolt substation at Saint Joseph's Road Mallow.• All associated site works including site clearance and ancillary development including site drainage/Sustainable Drainage System, security gates, fencing, permanent and temporary signage, and biodiversity mitigation and enhancements, including hedgerow planting. The Applicant is seeking a 10-year duration planning permission and 35-year operational period from the date of overall commissioning of the entire wind farm. The Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) will be submitted to the Planning Authority with the application. The wind farm development is proposed on a site in the townlands of Polnareagha and Ardskeagh (Templeary E.D.); and Tullacondra and Crouthta, (Kilmaclenine

E.D.), County Cork. The proposed grid connection will be installed underground mainly within the public road from the wind farm site at Croughta, Ballyclogh to the boundary of the 110 Kilovolts substation at Saint Joseph's Road, Mallow passing through the townlands of Kilmaclenine, Croughta, Knockaunavaddreen, Copestown, (Kilmaclenine E.D.), Ballybeg (Buttevant E.D.), Baltydaniel East, Twopothouse, and Cauraghakerry (Caherduggan E.D); and Cloghlucas North, Curraghphadeen, Ballyvinitier Upper, Ballyvinitier Middle, Ballyvinitier Lower, Parkadallane, Carrigoon More and Carrigoon Beg Mallow Rural E.D.).

AT: Polnareagha, Ardskeagh, Tullacondra, Croughta Kilmaclenine, Ballyclogh, Knockaunavaddreen, Copestown, Ballybeg, Baltydaniel East Twopothouse, Cauraghakerry, Co. Cork

FOR: Permission

PLANNING REGISTRATION NO: 24/5503

A Chara,

I wish to acknowledge receipt of your online submission/observation on 01/09/2024 concerning this application. I wish to confirm that your submission/observation has been received within the period of five weeks beginning on the date of registration of the application and is therefore considered a valid submission/observation.

Copies of site map/plans and particulars submitted in connection with the application will be available for inspection at this department during office hours (9.00 a.m. to 4.00 p.m., Monday to Friday) until the application, or any appeal thereon, is finally determined. The applicant shall be given your name and content of the submission/observation should it be requested.

Your submission will form part of the documentation available for inspection by the public. You will be notified when a decision is made on the application.

This document should be retained. If you wish to appeal such decision a copy of this acknowledgement together with the attached official document must accompany your appeal to An Bord Pleanála.

CORK COUNTY COUNCIL
PLANNING DEPARTMENT
County Hall, Carrigrohane Road,
Cork.

