

AN COIMISIÚN PLEANÁLA (An Bord Pleanála)  
STRATEGIC INFRASTRUCTURE DEVELOPMENT

THIRD PARTY OBSERVATION

Case Reference: 324165

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**Applicant:** Maughanaclea Ltd. (associated company of Enerco Energy Ltd.)  
**Site:** Maughanaclea and adjacent townlands, Co. Cork  
**Development:** 14 Wind Turbines (tip height 169m, 67.2MW) + grid connection

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**Observer:** Peter O'Connor  
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**Date:** 25/05/2026

Signed: \_\_\_\_\_

**Introduction and Standing**

This observation is lodged pursuant to Section 37E(5) of the Planning and Development Act 2000 (as amended) in respect of the above Strategic Infrastructure Development application submitted by Maughanaclea Ltd. to An Coimisiúin Pleanála.

The Observer is a resident of and has an established interest in the Kealkill/Bantry/Drimoleague area of West Cork. The Observer has also lodged a third-party appeal (reference 25/6052) against Cork County Council's decision to grant planning permission for the Derreenacrinnig West Wind Farm, Drimoleague, and is therefore directly affected by the cumulative wind energy context that this application materially contributes to.

The Observer acknowledges the national policy support for renewable energy development and the importance of Ireland's climate transition objectives. However, Strategic Infrastructure Development status does not diminish the Commission's obligations under the Planning and Development Acts, the Environmental Impact Assessment Directive, the Habitats Directive or the Water Framework Directive. The concerns set out below relate primarily to the adequacy of the assessment process, cumulative effects, and the protection of critical environmental and public infrastructure receptors within a sensitive upland and drinking water catchment landscape.

The Observer's concern relates principally to the adequacy, independence and cumulative consideration of the environmental assessments submitted in support of both the Derreenacrinnig West and Maughanaclea proposals. In particular, the Observer submits that impacts on residential groundwater supplies, hydrology, habitat integrity, noise and shadow flicker require clearer and more independently verifiable assessment such that any predicted impacts, mitigation measures and compliance obligations are capable of meaningful monitoring and enforcement over the lifetime of the development.

This observation addresses nine discrete areas of concern: (1) drinking water supply and public health risk; (2) road safety and human geography on the R585; (3) cumulative visual and landscape impact when assessed alongside Derreenacrinnig West, Curraglass and Gortloughra; (4) EIAR adequacy; (5) peat and hydrological risk; (6) ecological and ornithological assessment gaps; (7) tourism and social infrastructure; (8) the adequacy of the community engagement process and (9) Legal and Procedural Context. Each ground (apart from 9) is supported by references to the applicant's own submitted documents.

The Observer respectfully submits that the issues raised herein should be considered cumulatively and not in isolation. The combined interaction between peat hydrology, drinking water abstraction sensitivity, cumulative landscape transformation, construction traffic intensity and ecological disturbance creates a materially different planning context than would arise from assessment of any individual impact category alone.

This observation is submitted alongside a copy of the third party appeal lodged in respect of planning reference 25/6052 (Derreenacrinnig West Wind Farm), which is referenced throughout in support of the cumulative impact grounds set out herein.

## **Ground 1: Drinking Water Supply Risk - A Critical Public Health Concern**

### **The Kealkill Water Supply Abstraction**

One of the most significant and inadequately addressed issues in this application is the proximity of the proposed wind farm site to the Kealkill Zone 1 public water supply abstraction point on the Owengar River.

### **The facts are drawn from the applicant's own EIAR Appendix 2-2 (Scoping Responses):**

An internal email from Uisce Eireann's Development Management Planning division (Emmett Hegarty, 17 April 2025) states in the clearest possible terms:

*"The majority of the windfarm site is located within the drinking water abstraction catchment for Zone 1 Kealkill Water Supply, with the site located 1.3km from the abstraction point in the Owengar River."*

The same email confirms a further risk: a small portion of the southern wind farm site falls within the drinking water abstraction catchment for Zone 1 Bantry Cahernacrin supply (Inchilough abstraction point, 8.5km distant), and the cabling route passes through the Zone 2 Bandon Regional Water Supply catchment with the abstraction point 22km downstream on the Bandon River.

Uisce Eireann's hydrologist explicitly acknowledged that this represents '**significant scope for hydrological interaction**' and that 'the main risk would be during construction and

decommissioning activities.' The same email states that this information was NOT included in Uisce Eireann's original scoping response - it was only identified because the applicant's hydrology consultant (David Broderick, HES) proactively flagged it. This is deeply concerning: it means the initial scoping process failed to identify the single most important water safety risk associated with this development.

### **Why This Is a Fundamental Assessment Deficiency**

- **According to the applicant's own scoping correspondence, the majority of the wind farm site is located within the Zone 1 Kealkill drinking water catchment.** This is not a peripheral or marginal overlap. It is a dominant spatial relationship. The site sits 1.3km from the abstraction point - a critically short distance for a development involving peat excavation, borrow pit extraction, heavy machinery, hydrocarbon storage and concrete batching.
- **Zone 1 classification means highest vulnerability.** Under the EPA's Groundwater Protection Scheme methodology and the Water Framework Directive, Zone 1 catchments are the most sensitive category. Construction activities involving peat disturbance, road building, and hydrocarbon use in a Zone 1 catchment present a potentially significant public health and drinking water contamination risk.
- **Kealkill village depends on this supply.** The Kealkill Water Supply serves the village of Kealkill and surrounding townlands. Contamination of the Owengar River abstraction point during construction - through peat runoff, hydrocarbon spill, concrete leachate or sediment mobilisation - would directly affect the drinking water of the local population and would require emergency alternative supply arrangements for which no contingency is described in the EIAR.
- **The mitigation proposed is inadequate.** Uisce Eireann's response states that 'if the applicant adopts appropriate mitigation measures, these would eliminate any potential risk.' The word 'if' is not a planning standard. The EIAR must specify, with binding precision, what those mitigation measures are, how they will be monitored, who is responsible, what the trigger for emergency response is, and what the compensation mechanism is for any contamination event. General references to best practice CEMP measures do not constitute a Water Safety Risk Assessment for a Zone 1 catchment.
- **No independent baseline water quality assessment.** The EIAR does not appear to include a pre-construction baseline water quality survey of the Owengar River at and immediately downstream of the abstraction point. Without a robust baseline dataset, attribution of any contamination event during construction may become materially more difficult thereby materially weakening the ability to attribute impacts and require effective remediation. This is a fundamental gap.
- **Construction dewatering risk unquantified.** The site is characterised as primarily consisting of peat bogs. Large-scale construction on saturated peat requires dewatering. The volume, chemistry and disposal route of dewatering effluent from a site sitting 1.3km from a public water abstraction point requires specific, quantified assessment. The EIAR does not provide this.

## **The Water Framework Directive Obligation**

Article 4(1) of the Water Framework Directive (Directive 2000/60/EC) requires Member States to prevent deterioration of the status of all bodies of surface water and to protect, enhance and restore all bodies of surface water with the aim of achieving good status. The Owengar River, as a drinking water abstraction waterbody, carries the highest priority under the WFD. A development that places significant construction activity within 1.3km of a Zone 1 abstraction point, in a peat-dominated catchment, without a comprehensive and independently verified Drinking Water Safety Plan, raises serious questions regarding compliance with Ireland's obligations under the Water Framework Directive. The Commission is requested to require an independent, peer-reviewed Drinking Water Safety Impact Assessment as a prerequisite to any further assessment of this application.

Given the acknowledged sensitivity of the receiving environment and the identified hydrological interaction with public drinking water catchments, the Observer respectfully submits that the precautionary principle should guide the Commission's assessment where scientific uncertainty remains.

## **Ground 2: Road Safety and Human Geography on the R585**

### **The R585 - A Regional Road Through a Living Community**

The R585 regional road runs east-west between Togher and Kealkill, physically bisecting the proposed wind farm into its northern and southern turbine clusters (T01-T06 north of the road; T07-T14 south). Both site access points - for the northern cluster via a new entrance and for the southern cluster via an existing forestry track - are off the R585. This is not an incidental relationship. The R585 is the spine of the entire development's construction logistics and operational access.

**The R585 is not an arterial road.** It is a regional road passing through active farming communities, past residential properties, and serving as the primary route for school transport, agricultural vehicles, and daily movement for residents of Kealkill and surrounding townlands. It is characterised by:

- Narrow carriageway width in multiple sections, particularly between Kealkill village and the proposed site access points
- Restricted sight lines at bends and farm entrances
- Existing conflict between agricultural vehicles (silage, slurry, livestock) and general traffic, particularly in summer months
- Regular use by cyclists and pedestrians, including those accessing the Sheep's Head Way and associated walking routes
- School bus routes serving local national and secondary schools

The Observer also draws the Commission's attention to the fact that the R585 is the primary commuter route for residents of Bantry town and all settlements to the west travelling east toward Cork city. During peak commuter hours, the R585 carries a

consistent flow of private vehicles making journeys of 60-90 minutes to Cork. The introduction of abnormal load movements — turbine blades, nacelles and tower sections for 14 turbines at 169m tip height — onto this route during the same commuter windows represents a serious and specifically unassessed road safety and public amenity impact that goes beyond the assessment of a rural access road.

### **Construction Traffic Assessment Inadequacies**

The EIAR identifies the R585 as the primary haul and construction access route. The proposed turbines have a tip height of 169 metres and rotor diameter of 133 metres. Blade delivery from port (likely Cork, Ringaskiddy) requires specialist abnormal load vehicles that cannot negotiate standard bend radii. The following specific concerns arise:

- **The Observer has not identified a full swept path analysis published for the R585 route.** Unlike the Derreenacrinnig West application (25/6052) which submitted swept path analysis as part of its traffic chapter, the Maughanaclea EIAR's planning report references turbine delivery but does not appear to include an equivalent analysis for the full R585 section between the N71/R585 junction and the site entrance. Given that turbine blades for 169m tip-height machines are substantially longer than those for the 119.3m Derreenacrinnig turbines, this is a critical omission.
- **The R585 passes through Kealkill village.** Kealkill village includes a shop, post office, funeral home, pubs, a school and multiple residential properties fronting directly onto the R585. Abnormal load movements through the village centre require a Traffic Management Plan of a standard not apparent in the submitted documentation. The impact on village residents - including noise, vibration, road closures, and extended construction periods - has not been assessed as a discrete social impact.
- **Cumulative construction traffic with Derreenacrinnig West.** If both Maughanaclea and Derreenacrinnig West proceed concurrently, construction traffic from Derreenacrinnig West (using the L-8767 and L-4711, which feed onto the R586 south of the R585) will interact with Maughanaclea construction traffic at or near the R585/R586 junction. The combined traffic assessment for these two simultaneously constructed wind farms has not been carried out.
- **No assessment of impact on agricultural operations.** The R585 is used intensively by farmers in the area during silage and harvest seasons. The temporal overlap between peak agricultural road use (June-August) and proposed construction windows has not been assessed. Simultaneous wind farm construction traffic and silage operations on a narrow regional road presents a foreseeable road safety risk that the EIAR does not address.
- **Bridge load capacity not assessed.** The R585 crosses several watercourses between the N71 and the site. No structural assessment of bridge capacity under abnormal load conditions has been included in the application documents. Given that turbine nacelles and tower sections are among the heaviest abnormal loads transported on Irish roads, this is a standard requirement that is absent.

## **Long-Term Operational Traffic**

The development seeks a 30-year operational lifespan (decommissioning plan refers to 'approximately 30 years'). Over this period, maintenance vehicles, component replacement logistics (gearboxes, blades), and ultimately decommissioning traffic will use the R585. No long-term road condition assessment or road maintenance bond has been proposed. The Commission is requested to require that any grant of permission include a pre-construction road condition survey, a bond for road reinstatement, and a binding Traffic Management Plan covering both construction and decommissioning phases.

## **Ground 3: Cumulative Impact - The Most Severely Under-Assessed Issue**

### **The Current Regional Wind Farm Pipeline**

This application cannot be assessed in isolation. The Meallagh Valley, Shehy Mountains and Bantry Bay hinterland are subject to a level of wind energy development pressure that, taken cumulatively, constitutes a **fundamental transformation of one of Ireland's most distinctive upland landscapes**. The following applications are live, pending or recently determined:

- **Derreenacrinnig West (ACP appeal, ref 25/6052):** 3 turbines, 119.3m tip height, permitted by Cork County Council 9 April 2026, third party appeal lodged. Located approximately 12km south-east of Maughanaclea.
- **Curraglass (ACP appeal PL.88.500665, ref 25/6398):** 3 turbines, 156.5m tip height. Refused by Cork County Council, currently on appeal to An Coimisiún Pleanála. Located approximately 8km from Maughanaclea.
- **Gortloughra (ACP appeal PL.88.322743, ref 25/00142):** 8 turbines, 178.5m tip height. Refused by Cork County Council 14 May 2025, on appeal. Located within the same visual catchment.
- **Coomatalin (ref 25/6057):** Operational extension application for 20 additional years for an existing wind farm originally permitted in 2000. Located in the Meallagh Valley, approximately 1.5km from Derreenacrinnig West.
- **Maughanaclea (this application):** 14 turbines, 169m tip height, 67.2MW. By far the largest single development in the regional pipeline.

### **The 2012 Inspector's Warning Is Now Overwhelmingly Exceeded**

Inspector Philip Davis, in his report dated 4 May 2012 on the Knockenboy wind farm appeal (PL 88.240070), assessed the cumulative wind energy context in the Bantry-Drimoleague corridor and concluded that the landscape was 'quite close to a reasonable limit for what it can take before any further developments result in a strongly negative impact.' That assessment was made in 2012, before the current application pipeline existed.

The Cork County Development Plan 2022–2028 recognises the sensitivity of upland landscapes, scenic routes, drinking water catchments and rural settlement character within West Cork and requires renewable energy development to be assessed having regard to cumulative environmental and landscape effects.

The cumulative installed capacity sought across the current live pipeline (Maughanaclea 67.2MW + Curraglass + Gortloughra + Derreenacrinnig West + Coomatalin extension) would, if all were granted, represent a transformation of the landscape that Inspector Davis specifically warned against 13 years ago. The Maughanaclea EIAR must assess cumulative visual impact against all live applications in the pipeline, not merely those already consented. The cumulative Zone of Theoretical Visibility (ZTV) analysis in Table 12.10 of the EIAR covers existing wind farms but does not adequately model the combined visual envelope of all pending applications simultaneously.

### **Maughanaclea's Turbines – among the Largest in the Regional Context**

At 169 metres tip height, the Maughanaclea turbines are among the largest turbines proposed within the regional context and substantially larger than several other live or recently determined projects in the area, including the Curraglass proposal (156.5m) and the Derreenacrinnig West turbines (119.3m). A tip height of 169 metres means these turbines will be visible from a vastly greater geographic area than any predecessor. The visual impact assessment must specifically model the incremental contribution of the Maughanaclea turbines to the cumulative visual envelope from key receptors including: the S30 Scenic Route near Castledonovan; the R585 between Kealkill and Togher; Bantry town; the Sheep's Head Way; and the viewing platform at Top of the Rock, Drimoleague.

### **Ground 4: Peat Stability and Hydrological Risk**

The Corine land cover mapping for the Maughanaclea site describes it as primarily consisting of peat bogs, with portions of coniferous forestry and moors and heathland. Construction of 14 turbine foundations, access roads, borrow pits, and underground cabling across a predominantly peat site presents the following specific risks:

- **Peat landslide risk.** Peat landslide risk. The 2003 Derrybrien wind farm peat landslide (Galway) — which released approximately 450,000 cubic metres of peat and caused catastrophic damage to the River Owendalulleagh and the Lough Cutra SAC — remains the defining case study for peat risk assessment in Irish wind farm planning. The subsequent environmental enforcement proceedings, including guilty pleas entered in 2022 in relation to water pollution offences arising from the incident, underscore the potentially severe environmental consequences of inadequate peat and hydrological assessment. The Maughanaclea site's peat bog characterisation therefore requires a site-specific, independent peat stability assessment by a qualified geotechnical engineer with specific experience in blanket peat. The Commission should not accept a desk-based or generic peat stability assessment for a site of this scale and land cover type.
- **Interaction with the Owengar River abstraction catchment.** As established in Ground 1 above, the Owengar River abstraction point sits 1.3km from the site. Peat-laden runoff from construction activities, or a partial peat flow event during construction, would enter the watercourse network draining to the Owengar abstraction within hours of any triggering event. The risk to Zone 1 drinking water

supply from a peat mobility event is not adequately mitigated by generic CEMP provisions.

- **Annex 1 habitat loss.** The EIAR identifies the presence of Dry Heath, Wet Heath, Alpine and Sub-Alpine Heath Annex 1 habitats. These habitats are protected under the Habitats Directive and their loss cannot be offset by generic habitat management plan provisions. The Natura Impact Statement must demonstrate, to the standard of no reasonable scientific doubt, that no Annex 1 habitats will be permanently lost or fragmented as a result of the development.
- **Cumulative hydrological impact on the Bandon Regional Water Supply.** The cabling route passes through the Zone 2 Bandon Regional Water Supply catchment with the abstraction point 22km downstream on the Bandon River. Any contamination event along the cabling route - hydrocarbon spill, concrete leachate, sediment mobilisation from trenching - enters a catchment serving a substantial population. The EIAR must provide a specific Hydrological Risk Assessment for the cabling route as well as the wind farm site.

The Observer further notes that the proposed development is intended to operate for **up to 40 years within a peat-dominated upland environment increasingly exposed to severe rainfall events and storm conditions associated with climate change**. The hydrological and peat stability assessments should therefore demonstrate resilience not merely under historical baseline conditions, but under reasonably foreseeable future climatic conditions over the lifetime of the development.

## **Ground 5: Ecological and Ornithological Assessment Gaps**

### **White-Tailed Sea Eagle**

The Department of Housing, Local Government and Heritage referenced in observations the white-tailed sea eagle (*Haliaeetus albucilla*) in its observations on the Derreenacrinnig West application (25/6052). This species is listed on Annex I of the EU Birds Directive (Council Directive 2009/147/EC). White-tailed sea eagles have been recorded in the wider West Cork area and are known to range over large distances. Given the scale of the Maughanaclea development (14 turbines at 169m tip height, with rotor diameter of 133m), and the proximity to coastal SAC habitats within the eagle's foraging range, the EIAR must include a specific, site-based collision risk model for white-tailed sea eagles using the NatureScot Band model methodology. A generic reference to species not having been recorded on-site is insufficient.

### **Hen Harrier**

Hen harrier (*Circus cyaneus*) is an Annex I species under the Birds Directive and a species of high conservation concern in Ireland, with West Cork uplands forming part of its known range. Bird surveys for the Maughanaclea application ran from November 2022 to March 2025. The Observer requests confirmation that hen harrier surveys were conducted using the dedicated National Parks and Wildlife Service survey methodology and that the results

have been independently verified. Collision risk modelling for hen harrier must be included in any assessment.

### **Chough**

Nesting choughs (*Pyrrhocorax pyrrhocorax*) were recorded in surveys for both the Derreenacrinnig West (25/6052) and Maughanaclea applications. Chough is a Red List species in Ireland and an Annex I species. The inter-relationship between turbine collision risk and the chough population across the wider Kealkill-Mealagh Valley area has not been assessed cumulatively. A collision risk model for chough must be included, using site-specific flight pattern data rather than generic reference values.

### **Cumulative Ecological Impact**

No cumulative ecological impact assessment has been provided that considers the combined effect of Maughanaclea, Curraglass, Gortloughra, and Derreenacrinnig West on bird populations across their shared ecological catchment. Given that these four developments collectively propose over 30 turbines across an interconnected upland landscape, a cumulative assessment of ornithological impact is not optional under Schedule 6 of the Planning and Development Regulations 2001-2025. It is mandatory.

### **Ground 6: Tourism and Social Infrastructure**

The Maughanaclea site sits approximately 1.8km east of Kealkill village and directly above the R585 tourist corridor connecting Bantry to Gougane Barra. The following tourism and social infrastructure assets are directly affected and are not adequately assessed in the EIAR:

- **The Sheep's Head Way.** The Sheep's Head Way is a designated Failte Ireland walking and cycling trail with international recognition, passing through Kealkill and the surrounding uplands. The visual intrusion of 14 turbines at 169m tip height on the ridgeline above Kealkill will permanently alter the experience of walkers on this internationally promoted route. No named assessment of the Sheep's Head Way as a tourism asset has been included in the EIAR.
- **Gougane Barra.** Gougane Barra is one of Ireland's most celebrated landscape and pilgrimage destinations and the founding hermitage of St Finbarr, patron saint of Cork. It lies approximately 15km to the north of the Maughanaclea site. Turbines at 169m tip height will be visible from the approach to Gougane Barra from the south and south-west. No viewpoint has been assessed from Gougane Barra or its approach routes. The Maughanaclea turbines at 169m tip height are likely to be visible from the southern approach to Gougane Barra along the R584. Gougane Barra is one of Ireland's most significant heritage, pilgrimage and landscape tourism destinations and attracts substantial visitor numbers annually. Its omission from the EIAR's identified tourism and visual receptors, including omission of viewpoint assessment from Gougane Barra and its principal approach routes, represents a material gap in the tourism and landscape assessment.

- **Kealkill village.** Kealkill village is a living rural community with a defined character and streetscape that will be dominated by 14 wind turbines visible on the ridgeline immediately to the east and south-east. The social impact on village character and community identity has not been assessed.
- **The Bantry Bay viewshed.** Bantry town is a significant tourism destination. At 169m tip height, the Maughanaclea turbines will be visible from Bantry Bay and from the approach roads to Bantry town. No viewpoint assessment from Bantry Bay or the town has been included in the EIAR.

### **Ground 7: Specific EIAR Adequacy Concerns**

- **The turbine height of 169m was not the height contemplated during EIAR scoping.** The scoping document (January 2025) described 'approximately 15 turbines.' The submitted application comprises 14 turbines at 169m tip height with 133m rotor diameter. The change in turbine number and the specific tip height should be confirmed as having been assessed in the EIAR at the consented parameters and not at an earlier design iteration.
- **The application was submitted on 30 March 2026 but scoping responses are dated January-April 2025.** A gap of approximately 12 months between scoping and submission is not unusual, but the EIAR must confirm that all ecological survey data collected during the intervening period has been incorporated and that no significant ecological events (peat mobility, species records, habitat change) occurred on-site during this period that were not captured in the surveys.
- **Shadow flicker assessment for the R585.** Given that the R585 bisects the wind farm and that vehicles passing between turbines T06 and T07 (on either side of the road) will experience shadow flicker while driving, a specific driver distraction/road safety shadow flicker assessment is required. Shadow flicker causing driver distraction is a foreseeable road safety risk that is not addressed in the standard residential shadow flicker methodology.
- **Infrasound.** The Observer requests clarification as to whether low-frequency noise effects associated with turbines of this scale were specifically assessed within the acoustic chapter of the EIAR. At 169m tip height with 133m rotor diameter, the low-frequency sound characteristics of the Maughanaclea turbines may differ from those of smaller turbines assessed under the 2006 Wind Energy Guidelines. The Commission should satisfy itself that the low-frequency noise and infrasound assessment undertaken is appropriate having regard to the scale and characteristics of the proposed turbines.
- **The decommissioning plan refers to 'approximately 30 years' while the planning application seeks 40 years.** This inconsistency between the Decommissioning Plan (Appendix 4-6) and the planning application timeframe requires clarification. The financial bond securing decommissioning must be calculated on the basis of the full 40-year permission period, not a shorter assumed operational life.

The Observer respectfully submits that the Commission's eventual determination should clearly identify how the cumulative, hydrological, ecological and human environment concerns raised in submissions and observations were evaluated in reaching its reasoned conclusion under the EIA process.

### **Ground 8: Community Engagement**

The applicant's Community Engagement Report records Public Information Events held on 29 April 2025 and 24 November 2025 at the Westlodge Hotel, Bantry. The Observer makes the following observations:

- While the applicant held two Public Information Events at the Westlodge Hotel in Bantry (29 April 2025 and 24 November 2025), the Observer submits that the consultation process remained limited in geographic accessibility and community specificity, given that no equivalent public event was held in Kealkill itself or within the immediately affected rural townlands adjacent to the proposed turbine clusters and haul routes.
- The Community Liaison Officer (CLO) appears to have acted primarily in an informational and consultative capacity during the pre-application process; however, the application materials do not clearly define the CLO's enforceable role, responsibilities, reporting obligations or escalation mechanisms during construction and operational phases. The CLO's role during the planning application phase, and during construction and operation if permission is granted, must be specified with binding precision in any grant of permission. Generic references to a CLO in the planning report are not enforceable.
- The community benefit fund structure referenced in the application documents is contingent and undefined. The amount, governance structure, eligible beneficiaries, and decision-making process for the fund have not been specified. A community benefit fund that cannot be enforced by planning condition is not a planning benefit.

### **Ground 9: Legal and Procedural Context**

The Observer notes that recent Irish and European jurisprudence has repeatedly confirmed that national climate and renewable energy objectives do not displace or dilute the procedural and substantive obligations arising under the Environmental Impact Assessment Directive, the Habitats Directive, or the Water Framework Directive. The Observer respectfully submits that the Commission must therefore ensure that the present application is assessed on the basis of complete, precise and independently verifiable environmental information, particularly in relation to cumulative effects, hydrology, peat stability and protected species.

The Observer further notes the significance of the Supreme Court judgment in the Coolglass wind farm proceedings (Coolglass Wind Farm Ltd v An Bord Pleanála & Ors, February 2026), insofar as the Court reaffirmed that support for renewable energy

development and climate policy objectives does not remove the requirement for rigorous compliance with environmental assessment obligations and lawful planning procedures. The Observer also notes the relevance of the Ballymanus litigation and related Irish planning jurisprudence establishing the importance of placing environmental and procedural concerns formally on the planning record during the observation and appeal process. This observation is therefore intended to clearly identify the cumulative hydrological, ecological, landscape and public infrastructure concerns arising from the proposed development so that they may be fully considered in the Commission's determination.

### **Relief Sought**

The Observer respectfully submits that the issues raised in this observation should be considered cumulatively and not in isolation. The interaction between peat hydrology, public drinking water abstraction sensitivity, cumulative landscape transformation, ecological disturbance and construction traffic intensity creates a materially different planning context than would arise from assessment of any individual topic separately.

The Observer further submits that where uncertainty remains regarding cumulative hydrological, ecological or public health effects, such uncertainty should not weigh in favour of consent absent clear and evidence-based demonstration of mitigation effectiveness.

The Observer respectfully requests that An Coimisiún Pleanála:

- **Refuse permission** for the proposed development on the grounds set out above, in particular the inadequacy of the drinking water impact assessment, the road safety deficiencies on the R585, and the failure to carry out a proper cumulative impact assessment; OR
- **If minded to grant permission**, require the following additional information and assessments as a minimum precondition: (1) an independent, peer-reviewed Drinking Water Safety Impact Assessment for the Kealkill Zone 1 and Bantry Cahernacrin Zone 1 catchments, with a binding pre-construction baseline water quality survey and an enforceable emergency response protocol; (2) a full swept path analysis and Traffic Management Plan for the R585, including bridge load assessments; (3) a cumulative visual impact assessment modelling the combined visual envelope of Maughanaclea, Curraglass, Gortloughra and Derreenacrinnig West simultaneously; (4) a cumulative ornithological impact assessment covering white-tailed sea eagle, hen harrier and chough across the shared ecological catchment; (5) an independent peat stability assessment by a geotechnical engineer with blanket peat experience; (6) a shadow flicker driver distraction assessment for the R585; and (7) an infrasound and low-frequency noise assessment;
- In any event, hold an oral hearing at which the Observer and other affected parties may present evidence and cross-examine the applicant's experts on the drinking water, road safety and cumulative impact issues identified above, having regard to

the scale of the proposed development, the identified drinking water abstraction sensitivity, the cumulative regional wind energy context, and the technical complexity of the hydrological and ecological issues raised. The Observer further submits that an oral hearing would materially assist the Commission in testing conflicting or uncertain technical evidence relating to hydrology, peat stability, cumulative visual impact and ecological effects, particularly where significant public drinking water infrastructure and multiple overlapping wind energy proposals are involved.

The Observer respectfully submits that the cumulative interaction between multiple live wind energy proposals within the wider Bantry–Drimoleague–Mealagh landscape may warrant a more integrated cumulative assessment approach than project-by-project evaluation in isolation.

The Observer respectfully submits that, having regard to the identified sensitivity of the Kealkill public water abstraction catchment, the peat-dominated nature of the site, and the cumulative scale of wind energy development within the wider landscape, the Commission should consider obtaining independent specialist review of the applicant's hydrological, peat stability and ornithological assessments pursuant to its statutory obligations under the Planning and Development Acts and the EIA Directive.

Any mitigation measures relied upon in reaching a decision should be precise, enforceable, monitorable and capable of independent verification throughout construction, operation and decommissioning phases.

The Observer respectfully submits that the lessons arising from the Derrybrien peat slide and subsequent environmental enforcement proceedings warrant particular scrutiny of peat stability and hydrological assessment in the present case.

Where uncertainty remains regarding hydrological interaction, peat stability, or ecological effects, the Observer respectfully submits that **the precautionary principle should apply**, consistent with Article 191(2) TFEU and established European environmental jurisprudence.

### **Documents Enclosed**

- This observation document
- Fee of EUR 50 (SID observation - verify current fee before submitting)
- Copy of my appeal submission in 25/6052 (Derreenacrinnig West) to demonstrate standing and the linked cumulative context – copy included below for reference

AN COIMISIÚN PLEANÁLA  
(An Bord Pleanála)

THIRD PARTY APPEAL  
against the decision of Cork County Council to grant planning permission

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**Applicant:** Dreenacreenig West Wind Farm Limited  
**Location/Site:** Derreenacrinnig West, Drimoleague, Co. Cork  
**Brief description of development:** 3 Wind Turbines (tip height 119.3m) with 10.75km overhead grid connection in Derreenacrinnig West, Drimoleague, Co. Cork  
**Planning authority:** Cork County Council  
**Planning Reference:** 25/6052

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**Signed:** \_\_\_\_\_

**Date:** 06/05/2026

## **Introduction and Standing to Appeal**

This is a third party appeal lodged pursuant to Section 37 of the Planning and Development Act 2000 (as amended) against the decision of Cork County Council, dated 9 April 2026, to grant planning permission for a three-turbine wind farm at Derreenacrinnig West, Drimoleague, Co. Cork (Planning Reference 25/6052).

The Appellant grew up locally and spent formative years cycling, walking and hiking through the valleys and uplands surrounding Castledonovan, the Mealagh Valley and Drimoleague. After spending over a decade living outside Ireland, the Appellant made a deliberate decision to return and establish a permanent home here with his young family, specifically because of the area's natural character, historic depth and cultural coherence.

The Appellant now resides approximately 300 metres from Castledonovan Tower and experiences the receiving environment on a daily basis across seasons, weather conditions and light. From the Appellant's home, 23 operational wind turbines are already visible, almost all of which are appropriately sited on distant ridgelines or elevated hills (drumlins) and function as background elements within the wider upland landscape, none appear to be located near local access roads, hiking trails, antiquity or scenic valley landscapes.

This appeal is not an objection to renewable energy development in principle. Rather, it concerns the siting, scale, cumulative effect and procedural integrity of the current proposal, and the failure to adequately assess its impact on a historic valley landscape whose cultural, tourism and heritage value depends on restraint.

The language of Planners Report leans heavily into prior planning approval (in which case, any prior issues should be relevant to the application) and references the Climate Change Act as basis or imperative for advancing the case for planning approval.

The Applicant has been granted permission by Cork County Council subject to 14 mostly environmental conditions. None of these conditions address the substance of the Observations the Appellant lodged which laid out concerns around (i) scale and location in relation to antiquity, residential amenity and proximity to dwellings, (ii) landscape and visual impact, (iii) noise and shadow flicker, and (iv) cumulative and precedent effects. This appeal contextualises these areas in reference to submitted documents in relation to the application with reference to local, national and EU policy. The intention of this appeal is to bring attention to fundamental gaps, weaknesses and failures in the application process and question the viability/suitability of the proposed development, in light of the fact Cork County Council did not make any reference to these concern areas in their 14 conditions.

## **Description of the Proposed Development**

The proposed development comprises:

- Three wind turbines with a tip height of 119.3 metres, a rotor diameter of 82 metres and a hub height of 78.3 metres — representing a 47.3% increase in height over the seven turbines permitted in 2012 under PL 88.239767 (Ref 10/857), which had a tip height of only 81 metres
- Approximately 10.75 km of 20kV overhead line (OHL) grid connection on approximately 157 wooden poles (ranging from 9m to 15m above ground), traversing 18 townlands
- Approximately 3.3 km of underground cable ducting
- A permanent 20kV electrical substation
- Construction haul route works along the L-8767, L-4711 and L-8765 roads, passing within approximately 130 metres of Castledonovan Tower
- A 10-year construction permission and a 40-year operational period are sought, with the grid connection and substation sought in perpetuity

The site lies approximately 1.5 km to the north of Castledonovan, a National Monument and Protected Structure (RPS 76 ID.736), and approximately 1.5 km from the L-8765 Scenic Route (S30). The Top of the Rock Pod Páirc and Walking Centre — a nationally recognised tourism hub and the starting point of St Finbarr's Pilgrim Way — lies in the direct approach corridor to the turbine site.

## **Ground #1: Inadequate Assessment of Impact on Castledonovan Tower — A National Monument**

### **Legal and Policy Framework**

Castledonovan Tower is a National Monument within the meaning of the National Monuments Acts 1930–2014 and a Protected Structure (RPS 76 ID.736) under the Planning and Development Act 2000. It is also listed in the Record of Monuments and Places. As a National Monument under the care of the Office of Public Works (OPW), it carries the highest level of statutory protection available to any built heritage asset in the State.

- **Policy HE 16-2** of the Cork County Development Plan 2022–2028 requires the Planning Authority to secure the preservation of all archaeological monuments and their setting.
- **Policy GI 14-9** requires protection of the visual and scenic amenities of the built and natural environment.
- **Policy GI 14-13** requires protection of the character of views and prospects obtainable from scenic routes.
- **Article 3** of the European Convention on the Protection of the Archaeological Heritage (Valletta Convention 1992, ratified by Ireland 1997) obliges contracting

parties to implement procedures requiring environmental impact assessment of any project likely to have a major impact on archaeological heritage.

### **Significance of the Monument**

Castledonovan Tower is a 16th-century Irish tower house built circa 1560 by Dónall na gCroiceann O'Donovan — a man of extraordinary historical significance whose name literally derives from the legend of his mother concealing him in animal skins to protect him from enemies. The castle was the principal seat of the O'Donovan clan, one of the great Gaelic Irish families of Carbery, Co. Cork. Standing approximately 18 metres (61 feet) in height, it occupies a dramatic rocky outcrop above the River Ilen, visible from the south along the S30 Scenic Route.

The castle was attacked by Cromwellian forces in 1650 in retaliation for Donal III O'Donovan's support of the 1641 rebellion and has remained uninhabited since. Archaeological excavations between 2002 and 2008 confirmed the extent of the Cromwellian damage. The castle's dramatic silhouette against the mountain backdrop — specifically the hills of Mullaghmesha to the north — constitutes the defining visual character of the monument and its setting. The OPW recently invested extensively in the structure, which is indicative of value as a piece of historic antiquity.

This setting is not an incidental feature. It is, to borrow from the UNESCO World Heritage criteria, an Outstanding Universal Value of the site as experienced from the S30 Scenic Route. The castle has no equal in the immediate landscape. It stands in, as the Council's own planner described it, 'splendid isolation without visual interruption'. That is the characteristic the proposed development will permanently and materially alter.

### **The O'Donovan Clan Heritage and International Cultural Significance**

The Castledonovan site is not merely of local significance. It is a focal point of international cultural heritage for the O'Donovan diaspora. The O'Donovan Clan Cultural Association, formally established in 2025, held its inaugural Assembly in September 2025 in West Cork, including a 25th anniversary commemoration of the 2000 O'Donovan Millennial Gathering at which the then Minister for Arts formally committed to the castle's restoration. The clan has O'Donovan and Donovan members across Ireland, the United States, Australia, and worldwide and organize an annual meeting to commemorate their ancestry.

The EIAR submitted with this application makes no reference whatsoever to the international heritage significance of the castle as a focal point for diaspora tourism and cultural gathering. This is a material omission. An assessment that limits its view to domestic archaeological classification has failed to address the full cultural heritage value of the site in accordance with the requirements of Schedule 6 of the Planning and Development Regulations 2001–2025 and Article 3 of the Valletta Convention.

Note: the Applicant shared a picture to illustrate what this will look like once the wind turbines are in place, taken from the perspective of the plaque installed in 2000 on the occasion of the O'Donovan Millennial Gathering, with wind turbines visibly flanking the castle tower.

## Specific Assessment Deficiencies

The Appellant submits the following specific failures in the heritage assessment:

- **No structural impact assessment** of the tower during haul route construction. The construction haul route passes within approximately 130 metres of the tower. Heavy goods vehicles delivering turbine components (each up to 82m in blade length) will pass within 23 metres of the tower wall. Multiple letters of representation requested a vibration monitoring assessment. Neither the EIAR nor the planner's report addressed whether blasting, rock breaking or HGV vibration could affect the structural integrity of the 460-year-old masonry. The planner noted this 'has not been recommended or substantiated' — but the absence of a recommendation does not constitute an assessment. No geotechnical or structural engineer's report was submitted or required.
- **No quantified visual impact assessment** of the towers against the castle's northern backdrop. The castle's setting depends critically on the unspoilt mountain backdrop to the north. The photomontages submitted assess views from 21 viewpoints but none is positioned specifically to represent the view of the castle as experienced by a visitor standing at or approaching from the S30 Scenic Route looking northward toward the turbine site. The assessment at Table 12.8 of the EIAR characterises the impact at Castledonovan and Deelish as 'moderate/negative moderate/slight' — a characterisation the Council's own planner acknowledged may be 'somewhat of an understatement'. An understatement in a material impact assessment is a deficiency requiring correction, not acceptance.

The turbines are 47.3% taller than those assessed in 2012. The 2012 appeal decision that permitted the previous scheme (PL 88.239767) was made in respect of turbines with a tip height of 81 metres. The inspector in that appeal recommended refusal specifically on grounds of adverse impact on the Castledonovan Tower setting. An Bord Pleanála overruled that recommendation but imposed an archaeological condition. The current application proposes turbines 38.3 metres taller — 119.3m versus 81m. The incremental visual intrusion at this height, particularly given the castle's low-lying position relative to the ridge, cannot be dismissed by reference to the 2012 precedent. A fresh, properly quantified assessment was required and was not carried out.

The former County Archaeologist's historic concerns were not resolved, merely historicised. Reports of the former County Archaeologist dated February 2011, August 2011 and September 2011 raised significant concerns about the lack of visual assessment and expressed what the planner described as 'obvious reluctance' to grant permission. The current County Archaeologist recommends permission with a monitoring condition but does not address the specific visual impact concerns raised by their predecessor. Monitoring of groundworks does not substitute for a proper visual impact assessment of turbines 119 metres in height against a 16th-century National Monument.

### **Planner's Acknowledgement vs Conclusion**

The Planner's Report acknowledges turbines will be visible from Castledonovan, landscape sensitivity concerns exist and cumulative pressure is increasing yet concludes impact is acceptable, which represents a clear disconnect between identified impact and final conclusion.

### **Scale Change Ignored**

The report accepts turbines are 47% taller than previously permitted yet the application continues to rely on earlier permission, which represents a fundamental flaw given the development is materially different and requires independent assessment. Further, if the application has advanced on grounds of prior planning grant, the history of that should be entirely relevant.

### **Ground #2: Failure to Adequately Assess Impact on Tourism Infrastructure and the Local Economy**

#### **The Tourism Context**

The planning area is at the heart of one of West Cork's most significant inland tourism networks. The relevant assets directly affected by the proposed development include:

- **Top of the Rock Pod Páirc and Walking Centre**, Drimoleague — a LEADER-funded, award-winning ecotourism facility on a third-generation working farm, situated in the direct approach corridor to the turbine site. It is the hub of the Drimoleague Heritage Walkways, a network of nine miles of marked trails. It is the accredited starting point of St Finbarr's Pilgrim Way — a 37km two-day pilgrimage route following in the footsteps of St Finbarr to Gougane Barra (the founding hermitage of the patron saint of Cork). The turbines, on the ridge directly behind the facility, will constitute its dominant visual backdrop in every direction that matters to walkers.
- **St Finbarr's Pilgrim Way** — one of Ireland's most significant pilgrimage walking routes, beginning at the Top of the Rock and ascending through the townlands immediately adjacent to the turbine site before crossing to Kealkill and on to Gougane Barra. The route was recognised as the 'best organised community event' at National Heritage Week 2011 and has operated for guided pilgrim groups since 2008.
- **The Drimoleague Heritage Walkways** — nine miles of waymarked trails (including the Castledonovan Bridge loop), branding Drimoleague as 'The Walker's Junction of West Cork' and featuring Castledonovan Castle as a centrepiece attraction. These trails are listed on Discover Ireland, Fáilte Ireland and the Sheep's Head Way websites, and an abundance of materials promoting community events can be found online.

- **The Sheep's Head Way** — a designated Fáilte Ireland loop walk trail head at Drimoleague, with trails linking to the Beara Breifne Way and the Carriganass walks.
- **The S30 Scenic Route** — a designated scenic drive through the R586 and L-8765 from which the uninterrupted northward view toward Castledonovan and the mountain backdrop is the primary visual experience. This is a popular cycle route and an essential road out of the Mealagh Valley.

### **Assessment Deficiencies**

The EIAR contains no specific assessment of impact on the Top of the Rock facility, St Finbarr's Pilgrim Way, or the Drimoleague Heritage Walkways as named tourism assets.

This is a material omission.

- **Section 94(1)(f)** of the Planning and Development Act 2000 and **Schedule 6** of the 2001 Regulations require the EIAR to identify and assess the significant effects of the proposed development on the human environment, including material assets and tourism. The named facilities constitute material assets and tourism infrastructure that will be directly and permanently affected by the visual intrusion of 119-metre turbines on the ridge immediately behind them.

The planner's report dismisses tourism concerns with the observation that 'no compelling evidence has been submitted to suggest that either the indigenous population and/or tourists will stop coming simply because of windfarm development'. This test is wrong in law. The Planning and Development Act **does not** require appellants to prove that tourism will collapse. It requires the Planning Authority (and this Commission on appeal) to assess and weigh **all significant effects**, including material adverse effects on tourism and amenity, even if they do not constitute a total cessation of activity. The planner's formulation inverts the burden of assessment.

Furthermore, the Cork County Development Plan 2022–2028 at Objectives TO 1-1, TO 10-8 and TO 10-10 explicitly supports and promotes walking trails, greenways and ecotourism. A development that materially detracts from the experience of nationally recognised walking trails starting at an award-winning ecotourism centre, and permanently alters the visual backdrop of a pilgrim walking route, is in direct conflict with these objectives. The EIAR does not address this conflict and the planner's report does not engage with it.

### **Visual Impact Understated**

The EIAR describes impact as “moderate/slight”, which the planner notes may be “somewhat of an understatement” - an acknowledged understatement in a core environmental assessment is not a minor issue.

A photomontage representing castle approach and plaque viewpoint was shared in a consultation with locals and clearly showed **two turbines will frame the castle on either side** from the view of the 2000 commemorative plaque, fundamentally altering its silhouette. The view expressed at the consultation meeting was that we would “get used to

it”, which conveniently overlooks the reality that first impressions matter and return tourism and also attracting people to live in the area is contingent on a positive first impression.

### **Cultural Landscape Ignored**

The EIAR omits, diaspora significance, O’Donovan gatherings and ongoing cultural use despite the plaque unveiled by Síle de Valera and annual gatherings via O’Donovan Clan Association. This is a failure to assess living cultural heritage, not just archaeology.

### **Tourism and failure to assess material assets**

The planner states: “no compelling evidence tourism will be affected” despite a legal obligation falling on the applicant and authority to assess impacts—not on objectors’ to prove harm.

- **EIAR Omission** – lacks assessment of Top of the Rock, St Finbarr’s Way and Heritage Walkways, all of which are clearly material assets under Schedule 6.
- **Experiential Impact Ignored** - Planner fails to address route function of landscape, trailhead location and valley entry experience. Unlike other wind farms, this proposal sits at a destination point, not peripheral upland.
- **Policy Conflict** - Cork Development Plan supports tourism and walking infrastructure and no reconciliation was provided between this policy and turbine siting.

### **Ground #3: Residential Amenity — Proximity to Dwellings (shadow flicker, noise, intrusion)**

The EIAR identifies 63 dwellings within 2km of the proposed turbines. The closest dwelling (H01) is identified at 983 metres from Turbine 3. The 2006 Wind Energy Development Guidelines — which the Council acknowledges are out of date — specify a 500-metre setback. The Draft 2019 Guidelines, while not yet in statutory force, identify updated frameworks for proximity and visual amenity setback that would be material to this assessment.

The critical point is that the turbines are 119.3 metres in height — 47.3% taller than the 81-metre turbines assessed in the 2012 permission. The relationship between turbine height, setback distance, shadow flicker, noise, and visual intrusion is not linear. A setback of 983 metres from a 119.3-metre turbine is not equivalent to 983 metres from an 81-metre turbine. No analysis of this scaling effect has been provided. The noise assessment submitted with the application assesses predicted noise levels at existing guideline limits but does not address whether those limits remain appropriate for turbines of this height, nor does it address infrasound — a concern specifically raised by objectors and not addressed in the Environmental Unit's report.

The Appellant requests that this Commission assess:

- a) whether the noise assessment methodology is appropriate for turbines of 119.3m tip height;
- b) whether infrasound has been adequately screened out as a significant effect; and
- c) whether the absence of an updated national setback standard, pending finalisation of the 2019 Draft Guidelines, warrants particular caution in a case where turbines have grown by nearly 50% since the applicable guidelines were written.

#### **Ground #4: Groundwater, Wells and the Water Framework Directive**

Objectors to the application specifically raised concerns about the potential impact of the development on groundwater and private wells. The EIAR at section 8 of the hydrology and hydrogeology chapter identifies mitigation measures and states that groundwater wells are distant from the proposed works. However, the following concerns require assessment: The site drains to the River Ilen catchment which has a hydrological connection to the Roaringwater Bay SAC (Site Code 000101), some 22km to the south-west. The Councils' scientist acknowledges this hydrological pathway.

The EIAR identifies peat habitats across the turbine delivery route and access roads. Peat disturbance creates a specific risk of elevated suspended solids and humic content in watercourses draining to the Ilen system, particularly during construction.

The EIAR notes that the worst case scenario is a peat landslide (Section 7.5). Two landslides are reported to have occurred 'within the mountains beside the turbines some years ago, but one only last year' (letter of representation). This is not a theoretical risk but a site-specific occurrence of documented recent provenance. No adequate site-specific peat stability assessment — independent of the developer — has been required. Private wells serving residential properties in the area were specifically identified by objectors as at risk. The EIAR's generalised assertion that groundwater supplies will not be impacted is not a site-specific assessment of individual wells. Under Objective WM 11-3 of the County Development Plan, the Planning Authority is obliged to preserve protected groundwater quality. No condition addresses private well monitoring during or after construction.

The Appellant requests that this Commission require, as a pre-commencement condition if permission is otherwise to be granted, an independent pre-construction baseline survey of all private wells within 1km of the site, with a monitoring and remediation protocol enforceable by condition.

#### **Ground #5: The Unpermitted Grid Connection — Enforcement and Procedural Integrity**

The planning history of this site includes a partially constructed grid connection that has been the subject of enforcement proceedings.

- An Bord Pleanála (then) refused permission for the grid connection on 13 September 2024 (ABP-315059-22) on the grounds that the original wind farm

permission had lapsed and that a Section 34 application with EIAR was the appropriate process.

The Council issued a warning letter on 2 July 2025 in connection with portions of unpermitted overhead electricity grid connection (enforcement reference SKB25045). ESB Networks has committed to removing the partially constructed line by end of 2026. However:

- As at the date of the Council's decision (9 April 2026), the unpermitted poles remain in situ on the lands.
- No enforcement notice has been served.
- A warning letter is not enforcement.
- The EIAR submitted with this application states at Chapters 7.1 and 8.1 that 'the partially constructed line will be removed by ESB in the near future.'

This is a commitment by a third party (ESB Networks) that is not within the control of the applicant and which is not secured by any planning condition attached to the current permission.

The planning drawings submitted (PL-GCR-100-01 to PL-GCR-100-20) do not show the existing poles currently in situ — a deficiency identified by the planner but addressed only by a further information request for updated drawings. Those drawings must be before this Commission for full assessment.

The current application seeks permission for the grid connection 'in perpetuity' as national grid infrastructure, while also seeking to regularise, through this very permission, the corridor of a partially constructed line that was previously refused permission by An Bord Pleanála and subject to enforcement proceedings. This represents a material procedural irregularity in the application that this Commission should address.

- **Key Facts:** 10.75km overhead line, 157 poles, previously refused by ABP and subject to enforcement
- **Planner Treatment:** Issue is acknowledged but not critically examined.
- **Core Issue:** Development depends on infrastructure already deemed unacceptable.
- **Policy Context:** Draft Wind Energy Guidelines 2019 requires a full assessment of associated grid infrastructure which has not been properly carried out.

#### **Ground #6: Cumulative Impact — An Inadequate and Outdated Assessment**

The cumulative context has changed materially since the 2012 permission and even since the deferral letter of November 2025. The EIAR's cumulative Zone of Theoretical Visibility (ZTV) assessment at Table 12.10 is based on wind farms that were permitted and/or operational at the time of assessment. It does not adequately account for:

- The proposed Maughanaclea Wind Farm (ABP-321826-25) — a 15-turbine Strategic Infrastructure Development application before An Coimisiún Pleanála, the turbines of which the planner notes will 'fundamentally change' the cumulative impact according to objectors. This application was not determined at the time of Cork County Council's decision and its visual interaction with the Derreenacrinnig turbines from key viewpoints has not been assessed.
- The resubmitted Curraglass Wind Farm application (Ref 25/6398, appeal pending as PL.88.500665 — three turbines at 156.5m) — a nearby application that the planner references but which was not determined at the time of decision.
- The Gourtoughra Wind Farm (Ref 25/00142) — refused by Cork County Council on 14 May 2025 and appealed, with turbines that the EIAR identifies would be visible in combination with the proposed Derreenacrinnig turbines.

Inspector Philip Davis, in his report dated 4 May 2012 on the Knockenboy appeal (PL 88.240070), found that the landscape was 'quite close to a reasonable limit for what it can take before any further developments result in a strongly negative impact'. That was 13 years ago. The cumulative turbine count in the Mealagh Valley and Keakill areas has increased substantially since then. Objectors identify seven active wind farms totalling 53 turbines already in the area, with proposals for a further 29. An assessment of cumulative impact that does not account for the current application pipeline is not a lawful assessment under Schedule 6 of the Planning and Development Regulations 2001–2025.

- **Planner's Own Admission** - planner notes landscape has limited capacity and acknowledges “enough is enough” concern but despite this concludes additional turbines acceptable which is contradictory and internally inconsistent reasoning.
- **Outdated Cumulative Assessment** - fails to include pending wind farm applications, increased turbine heights and current development pipeline

### **Ground #7: EIAR Adequacy — Specific Omissions**

Without prejudice to the grounds set out above, the Appellant identifies the following specific omissions from the EIAR that render it inadequate for the purposes of the Planning and Development Regulations 2001–2025:

- **No vibration assessment for Castledonovan Tower.** The EIAR does not contain a structural engineering or vibration impact assessment for the haul route passing 130m from the tower. This is required under Policy HE 16-2 and the Valletta Convention.
- **No infrasound assessment.** The EIAR addresses audible noise but does not assess infrasound. Objectors specifically raised infrasound concerns. The Environmental Unit's report does not address this. An explicit screening decision that infrasound is not a significant effect is required but absent.

- **No named assessment of Top of the Rock or St Finbarr's Pilgrim Way.** These are nationally recognised, Fáilte Ireland-listed tourism assets in the direct visual impact zone of the development. Their omission from the cultural and socioeconomic impact assessment is a material deficiency under Schedule 6(f) of the Regulations.
- **No decommissioning plan.** The EIAR at para 7.93 references decommissioning in 40 years time but contains no binding decommissioning plan. Given that no wind farm in Ireland has been fully decommissioned and the land restored to its original condition, a detailed, costed, and bonded decommissioning plan should be required as a precondition of any grant of permission, not a matter to be resolved 40 years hence.
- **No telecommunications interference assessment.** Objectors identified proximity to Norween Hill telecommunications infrastructure (less than 1km from the turbines). No assessment of interference with this critical infrastructure has been provided or required.
- **No private well baseline survey.** As set out in Ground 4 above.
- **Community engagement inadequate.** A single leaflet drop and a public information day attended by 50 people does not constitute the active public consultation required by Development Plan Objective ET 13-11 for large-scale wind energy development. The application was received on 29 September 2025. The community engagement extended only to October 2024 — before the application was lodged. No community liaison officer, project website, or ongoing contact mechanism was identified.

### **Ground #8: The Weight of Public Opposition and the Democratic Deficit**

Sixty-three letters of objection were received in response to this application, with not a single letter of support from a landowner or resident in the immediate area (the one letter of support was a general climate emergency statement from a Mealagh Valley resident). The planner expressly noted: 'Having dealt with numerous windfarms over 20 years this is for the first time that one single letter of support dated 3rd November 2025 for a windfarm has been submitted'.

The Appellant does not contend that public opposition is, in itself, a ground of refusal. National policy and climate legislation take precedence over the preferences of a local majority. However, the nature, volume and specificity of the opposition in this case indicates a community that feels it has been neither heard nor engaged. Objectives ET 13-11 of the Cork County Development Plan specifically require developer-led active public consultation. The developer's approach — a leaflet drop and a public meeting at which, in the planner's own words, engagement beyond a 'leaflet drop' was not adequately planned — fell well short of this standard.

This Commission is invited to require, as a precondition of any grant of permission, the establishment of a properly resourced community liaison officer and a formal community benefit agreement structure, beyond the contingent benefit fund referenced in the application documentation.

### **Ground #9: Community Cohesion, Sunk Cost and the Consequences of Incremental Decisions**

This proposal has already begun to divide the local community between those who stand to benefit directly or indirectly from the development and those who must live with its visual, cultural and cumulative consequences. This division is unhealthy and foreseeable. There is also concern that decision-making may be influenced, consciously or otherwise, by the significant level of investment already made by the applicant and by Cork County Council in roads, site works and associated infrastructure. Irish planning law is clear that sunk cost, whether public or private, is not a justification for granting permission.

#### **Development must stand or fall on its merits at the time of decision.**

Finally, the Appellant is concerned with how the transformation of this rugged and historically coherent landscape will be explained over time. Would it attract the people who live here today, had the landscape been of industrial rather than beautiful nature? To children growing up here, to visitors returning from abroad seeking connection with heritage and place, and to those standing at Castledonovan, the Top of the Rock or the commemorative plaque marking the O'Donovan gathering of 2000, all will be asking deep questions as to how this could happen despite and abundance of planning protections in place to balance out pressing needs of national energy infrastructure and sustainable energy against what is right and respectful of the history and heritage of a locality.

The Appellant fears that the explanation will ultimately be reduced to something profoundly unsatisfactory: that this transformation did not occur because the landscape was uniquely suitable, but because no single decision ever said enough. That the only honest response to how this happened will be: ***“For the life of me, I’ll never understand — but I suppose you’d have to live here to even begin to grapple with it.”***

### **Relief Sought**

The Appellant respectfully requests that An Coimisiún Pleanála:

Refuse planning permission for the proposed development on the grounds set out above;

OR

If minded to grant permission, conduct an oral hearing at which the Appellant and other affected parties may make submissions and at which independent expert evidence on heritage, tourism, groundwater and cumulative impact can be presented; AND

In any event, require the following additional assessments before any decision is made:

1. a structural and vibration impact assessment of the haul route in the vicinity of Castledonovan Tower by an independent structural engineer;
2. an infrasound assessment from an independent acoustics consultant;
3. a named visual impact assessment from viewpoints on and around the Top of the Rock and St Finbarr's Pilgrim Way;
4. a baseline survey of private wells within 1km of the site;
5. a fully costed and bonded decommissioning plan;
6. an updated cumulative impact assessment accounting for the current application pipeline in the wider area.

Please review the application and appeal with reference to:

1. Shehy More (05/1024), refused due to cultural heritage landscape, which sets precedent
2. Supreme Court (Coolglass Wind Farm Limited and An Coimisiun Pleanala, Feb 2026) which that finds County Development plans are central to planning system and cannot be ignored for climate policy objectives (a central imperative of the planning application) and Cork County Development Plan 2022-2028
3. Proposed images shared by the Applicant in public consultation materials