

# APPEAL SUBMISSION TO AN BORD PLEANÁLA

Under the Planning and Development Acts 2000 – 2024

AN BORD PLEANÁLA	
LDG-	080853-25.
ABP-	
17 JUN 2025	
Fee: €	270.00 Type: Draft
Time: 16.05	By: HAND

**Appellant Details:** Name: Fergal Sheahan

**Planning Authority:** Cork County Council

**Planning Register Reference Number:** 24/5503

**Applicant:** Tullacondra Green Energy Limited

**Subject of Appeal:** Appeal to overturn Planning Permission for Proposed Wind Farm

17.06.2025

## Comprehensive Executive Summary

I wish to appeal to An Bord Pleanála opposing the planning application 24/5503 granted to Tullacondra Green Energy Limited for the proposed wind energy facility at Tullacondra, County Cork. This objection is grounded on extensive environmental, geological, ecological, health, legal, aviation, and planning policy assessments.

### 1. Noise Regulation and Impact

- Predicted operational noise levels exceed World Health Organisation (WHO), Environmental Protection Agency (EPA) and Department of Housing, Local Government and Heritage draft Wind Energy Development Guidelines (2019) recommended limits of 37 dB LAeq (external).
- Cork County Council has Conditioned as acceptable 45 dB, a severe deviation. This can not be accepted.
- Detailed 50-page engineer's Noise Report submitted was ignored by Cork County Council.
- Infringes Article 8 of the European Convention on Human Rights (ECHR): Right to respect for private and family life.
- Causes sleep disturbance, hypertension, psychological distress.

### 2. Flicker Impact on Humans and Animals

**Expert Report Attached:** Photometric Consultants Ireland Ltd.

- WHO guidelines cap shadow flicker at 30 hours/year; modeling shows widespread exceedance.
- 156 homes affected between sunrise and sunset.
- Severe impact on families with young children, ADHD, Autism, sensory disorders (affecting ~16.5% of population).
- Torture-like conditions from constant flicker.

**Legal Reference:** EU Directive 2011/92/EU, ECHR Article 8. *Article 8 of the EU Energy Efficiency Directive 2012/27/EU (EU EED), which has been transposed into national legislation in all EU Member States, requires large enterprise enterprise (non-SEMEs) to comply with the energy audit obligation.*

---

### 3. Geology Risks with Karst Terrain

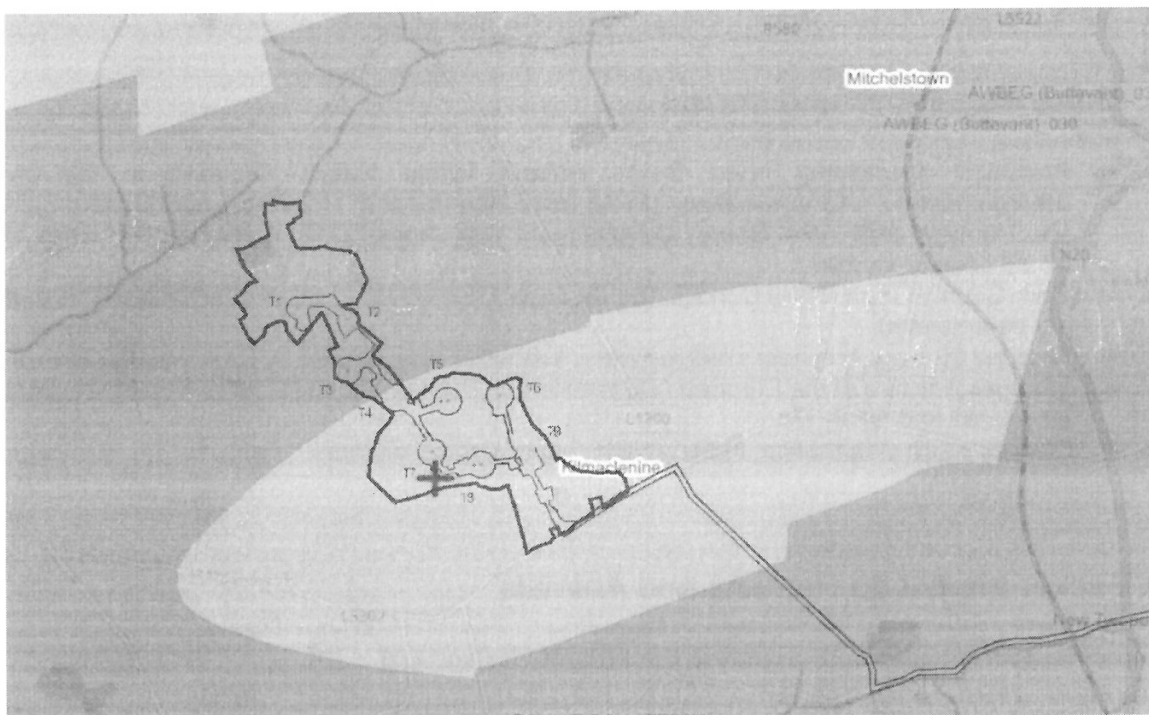
#### Expert Report Attached: Geological Survey of Ireland Submission

- Karst limestone terrain includes fracture lines, underground caves, and streams.
- Test boreholes misrepresent full geological instability.
- High risk of subsidence and contamination.

**Illustrations:** Karst mapping, fracture diagrams, hydrological vulnerability overlays.

#### Ground Waterbodies - Cycle 3 - Karstic

**Abstract:** The EU Water Framework Directive (2000/60/EC) (WFD) establishes a framework for the protection, improvement and management of surface water and groundwater. All Groundwater Waterbodies (GWB) are represented as polygons. They are validated by scientists in the Geological Survey of Ireland and the EPA Scientists as meeting the criteria for a WFD GWB.

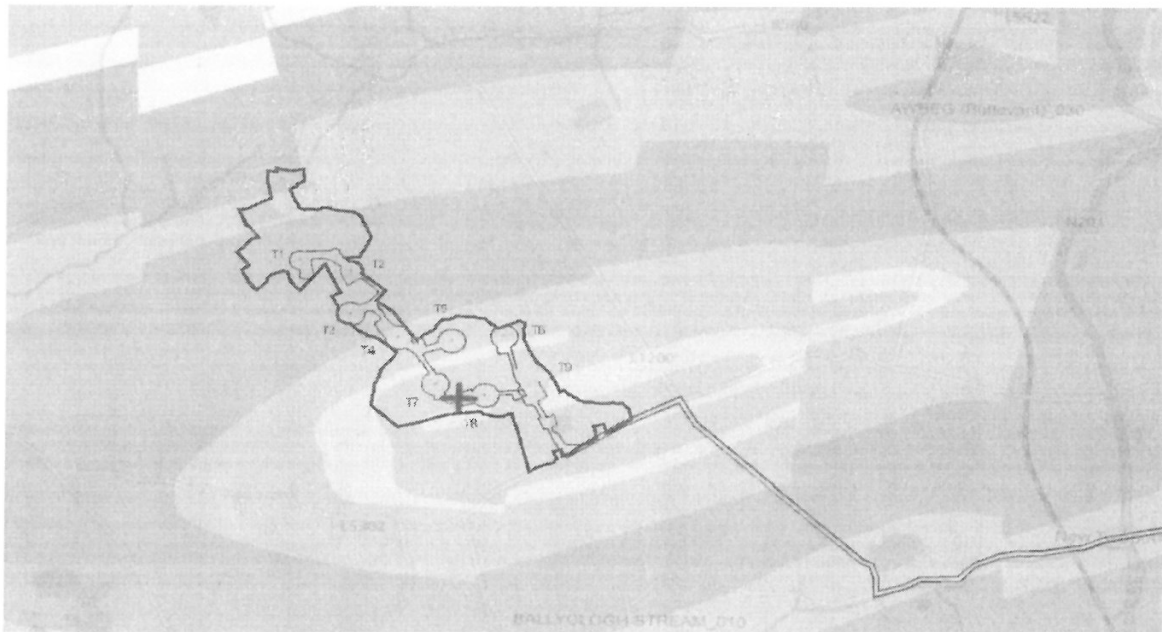


Light Grey      Ground Waterbodies - Cycle 3IE\_SW\_G\_044 - Poorly Productive Bedrock  
Light Indigo    Ground Waterbodies - Cycle 3IE\_SW\_G\_082 - Karstic

## GSI Bedrock Aquifer

**Abstract:** An aquifer is an underground body of water-bearing rock or unconsolidated materials (gravel or sand) from which groundwater can be extracted in useful amounts. GSIs Aquifer classes are divided into three main groups based on their resource potential, and further subdivided based on the type of openings through which groundwater flows. There are nine aquifer categories in total. In the Groundwater Protection Schemes (GWPSs), these are also referred to as Resource Protection Zones. 1) Regionally Important Aquifers: Regionally important aquifers are capable of supplying regionally important abstractions (e.g. large public water supplies), or excellent yields (>400 m<sup>3</sup>/d). Bedrock aquifer units generally have a continuous area of >25 km<sup>2</sup> and groundwater predominantly flows through fractures, fissures, joints or conduits. Regionally important sand/gravel aquifers are >10 km<sup>2</sup>, and groundwater flows between the sand and gravel grains. This group is subdivided into the following types: Rk Regionally Important Karstified Bedrock Aquifer Rf Regionally Important Fissured Bedrock Aquifer Rg Regionally Important Sand/Gravel Aquifer Regionally important karstified aquifers may be further subdivided based on the whether groundwater flows mainly through conduits (Rkc) or more diffusely through solutionally-enlarged fissures (Rkd). 2) Locally Important Aquifers: Locally important aquifers are capable of supplying locally important abstractions (e.g. smaller public water supplies, group schemes), or good yields (100-400 m<sup>3</sup>/d). In the bedrock aquifers, groundwater predominantly flows through fractures, fissures, joints or conduits. Locally important sand/gravel aquifers are typically >1 km<sup>2</sup>, and groundwater flows between the sand and gravel grains. This group is subdivided into the following types: Lm Locally Important Bedrock Aquifer, Generally Moderately Productive LI Locally Important Bedrock Aquifer, Moderately Productive only in Local Zones Lk Locally Important Karstified Bedrock Aquifer Lg Locally Important Sand/Gravel Aquifer 3) Poor Aquifers: These bedrock aquifers are capable of supplying small abstractions (e.g. domestic supplies, small group schemes), or moderate to low yields (<100 m<sup>3</sup>/d). Groundwater predominantly flows through a limited and poorly-connected network of fractures, fissures and joints. This group is subdivided into the following types: PI Poor Bedrock Aquifer, Generally Unproductive except in Local Zones Pu Poor Bedrock Aquifer, Generally Unproductive

**Data Purpose:** Classifies subsurface deposits (bedrock and unconsolidated materials) in terms of their groundwater resource potential and dominant groundwater flow type.



Light Grey	GSI Bedrock Acquirer PI
Grey	GSI Bedrock Acquirer LI
Cyan	GSI Bedrock Acquirer RKD

## GSI Bedrock Geology 1 Million

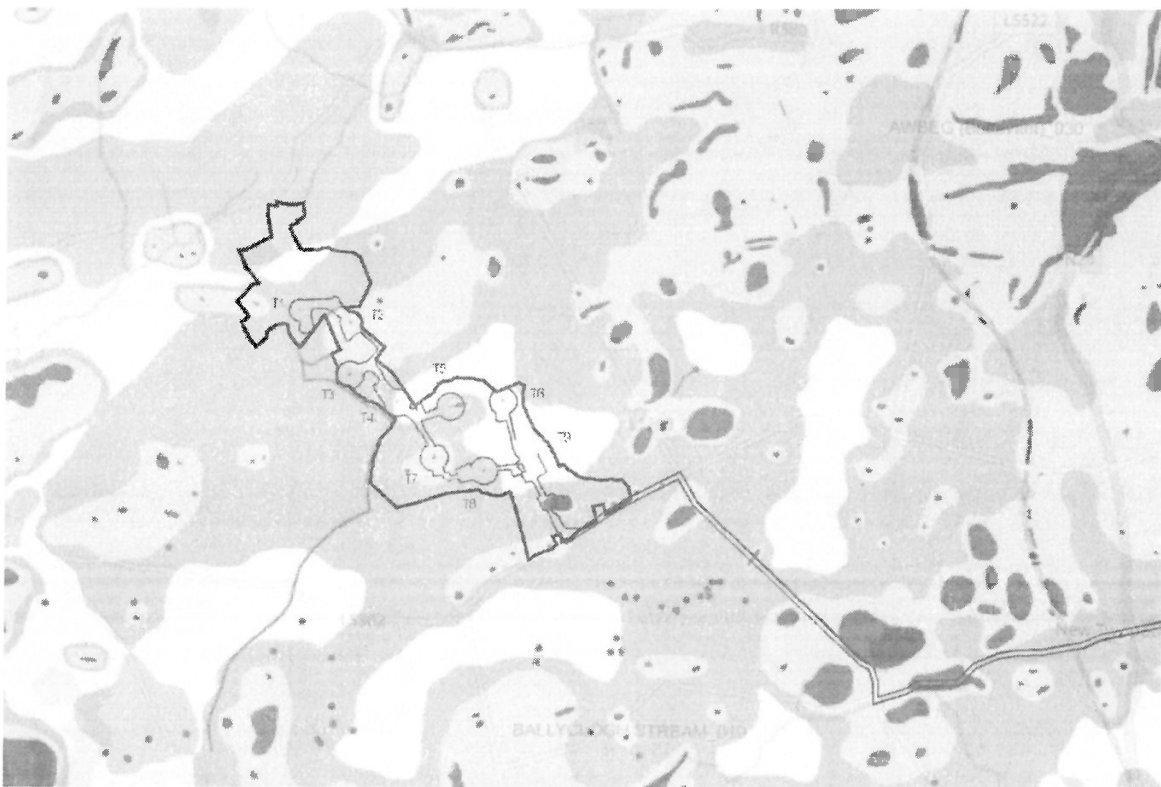
**Abstract:** This map shows the bedrock geology of the island of Ireland, at a scale of 1:1,000,000. This data represents a seamless bedrock geological dataset encompassing Rep of Ireland and parts of Northern Ireland derived from 1:500,000 scale data. It is published by Geological Survey Ireland (GSI) and the Geological Survey of Northern Ireland (GSNI). There are two parts to the data Bedrock Geology & Bedrock Geology Faults. The geology presents the bedrock data from the OneGeology-Europe map project coloured to an Irish lithostratigraphical scheme. It is derived from the GSI 1:500,000 Bedrock Geological map of Ireland and 1:100,000 Bedrock Map Series and the GSNI 1:250,000 Geological Map of Northern Ireland.



Orange	ORS, sandstone, conglomerate & mudstone
Grey	Tournaisian sandstone, mudstone, limestone
Blue	Tournaisian limestone
Luminous Yellow	Carboniferous volcanic rocks
Light Blue	Visean limestone & calcareous shale
Yellow	Namurian shale, sandstone, siltstone & coal

## GSI Vulnerability

**Abstract:** Groundwater Vulnerability is a term used to represent the intrinsic geological and hydrogeological characteristics that determine the ease with which groundwater may be contaminated by human activities. Groundwater vulnerability maps are based on the type and thicknesses of subsoils (sands, gravels, glacial tills (or boulder clays), peat, lake and alluvial silts and clays), and the presence of karst features. Groundwater is most at risk where the subsoils are absent or thin and, in areas of karstic limestone, where surface streams sink underground at swallow holes. All land area is assigned one of the following groundwater vulnerability categories: Rock near surface or karst (X) Extreme (E) High (H) Moderate (M) Low (L). Indicates the likelihood of groundwater contamination. Aids land-use management. Helps in the choice of preventative measures and enables developments, which have a significant potential to contaminate, to be located in areas of lower vulnerability. Helps to ensure that a groundwater protection scheme is not unnecessarily restrictive on human economic activity.



Yellow	Moderate Vulnerability
Orange	High Vulnerability
Red	Extreme Vulnerability – Rock Near Surface
Pink	Extreme Vulnerability



## WFD Areas For Action

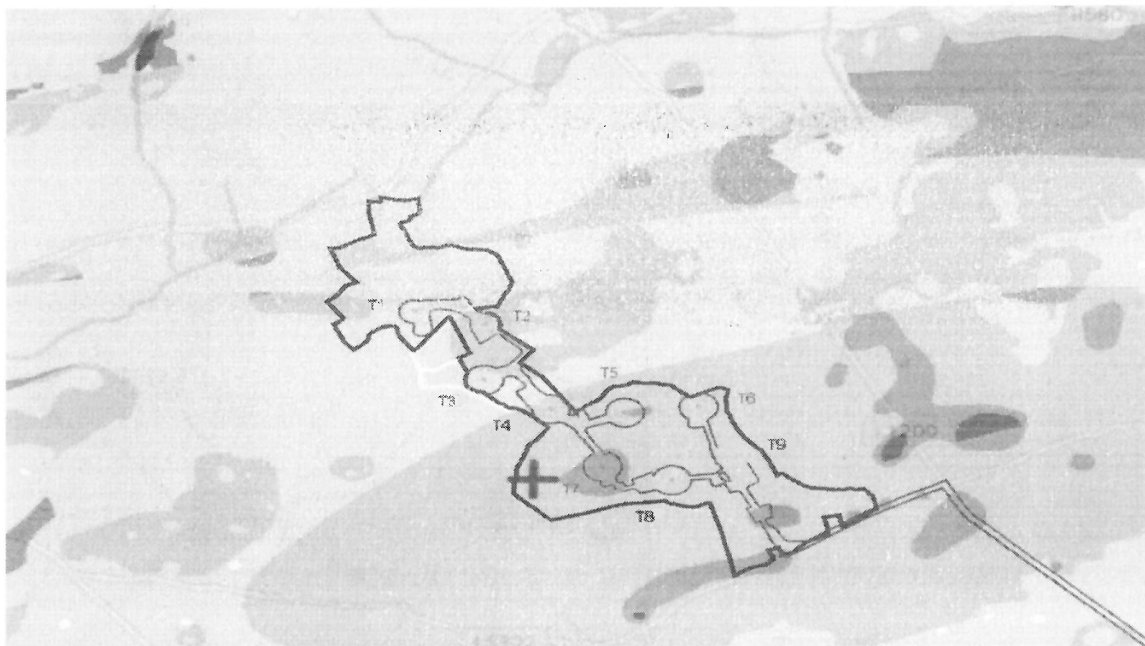
**Abstract:** This dataset was developed for the River Basin Management Plan for Ireland 2018 – 2021 (second cycle River Basin Management Plan). The Areas for Action are areas where action will be carried out in the second cycle. The data consists of polygon geometry representing the location and extent of the Areas for Action (waterbodies) and tabular attribute data describing the waterbody. The Areas for Action were selected based on the priorities in the draft river basin management plan, the evidence from the Water Framework Directive characterisation process, and the expertise, data and knowledge of public body staff with responsibilities for water and the different pressure types. Following the selection process, the Local Authorities Water and Communities Office (LAWCO) undertook public engagement and feedback sessions on the Areas for Action. These were considered in the drafting of the final River Basin Management Plan, which was published on April 17th 2018. The Action Plan Start Year is the year the Local Authority Waters Programme (LAWPRO) plan to begin assessment work within the Area for Action. This is not a final dataset and will likely change over the lifecycle of the River Basin Management Plan.



Pink – Ballyclough Stream for restoration

## Near Surface Nitrate Susceptibility

**Abstract:** This dataset shows Near Surface Nitrate Susceptibility. Pollution Impact Potential (PIP) maps were generated separately for nitrate and phosphate to rank critical source areas (CSAs) relative to one another from diffuse agriculture for both the groundwater and surface water receptor. The PIP maps are generated by the EPA Catchment Characterisation Tool (CCT). The CCT delineates the CSAs displayed in the PIP maps by overlaying the hydro(geo)logically susceptible areas (the likelihood of nutrient transfer due to soil and geological properties along the near surface and/or subsurface pathway) with nitrate or phosphate loadings. The nitrate and phosphate PIP maps for the surface water receptor combine the contribution from both the subsurface pathway and the near surface pathway while the groundwater receptor maps only consider the contribution from the groundwater pathway. Surface Water Receptor Nitrate PIP map shows the relative pollution impact potential to surface water along the subsurface and near surface pathways due to nitrate loading. This map should be used to evaluate nutrient impact at the waterbody, subcatchment or catchment scale (at a resolution of less than 1:20,000). Pollution impact potential (PIP) maps rank the CSAs in descending order of risk (where Rank 1 is the highest risk) and are available for the surface water receptor for nitrate and phosphate, and the groundwater receptor for nitrate. Local pressure data has been used to generate the maps in agricultural areas where available. For urban, forestry and the remaining agricultural areas, regional sources of pressure data have been used; these areas are marked 'using regional loadings' on the PIP maps.



Orange	Near Surface Nitrate Susceptibility - IE_SW_18B080300
Brown	Near Surface Nitrate Susceptibility - IE_SW_18A050900
Cream	Near Surface Nitrate Susceptibility - IE_SW_18A050700

## Near Surface Phosphate Susceptibility

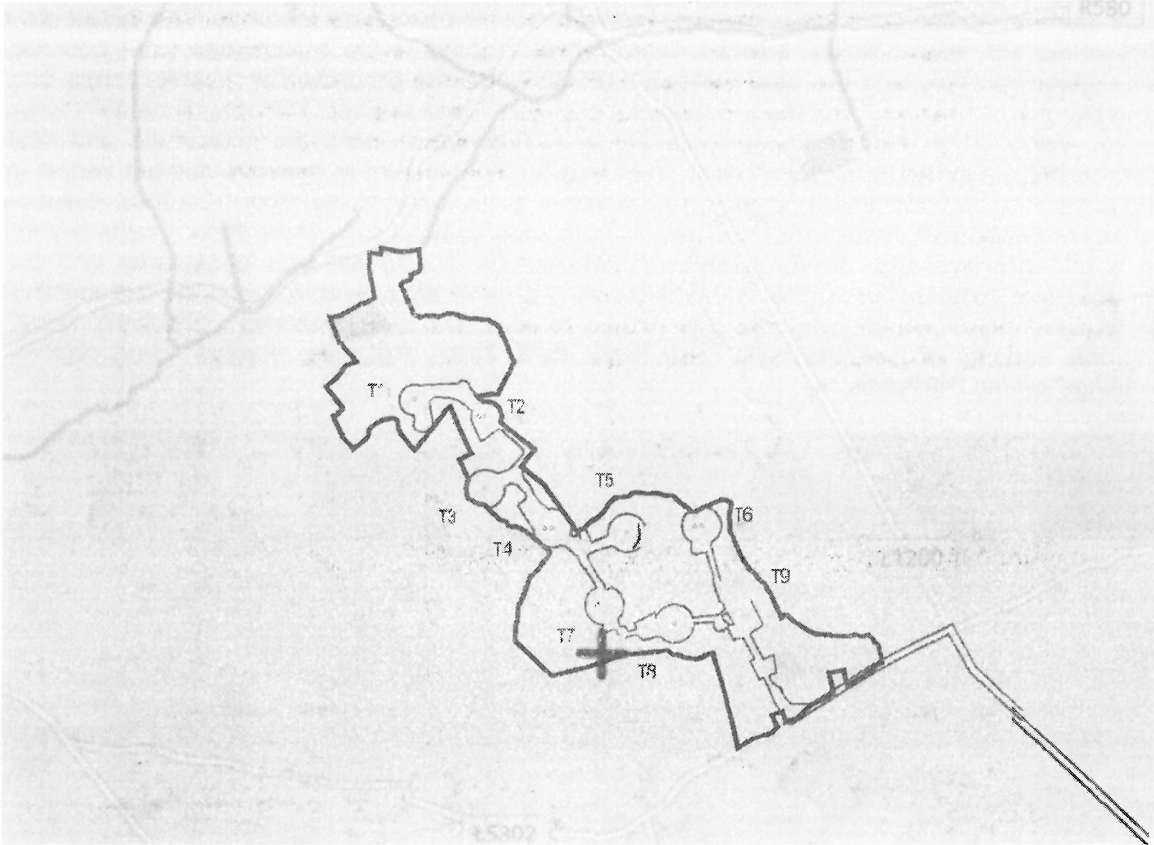
**Abstract:** This dataset shows Near Surface Phosphate Susceptibility. Pollution Impact Potential (PIP) maps were generated separately for nitrate and phosphate to rank critical source areas (CSAs) relative to one another from diffuse agriculture for both the groundwater and surface water receptor. The PIP maps are generated by the EPA Catchment Characterisation Tool (CCT). The CCT delineates the CSAs displayed in the PIP maps by overlaying the hydro(geo)logically susceptible areas (the likelihood of nutrient transfer due to soil and geological properties along the near surface and/or subsurface pathway) with nitrate or phosphate loadings. The nitrate and phosphate PIP maps for the surface water receptor combine the contribution from both the subsurface pathway and the near surface pathway while the groundwater receptor maps only consider the contribution from the groundwater pathway. Surface Water Receptor Nitrate PIP map shows the relative pollution impact potential to surface water along the subsurface and near surface pathways due to nitrate loading. This map should be used to evaluate nutrient impact at the waterbody, subcatchment or catchment scale (at a resolution of less than 1:20,000). Pollution impact potential (PIP) maps rank the CSAs in descending order of risk (where Rank 1 is the highest risk) and are available for the surface water receptor for nitrate and phosphate, and the groundwater receptor for nitrate. Local pressure data has been used to generate the maps in agricultural areas where available. For urban, forestry and the remaining agricultural areas, regional sources of pressure data have been used; these areas are marked 'using regional loadings' on the PIP maps.



Brown	Near Surface Phosphate Susceptibility - IE_SW_18L450760
Light Brown	Near Surface Phosphate Susceptibility - IE_SW_18A050700
Dark Brown	Near Surface Phosphate Susceptibility - IE_SW_18B080300

## WFD Catchments

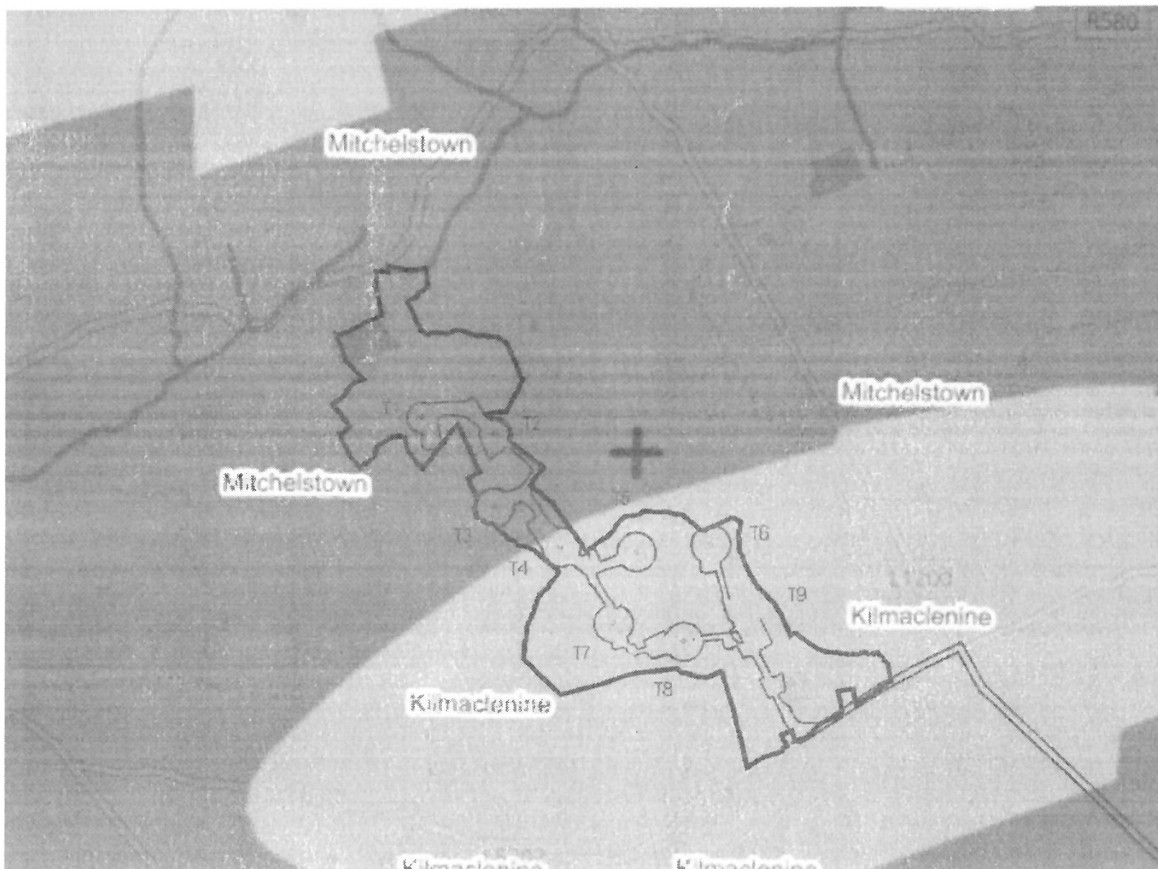
**Abstract:** The EU Water Framework Directive (2000/60/EC) (WFD) establishes a framework for the protection, improvement and management of surface water and groundwater. The Catchment dataset is built on clusters of subcatchments (derived from river waterbody polygons). All Catchments are represented as polygons.



Light Green – Entire Site

## Ground Waterbodies Risk

**Abstract:** This layer represents the risk for each waterbody of failing to meet their Water Framework Directive (WFD) objectives by 2027. The risk of not meeting WFD objectives was determined by assessment of monitoring data, data on the pressures and data on the measures that have been implemented. Waterbodies that are At Risk are prioritised for implementation of measures. This assessment was completed in 2020 by the EPA Catchments Unit in conjunction with other public bodies and was primarily based on monitoring data up the end of 2018. The three risk categories are: • Waterbodies that are At Risk of not meeting their Water Framework Directive objectives. For these waterbodies an evidence-based process was undertaken to identify the significant pressures; once a pressure is designated as 'significant', measures and accompanying resources are needed to mitigate the impact(s) from this pressure. These At Risk waterbodies require not only implementation of the existing measures described in the various regulations, e.g. the Good Agricultural Practices Regulations, but also in many instances more targeted supplementary measures. • Waterbodies that are categorised as Review either because additional information is needed to determine their status before resources and more targeted measures are initiated or the measures have been undertaken, e.g. a wastewater treatment plant upgrade, but the outcome hasn't yet been measured/monitored. • Waterbodies that are Not at Risk and therefore are meeting their Water Framework Directive objectives. These require maintenance of existing measures to protect the satisfactory status of the water bodies.



Green  
Red

Ground Waterbodies RiskIE\_SW\_G\_044 - Kilmacleanine  
Ground Waterbodies RiskIE\_SW\_G\_082 - Mitchelstown

## River Waterbodies

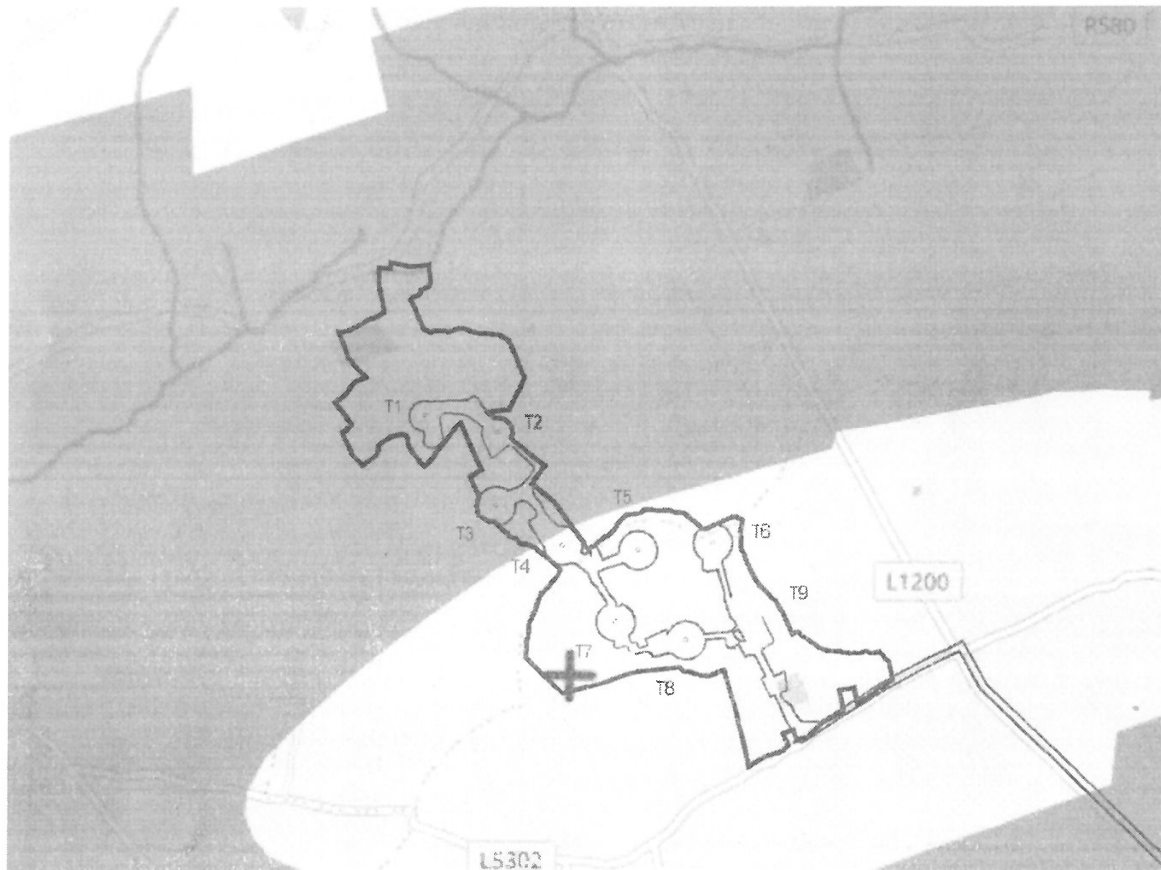
**Abstract:** Water Framework Directive (WFD) River Waterbodies (RWB) are the management and reporting units for the WFD. WFD RWB is a polyline shapefile dataset which is formed from a water flow routes dataset. Waterbodies are assigned types depending on their likely WFD status classification and physical and biological characteristics (typology). This is in line with European Commission CIS guidance on delineation of waterbodies. Since each RWB is attributed with a unique identifier (EU\_CD), this dataset can be linked directly to other WFD data sources such as physical characteristics, risk, classification and other objectives. In some karst areas, this layer contains indicative underground flow connections between surface rivers. Such lines are indicative only and should not be taken to infer the presence of an underground river at a particular location. The appropriate Geological Survey Ireland data sets should be consulted where underground flows or connections are known or suspected.



River Waterbodies – Green – Brown

## Groundwater in Nutrient Sensitive Areas

**Abstract:** WFD Ground Waterbodies intersecting with designated Nutrient Sensitive Areas waterbodies in accordance with the Urban Waste Water Treatment (UWWT) Directive 91/271/EEC on Urban Waste Water Treatment and S.I. 254 / 2001, S.I. 440/2004 and S.I. 48/2010.



Light Indigo - Groundwater in Nutrient Sensitive Areas IE\_SW\_G\_082



## WFD Sub Catchments

**Abstract:** The EU Water Framework Directive (2000/60/EC) (WFD) establishes a framework for the protection, improvement and management of surface waters and groundwaters. The Subcatchment dataset is built on clusters of river water body polygons and are entirely contained within the Catchment polygons dataset. All Subcatchments are represented as polygons.



WFD SubCatchments Awbeg [Buttevant]\_SC\_020 – Light Blue North & East Polygons  
WFD SubCatchments Blackwater [Munster]\_SC\_090 – Light Blue South & West Polygons

Conclusion: The site sits in a SAC area with protected water. There are too many vulnerabilities here to be controlled and obvious failure to do so will be of devastating effect.

---

#### 4. Distance Requirements from Dwellings

- Falls short of Wind Energy Development Guidelines 2019 recommending 1000m setbacks.
- Violates ECHR Article 8 and European Court of Human Rights standards.
- Breaches Irish Planning and Development Act 2000 health protection standards.

**Illustrations:** Setback mapping, receptor diagrams.

---

#### 5. Wind Turbine Regulations Being Ignored

- Non-compliance with multiple sections of Planning and Development Regulations.
- Inadequate Environmental Impact Assessment (EIA).
- Contravenes Aarhus Convention: failure to inform and consult public adequately.

**Documents Attached:** Non-compliance matrix.

---

## **6. Height Impact on Landscape**

**Expert Report Attached: Landscape Visual Impact Assessment (LVIA)**

- Proposed 185m turbines dominate Cork's rolling lowland landscape.
  - Site lacks any visual backdrop.
  - Scenic views, including the Kerry Mountains, will be lost.
- 

## **7. Ecology Risks (Waterways, Pearl Mussel, Salmon, Natura 2000)**

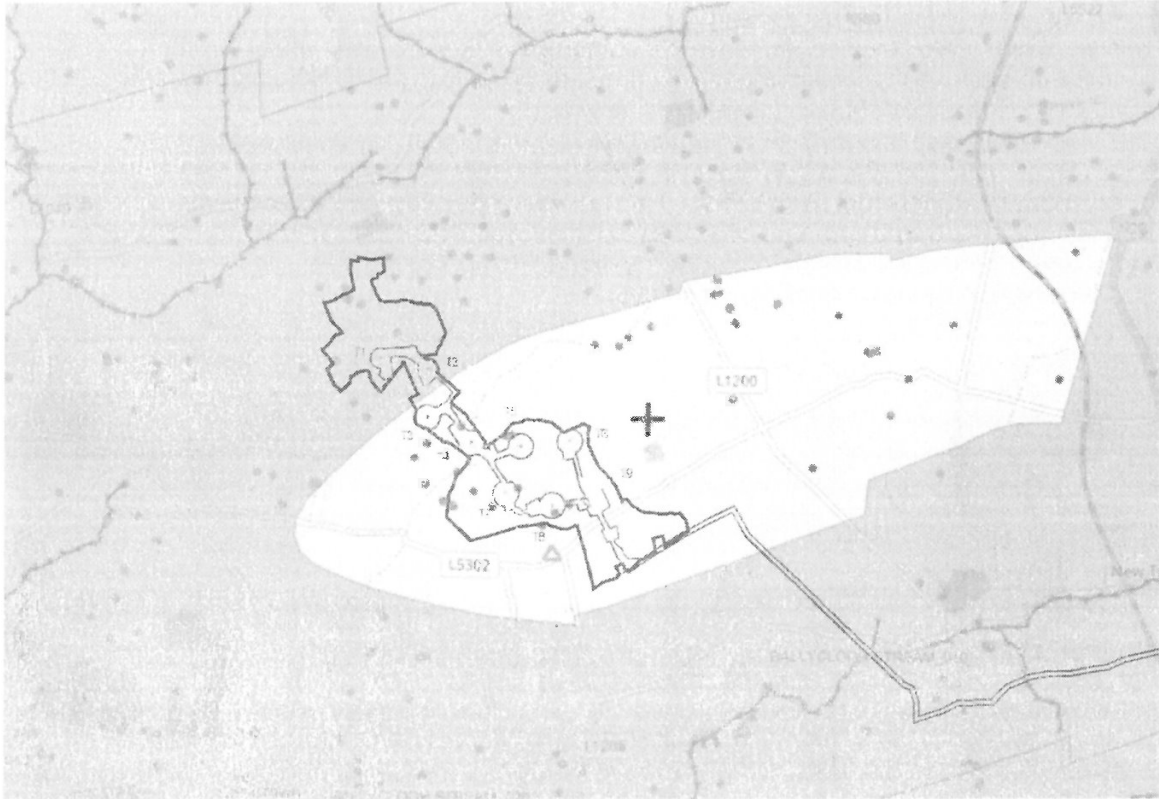
**Expert Report Attached: Ecological Impact Assessment**

- Proximity to Blackwater River SAC (Site Code: 2170), Kilcolman Bog SPA & Blackwater Callows SPA.
- Threats to Freshwater Pearl Mussel, Salmon, Otter, Kingfisher, and other protected species.
- Phosphorus runoff threatens WFD Q-Values and water status under EU Water Framework Directive.

**Illustrations:** Hydrological maps, species habitat overlays.

## Groundwater in Salmonid Regs

**Abstract:** WFD Ground Water Bodies intersecting with WFD Designated Salmonid Waters under S.I. No. 293/1988 - European Communities (Quality of Salmonid Waters) Regulations 1988, 14th August 1988



Groundwater in Salmonid Regs - IE\_SW\_G\_082

## Margaritifera SAC Catchment

**Abstract:** These 26 mussel populations are within Special Areas of Conservation (SAC) designated for the protection of the species. Site-specific conservation objectives for the restoration of these populations and their habitats are being developed by the NPWS (see <http://www.npws.ie/protectedsites/> and <http://www.npws.ie/protectedsites/conservationmanagementplanning/>). Under S.I. 296 of 2009, 27 draft Sub-basin Management Plans have been developed to provide the programmes of measures necessary to achieve these objectives (see [http://www.wfdireland.ie/docs/5\\_FreshwaterPearlMusselPlans/](http://www.wfdireland.ie/docs/5_FreshwaterPearlMusselPlans/)). Any plans or potentially damaging developments and activities in or overlapping with the catchments must be screened for Appropriate Assessment (Article 6 (3), Habitats Directive). The NPWS holds very detailed information on the distribution and abundance of freshwater pearl mussels in many of these catchments, and this is available on request to bona fide applicants (see: <http://www.npws.ie/mapsanddata/requestdata/>).



Margaritifera SAC Catchment Munster Blackwater – SAC – Entire Site and surroundings

### 8. Road Requirements

#### Expert Report Attached: Transport Infrastructure Ireland Submission

- Entire cable route requires road excavation.
- No restoration or resurfacing commitment.
- Permanent loss of recreational country roads used for walking, cycling, and horse riding.

---

## 9. Emergency Services Impact

- Delays from turbine access routes will cost lives.
- No assessment of emergency response times provided.
- Infringes Article 2 ECHR (right to life).

---

## 10. Turbine Efficiency Considering Downtime

- Noise curtailment, flicker shutdowns, bird migration avoidance leaves only 6.75% true efficiency.
- Economically non-viable.

---

## 11. Special Conservation Area Threats

- Natura 2000 SAC & SPA assessments non-compliant with Article 6(3) Habitats Directive 92/43/EEC.
- Mitigation proposals insufficient.

---

## 12. Rebuilding Ireland National Policy Impact

- Violates National Planning Framework Objective 19 protecting generational farming families.
- 6-generation families' rural right to livelihood destroyed.

---

## 13. T.B. Risk and Impact

### Expert Report Attached: **Veterinary Consultant Submission**

- Disturbance to badgers (*Meles meles*) and deer will destabilize TB reservoirs.
- Increased risk of bovine TB outbreaks.
- Risk to human TB resurgence.

---

## 14. Planning Governance & Environmental Law Breaches

- Planning and Development Act 2000
- Directive 2011/92/EU (EIA Directive)
- Directive 2001/42/EC (SEA Directive)
- Directive 92/43/EEC (Habitats Directive)
- Directive 2009/147/EC (Birds Directive)

**Documents Attached:** Legal compliance report.

---

## **15. Emergency Helicopter Flight Path Risks**

### **Expert Report Attached: Irish Aviation Authority Submission**

- Site conflicts with medical helicopters from Tramore, Shannon, Kerry, Cork.
- Turbines (574.1 ft) exceed safe minimum heights.
- Rotor turbulence within 60m vertical drafts jeopardizes helicopter stability.
- Frequent fog worsens flight risks.

---

## **16. Health Impact (Mental, Psychological, Physical)**

### **Expert Report Attached: Medical Consultant Submission**

- Noise, flicker, and stress impact ADHD, Autism, and sensory conditions.
- WHO 2018 Guidelines: Environmental Noise Exposure directly linked to cardiovascular and psychological diseases.
- Area classified as RED ZONE for radon exposure.

---

## **17. Bird Impact (Whooper Swan, Peregrine, Owls)**

### **Expert Report Attached: Ornithological Impact Assessment**

- Migratory pathways disrupted.
- High collision risk for Whooper Swan, Peregrine Falcon, Barn Owl, and Long-Eared Owl.
- Regional population decline projected.

**Illustrations:** Migration maps, carcass impact models.

---

## **18. Bat Habitat Impact (Cable Route and Rotor Sweeps)**

### **Expert Report Attached: Bat Conservation Ireland Submission**

- Threat to Brown Long-Eared Bats, Leisler's Bats, Pipistrelles.
- Echolocation disrupted by turbine noise.
- Hedgerow removal fragments vital habitat.

---

## **19. Destruction of Archaeological Sites**

### **Expert Report Attached: Archaeological Survey Ireland**

- Tullacondra, Ardskeagh, Boherascrub & Grange contain Fulacht Fiadh, ringforts, dolmens, and prehistoric dwellings.
- Nearby Grange dolmen indicates area's significance.

- Violation of National Monuments Acts 1930 to 2014.
- 

## 20. Destruction of Undisturbed Countryside

- Apex hilltop site dominates entire visual basin.
  - Flat surrounding land offers no natural backdrop.
  - Scenic views toward Kerry Mountains will be obliterated.
- 

## 21. Phosphorus/Nitrate Contamination of Corrin Site

- Site qualifies as Corrin site under EU Nitrates Directive context.
- Phosphorus/nitrate runoff will contaminate aquifers and springs

### Appendix A: Definitions and Legal Context of Relevant EU Directives

#### Conclusion

The planning approval granted by Cork County Council under file 24/5503 is in clear conflict with these binding European legal instruments. As outlined, the applicant has not provided sufficient safeguards to prevent catastrophic damage to the environment and water ways in a SAC Special Area of Conservation area or legal compliance to satisfy the minimum thresholds established by EU law and relevant case precedents. We respectfully request that An Bord Pleanála give full legal weight to these Directives in its adjudication of this appeal. Where by the site is Zoned "To be considered for Wind Energy" it is clear is it not suitable. There is currently an acknowledgement of inadequate guideline for turbines of this size where and Clare County Council have past a motion to stop all turbine plannings until adequate guidelines are in place. Kilkenny and Cork County Councils are following suits. There is only one sure conclusion and that is to over turn the decision by Cork County Council on the grounds that I have out lined above.

**Yours Sincerely**

Fergal Sheahan



---

Boherascrub, Buttevant, Co. Cork. P51 YD35  
Email: sheafear@gmail.com | Tel: 0876188951

## Appendix

---

### 1. Directive 2011/92/EU (as amended by 2014/52/EU) – Environmental Impact Assessment (EIA Directive)

**Definition:** Ensures that projects likely to have significant effects on the environment are subject to an assessment prior to development consent.

**Legal Cross-Reference:**

- **C-411/17 Inter-Environnement Wallonie:** Reinforced the obligation for authorities to perform effective and transparent environmental assessments.

**Relevance to Appeal:**

- Inadequate EIA submitted by applicant.
  - Violations in screening and public consultation process.
  - Omissions include impacts on hydrology, public health, aviation safety, and ecology.
- 

### 2. Directive 2001/42/EC – Strategic Environmental Assessment (SEA Directive)

**Definition:** Requires environmental considerations to be integrated into plans and programmes, particularly in energy infrastructure.

**Legal Cross-Reference:**

- **C-295/10 Valciukiene and Others:** Established need for cumulative impact assessments in spatial planning.

**Relevance to Appeal:**

- Renewable energy zoning policy in County Development Plan lacks comprehensive SEA.
  - Project fails cumulative impact test within a broader wind energy corridor.
- 

### 3. Directive 92/43/EEC – Habitats Directive

**Definition:** Protects natural habitats and species across Europe through the Natura 2000 network and mandates Appropriate Assessments under Article 6(3).

**Legal Cross-Reference:**

- **C-127/02 Waddenzee:** Any plan/project likely to have significant effects must undergo Appropriate Assessment.
- **C-258/11 Sweetman:** Reaffirmed "no reasonable scientific doubt" standard for project approvals.

**Relevance to Appeal:**

- The project site borders the Blackwater River SAC.
  - Mitigation measures are speculative and do not satisfy legal thresholds.
- 

### 4. Directive 2009/147/EC – Birds Directive

**Definition:** Obliges Member States to protect all wild birds and their habitats, especially in SPAs.

**Legal Cross-Reference:**

- **C-418/04 Commission v Ireland:** Ireland failed to designate sufficient SPAs and protect bird habitats.

**Relevance to Appeal:**

- Kilcolman Bog SPA and Blackwater Callows SPA are within affected zones.
  - High risk to Whooper Swan, Peregrine Falcon, and Barn Owl populations.
-

### **5. Directive 2006/118/EC – Groundwater Directive**

**Definition:** Focuses on preventing and controlling groundwater pollution, particularly from agricultural and infrastructural development.

**Legal Cross-Reference:**

- **C-535/18 Commission v Poland:** Mismanagement of groundwater protections deemed a breach of Directive obligations.

**Relevance to Appeal:**

- Karst terrain with fractured bedrock poses contamination risk.
  - No protective measures against nutrient leaching into aquifers.
- 

### **6. Aarhus Convention (UN Economic Commission for Europe, 1998)**

**Definition:** Grants rights to the public regarding access to environmental information, participation in decision-making, and access to justice.

**Legal Cross-Reference:**

- **C-240/09 Lesoochranárske zoskupenie:** Public must be allowed to participate effectively in environmental decisions.

**Relevance to Appeal:**

- Local communities not properly informed or involved.
  - Planning files and EIA details not made accessible during decision window.
- 

### **7. Directive 85/337/EEC (superseded but precedential)**

**Definition:** Foundation for the EIA system in Europe; consolidated into Directive 2011/92/EU.

**Legal Cross-Reference:**

- **C-72/95 Kraaijeveld:** Authorities must ensure that all relevant environmental concerns are addressed.

**Relevance to Appeal:**

- Historical case law influences interpretation of current EIA rules.
  - Sets legal precedent for thorough environmental scrutiny.
  -
-

# Comhairle Contae Chorcaí Cork County Council

Fergal Sheahan  
Boherascrub  
Buttevant  
Co. Cork  
P51 YD35

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.

Fón: (021) 4276891  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning & Development,

County Hall,  
Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



12/09/2024

**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 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



We are Cork.



Recycled

development is proposed on a site in the townlands of Polnareagha and Ardskeagh (Templemary E.D.); and Tullacondra and Crougtha, (Kilmaclenine E.D.), County Cork.

The proposed grid connection will be installed underground mainly within the public road from the wind farm site at Crougtha, Ballyclogh to the boundary of the 110 Kilovolts substation at Saint Joseph's Road, Mallow passing through the townlands of Kilmaclenine, Crougtha, Knockaunavaddreen, Copestown, (Kilmaclenine E.D.), Ballybeg (Buttevant E.D.), Baltydaniel East, Twopothouse, and Caurraghakerry (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, Crougtha Kilmaclenine,  
Ballyclogh, Knockaunavaddreen, Copestown, Ballybeg,  
Baltydaniel East Twopothouse, Caurraghakerry, Co. Cork  
FOR Permission

**PLANNING REGISTRATION NO: 24/05503**

A Chara,

I wish to acknowledge receipt of your submission/observation on 11/09/2024 concerning this application. Receipt no. PLG0045776 was issued 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,



---

Guy Clarke Hurley  
Clerical Officer

# Comhairle Contae Chorcaí Cork County Council

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.

Fón: (021) 4276891  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)

Planning & Development,  
County Hall,

Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891

Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)

Web: [www.corkcoco.ie](http://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:

Fergal Sheahan  
Boherascrub  
Buttevant  
Co. Cork  
P51 YD35

ON 11/09/2024 in relation to the above planning application.

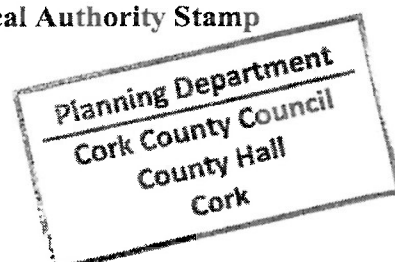
The appropriate fee of €20 has been paid.

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.

\_\_\_\_\_  
Guy Clarke Hurley  
Clerical Officer

Date: 12/09/2024

Local Authority Stamp



We are Cork.



Recycled