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Suzanne Cleary

From: Larry O'Halloran <Larry.OHalloran@gSDL.ie>
Sent: Monday 28 July 2025 13:02
To: Appeals2
Subject: ACP-322787-25 Tullacondra Green Energy Limited - Appeal Observation
Attachments: Tullacondra Green Energy Limited - Appeal Observation ACP-322787-25.pdf

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Dear Sir/Madam,

In relation to the 3rd party appeals on the Tullacondra Green Energy Project (ACP REF 322787-25, Cork County Council Ref 24/5503), please see observation from the Applicant attached.

Kind Regards,

Larry O'Halloran

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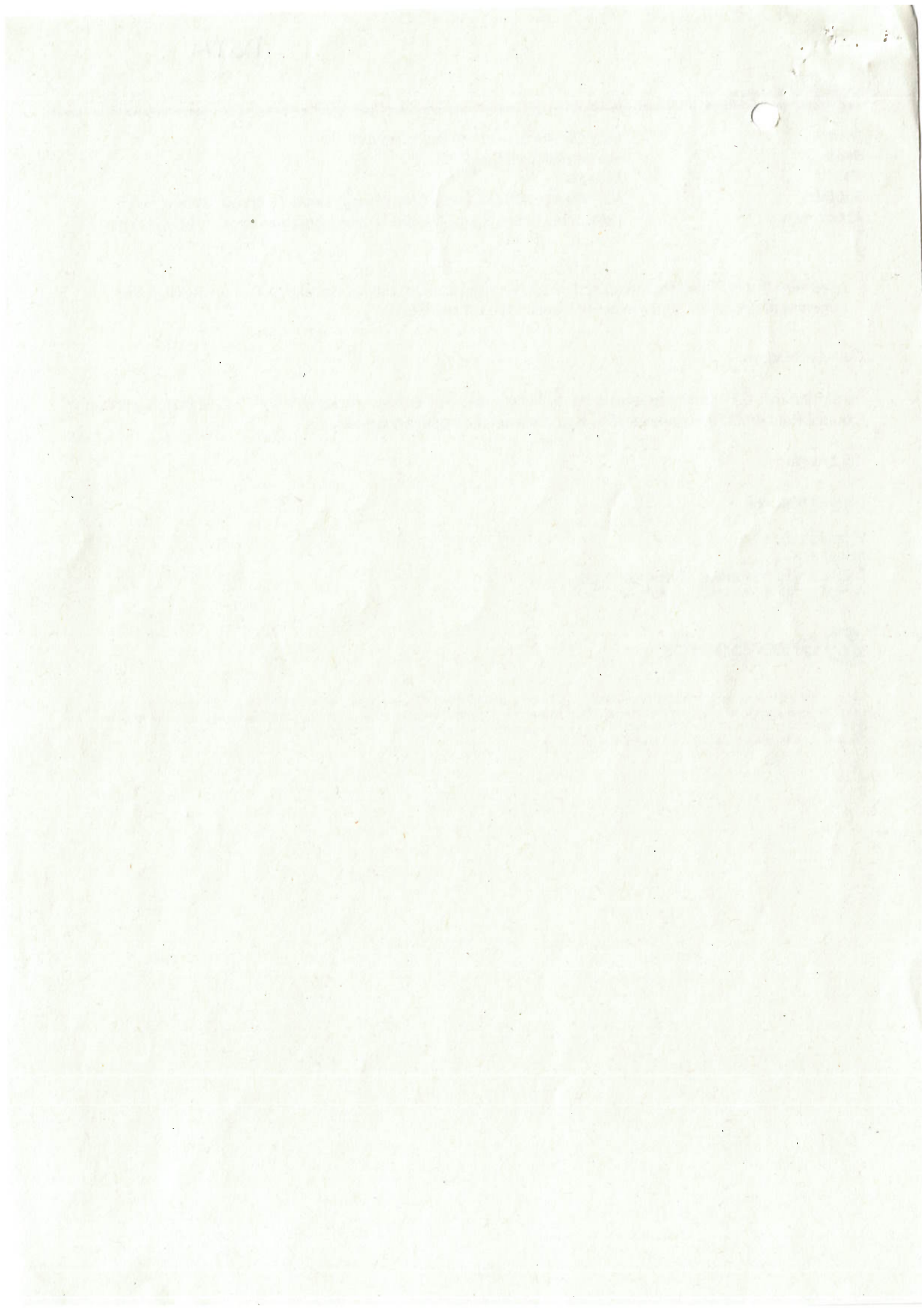
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Cover Letter

It is evident that Irish and European policy emphasises the exceptional and urgent need to prioritise the delivery of renewables, such as this project. Both are aligned on the necessity to ensure that renewable projects (a) qualify for the most favourable procedure available in their planning and permit-granting procedures, and (b) are considered to be in the overriding public interest.

Directive 2018/2001 on the promotion of the use of energy from renewable sources (as amended) provides that renewable energy projects are presumed to be in the overriding public interest and serving public health and safety.

The Climate Action Plan (“CAP”) 2024 similarly provides “In line with transposing the revised Renewable Energy Directive, which entered into force in November 2023, ensure that the permit-granting procedure, the planning, construction and operation of renewable energy plants, the connection of such plants to the grid, the related grid itself, and storage assets are presumed as being in the overriding public interest”.

Section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended) requires the Commission to perform its functions, so far as practicable, in a manner consistent with climate policy, including the CAP.

We, Tullacondra Green Energy Limited, (The Applicant) are disappointed to see that the Project has been appealed to An Coimisiún Pleanála (the Coimisiún). Cork County Council did a thorough and extensive assessment of the planning application, Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS), which is evidenced through the 71 conditions in the Decision to Grant permission. The appeals to the Coimisiún are a reiteration of objections to Cork County Council, which have been thoroughly assessed and adjudicated on by Cork County Council in their decision making process.

This observation has been drafted in ease of the Coimisiún to address the material items raised in the third party appeals on a thematic basis. All items raised in the appeals have been reviewed and Tullacondra Green Energy Limited are satisfied that all have been suitably addressed in the EIAR submitted as part of the planning application and the response to the Request for Further Information from Cork County Council. However, there are particular items raised in the appeals that the attached memorandum will assist in clarifying.



MEMORANDUM

To	An Coimisiún Pleanála – Appeals Department
From	Tullacondra Green Energy Limited (the Applicant)
Subject	Observation by the Applicant (Tullacondra Green Energy Limited) in response to third party appeals made to An Coimisiún Pleanála
Reference	Cork County Council: 24/05503 An Coimisiún Pleanála: ACP-322787-25 RSK: 604162
Date	28/07/2025

This observation has been prepared by Tullacondra Green Energy Limited (the Applicant), with relevant input from RSK Ireland (the Agent), in response to a number of third party appeals made to An Coimisiún Pleanála relating to Cork County Council's Decision to Grant permission for the Tullacondra Green Energy Project (The Project).

Aquatic Ecology Reporting

As part of the appeal from "Tullacondra Turbine Awareness Committee" (TTAC) a report titled "Appraisal of Aquatic Ecology Reporting in EIAR for Tullacondra Green Energy Ltd." (The TTAC Aquatic Ecology Report) was submitted. According to its introduction, this report is "*an appraisal of aspects of the Aquatic Ecology reporting in the EIAR for Tullacondra Green Energy Ltd. (EIAR Vol II, Chapter 7, Section 7.7.5 and EIAR Vol III Appendix 7.2)*". This is a very narrow scope and does not consider elements of the EIAR which are interdependent, as is the environment which the EIAR is assessing. A cursory review of the EIAR, Appropriate Assessment Screening Report, Natura Impact Statement, the response to the Request for Further Information and the comprehensive Ecology reports carried out by Cork County Council would have addressed all of the items raised in this appeal.

Lack of Hydrological Connectivity:

In Chapter 7 Biodiversity, (EIAR Volume II Chapter 7 Biodiversity) Section 7.7.5.1, a clear description is provided of the physical characteristics of the Munster Blackwater catchment and the project site. In addition, Section 7.9.2.1 states that "There is no direct connectivity from the wind farm site to Dreenagh East stream (IE_SW_18A050700), which is connected to the Blackwater River SAC".

The proposed wind energy development on the Tullacondra Plateau has no direct hydrological surface water connectivity to nearby watercourses, including the Awbeg (Kanturk) Awbeg (Buttevant), Ballyclogh/Finnow, and the Blackwater main channel.

This is supported by multiple field visits, including one undertaken during an extreme rainfall event. During these assessments, all surface drainage from the site was observed to infiltrate directly into the ground and contribute to the local aquifer system, with no observable surface flow reaching adjacent streams or

rivers. This was mapped and presented in the Figures in the Aquatic Ecology Baseline Report (EIAR Volume III Appendices Chapter 7 Biodiversity).

Despite the lack of a viable source–pathway–receptor linkage, the aquatic ecology surveys went beyond what would typically be required for a site with no surface water connectivity, thereby giving effect to a precautionary principle. The survey effort — covering fish, macroinvertebrates, crayfish, and freshwater pearl mussel — was extensive, multi-seasonal, and methodologically sound.

In this context, the Aquatic Ecology Baseline Report provided a robust basis for determining the absence of likely significant effects on the aquatic environment arising from the proposed development.

Speculated Omissions

In Section 3.4 of the TTAC Aquatic Ecology Report, the author identifies two supposed omissions in the EIAR, 3.4.1 Annex 1 Habitats and 3.4.2 Freshwater Pearl Mussel.

In relation to 3.4.1 Annex 1 Habitats, watercourses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation (Habitat Code 3260) were listed in the EIAR, Chapter 7, Table 7.7 as a Qualifying Interest of SAC 002170, qualifying interests of SACs within 15km of the Project, they were also included in the assessment in the Natura Impact Statement, Table 7: Summary of potential effects on QI species of River Blackwater (Cork/Waterford) SAC.

Given the isolation of the proposed wind farm to any watercourse, and the absence of any pathways to convey pollutants/impacts/effects, it was not necessary to carry out a dedicated survey on this habitat type within the SAC. The following are the threats to this habitat listed in the latest Article 17 Report from NPWS:

A26 Agricultural activities generating diffuse pollution to surface or ground waters (H) A25 Agricultural activities generating point source pollution to surface or ground waters (H) K04 Modification of hydrological flow (H) K05 Physical alteration of water bodies (H) F12 Discharge of urban waste water (excluding storm overflows and/or urban run-offs) generating pollution to surface or ground water (H) B23 Forestry activities generating pollution to surface or ground waters (M) F11 Pollution to surface or ground water due to urban run offs (M) C05 Peat extraction (M) F13 Plants, contaminated or abandoned industrial sites generating pollution to surface or ground water (M) K01 Abstraction from groundwater, surface water or mixed water (M).

The proposed development is not capable of producing any of these impacts, particularly given the absence of a realistic and viable pathway for pollutants/impacts/effects.

The second point raised in the omissions section of the TTAC Aquatic Ecology Report was 3.4.2 Freshwater Pearl Mussel (FPM), in response to this, the Applicant, the Agent and their consultants have considered the Report and note its conclusions. However, as stated in the Aquatic Ecology Baseline Report, (EIAR Volume III Appendix 7.2) Section 2.2.5 and Section 3.2.4, FPM Surveying on Reach 1 and Reach 2 was carried out following the NPWS guidance "*Margaritifera margaritifera Stage 1 and Stage 2 survey guidelines, Irish Wildlife Manuals, No. 12*" (Anon, 2004). The phase 1 methodology, the guidance states: "*In Stage 1 survey, at least one unit of 300 m requires to be surveyed within each 2 km of river channel.*" 750m of river at each site was surveyed, which is more than double that suggested in the guidance document. This level of survey effort was therefore significantly in excess of that stipulated in the

survey guidelines. It was undertaken on a precautionary basis given the remote and indirect hydrological connectivity between the site of the proposed development and the River Blackwater Cork/Waterford SAC. It should be noted that, the field work for the aquatic ecology baseline report was carried out in Spring, Summer and Autumn of 2022 and the survey effort undertaken by trainees on a course as referenced in "The TTAC Aquatic Ecology Report", was undertaken in May 2023.

To clarify, the findings of the surveys included in the aquatic ecology baseline report did not rule out the presence of FPM and the EIAR and NIS fully assess the potential effects on this SAC, including the FPM. As identified in the NIS *"there is no potential for direct impacts on any other QI habitat or QI species associated with the SAC. No mechanism has been identified (direct or indirect) via which it is considered likely significant effects might occur...Mitigation is required for all of the above to protect highlighted QI features from the excess release of siltation and pollutants into the river system"*. The Applicant therefore notes the TTAC Aquatic Ecology Report and the criticisms of the survey methodology in particular but it does not provide any basis for revisiting that conclusion. Nor does it suggest any significant impact on any of the species addressed therein. The Applicant proceeded on the basis of FPM (and in fact identified the presence of same in surveys) and other sensitive freshwater species being present in the catchment but excluded the basis of significant effect on same on the basis of an indirect and remote hydrological link, as detailed in Chapter 7 Biodiversity, (EIAR Volume II Chapter 7 Biodiversity) Section 7.9.2.1 *"it is anticipated that the wind farm site offers negligible connectivity to the Dreenagh East stream. It should also be noted that this stream is approximately 7.3km from the Blackwater River (Cork/Waterford) SAC, which negates the risk of sedimentation reaching the SAC and having a likely significant effect on the conservation objectives of the qualifying interests of the SAC. Furthermore, standard good practice pollution prevention and control measures will be implemented during construction, as outlined in the CEMP (see EIAR Volume III, Appendix 5.1), which will further ensure that there will be no likely significant adverse effect on the SAC. There is not considered to be any other viable pathways between the SAC and the wind farm site and therefore there would **not be a Likely Significant Effect** on this site as a result of the Project."*

The Aquatic Ecology Baseline Report was therefore more than adequate for accurate determination of the potential impacts (or likely significant effects) with respect to the aquatic environment and the conclusions remain unchanged.

Hydrogeological Reporting

The TTAC appeal also included a report titled "Review of the hydrogeological information submitted as part of Planning Application No. 24/5503 for the development of a nine-turbine Windfarm near Tullacondra, Co. Cork". According to 1.2 scope of Appointment, the report is *"to independently review the hydrogeological information submitted in the EIAR, including the applicant's responses to the Request for Further Information (RFI) issued by Cork County Council"*. The author in his report takes no cognizance of the reports prepared by O'Callaghan Moran & Associates (OCM) on behalf of Cork County Council. The independent reports by OCM state; *"The risk posed by the construction and operation of the proposed development has been comprehensively addressed and mitigation measures included"* and *"the risk has been addressed as much as feasible in terms of the identified karst features and a constraints map has been prepared to manage risk associated with those features"* and *"No further information is required for the Hydrology and Hydrogeology Chapter"*. The Applicant engaged expert geologists to perform site studies and prepare the EIAR, this was peer reviewed by Hydrological and Geological experts.

In summary, it was determined through the assessment carried out as part of the EIAR that the connectivity to groundwater receptors lies solely to the southwest of the wind farm, as set out in EIAR Volume II Chapter 9 Hydrology and Hydrogeology, Section 9.4.8.5. All other pathways to hydrogeological receptors have been determined to be upslope of the proposed hardstand and turbine locations. The detailed assessment of the connectivity between likely effects on hydrogeological receptors highlighted this pathway along with nearby dwellings (assuming there are potentially private wells located in these areas). As detailed in EIAR Volume II Chapter 9 Hydrology and Hydrogeology, Section 9.5.2.11, it was concluded that due to the limited excavations taking place in combination with the low/moderate permeability soils, moderate recharge rates and the level of mitigation that will be implemented, any potential effects that were identified will have a residual effect of neutral or slight on the hydrogeological receptors. This assessment underwent an internal technical review by Dr. Chris Fennell, peer review and legal review by a number of Hydrological and Geological experts as stated above.

On recommendation from OCM, Cork County Council sought Further Information in relation to Karst anomalies at T1 and T5 and the karstic nature of the bedrock aquifer, *"It is considered that the risk posed by the identified karst features has not been quantified in terms of the potential structural risk posed for turbine construction in particular at T1 and T5. A more detailed assessment of the risk presented by karst to the development is therefore required. Full details should be submitted."* The RFI response submitted addressed this query in great detail, including analysis of two boreholes completed at T1 and T5 locations, it was concluded in the response that *"The robust dataset underpinning the engineering design highlights the project's readiness for construction, with minimal geological risks"*. The boreholes were undertaken by Irish Drilling Ltd, who are specialists in geotechnical investigation, overseen by a geologist from Tobin Consulting Engineers and a factual report completed by Tobin Consulting Engineers and karst risk review incorporating the findings of the site investigation completed by Ciaran Reilly & Associates. OCM updated report to Cork County Council, on review of the RFI response, states that *"The additional site investigations established that the potential karst anomalies were in fact associated with non-karst related features. At T-1 dolomitization of the limestone and at T-5 non-karst weathering of the bedrock. On the basis of the information presented and the conclusions drawn by Dr. O'Reilly, OCM considers that the additional information is satisfactory."*

Conditions of the planning permission granted further ensure that the residual effects on hydrological and hydrogeological receptors will be reduced to neutral or slight and not significant. These conditions include the mitigation measures outlined in the EIAR *'Construction activities shall be carried out in accordance with good practice as set out in CIRIA Guidelines Control of Water Pollution from Construction Sites - Guide to Good Practice.'*, *'No stockpiling shall take place within 10m of any open drain, watercourse, intertidal or coastal area.'*, *'All drainage and sediment silt traps shall be in place before any other works are undertaken on the site. All work shall be carried out in favourable weather conditions to minimise the generation of silt and fines'* to name a few.

Noise Methodology and Assessment

As part of the TTAC appeal, the methodology and assessment regarding noise and vibration are challenged, the Agent has reviewed and considered the submissions. It is noted that the TTAC appeal does not include site specific acoustic specialist input on the submissions, it instead relies on reports drafted by authors with no relevant experience in the acoustics field or reports not related to the Tullacondra



Green Energy Project. There are multiple misunderstandings/technical errors in the "Submission by William McSweeney", which is heavily relied upon in the TTAC appeal.

Examples of this include;

- the use of BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound", this British Standard is not suitable for assessing wind turbine noise.
- Queries related to monitoring set up and equipment noise level floors. Enfonc Limited (experts in Acoustics) were engaged by the Agent to deploy the noise monitors, instrumentation used for the monitoring regime are "Class 1 instrumentation" and met all of the relevant standards and guidance. In relation to a variation in noise floor level, the microphone's nominal sensitivity is subject to several conditions including manufacturer tolerances, age, use, condition and to a small extent, metrological conditions. This is the very reason that field calibrations must be performed. During the calibration procedure, the Sound Level Monitor will adjust itself to the microphone's sensitivity in order to measure a range of levels correctly - it does this by adjusting it's own dynamic range. As a result, the noise floor of the Sound Level Meter may alter from the nominal 16.4dB. SLMs that manifest an elevated noise floor will be capable of measuring higher noise levels than one that has reduced noise floor. For this reason, there is no surprise that the noise floors vary and in fact it is proof that the field calibration procedure was conducted correctly and thus ensuring the validity of the results.
- The submission references "Personally verified OAM at distance" and lists seven wind farms. No details of how this was verified, monitoring equipment used etc.

All other points raised are dealt with in Chapter 13 Noise and Vibration (EIAR Volume II Chapter 13 Noise and Vibration).

To clarify, as detailed in Chapter 13 Noise and Vibration Section 13.2, Statement of Authority, the Noise and Vibration section of the EIAR has been prepared by vastly experienced experts in Acoustics. The assessment has been carried out in accordance with best practice guidelines as detailed in the Chapter, this is further evidenced in the independent report "Acoustic Peer Review of Responses to Further Information Items 10, 11 and 12" completed by independent expert Malone O'Regan Environmental (MOR) on behalf of Cork County Council. This report concludes that "*Based on our review, we consider the applicant has provided adequate information in response to the further information request items 10, 11 and 12. In our opinion, the supplied information adequately addresses the questions raised by the Cork County Council. We have therefore determined that the response is thorough and meets industry best practices*"....."*MOR Environmental consider that noise associated with the development can be readily controlled by suitably worded conditions for sound power levels of turbines, turbine type and size, sound pressure levels at sensitive receptors, tonality and impulsivity*". The MOR report recommends wording for conditions of the planning grant, which have been transposed into the Cork County Council Grant of planning permission. The Applicant and the Agent have reviewed these conditions and consider them to be robust, fully implementable and reasonable. The Coimisiún has accepted in previous cases that it is not appropriate to impose a condition requiring no AM because this cannot be measured before a wind farm is operational. The inspector's attention is drawn to the recent grant of planning by the Coimisiún - Case reference: PL92.318689, condition 11. The Applicant would welcome the Coimisiún adopting the same approach in this instance as it reflects best practice and guidance in relation to AM. In the event that any noise complaints are received, The Applicant will engage in monitoring and take any necessary steps to

address identified issues. The Applicant would welcome a condition which requires this form of "Noise Complaints Management Programme". Aligned with this condition, the Coimisiún also included a condition (#6) which requires the developer to "appoint a *Community Liaison Officer for all stages of the development who shall be the first point of contact for residents and be responsible for monitoring and reporting of complaints, maintaining a complaints register, addressing complaints and for discharging information in relation to the development to residents*". This condition ensures that, if any noise complaints arise from operation (e.g. AM, which cannot be predicted prior to the operation phase) these would be captured through planning compliance. The Applicant has appointed a Community Liaison Officer (CLO) through the development phase of the project and is committed to maintain that position through the construction phase and into operation. We would be happy to accept a planning condition requiring appointment of a CLO.

Works within Public Road Network

To clarify, regarding works proposed within the public road network, Tullacondra Green Energy Limited have provided a letter committing that "*part of the proposed development which is the subject of this application, namely the 38kV cable under a public road, will be undertaken by a statutory undertaker having a right of interest to provide services in connection with the proposed development*" in accordance with Article 22(2) g (ii) of the Planning and Development Regulations, 2001. This letter is included in Part 1, Section 2 of the Planning application.

Equine Considerations

In response to Item 22 of the Request for Further Information from Cork County Council, the Applicant engaged an Equine specialist to examine the equine related submissions on the planning application and prepare an equine welfare assessment. The author of the report is Michael Sadlier, who has over 40 years experience in the veterinary field and has provided consultant services on equine related matters on major infrastructure projects, including road, rail and electrical projects as set out in Section 2 of Appendix 22.1 "Equine Welfare Assessment" of the response to the Request for Further Information. The report has carefully considered submissions to Cork County Council, covers the items raised in the planning appeals to the Coimisiún and sets out planning precedence in section 3.4.

