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Kealkill
Bantry
Co Cork
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23.05.2026

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Reference: ACP-324165-26

Applicant: Maughanaclea Ltd

Description: The proposed development will consist of the provision of the following: 14 no. wind turbines with an overall turbine tip height of 169 metres, a rotor blade diameter of 133 metres, and turbine hub height of 102.5 metres, and a meteorological mast with a height of 30 metres, and subsequent decommissioning of the wind turbines and meteorological mast, following a thirty five year operational period from the date of full commissioning of the wind turbines; Associated wind turbines and meteorological mast foundations and hardstanding areas; A 110kV substation compound (Including control buildings (with a combined floor area of 594Sq.m) with welfare facilities, all associated electrical plant and apparatus, security fencing, underground cabling, lightning protection poles, underground wastewater holding tank, site drainage and all ancillary works); Underground electrical (110kV) and communications cabling from the proposed 110kV substation to the existing Dunmanway 110kV substation in the townland of Ballyhalwick (including joint bays, communication chambers, earth sheath links, and ancillary works along the underground electrical cabling route). This cabling route is primarily located within the public road corridor; Underground electrical (33kV) and communications cabling connecting the wind turbines and meteorological mast to the proposed 110kV substation; 3 no. temporary construction compounds (including site offices and welfare facilities (with a combined floor area of 585Sq.m); 2 no. temporary security cabins (with a combined floor area of 28.8Sq.m); Junction accommodation works to facilitate turbine delivery and construction access to the site, including the upgrade of an existing site entrance off the R585 regional road, and the construction of a new access road off the R585 regional road, crossing the L8777 Local Road; including new permanent gated site entrances; Upgrade of existing site tracks/ roads and provision of new site access roads, junctions and hardstand areas (including upgrade of a short section of the L8777 local road); 4 no. borrow pits; Peat and Spoil Management; Site Drainage; Tree felling and vegetation removal; Biodiversity Enhancement measures (peatland habitat enhancement, Kerry slug habitat enhancement,

and native woodland planting); Operational stage site signage and; All associated site development works and apparatus.

The applicant is seeking a ten-year permission and an operational period of thirty-five-years for the wind turbines, meteorological mast and site signage from the date of full commissioning of the wind turbines. A permanent planning permission is being sought for all other works.

Location: townlands of Ardrah, Maughanaclea, Ballynamought, Gortloughra, Cousane, Coomclogh, Derragh, Glanycarney, Keenrath, Derrynacaheragh, Shiplough, Coolsnaghtig, Mallabracka, Derrylahan, Derreens, Demesne, Dunmanway North, Milleenanannig, and Ballyhalwick, Co. Cork.

A Chara,

We wish to make the following observations in objection to this application.

1. Contravention of Cork County Council Development Plan 2022-2028
2. Biodiversity Commitments and Penalties
3. Visual Impact
4. Cumulative effect
5. Noise and Shadow Flicker

Observation 1. Contravention of Cork County Council Development Plan 2022-2028

The proposed development lies within an area designated in the Cork County Council Development Plan 2022-2028 as 'Open to Consideration' for wind energy development. Open to Consideration means, among other things: an area where it can be shown that the proposed development can avoid adverse impact on the visual quality of the landscape and the degree to which impacts are highly visible over wider areas (Obj. 13.7).

An application for 8 wind turbines at a site adjacent to the proposed Maughanaclea site was refused permission (Cork County Council Planning Register No. 25/00142 Shehy Beg, Gortloughra, Cloghboola & Inchinroe).

Reasons for refusal include:

Reason 1. The proposed windfarm development would be located within a Landscape Character Type of Ridged and Peaked Upland, within an area of open unspoilt landscape, of wilderness terrain, within an area where commercial wind energy developments are 'Open to Consideration', as designated in the Cork County Development Plan 2022, subject to compliance with normal planning and environmental criteria, as set out in the specific objective ET 13-7. The proposed wind farm site would also be sited in an area of High Landscape Value, High Landscape Sensitivity and Local Landscape Importance and would be

visible from scenic routes S29 and S28. On the basis of the information submitted and having regard to the siting and excessive height of the turbines proposed, the Planning Authority considers that the proposed development would seriously detract from the views and prospects from parts of the S29 scenic route, would seriously detract from the visual quality of the landscape and visual amenities of the area and would be visually obtrusive when viewed from therein. The proposed development would thus materially contravene Objectives ET 13-7, GI 14-9, GI 14-12 and GI 13-13 of the Cork County Development Plan, 2022 which seek to protect the landscape and visual and scenic amenities of the area, including the views attainable from Scenic Routes, the character of such views and prospects and those with very special views. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

Observation: The current proposal (ACP-324165-26) would contravene Cork County Council Development Plan 2022-2028 for the same reasons; given that it is on an adjacent elevated site with Landscape Character Type of Ridged and Peaked Upland and turbine heights are only 6m shorter.

Reason 2. The proposed windfarm development would be located in an open unspoilt landscape and vast area of wet heath, blanket bog and wet heath habitat the latter of which are regarded as 'habitats of special conservation significance' as set out in Cork County Development Plan 2022 -2028 that include Annex I habitats and where under Objective ES13-7 and Objective BE 15-2 there is a requirement to and to protect all Natura 2000 sites and to protect and enhance biodiversity. The proposed development will lead to the removal of over 11 hectares of peatland in the form of wet heath, wet heath mosaics, and blanket bog, and given the extent of wetland habitat within the vicinity of the proposed windfarm and the extent of the development site (edged red) the Planning Authority is precluded from amending the layout alterations or re-siting of seven of the eight proposed turbines. Accordingly the proposed development would have a permanent significant negative effect on habitats of high ecological value and would materially contravene a number of stated Objectives of the Cork County Development Plan 2022-2028 and be contrary to the proper planning and sustainable development of the area.

The proposed development will lead to the removal of over 11ha of peatland in the form of wet heath, wet heath mosaics, and blanket bog, the former and latter of which are regarded as ‘habitats of special conservation significance’ in Cork per Volume 2 of the County Development Plan and can be considered as Annex I habitats. Given the extent of wetland habitat in the vicinity of the proposed windfarm, the planning authority finds no scope for layout alterations or relocations of seven of the eight proposed turbines. As such, it is considered that the proposed development would be likely to have a permanent significant negative effect on habitats of high ecological value and therefore the granting of permission for this development would contravene materially development objectives indicated in the development plan, namely ES 13.7 and BE 15-2

Observation: The current application (ACP-324165-26) states that the site primarily consists of peat bogs with areas of coniferous forestry, and moors and heathland. As such, reason 2 for refusal also applies to this application.

See Observation 2: EU and National Biodiversity Obligations.

Observation 2. Biodiversity Commitments and Penalties

Ireland has national, EU and international commitments and binding regulations in regard to preservation of biodiversity. We often fall far short on meeting these obligations and specifically under the EU biodiversity strategy 2030 and the Kunming–Montreal Global Biodiversity Framework. Failure to meet legal obligations can lead to large fines. More importantly, species can be lost, and vital carbon absorption significantly reduced, through failure to protect habitats.

Annual Review 2025: Biodiversity (Climate Change Advisory Council) key observations: “Ireland continues to fall short of its international biodiversity protection commitments, with only 14.4% of terrestrial areas and just under 10% of marine areas under formal protection. This is far short of the target of at least 30% by 2030 agreed under the Kunming–Montreal Global Biodiversity Framework.”

“Priority ecosystems continue to be degraded and their ability to provide ecosystem services impaired. It is estimated that only 25% of Ireland’s peatlands are healthy enough to provide ecosystem services, and restoration efforts need to be scaled up, particularly for blanket bogs.”

“90% of Irish habitats listed in the Habitats Directive are currently in unfavourable status with over half showing continued decline. “

When looking at the argument that windfarms should be fast-tracked into a grant of permission because of the climate crisis and energy crisis, there is the critical counter argument that permission should not be granted at the expense of habitat and biodiversity protection.

Coolglass Judgement.

The judgement delivered by Chief Justice Donal O'Donnell on 4 February 2026 (seven-judge Supreme Court). Concerning a 13-turbine wind farm at Timahoe, Co. Laois, where ACP had refused permission in August 2024 on the basis of material contravention of the Laois CDP. The Supreme Court upheld the quashing of ACP's refusal, but on narrower grounds than the High Court (Humphreys J., January 2025). Critically, the Court rejected the High Court's "decision tree" which suggested that renewable energy projects should "almost always" be approved, holding that the duty of compliance with Section 15(1) could not be reduced to a simple formula. The Court also rejected the interpretation urged by both the State parties and Coolglass, as it would result in a strong presumption favouring the grant of permission for any renewable energy project, subject only to considerations of practicability. The Court's own formulation was that the question of consistency with Section 15 objectives is much more complex than a "traffic light system of climate-friendly 'go' (unless impracticable) and climate-unfriendly 'stop'.

The applicant for the proposed windfarm (ACP-324165-26) invokes the Coolglass judgement to argue that climate obligations tip the balance in their favour. We would cite the same judgment to tip the balance in favour of refusal on the basis of landscape, habitat, biodiversity and adhering to the development plan. The Supreme Court explicitly said that

Section 15(1) does not create an automatic presumption in favour of renewable energy projects, and that ACP must properly weigh all planning considerations including landscape, biodiversity and development plan objectives.

Observation 3. Visual Impact

The proposed windfarm would be highly intrusive in the landscape and contrary to the objectives of Cork County Council Development Plan 2022-2028. Massive turbines would be highly visible from scenic routes, walking routes, tourist attractions and from much of the catchment area for Bantry Bay. This would negatively impact on tourism, which is a vital economic driver for the area.

The EIAR Chapter 13 (Landscape and Visual Impact Assessment) identifies "Significant" residual visual effects at four of its eighteen photomontage viewpoints: VP6 (Gortloughra, 860m from the nearest turbine), VP11 (Maughanaclea Valley / R585), VP12 (R585 Regional Road), and VP16 (Maughanaclea, 1.1km from the nearest turbine). Two of these (VP11 and VP12) are located on the designated Scenic Route C-SR29. One (VP6) is located on the Beara to Gougane Barra Cycling Route.

Having identified these significant effects, the EIAR then repeatedly deploys the phrase "on balance, these effects are not considered significant" to dismiss its own findings. The reasoning offered is that the significant effects occur "for a very short duration" and "comprise a very small portion of the overall scenic route." This reasoning is flawed.

Scenic Route C-SR29 passes directly between the two turbine clusters of the proposed wind farm. The EIAR acknowledges that the route bisects the development. It is not a question of incidental visibility at one point on a long route; rather, the scenic route is threaded through the heart of the proposed development. The stretch of the R585 between the Cousane Gap and Kealkill (approximately 12km) is the section the EIAR identifies as experiencing visibility of the proposed turbines. This is the most dramatic and scenically significant section of the route, where westbound travellers emerge from the Cousane Gap into expansive views of

the West Cork mountains. To describe significant visual effects on this section as affecting "a very small portion" of the route is to minimise what the EIAR's own assessment has found.

The Cork County Development Plan protects views from designated scenic routes through Objectives GI 14-12 (preservation of important views and prospects), GI 14-13 (protection of the character of views from scenic routes), and GI 14-14 (requiring demonstration that development will not cause adverse obstruction or degradation of views). The CCDP also requires, through Objective GL 14-9, protection of skylines and ridgelines from development.

Cork County Council, in refusing the an application, for the Gortloughra windfarm (Cork County Council Planning Register No. 25/00142 Shehy Beg, Gortloughra, Cloghboola & Inchinroe). specifically found that the proposed turbines would "seriously detract from the views and prospects from parts of the S29 scenic route" and would "seriously detract from the visual quality of the landscape and visual amenities of the area and would be visually obtrusive when viewed from therein." The Council concluded that this would "materially contravene Objectives ET 13-7, GI 14-9, GI 14-12 and GI 13-13" of the Cork County Development Plan 2022. Every one of these objectives applies equally to the Maughanaclea site.

The Maughanaclea proposal is, if anything, more impactful on scenic route C-SR29 than Gortloughra was. The Gortloughra turbines were visible from parts of the S29 route. The Maughanaclea turbines are sited on both sides of it; the route passes between the two clusters. The EIAR itself identifies "Significant" residual visual effects at VP11 and VP12, both on the C-SR29 scenic route. The EIAR states that from VP12, the proposed turbines comprise approximately 25% of the possible 360-degree landscape view, and from VP16 (nearby), approximately 44%. These are not peripheral intrusions; they represent a fundamental transformation of the visual experience of this designated scenic route.

The EIAR's position is that the proposed turbines "are primarily perceived on the periphery of such views" and that "the key scenic attributes of the dramatic West Cork landscape (HVL LCT 4) remain largely unobstructed" (Section 13.7.3.4.1, C-SR29 Policy Considerations). The description of the C-SR29 scenic route in the CCDP is "Views of remote mountainous

landscape." That description encompasses the entire mountain landscape visible from the route, not merely the most distant peaks of the HVL. The introduction of fourteen 169-metre turbines onto the ridgelines, flanking both sides of the route, fundamentally changes the character of the mountainous landscape that the scenic route designation was intended to protect. That the most distant views to the west may technically remain "unobstructed" does not mean the scenic character of the route is preserved.

Observation 4. Cumulative Effect

There are at least 30 permitted and proposed wind farms within the wider area of 20km of this proposed development. If all of these go ahead, there would be at least 243 turbines in the 20km zone. This is development on an industrial scale. Such a density of wind turbines totally undermines the integrity of the landscape and degrades the environment to an unacceptable level. Their presence dominates views for miles around, blights the lives of the people who live there, especially those who live within sight and earshot of the turbines, and threatens economic opportunities for tourism.

The EIAR identifies four more wind farms within 5km of the proposed turbines. These will be highly visible from the Cousane Gap, Kealkill and a considerable part of the Bantry Bay catchment area. The cumulative effect of such development would be devastating. Hillsides would be covered with back-to-back turbines, as applications go in one after the other. Although little can be done about existing wind turbines, a level of containment is required to control unwarranted and damaging expansion.

While we acknowledge the need to develop sources of alternative energy, we need to guard against an excessive density within a small area. We feel that this area already bears more than its fair share of windfarms. This is an area of extraordinary beauty and a valuable tourism asset. To preserve these wild spaces is so important for the nation as a whole. If planners take their eye off the ball, lots of small applications will roll into one all-encompassing wind farm. If these developments all go ahead, they will profoundly alter the landscape for the next 30 years and beyond.

Observation 5. Noise and Shadow Flicker

New guidelines are due to be announced by the Minister for the Environment in regard to noise, setback distance, shadow flicker and community obligation. These will replace the old guidelines (some dating back to 1996) which are considered not fit for purpose. This development would be in place for 30 years if erected and hence should not be assessed under outdated guidelines.

There is a serious argument that wind turbine noise cannot be accurately calculated with any certainty. A suck-it-and-see approach leaves nearby households in an extremely vulnerable position. Health and wellbeing of the local community matters. It shouldn't be compromised in any way.

In a landmark judgement against ABO Energy Ireland Ltd, ABO Energy O&M Ireland Ltd and Wexwind Ltd (2025) substantial compensation was awarded to nearby residents suffering from severe noise levels. Shadow flicker was also a serious issue. An injunction was granted restricting the turbine's operation. It took twelve years from the commencement of operation of the turbines, to this issue being resolved through the court system. It must have been twelve years of mental torture for the households affected.

While the factual circumstances differ, this case demonstrates the real-world consequences of underestimating noise and shadow flicker impacts at the planning stage.

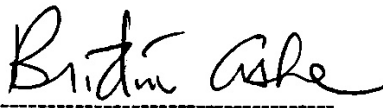
Yours faithfully,



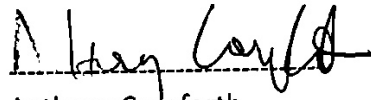
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