

File With \_\_\_\_\_

**CORRESPONDENCE FORM**

Appeal No: ABP 322787-25

M \_\_\_\_\_

Please treat correspondence received on 08/07/25 as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP <u>40</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter <input type="checkbox"/>	2. Keep Envelope: <input type="checkbox"/>
	3. Keep Copy of Board's letter <input type="checkbox"/>

Amendments/Comments <u>observation from Nuala &amp; Denis (Randy)</u>

<b>4. Attach to file</b> (a) R/S <input type="checkbox"/> (d) Screening <input checked="" type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	<b>RETURN TO EO</b> <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>D. Mike Wt Cdn</u>	AA:
Date: <u>10/07/25</u>	Date:

File With \_\_\_\_\_

Appeal NO: ABP 372787425

Defer Re O/H

TO: SEO

Having considered the contents of the submission dated/ received 08/07/25  
from

Michael & Denis (re) I recommend that section 131 of the Planning and Development Act, 2000

be/rot be invoked at this stage for the following reason(s): no new material information

E.O.: none but cody

Date: 06/08/25

**For further consideration by SEO/SAO**

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

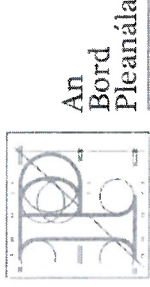
EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

# Lodgement Cover Sheet - LDG-081244-25



## Details

Lodgement Date	08/07/2025
Customer	Nuala and Denis Crowley
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-081244-25
Map ID	
Created By	Scott Moss
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

## Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Cork County Council
Case Type (3rd Level Category)	

## Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Paid	50.00
Refund Amount	

Observation/Objection Allowed?	
Payment	PMT-063750-25
Related Payment Details Record	PD-063589-25

BP40

## Observation

Run at: 08/07/2025 09:34

Run by: Scott Moss

ABP 322787-25

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	

Denis & Nuala Crowley,  
Killmaclenine,  
Ballyclough,  
Mallow,  
Co Cork  
5<sup>th</sup> July 2025

AN COIMISIÚN PLEANÁLA  
LDG- 081244-25  
AC: \_\_\_\_\_  
08 JUL 2025  
Fee: € 50 Type: CHQ  
Time: 8:59 By: Post  
S.M

The Secretary,  
An Bord Pleanála,  
64 Malborough Street,  
Dublin 1.

**An Bord Pleanála Case ref PL04.322787 Cork County Council planning ref 245503**

A Chairde,

I have great concerns in relation to the decision of Cork County Council on the following grounds.

**Cork County Council RFI Item 9**

*It is noted that the list of sensitive receptors excludes "dilapidated and uninhabited properties" please note that it is an objective of the County Development Plan 2022 to re-use derelict dwellings. In light of this, you are requested to submit a revised proposal to include such dwellings in the list of sensitive receptors and the assessment.*

*With regard to mitigation measures associated with shadow flicker control system if such derelict dwellings are occupied in the future.*

**Inconsistencies**

**1. Failure to Fully Incorporate Derelict Dwellings in Impact Assessments**

- The response notes the Development Plan's aim to reuse derelict dwellings, but justifies their exclusion from noise and shadow flicker assessments for specific reasons:

"...by virtue of their uninhabitable status, it was concluded that there was no potential for the proposed development to give rise to likely significant effects..."

## Policy Non-Compliance Risk

This **directly contradicts** the planning authority's instruction and the Cork County Development Plan (2022) RP 5-30, which promotes reuse of derelict buildings.

By not including these as potential future receptors, the assessment:

- **May underestimate impacts.**
- Could **expose future occupants** to non-compliant shadow flicker or noise levels.
- Could render the **Environmental Impact Assessment Report (EIAR)** incomplete under relevant Irish/EU regulations.

## 2. No Update to Shadow Flicker Control System

- The planning authority explicitly requested an investigation into including derelict dwellings in the shadow flicker control system.
- **The applicant does not address this directly.**  
No evidence is provided that the control system could be pre-programmed or later expanded to include such dwellings if they become inhabited.

**Implementation Gap This** is a missed opportunity to ensure futureproofing. The lack of adaptability in the control system contradicts best practice and **ignores the authority's concern.**

## 3. Missing Updated Receptor List and Map

- The response **does not** include:
  - **An updated list** of receptors.
  - **A map** showing distances to all receptors including derelict dwellings.

## Inconsistencies

The request was clear: provide a sequential list and an annotated map. The failure to include either means:

- The submission is incomplete.
- Reviewers must refer to the original documentation, which excluded these Dwellings.

#### **4. Overreliance on “Overriding Public Interest” Legal Argument**

- The response invokes EU Council Regulation 2022/2577 and RED III, arguing that renewable energy projects are in the overriding public interest and should benefit from expedited administrative treatment.
- While legally relevant, this argument is used to justify not incorporating derelict dwellings, even though:
  - Technical inclusion (i.e., adding them to models or control systems) is feasible.
  - Doing so would align the project with both policy and planning guidance.

#### **Incorrect Application of Justification:**

While legal frameworks support renewable energy projects, developers remain responsible for properly addressing legitimate planning policy issues, particularly those impacting long-term residential amenity.

#### **Non-inclusion of derelict dwellings**

Contradicts planning policy and RFI instruction; weakens EIA defensibility.

#### **No evidence of shadow flicker system adaptability**

Fails to show futureproofing or mitigation plan.

#### **Missing updated list and map**

Directly fails to meet RFI request requirements.

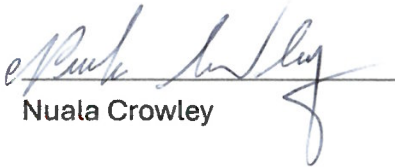
#### **Overuse of legal "overriding interest" rationale**

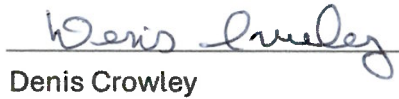
Does not resolve or negate planning and amenity concerns raised.

## Conclusion

My home is located 690 meters from Turbine 9, while my son, Dan Crowley, who is currently renovating my grandmother's house on our farm (Eircode P51EF9P), is 465.25 meters from Turbine 9. This distance does not align with the guidelines established in 2006. The attached map indicates that our farmhouse was not included in the developer's plan. I am extremely concerned as I have been recently diagnosed with a serious illness and am currently undergoing treatment. I urge you to please refuse planning for this Development.

Kind regards,

  
Nuala Crowley

  
Denis Crowley



**Department of Agriculture,  
Food and the Marine**  
An Roinn  
Talmhaíochta,  
Bia agus Mair

For Single Payment Scheme,  
Disadvantaged Areas Scheme and  
other Area-Based Schemes Purposes only

Year: 2012 Scale: 1:5000

Name: Nuala Crowley  
Address: Kilmactenine  
Ballyclogh  
Mallow  
Co Cork

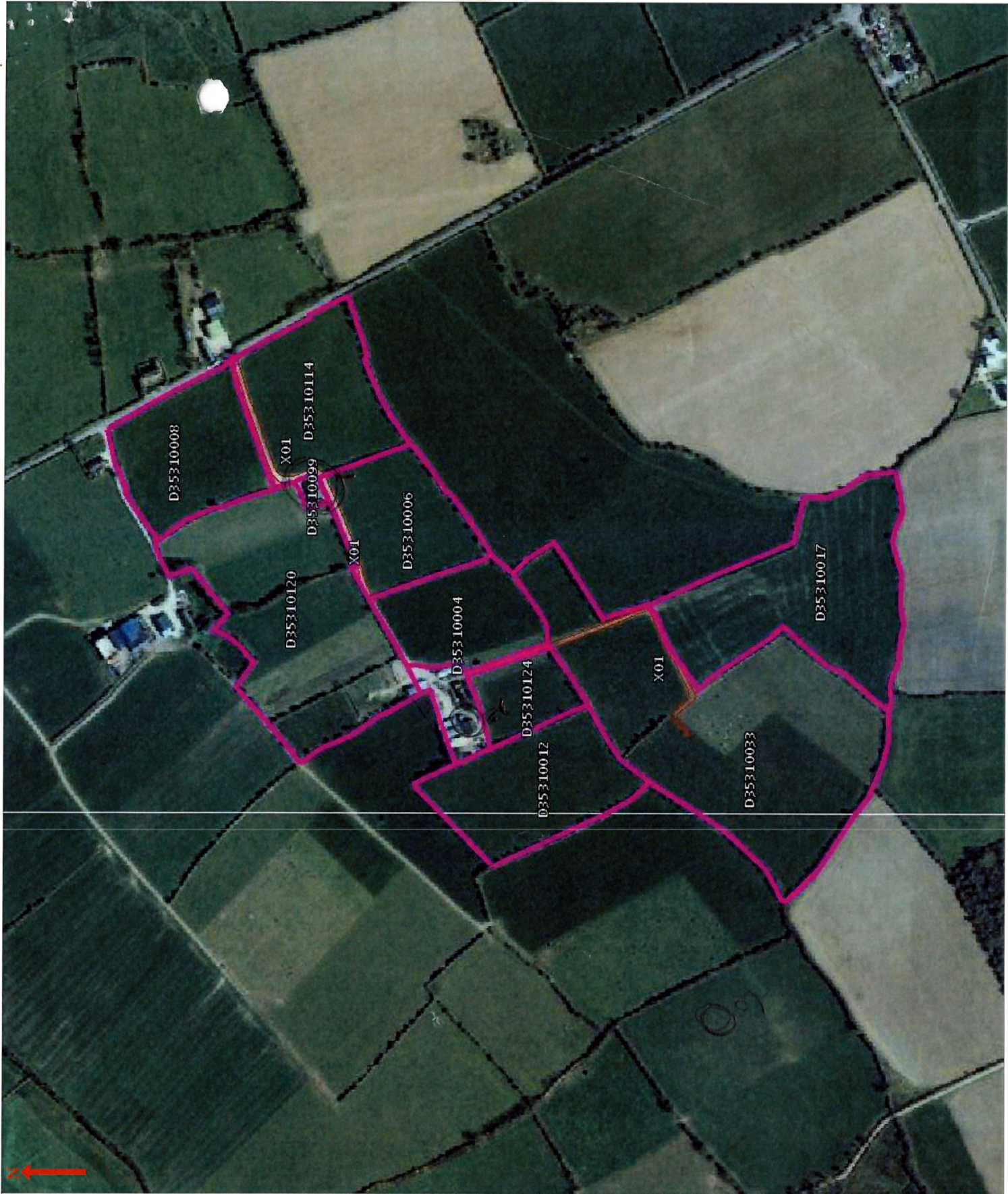
Townland Code: D35310  
Townland Name: KILMACLENNINE

Parcel	Digitised Ref	Claimed
D35310004	1.26	1.20
D35310006	1.45	1.39
D35310008	1.62	1.62
D35310012	1.85	1.85
D35310017	2.96	2.96
D35310033	5.32	5.10
D35310092	0.40	0.00
D35310099	0.07	0.00
D35310114	1.88	1.80
D35310120	3.59	3.59
D35310124	0.66	0.66

Parcel	Excl	Area Type	Area	Redfy	Elig
D35310006	X01	0.06	Farm road (M)	100%	0.00
D35310033	X01	0.1	Farm road (M)	100%	0.00
D35310114	X01	0.08	Farm road (M)	100%	0.00

Ortho Years: 2012

- ① my house
- ② my son's house
- ③ Turbine 9



All areas displayed above are in hectares

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Sat Jan 12 05:44:59 GMT 2013  
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