

Digital BPT



Planning Appeal Online Observation

Online Reference
NPA-OBS-004824

Online Observation Details

Contact Name
Eileen Aherne

Lodgement Date
14/07/2025 17:23:09

Case Number / Description
322787

Payment Details

Payment Method
Online Payment

Cardholder Name
Willie Aherne

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

Yes — See attached 131 Form

N/A — Invalid

Signed



Date

22/7/25

EO

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG—

Reason for Refund

Documents Returned to Observer

Yes No

Request Emailed to Senior Executive Officer for Approval

Yes No

Signed

Date

EO

Finance Section

Payment Reference

ch_3Rkp9kB1CW0EN5FC1ZZjsTEJ

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

File With

[Empty box]

SECTION 131 FORM

Appeal No

ABP- 322787

Defer Re O/H

Having considered the contents of the submission dated/received 14/7/25 from Eileen Aherne I recommend that section 131 of the Planning and Development Act, 2000 be not be invoked at this stage for the following reason(s):

no new material information

Section 131 not to be invoked at this stage.

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

Signed

Dave W. O'Connell

EO

Date

06/08/25

Signed

[Empty box]

SEO/SAO

Date

[Empty box]

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

[Empty box]

Task No

[Empty box]

Allow 2/3/4 weeks

BP

Signed

[Empty box]

EO

Date

[Empty box]

Signed

[Empty box]

AA

Date

[Empty box]

Laorsafoley 24/07/25

Eileen Aherne
Derryorgan
Ballyclough
Mallow
Co. Cork
P51D425
14th July 2025

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

Planning Application Ref No: Cork County Council 24/5503. ABP Ref 322787

Applicant: Tullacondra Green Energy Limited

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

Location: Polnareagha, Ardskeagh, Tullacondra, Crougta, Kilmaclenine, Ballyclough, Knockaunavaddreen, Copestown, Ballybeg, Baltydaniel East, Twopothouse, Caurraghakerry

A Chara,

I refer to the above planning decision and my objection later dated 1st September 2024. The proposed development is located right beside our family farm (Folio numbers D35307124, D35307133 and D35307131) and family home (P51D425).

The grounds for my observations are that the Council did not take into consideration the objections that I made and that the significance of these objections should have resulted in a rejection of the planning application. I attach my original objection letter.

Furthermore, having reviewed the correspondence of others to Cork County Council and An Bord Pleanála, I would like to make the following additional observations:

1. National Air Ambulance Service:

I have regularly observed and heard helicopters flying over our lands and those at Tullacondra. I never realised that these were part of the Air Ambulance service. I am deeply concerned of the risks that the proposed wind farm development unnecessarily creates for the pilot crews where they are required to fly at low altitude during adverse weather conditions.



Ballyclough - Derryorgan



24 June 20:56

📍 LIVE ▾



2. Engagement with the Community

The developer's engagement with the community can only be described as dismal. Despite our lands abutting the development lands, no one from the Applicant has approached my family at any time to update us on progress or hear our concerns.

3. Consent of my family for Applicant's Studies

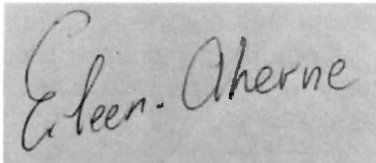
I note that numerous studies were undertaken by the Applicant with a focus in certain instances on biodiversity relating to our lands and the impact of the Applicant's development. My family was never approached by the Applicant to request consent for these studies.

4. Buffer Zone

I am also concerned about my personal safety and the safety of those working on our lands. Turbine 8 is about 125m from our boundary ditch which could mean that a blade failure could result in debris being projected on to our lands causing injury. Other turbines are located closer to my neighbours' boundaries hence this may be a recurring issue that needs to be resolved.

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

Yours sincerely,

A rectangular box containing a handwritten signature in cursive script that reads "Eileen Aherne".

Eileen Aherne

Eileen Aherne
Derryorgan
Ballyclough
Mallow
Co. Cork
P51D425
1st September 2024

The Secretary
Planning Department
Cork County Council
County Hall
Cork

Planning Application Ref No: 24/5503

Applicant: Tullacondra Green Energy Limited

Description: The Applicant is seeking permission for the construction, operation and decommissioning of a wind energy development including: 9 wind turbines each with a blade tip height of 175 metres, rotor diameter of 150 metres, hub height of 100 metres and a rated output of 4.5 megawatts. An on-site 38 kilovolt electrical substation. 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

Location: Polnareagha, Ardskeagh, Tullacondra, Crougta, Kilmaclenine, Ballyclough, Knockaunavaddreen, Copestown, Ballybeg, Baltydaniel East, Twopothouse, Caurraghakerry, Co. Cork

A Chara

I refer to the above planning application and I wish to register my strong objection to same.

The grounds for my objection are as follows:

1. Noise Nuisance

I suffer from migraine and tinnitus and am seriously concerned about the negative impacts the proposed windfarm will have on my health and wellbeing. I am particularly concerned with the negative effects of Amplitude Modulation (AM).

AM refers to the regular variation in the loudness of noise emitted by wind turbines. This "thumping" or "swishing" sound is more pronounced than the steady-state noise typically associated with wind turbines. Unlike constant noise, the fluctuating nature of AM can be particularly intrusive and disturbing to residents living nearby.

Our family home is located 1km from the nearest turbine (our neighbours are closer); hence it is highly likely that we will be subject to AM which is my concern.

The Applicant's Environmental Impact Assessment Report: Chapter 13 – Noise & Vibration Section 13.4.2.2 states that AM is rare and is not a factor that can be foreseen at planning stage, but its presence can be measured and rated, typically in the event of a complaint, post construction. I completely disagree with this.

The Irish Courts in Webster/Rollo and Shorten/Carty vs Meenacloghspar Wind (2024) determined that AM is a nuisance. It also determined that noise generated by wind turbines, even when it falls within the regulatory limits, can still constitute a nuisance. Ultimately, the court found that the defendant's wind farm substantially interfered with the plaintiffs' use and enjoyment of their homes.

In the UK's Department for Business, Energy & Industrial Strategy report "A Review of Noise Guidance For Onshore Wind Turbines" (Sept 2023) (<https://www.wsp.com/en-gb/insights/wind-turbine-noise-report>); two types of AM are identified:

- TEDCAR-AM (trailing edge directivity and convective amplification-related AM) referring to blade swish.
- Non-TEDCAR-AM associated with wind turbine sound, which is not caused by the effects of trailing edge directivity and convective amplification. This form of 'non-TEDCAR-AM has a lower frequency sound character, and can be present at longer ranges and over different directions from turbines compared with 'blade swish'.

The report states that Non-TEDCAR-AM has been linked with reported noise disturbances, and is sometimes described as 'whoomphing'. Non-TEDCAR-AM is associated with modulation in the lower frequency region of the spectrum, which propagates further, and is more effective at transmitting through structures; hence the increased disturbance for home owners.

The report also states that the occurrence of non-TEDCAR-AM is more prevalent at night-time than during the day, and potentially increases the noise annoyance impact of wind turbine sound, when it is present.

A 2021 Australian Study titled "Long-term quantification and characterisation of wind farm noise amplitude modulation" (source: <https://doi.org/10.1016/j.measurement.2021.109678>) characterised and quantified wind farm noise AM for a large data set measured over one year at three relatively long-range distances (1 to 3.5km) from three wind farms in Australia. This research was funded by the Australian Research Council and the National Health and Medical Research Council.

The study found that the diurnal variation (i.e. fluctuations that occur during each day) of outdoor AM prevalence was substantial. AM occurred more often during the nighttime compared to the daytime. At 1.3 km of the nearest wind turbine, AM occurred on average for more than 50% and 25% of the nighttime and daytime, respectively. Similar trends were also observed at 3.5km, but with a lower prevalence of around 25% AM during the nighttime and only 3% during the daytime.

A separate study in 2019 titled "Prevalence of wind farm amplitude modulation at long-range residential locations" (source: <https://doi.org/10.1016/j.jsv.2019.05.008>) reported Low-frequency tonal AM between 1 and 9 km from wind farms. The same study cites that low-frequency noise is poorly attenuated by building structures. This research was also funded by the Australian Research Council and the National Health and Medical Research Council.

In the Webster/Rollo and Shorten/Carty vs Meenacloghspar Wind case, the Judgment of Ms. Justice Emily Egan delivered on 8th March 2024, read as follows:

"I find that two features in particular of the Wind Turbine Noise (WTN) AM render the WTN an unreasonable interference. First, there are frequent and sustained periods during which the AM manifests typical AM values at a level widely acknowledged to be associated with high levels of annoyance. Second, this WTN displays periods of thump AM. The oral evidence of all four plaintiffs and the Webster-Rollo diary entries all suggest that thump AM, together with its association vibration, is the most intrusive quality of the WTN. This thump AM vastly adds to the nuisance posed by the wind farm. In combination, I find that this is WTN which reasonable people would find it impossible to habituate to."

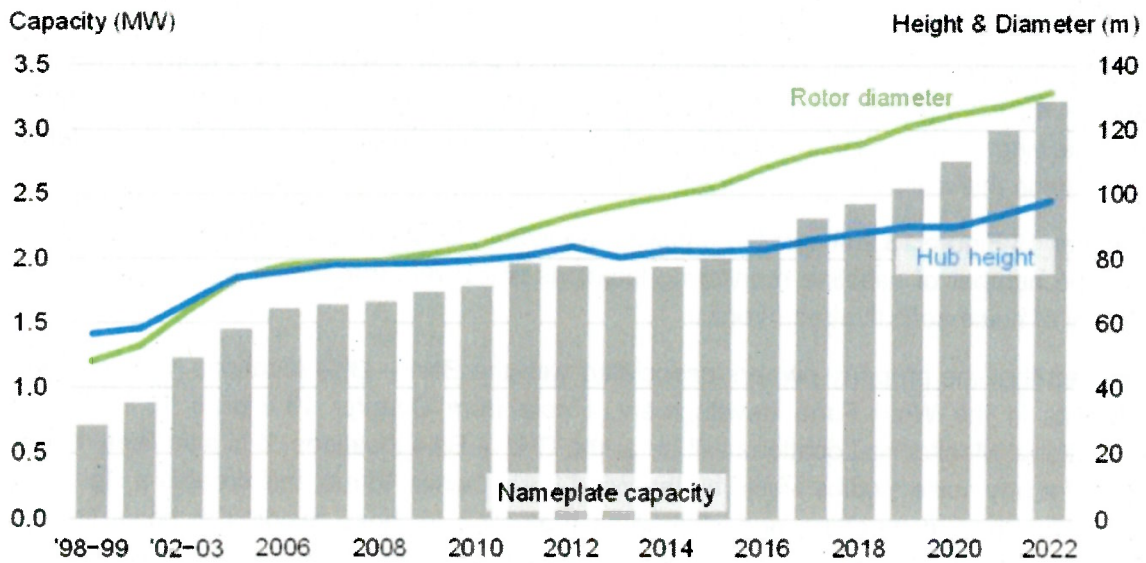
I have also observed that several of the turbines are located distances of less than 395m from each other. This is 2.3x the blade tip heights. My understanding is that distances between turbines should be at least 5x the blade tip heights. I am concerned that this closer proximity will result in increased air turbulence and in turn increased AM.

On the grounds that (a) AM is confirmed by the courts to be a nuisance and (b) my home (which is 1km from the Applicant's nearest turbine) and those of several of my neighbours are within a 3.5km radius that will be subjected to AM; I object to the Applicant's proposed wind farm development.

2. Wind Energy Development Guidelines (2006)

Ireland's Wind Energy Development Guidelines (2006) make no reference to any form of AM and hence may be technologically outdated.

Furthermore, the set-backs stated in the 2006 Guidelines were established when turbine technology was significantly smaller. In 2006 the average hub height was 80m. This can be seen in the image overleaf. The Applicant's proposed hub height is 100m, an increase of 1.25x.



Source: <https://www.energy.gov/eere/articles/wind-turbines-bigger-better> accessed 14th July 2024)

It appears to me that the Guidelines are no longer relevant to the nature, scale and complexity of wind farm developments currently being considered in Ireland, including that of the Applicant.

This is confirmed in the “Strategic Environmental Assessment Environmental Report for the Draft Wind Energy Development Guidelines 2019” (<https://assets.gov.ie/109104/26c73115-1a65-4a9f-a96d-33fd13b912e8.pdf>) which states: “the 2006 Guidelines reflect an industry far removed from that of today and it is therefore necessary to update these Guidelines to reflect the developments made in the intervening years and to be responsive to future changes also. As wind energy technology is continually evolving the Guidelines must also be responsive to industry development and community concerns.”

The “Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment” was transposed into Irish law with the following:

- Statutory Instrument (S.I.) No. 435 of 2004 - European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 as amended by S.I. No. 200 of 2011 - European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011, and
- S.I. No. 436 of 2004 - Planning and Development (Strategic Environmental Assessment) Regulations 2004 as amended by S.I. No. 201 of 2011 - Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011.

The requirements for a Strategic Environmental Assessment (SEA) existed at the time of the 2006 Guidelines. It appears to me that the 2006 guidelines did not have a SEA carried out and, if confirmed that this is indeed the case, then they are non-compliant with the Directive 2001/42/EC and the Irish Regulations.

On the grounds that (a) the Wind Energy Development Guidelines (2006) are out of date; and (b) they are potentially non-compliant with the Directive 2001/42/EC and the Irish Regulations; I object to the Applicant’s proposed wind farm development.

3. *Assessment of Background Noise*

The Applicant's Environmental Impact Assessment Report: Chapter 13 – Noise & Vibration Section 13.6.3.5 (Application of baseline noise levels to noise sensitive receptors) refers to the following: "The IoA GPG states that "Background noise measurements should preferably be made in the vicinity of noise-sensitive receptors".

Chapter 13 Figure 13.2 shows the baseline monitoring locations BN1 – BN4. I am concerned that the number of baseline monitoring locations is low and that they are not located in the vicinity of noise-sensitive receptors.

I expect that the property owners associated with the BN1 – BN4 locations have beneficial interests in the Wind Farm development. I note from Chapter 13 Figure 13.16 that the operational Monitoring Locations will be at the BN1 – BN4 locations. It is also likely that the client for any noise studies would be the Wind Farm owner. To me, this creates a high risk of selective / biased reporting and offers little protection to those residing at noise sensitive receptors. Post construction noise monitoring is the Applicant's proposed remedy for AM complaints (as referenced above in relation to Section 13.4.2.2). This makes me feel very vulnerable. At the very least, noise assessments should be carried out independently of the Wind Farm owner.

On the grounds that the Applicant's baseline monitoring locations are not representative of the noise-sensitive receptors, I object to the Applicant's proposed wind farm development.

4. *Negative Impact on Landscape*

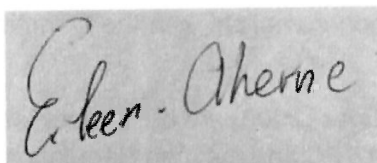
The turbines with a height of 175m each will destroy our beautiful landscape. They are taller than the tallest buildings in Ireland and will be seen at great distances. In order to protect our landscape, I object to the Applicant's proposed wind farm development.

5. *Negative Impact on Wildlife*

There are barn owls and bats and lots of birds flying over our lands. On our family farm, we have two acres set aside for wildlife protection. This area is very close to the wind turbines' location. The turbines may result in collisions with the bats and barn owls and this would be a great loss to a protected species.

I trust that my significant concerns as set out in this letter will be taken into consideration prior to a decision being reached on this planning application.

Yours sincerely,



Eileen Aherne