

James V. Walsh B.C.L.,
Notary Public.

Kathleen T. Creedon B.A.

Maurice Hallissey L.L.M.

AN BORD PLEANALA	
LDG- <u>020836-25</u>	
ABP- _____	
17 JUN 2025	
Fee: € <u>220</u>	Type: <u>pmo</u>
Time: <u>9.34</u>	By: <u>Raj Post</u>

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Fermoy,
Co. Cork.
P61 V663.

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Email: contact@jvwalshsolicitors.com
DX 19 006

The Secretary ,
An Bord Pleanala,
64 Marlborough Street,
Dublin 1.

JAMES V. WALSH & SON LLP
SOLICITORS

OUR REF. JVV/AH/M1040

YOUR REF. **Planning Ref No. 24/5503**

DATE 16/06/2025

Re: Our Client: Morna McDowall.

Dear Sirs,

We act as Solicitors for Morna McDowall, Kiln Cottage, Twopothouse, Mallow, Co. Cork. Our client wishes to appeal the decision of Cork County Council Planning Ref No. 24/5503. Please regard this letter as a formal Notice of Appeal in respect of which we enclose appeal fee of €220.00.

By way of content for the appeal we repeat the objections put forward by our client by her letter to The Planning Department of Cork County Council on the 1st September 2024.

In addition to the foregoing it has not been sufficiently stressed in this objection that the nature of thoroughbred animals which our client is dealing with constitute flat thoroughbred animals who in nature have as their defence mechanism their agility, fast reaction time and speed. When they are startled they react and those reactions can have a injurious effect to themselves and their handlers whether their handlers are on foot or mounted. This gives rise to health and safety issues.

We enclose herewith map of a section of our client's farm showing the exercise circle and exercise gallop. You will see that the exercise gallop runs parallel to the roadway over which the cable servicing the development is proposed to be laid and accordingly will have a devastating effect on our client's business. For the safety of her animals and workers she simply will not be able to use her facilities.

Again, from the screenshot of part of our client's farm once can see that our client's lands include the public roadway which she owns, subject to the public's right to pass and repass. This right for the public to pass and repass does not include a right for the public to lay or maintain cables or pipes unless they are a public body. We believe that the applicant in the planning application, Tullacondra Green Energy Ltd, would be obliged to apply for a licence to the Commission for Regulation of Utilities and we have not been informed whether this has been in done, and in fact our client has not been consulted at all whatsoever about this cable which would require being laid on our client's lands.

PRACTICING IN ALL ASPECTS OF:

Agricultural Law & Appeals
Arbitration & Dispute Resolution
Bloodstock Agreements
Building Agreements & Disputes
Commercial Agreements
Commercial Litigation
Company Formations
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Farm Transfers & Agreements
Gift & Inheritance Tax Returns
Landlord & Tenant Leases & Disputes
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Notary Public Services
Partnership Agreements
Personal Injury Litigation
Probate & Estate Administration
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Social Welfare Issues
Succession & Tax Planning
Title Investigation and Advice
Traffic Accidents
Will Construction
Workplace Accidents

APPROACHABLE, COMPETITIVE, COMMITTED & EFFICIENT

To the extent that it is necessary to obtain the permission of an owner of lands in advance of making a planning application relating to those lands then that permission was not sought from our client.


To the extent that an applicant can avoid obtaining our client's permission in advance of making a planning application by obtaining the consent from the Commission for Regulation of Utilities, we are not aware nor is it evidenced whether that consent has been obtained. To that extent we believe that the application for planning permission is premature and contains a fatal flaw.

We move again to stress that our client was never consulted about the process, neither were her neighbours under circumstances where she owns the public roadway, and this fact could have been ascertained from Land Registry records, plus the particularly sensitive nature of her business and the detrimental effect and consequences on her business would have rendered it imperative for the applicant to canvas our client and deal with the issues directly.

Our client requests an oral hearing.

Please acknowledge safe receipt of the enclosed.

Yours faithfully,



James V. Walsh.
James V. Walsh & Son LLP



By registered post.

Morna McDowall,
Kiln Cottage,
Twopothouse,
Mallow,
Co.Cork.
P51DRH9
Mobile: 087 687 0613
1st September 2024

The Secretary,
Planning Department,
Cork County Council,
City Hall,
Cork.

Planning Reference number: **24/5503**

Applicant: Tullacondra Green Energy Ltd.

Description of development : permission for construction, operation, and decommissioning of ‘wind energy development’ including;

- 9 wind turbines each with blade tip height of 175m, rotor diameter of 150 metres, hub height of 100m, and a rated output of 4.5 megawatts.
- Permanent meteorological mast of 100m in height
- 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 Crought, Ballyclough 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.
- Installation of approximately 13.5 kilometres of 38 kilovolt underground cable (mainly within the public road), between the proposed wind farm substation and a 110 kilovolt substation located at St. Joseph’s road Mallow.

Dear Sir/Madam,

I object to this planning application and do not give permission for the following reasons:

My business:

The proposed construction of a trench along the public road and burying of a high power cable would negatively affect my business and has the potential to stop my business completely.

I own farmland on both sides of the road where the proposed cable is to be buried between Newtwopothouse and Hazelwood. I train and breed racehorses and have a herd of suckler cows. My stable yard and arena are very close to the public road. The farm road (approx 550m) I use to access the gallop and the gallop itself are all in close proximity to, and parallel to the public road. The gallop is a 600m circular gallop situated at the end of the farm road in full view and close proximity to the public road. The noise, disruption, and dust from the construction of a trench and the burying of a power cable along this road would prevent me from training racehorses on my farm in a safe and healthy way and negatively impact the breeding aspect of the enterprise. It would not be safe to ride horses in the arena, on the farm road, or on the gallop during construction works. It would jeopardise the safety of young stock in the adjacent pastures who will be frightened by the noise. The safety of the handlers working with horses on both sides of the farm would be compromised. The exercise riders and jockeys riding the horses in pretraining and training would be put at risk. It may prevent me from getting appropriate insurance cover.

I am also very concerned about the potential hazards associated with connection faults in the cable for years to come. Connection malfunctions are not uncommon along these cables and the proximity of horses to an earthing cable of this size could be extremely dangerous. In addition to the potential for electrocution, any malfunction would require excavation creating the potential for further and repeated disruptions at any time and potentially many times in the future.

My ability to move and handle the cows and horses on a daily basis would be badly affected. Access to the Cork or Dublin road would be disrupted for both myself, farm staff, farriers, veterinarians, contractors, and horse transportation.

The laying of a high power electricity cable would preclude me from applying for planning permission for an underpass to join the two halves of my farm in the future.

My home:

My house (Kiln Cottage) is a very old dwelling situated extremely close to the public road and due to its age sits well below the level of the road as is the case with the small cottage (Springfort Lodge) that I rent out. Burying a cable on that road would bring a high power cable within a few metres of the centre of each of these two dwellings. The construction alone would bring huge disruption, air pollution, heavy construction traffic, and noise pollution. I am concerned that the excavation of a trench could inadvertently precipitate a flood risk to the dwellings. I am not assured that faults along this cable are unlikely in the future and I am concerned about future associated hazards due to the proximity of the dwellings. The difficulties associated with finding and mending faults may pose ongoing disruptions for the inhabitants of both dwellings.

Heritage and Community:

I have put my heart and soul into this farm. I have spent a considerable amount of money, time, and effort developing it as a horse training facility and working farm. I have paid attention to its aesthetic within the community and its role in restoring habitat and biodiversity. I made a huge personal and financial commitment when I decided to take on this farm when my mother died. This farm has seen my family manage the land over several generations. My great grandfather had a plant nursery here, before my grandfather and mother grew crops here. I live in a community that takes pride in the area. To this end I have rebuilt the stone walls all along the roadside of the farm. They are a feature of our local heritage. This work would sadly be damaged by the digging of a trench and by the heavy traffic involved in the construction works proposed by the applicant. The proposed wind turbines are massive in stature and would loom over the homes and farms across the community. Our homes, farms, and other businesses would be affected in so many inescapable ways both during and after construction of this project.

Environmental impact:

Biodiversity in Ireland is threatened and habitat loss is a huge contributor to this. The removal of and damage to habitat in a relatively intensive agricultural area like this is devastating for an ecosystem already under immense pressure. There is not enough habitat locally for displaced invertebrates, birds, and mammals to transfer to and would therefore cause further decline in species populations. The erosion of habitat can even make some species unviable in high pressure areas. The services delivered by our local ecosystems would further decline if these immense wind turbines and the associated cable/trench are constructed.

Since 2015 I have been working on 'species rich grassland' restoration experiments. I currently work with NPWS, Dr. Maria Long (Head of Conservation NPWS), and independent botanist Dr. Edwina Cole. I established, by means of regenerative techniques, species rich grassland on the farm. This type of habitat is the most threatened in Ireland. Our ongoing experiments to help rare and uncommon species establish has also been successful. (Yellow Bartsia, Irish Marsh orchid, and Blued Eyed Grass have all been identified on the farm in the last two years). The successful increase in plant diversity, habitat creation, and the ecological impact of this is already apparent and measureable. This work is ongoing and I fear that the disruption, noise, and pollution of the proposed constructions would damage it. The purpose of this work is to document the process of regenerating species rich grassland habit and its ecology, to measure the climatic resilience of native plant species, and to document the functionality of these areas as part of a farming system. This work is being carried out with the view of developing practical methods of improving biodiversity. In agricultural communities just like ours, that have already had tremendous habitat loss we need to replace rather than remove any further.

In conclusion I feel strongly that the massive size, mechanics, and numerous associated environmental and infrastructural impacts of these 9 turbines and cable, should not be imposed on a farming community who will be physically, psychologically, emotionally, and financially damaged by the construction.

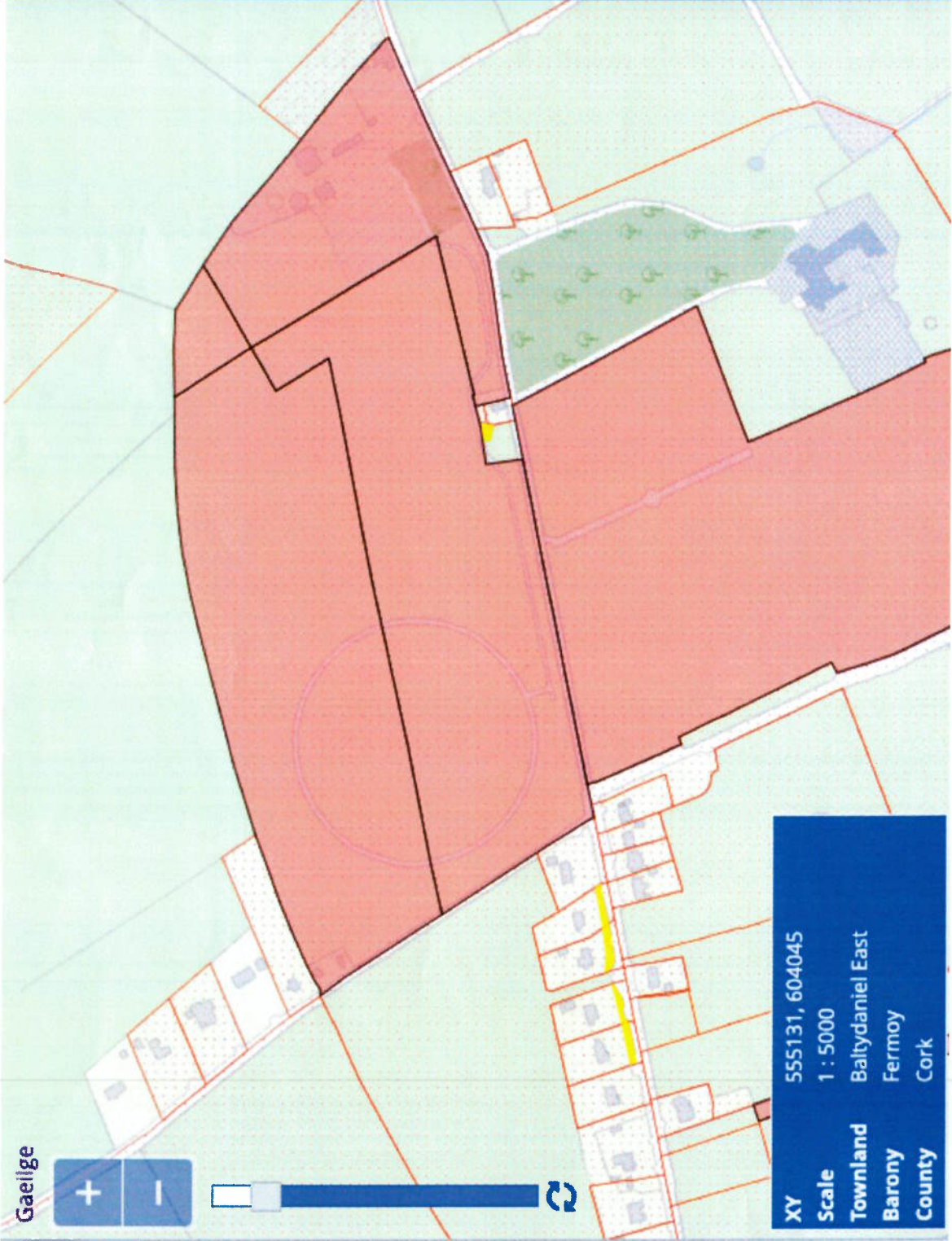
Yours sincerely,

Morna McDowall

Gaige



XY 555131, 604045
 Scale 1 : 5000
 Townland Ballydaniel East
 Barony Fermoy
 County Cork



Property Details

> Back

Folio Number	CK6537F
Title Level	Freehold
Plan Number	C8EAW
Property Number	1
Area of selected plans	41.27 hectares.
Number of Plans on this folio:	5
Address	Not Available

[View Folio PDF](#)

[Request Certified Copy](#)

*Tairlte Éireann Registration Boundaries and Plan Area **are not conclusive** See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

[Print Current View](#)

[Help](#)

Comhairle Contae Chorcaí Cork County Council

Morna McDowall
Kiln Cottage
Twopothouse
Mallow
Co. Cork
P51 DRH9

09/09/2024

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



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 Crought, 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



We are Cork.



Recycled

(Templemary E.D.); and Tullacondra and Croughta, (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, Ballyvinitter Upper, Ballyvinitter Middle, Ballyvinitter 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: 24/05503

A Chara,

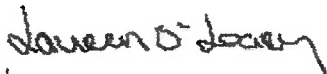
I wish to acknowledge receipt of your submission/observation on 06/09/2024 concerning this application. I enclose herewith receipt no. PLG45717 in respect of correct fee paid. I wish to confirm that your submission/observation has been received within the period of five weeks beginning on the date of 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 letter 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 letter 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.

Yours faithfully,



Lauren O'Leary
Clerical Officer

Comhairle Contae Chorcaí
Cork County Council

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
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Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
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Tel (021) 4276891
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



**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 WHICH 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

Cork County Council

PLANNING APPLICATION REFERENCE NO. 24/05503

A submission/observation, in writing, has been received from:

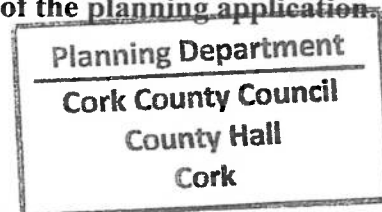
Morna McDowall
Kiln Cottage
Twopothouse
Mallow
Co. Cork
P51 DRH9

ON 06/09/2024 in relation to the above planning application.

The appropriate fee of €20 has been paid.

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

Lauren O'Leary



Lauren O'Leary
Clerical Officer

Local Authority Stamp

Date: 09/09/2024

Cork County Council
County Hall
Cork
Tel - 021 427 6891
VAT Registration No - 0007458M

Customer Details
Morna McDowall
Kiln Cottage
Twopothouse
Mallow
Co. Cork
P51 DRH9

09-SEP-2024
14:10:51

Cork County Council

Receipt : PLG0045717



Header Details

Receipt Reference: PLG0045717
Received From: Morna McDowall
Billing Address: Kiln Cottage
Twopothouse
Mallow
Co. Cork
P51 DRH9
Account No.: POS
7000004
Amount Paid (EUR): 20.00
Type: CHEQUE
Comments: 24/5503 Submission
Receipt Issued By: LOLEARY1
Receipt Date: 09-Sep-2024
Site: 0300 : Planning Applications/Submiss
D/N/U: D
Invoice Reference: 9000261831 : CHEQUE

Line Details

From Reference	To Reference	Transaction Date	Remarks	Amount Paid
PLG0045717	9000261831	09-Sep-2024	24/5503 Submission	20.00

RECEIPT IS ISSUED SUBJECT TO CLEARANCE OF CHEQUE/CREDIT CARD
ISSUED ON BEHALF OF
Planning Applications/Submiss,
Planning Front Office, Floor 1,