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SID Planning
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
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Planning Application Reference Number: ACP-324165-26

Applicant: Maughanaclea Ltd / Enerco

Description of Development: 10 year planning permission for Maughanaclea Wind Farm consisting of 14 no. wind turbines, a 110kV substation and 110kV underground cabling connection and associated works

Location: Maughanaclea, County Cork

A Chara,

This is a big project that covers a large area. In fact, as is clear from the maps, it is actually two separate groups of turbines which could have been presented as two distinct schemes. Lumping them together into one proposal would seem to be a way to circumvent the usual planning process by allowing a direct approach to An Coimisiún Pleanála.

It is not surprising therefore that the project would appear to contradict the aims of the Cork County Development Plan. I refer specifically to two previous planning decisions by Cork County Council.

The Gortloughra Wind Farm Limited planning application number 25/00142 was refused and one of the main reasons for this was the obvious visual intrusion into the coastal tourist routes and the Wild Atlantic Way. The inclusion of the north-eastern, Gortloughra, group of turbines (numbers 1 to 6) in the current application would obviously run counter to this precedent. Concerns were already raised in 2013, during the planning process for Shehy More (13/551), when it was considered that the area was reaching a saturation point, especially with the other wind farms previously granted planning within the Upper Lee Valley (Derragh, Cleanrath and Grousemount). The planners were clearly already concerned back in 2013 about the visual impact of Shehy More Wind farm so for this reason the developer was made to reduce tip heights to 131m so they would not be visible from the south. At the Gortloughra end of this earlier development, concern was also raised about the visual impact on the Kealkill valley and

the westernmost turbine had to be omitted. The current proposal includes turbines that are significantly larger than the ones in the Shehy More wind farm and are further west. The precedent of the previous decision should imply that the turbines as proposed on the Gortloughra side of the development are not appropriate.

The proposed development area is upland bog and heath and is home to many species of birds. This is a particular concern of mine because I am a regular recorder for Biodiversity Ireland. In Gortloughra townland I have recorded Hen Harriers, choughs, ravens, sparrow hawks, snipe, cuckoos, swallows, skylarks, meadow pipits, grasshopper warblers, siskins and mistle thrushes as well as many of the more common small bird species. It is a particularly important area for skylarks (which I have already recorded this spring) because they are becoming scarce in many areas due to habitat loss and disturbance. The high crags on Shehy nearby, are important nesting places for ravens and choughs. These would be at risk from the severe disruption during the construction phase. Gortloughra contains an increasingly rare habitat of upland blanket bog which has not been afforested. During the previous EIS written for the Shehy More wind farm on the north side of Shehy, the Vantage Point survey included close views over Shehy Beg/Tooreen, an area adjacent to the current project. The specialist recorder noted how rich the bird life was in the area and recommended that no turbines should be built on this side of the mountain, especially with the presence of Chough and Golden Plover. In refusing permission for the nearby Cummeen wind farm proposal, 18/00176 the Council said;

'Having regard to the location of the proposed development in an area of intact upland peatland, the Planning Authority considers, based on the information submitted, that the development as proposed may result in the loss and fragmentation of upland habitats at the site some of which correspond to habitats of high conservation value which are listed on Annex 1 of the Habitats Directive. The proposed development would, therefore, contravene materially Objective HE 2-3, as set down in the Cork County Development Plan 2014, which seeks to protect biodiversity outside Protected Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

The current County Development Plan 2022-28 includes a requirement for wind farm development to avoid sensitive environments and specifically singles out Cousane Gap as being particularly sensitive.

The County Development Plan in its Tourism section, looks for

'Ensuring the protection of the natural, built and cultural heritage assets' (10.1) including important landscape and archaeological sites (TO10-5)
'The principal features of the areas tourism product include mountain and upland habitats including the Shehy Mts (10.6.1).

Turbine number 1 as proposed would be very close to my home and I am concerned about the detrimental effect this would have on my day to day life.

Under both Irish and EU Law one has the right to enjoy one's property, although this can be waived if it is justified by the public interest, however a home-owner still has the right to legal remedies. In the Ballyduff Windfarm case the court ruled it constituted a private nuisance

amounting to unreasonable interference. This was caused by frequent sustained noise, particularly the evening thump and vibration. Planning permission noise limits were not breached, however, that did not preclude findings of nuisance.

I feel that the turbines would be visually overbearing with the potential for serious nuisance through noise and visible motion.

I have concerns regarding the potential noise impact of this development, particularly given the complex, hilly terrain of the area, which may influence how sound travels and is experienced.

I am not satisfied that the assessment contained in the submission documents has demonstrated, with sufficient certainty, that noise impacts, including night-time disturbance, low-frequency noise, and amplitude modulation, will not adversely affect me in my home.

In the Gibbet Hill case The High Court ordered that three wind turbines at the Gibbet Hill Wind Farm in Co Wexford, be totally shut down due to noise nuisance.

The Gibbet Hill turbines (6 turbines: Nordex N90/2500 (power 2 500 kW, diameter 90 m, 125m from bottom to tip of blade) are much smaller than the turbines proposed for Maughanaclea and Gortloughra

The court acknowledged that the three nearest turbines had caused serious health problems due to noise pollution and shadow flicker.

The night time lighting on the turbines is also a serious issue which would impinge on my right to the peaceful enjoyment of my property as protected under EU law.

ECHR Protocol No. 1, Article 1

Charter of Fundamental Rights of the EU, Article 17

The Irish Constitution, Article 40.3 and Article 43

If this project were to proceed, my sense of my home as a rural idyll or sanctuary would be lost. Residential amenity extends beyond minimum separation distances. The scale, movement, and dominance of these turbines would create an overbearing presence for nearby homes. Visual intrusion, noise, and loss of tranquillity would materially affect quality of life and the enjoyment of homes in what is currently a quiet rural environment.

The compensation proposed by the developers for households within the 1km radius from any given turbine is insultingly meagre which indicates that they have not seriously considered the enormous detrimental impact this scheme would have on those of us who call this area home.

For these reasons, I believe this development would cause unacceptable harm to the landscape, environment, residential amenity, and community of the area and should be refused. I urge you to reject this proposal completely.

Sincerely

D. Richards