

Formal Observation in Objection to Planning Application ACP-324165-26

May 2026

Formal Observation - An Coimisiún Pleanála

To: An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902

Planning Application Reference: ACP-324165-26 / Case No. 324165

Applicant: Maughanaclea Ltd / Enerco Energy Limited

Description of Development: 10-year planning permission for Maughanaclea Wind Farm consisting of 14 wind turbines, a 110kV substation and 110kV underground cabling connection and associated works

Location: Maughanaclea, County Cork

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1. Introduction

I write to formally object to the above planning application and to call on An Coimisiún Pleanála to refuse planning permission for the proposed Maughanaclea Wind Farm.

The proposed development consists of 14 wind turbines reaching a tip height of 169 metres which are among the largest structures ever proposed for rural Ireland. They are approximately two and a half times the height of the Elysian building in Cork City to be located on the upland ridges of the Maughanaclea Hills above Bantry, West Cork.

My objection is grounded in the following matters, each of which I set out in detail below:

1. **Internal contradictions within the applicant's own EIAR** - the developer has contradicted itself on multiple critical issues across its planning documents, undermining the reliability of the entire assessment
2. **Water Framework Directive and High Status Objective rivers** - the development threatens one of Ireland's rarest and most legally protected freshwater assets

3. **Hydrology, water quality and flood risk** - risks to private wells, the Kealkill public water supply, and downstream communities
 4. **Cultural heritage and archaeology** - the area contains one of the richest concentrations of prehistoric monuments in Ireland, including nationally protected sites
 5. **Landscape, visual impact, and dark skies** - permanent and irreversible harm to a landscape of exceptional sensitivity and national tourism value
 6. **Ecology and biodiversity** - threats to legally protected species and habitats, and conflict with the EU Nature Restoration Law 2024
 7. **Peat stability** - the risk of catastrophic peat failure on the scale of the Derrybrien disaster
 8. **Tourism and the local economy** - permanent damage to a tourism economy founded on landscape quality and tranquillity
 9. **Community impact, ownership, and economic benefit** - an extractive development offering no meaningful community ownership or economic return to the local area or Irish exchequer
 10. **Planning policy non-compliance** - the application is contrary to the Cork County Development Plan, national planning policy, and EU law
 11. **Cumulative impact** - the development must be assessed in the context of the existing and proposed wind farm saturation of West Cork
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2. Internal Contradictions and Methodological Failures Within the Applicant's EIAR

This section addresses what constitutes perhaps the most profound systemic deficit in the entire application. Under the Environmental Impact Assessment (EIA) Directive (2014/52/EU) and Irish planning law, An Coimisiún Pleanála is under a non-delegable statutory obligation to conduct an independent, objective, and scientifically robust assessment of the environmental impacts of the project. This assessment cannot legally be performed if the primary evidential document submitted by the developer—the Environmental Impact Assessment Report (EIAR)—is structurally undermined by irreconcilable internal contradictions.

The applicant's EIAR routinely presents defensive, generalized baseline conclusions that are directly invalidated by the detailed scientific data buried within its own technical sub-chapters and tables. These systemic contradictions invalidate the reliability of the EIAR as a whole. An Coimisiún Pleanála cannot legally rely upon an internally conflicted document as a sound, rational basis for granting development consent.

2.1 Cultural Heritage: “No Significant Effects” vs. “Unmitigable” Residual Harm

- Statement A — Chapter 14, Section 14.7 (Conclusion), page 14-69: “There are no significant negative effects on the archaeological, architectural and cultural heritage resource during the operational phase.”
- Statement B — Chapter 14, Section 14.4.5 (Residual Effects), page 14-67: “Residual effects will remain with regards to the setting of archaeological, architectural and cultural heritage sites, due to the fact that the effect on the setting of the sites cannot be mitigated.”

These two formal declarations are mutually exclusive and legally irreconcilable. The developer asserts a headline conclusion of “no significant negative effects,” while simultaneously admitting within the exact same chapter that the spatial and visual impacts on the setting of these ancient heritage sites cannot be mitigated and that permanent residual effects will remain. An applicant cannot logically claim zero significant impact while conceding unmitigable baseline harm to nationally protected assets. This direct contradiction invalidates the integrity of Chapter 14.

2.2 Visual Impact Mitigation: Macro-Averaging vs. Severe Localized Impact

- Statement A — Chapter 13, Section 13.8 (Conclusion), page 13-130: “No significant cumulative visual effects are deemed to arise.”
- Statement B — Chapter 13, Table 13-17 (Summary of Viewpoint Impact Assessment Results), pages 13-106 to 13-107: Significant residual visual effects are formally recorded at VP6, VP11, VP12, and VP16. At VP16, the spinning industrial infrastructure comprises an aggressive 44% of the vertical landscape view, and a "Substantial" magnitude of change is recorded.

This represents a fatal methodological manipulation. The developer attempts to dilute severe, localized visual degradation by averaging individual viewpoint failures into an aggregated, region-wide headline conclusion of "no significance." Under European landscape assessment guidelines, a recorded "Significant" or "Substantial" visual impact at four distinct, highly sensitive local viewpoints cannot be mathematically washed away by regional macro-averaging. Statement B explicitly invalidates Statement A.

2.3 Landscape Sensitivity: Acknowledging Vulnerability vs. Dismissing Industrialization

- Statement A — Chapter 13, Section 13.4.1.1.3, pages 13-20 to 13-21: The Cork County Landscape Strategy defines High Value Landscapes (including LCT4: Rugged Ridge Peninsulas, immediately adjacent to the site) as “vulnerable landscapes with the ability to accommodate limited development pressure... landscape quality is at a high level, landscape elements are highly sensitive to certain types of change.”
- Statement B — Chapter 13, Section 13.8 (Conclusion), page 13-130: The LVIA concludes that the Proposed Wind Farm is “not considered to significantly affect the character and special qualities of this HVL.”

The applicant uses Statement A to satisfy the regulatory requirement of defining the baseline landscape sensitivity, admitting the system is "vulnerable" and "highly sensitive." They then pivot to Statement B, completely ignoring this definition by claiming that superimposing 14 industrial structures measuring 169 metres in height will have no significant effect on that exact same landscape character. The EIAR fails to provide any logical, evidence-based engineering bridge to explain how a highly sensitive, vulnerable upland ridge can seamlessly absorb massive industrialization.

2.4 Biodiversity: Design Claims vs. Priority Habitat Destruction

- Statement A — Chapter 3, Section 3.2.3.1.2, page 3-10: "All high-quality, intact heath and bog habitats within the Site have been deliberately avoided where possible in the design of the Proposed Project."
- Statement B — Chapter 6, Table 6-24 (EIA Classification Summary), page 6-131: "Degraded Upland Blanket Bog (PB2): Direct, negative, permanent, significant effect... Permanent, significant residual effect... Significant."

The developer attempts to project an image of eco-sensitive design in Statement A by claiming high-quality habitats were avoided. However, Table 6-24 (Statement B) explicitly exposes the reality of the physical design layout, conceding a permanent, direct, negative, and significant residual effect on Upland Blanket Bog. Blanket bog is a strictly protected Priority Habitat under Annex I of the EU Habitats Directive. The applicant cannot legally or factually claim successful avoidance when their own data confirms permanent, unmitigable habitat degradation.

2.5 Sustainable Tourism Strategy: Macro-Exclusion vs. Localized Reality

- Statement A — Chapter 5, Section 5.3.2.3, page 5-27: "This suggests that the immediate area is not highly significant in tourism terms."
- Statement B — Chapter 5, Section 5.3.2, pages 5-26 to 5-28: The same chapter explicitly lists Wild Hideaways, the Sheep's Head Way, St. Finbarr's Pilgrim Path, designated scenic routes R585 and R548, and six National Monuments (including the Kealkill Stone Circle complex) as active tourism assets within the immediate study area.

The applicant relies on a broad 15km macro-radius to construct a narrative that the local community has "no significant tourism value." Yet, within the exact same section, they are forced to list a dense concentration of highly active, internationally marketed, and legally protected tourism and recreational assets operating in the immediate micro-geography of the site. This demonstrates a complete failure of internal contextual consistency.

2.6 Recreational Amenity: Immediate Direct Contradiction on a Single Page

- Statement A — Chapter 5, Section 5.3.2.3, page 5-28: “It is not considered that the Proposed Project will have an impact on the Sheep’s Head Way/St. Finbarr’s Way.”
- Statement B — Chapter 5, Section 5.3.2.3, page 5-28 (immediately following): “According to the TIA it is considered that the Proposed Project will have a negative impact on the local section of the Sheep’s Head Way.”

This is perhaps the most glaring evidence of a fragmented, non-coherent assessment. These two flatly contradictory statements occur in consecutive paragraphs on the exact same page of Chapter 5. The developer simultaneously states that the infrastructure will **not** have an impact on these historic trails, and then immediately states that it **will** have a negative impact on them.

3. Water Framework Directive, High Status Objective Rivers, and Catchment Risks

3.1 Invalidation of EIAR Chapter 9 Baseline Assumptions and the Absolute Non-Deterioration Obligation

The proposed development directly intersects headwater catchments feeding High Status Objective (HSO) River Waterbodies under the South Western River Basin Management Plan. These are pristine, exceptionally rare aquatic ecosystems, representing less than 17% of monitored waters nationally. They are subject to strict, non-derogable legal protections under the EU Water Framework Directive (WFD), as confirmed by the European Court of Justice in the landmark *Weser* case (Case C-461/13), which establishes that the non-deterioration principle is an absolute legal obligation. In Irish law, through S.I. No. 272 of 2009, even a minor drop from High to Good Status constitutes a prohibited deterioration.

The applicant’s EIAR Chapter 9, Page 63, relies on a fundamentally flawed legal proposition, stating: *“Our understanding of the objectives of the WFD is that surface waters, regardless of whether they have 'Poor' or 'High' status, should be treated the same in terms of the level of protection and mitigation measures employed.”* This represents a grave error in environmental law and engineering practice. HSO catchments possess ultra-sensitive ecological baselines with zero assimilative capacity for sediment or nutrient loading. Treating them with identical, generic mitigation suites designed for low-sensitivity or “Poor” status catchments constitutes a catastrophic failure in site-specific risk assessment. The desk study in the EIAR entirely ignores the *Waters of Life EU LIFE Integrated Project’s* published framework for HSO protection, rendering the assessment incomplete.

3.2 Engineering Execution Risk and the Fallacy of “Zero-Failure” Paper Mitigation

The construction of 14 wind turbines in this HSO catchment involves wide enabling tracks across the upland, thousands of metres of artificial drainage channels, large compacted pads, deep

concrete foundations, borrow pits, and extensive underground cable trenching. The applicant's assessment assumes a theoretical "Zero-Failure Rate" during construction. However, empirical data from wind farm construction on steep upland peat landscapes (such as the Meenbog peat slide) proves that on-paper mitigation cannot eliminate execution risk.

Given the steep topography of the Maughanaclea Hills, the high-rainfall environment of West Cork, and the massive scale of earthworks required (169-metre tip height, extensive access tracks, and a 110kV substation), a localized structural or sediment-control failure is statistically probable. The disconnect between an idealized planning document, the economics of sub-contractor procurement on site, and the total lack of continuous statutory enforcement resources at local authority level creates an unmanageable risk of irreversible ecological degradation to these high-status headwaters.

3.3 Failure of Consideration of Alternatives under the EIA Directive

Under Directive 2014/52/EU, a robust and legally compliant "Consideration of Alternatives" must be completed at the scoping stage. Because these upland ridges form the literal headwaters of pristine, legally protected aquatic systems, this site should have been screened out immediately at the macro-environmental stage. The developer's failure to select an alternative location characterized by lower hydrological sensitivity renders the EIAR non-compliant with the fundamental tenets of the Environmental Impact Assessment Directive.

3.4 Downstream Flood Risk to Local Communities

Wind farm construction permanently changes how upland catchments respond to rainfall, dramatically increasing the speed and volume of overland runoff. This is particularly dangerous in the steep terrain of Maughanaclea. Under the Flood Risk Regulations (S.I. 122/2010), a planning authority is precluded from granting permission where a development has the potential to increase flood risk downstream. The flood risk assessment submitted with this application is legally deficient because it evaluates risk only at the wind farm site itself—it fails to quantify potential increases in flood risk to downstream communities in the valley below.

3.5 Statutory Non-Compliance Regarding Kealkill Public Water Supply

The Kealkill public water treatment plant serves a vulnerable local population of at least 588 people and is located downhill from the proposed development footprint. Local evidence has already demonstrated that this water supply is highly vulnerable to severe turbidity during periods of heavy rainfall (as documented by the *Southern Star*, 2024), confirming a hydrologically sensitive environment.

The EU Drinking Water Regulations 2023 (S.I. 99 of 2023) strictly require a full risk-based catchment assessment where a development is hydrologically connected to a source protection area. A standard "No Objection in Principle" letter from Uisce Éireann does not substitute for this binding statutory requirement. The applicant has failed to conduct this assessment.

3.6 Unassessed Risks to Private Groundwater Wells

The EIAR Chapter 9 acknowledges that its database of private wells in the area is incomplete. Despite this being a standard practice recommended by the HSE for developments in rural upland catchments, no field survey, direct identification, or baseline water quality testing of private wells has been carried out.

Many rural properties in the Meagher Valley and surrounding townlands rely entirely on private wells, including shallow gravity wells, for their domestic water supply. These supplies are exceptionally vulnerable to deep rock fracturing, blasting, turbidity, and chemical contamination. By relying on general regional assumptions rather than site-specific field evidence, the developer has left local residents with no baseline data to protect their water security. I request that An Coimisiún Pleanála require a full field survey of private wells, baseline water quality testing, and a robust independent monitoring framework prior to any consideration of development consent.

4. Cultural Heritage, Archaeology, and Historic Landscapes

4.1 Exceptional Density and Significance of the Archaeological Baseline

The Meagher Valley and the surrounding Maughanaclea hills contain one of the highest densities of prehistoric and historic monuments in rural Ireland. This exceptional significance is verified by independent regional surveys, including David Myler's "An Archaeological Survey of the Meagher Valley" (1998), which identified approximately 90 distinct sites of historical interest, as well as the documented fieldwork of West Cork archaeologist Tony Miller.

This rich cultural layering is explicitly confirmed by data within the applicant's own EIAR, which identifies:

- 11 recorded archaeological sites situated directly within the proposed development footprint.
- 210 further recorded archaeological sites located within a tight 5km radius of the turbine locations.
- 6 designated National Monuments located within a 10km radius.

Furthermore, folklore archives held within the Dúchas Schools' Collection (duchas.ie) document extensive unrecorded heritage assets embedded within the townland of Maughanaclea and the adjacent areas of Cousane. These include historic Butter Roads, the "Baile na Bocht" burial sites, ringforts (liosanna), standing stones, and deep layers of community memory. These records demonstrate conclusively that the Maughanaclea uplands constitute an intact, deeply layered cultural landscape rather than an underutilized spatial resource.

4.2 Material Contravention of Safeguards for Kealkill Stone Circle (Preservation Order 69/1938)

The Kealkill Stone Circle complex is protected under a statutory Preservation Order (PO 69/1938), representing the highest tier of legislative protection available for an archaeological monument under the National Monuments Acts. Under national planning guidelines and established heritage jurisprudence, the statutory protection of a National Monument extends beyond its immediate physical fabric to encompass its historic "setting, curtilage, and spatial integrity."

The applicant's Cultural Heritage assessment explicitly admits that the severe visual and spatial impacts imposed on the setting of this internationally recognized monument cannot be mitigated. By superimposing 14 industrial turbines measuring 169 metres in height into the immediate, sensitive viewshed of the stone circle, the development permanently destroys the ancient spatial alignment and sacred landscape setting of the site. A project where the applicant explicitly concedes that its negative impacts on a primary, nationally protected monument are completely unmitigable cannot legally satisfy the proper planning and sustainable development requirements of the Planning and Development Acts.

4.3 Direct Destruction of the Ancient Butter Road Corridor

The ancient Butter Road—a vital historic infrastructure route connected directly to the development of the Cork Butter Exchange and heavily documented in the Dúchas archives—crosses directly through the proposed development site. This heritage corridor is an invaluable element of Ireland's social, economic, and industrial history. The extensive tracking, heavy vehicle transport, and deep rock fracturing required for this industrial layout will permanently strip, alter, and industrialize this historic path, resulting in an unacceptable and irreversible loss of cultural landscape integrity.

4.4 Deficient Scoping of Sub-Surface Archaeology within the Peat Matrix

Given that the proposed development requires deep excavation, borrow pitting, and extensive rock blasting across upland blanket peat, there is an unassessed risk of destroying unrecorded sub-surface archaeological assets. Upland peat acts as an anaerobic preservation matrix; it frequently seals and protects organic prehistoric structures (such as ancient trackways, fulachtaí fia, and ritual deposits) that are completely invisible to standard visual surface walkovers.

I submit that the applicant's assessment relies on superficial surface investigations that fail to properly evaluate this sub-surface vulnerability. In line with the precautionary principles of the EIA Directive (2014/52/EU), I formally request that An Coimisiún Pleanála reject the current assessment as incomplete and require comprehensive, independent sub-surface archaeological

test-trenching across all proposed areas of ground disturbance prior to making any final determination on this application.

5. Landscape, Visual Impact, and Dark Skies

5.1 Conflict with Cork County Development Plan Zoning and Burden of Proof

The proposed wind farm site lies within Landscape Character Area 15a (Ridged and Peaked Uplands), which carries a statutory designation of "High Landscape Value" and "High Landscape Sensitivity" in the Cork County Development Plan. Furthermore, the terrain immediately adjacent to the site is classified as Landscape Character Type 4 (Rugged Ridge Peninsulas)—a designated High Value Landscape (HVL) defined in policy as a vulnerable system with the ability to accommodate only highly limited development pressure.

The Cork County Development Plan designates the proposed infrastructure zone as "Open to Consideration" for wind energy development, fundamentally distinguishing it from areas deemed "Acceptable in Principle." Under established Irish planning law, an "Open to Consideration" status places the burden of proof entirely on the applicant to demonstrate that adverse impacts on landscape integrity, baseline amenities, and local tourism can be successfully avoided.

The developer has demonstrably failed to discharge this burden. This is confirmed by the applicant's own Landscape and Visual Impact Assessment (LVIA), which admits to "Significant" residual visual effects at four core viewpoints, alongside a "Substantial" magnitude of change at VP16, where the spinning industrial infrastructure will aggressively occupy up to 44% of the vertical landscape view.

5.2 Undermining of National Tourism Designations and Scenic Routes

The development footprint sits within the immediate zone of the Wild Atlantic Way—Ireland's premier international tourism corridor, which is explicitly marketed by the state on the premise of experiencing "nature at its wildest." The micro-region is also protected under the Fáilte Ireland West Cork Coast Destination and Experience Development Plan (DEDP), a state-mandated regional tourism strategy.

Furthermore, the R585 is a formally designated Scenic Route under county policy. The permanent insertion of 14 industrial turbines reaching a tip height of 169 metres directly breaks the continuity of this upland skyline. This permanent industrialization irreversibly undermines the statutory protections and scenic objectives attached to these national tourism assets.

5.3 Permanent Degradation of Pristine Dark Skies and Failure to Assess Technological Alternatives

The Mealagh Valley possesses a documented, near-pristine night-sky environment. This baseline is supported by expert evaluation from Dark Sky Ireland (dated 25 June 2025), confirming that the local atmospheric conditions closely mirror those found within internationally accredited dark sky zones, such as the Kerry Dark Sky Reserve and Mayo Dark Sky Park. A formal Dark Sky Community application is currently active for the Mealagh Valley, aiming to establish Ireland's first community-led dark sky sanctuary.

A formal committee has been established and the application is at an advanced stage. Amber Harrison, Dark Sky Places Programme Manager at DarkSky International, has been in direct correspondence with The Mealagh Valley Dark Skies Committee since October 2025, and Georgia MacMillan of Mayo Dark Sky Park (Ireland's first dark sky designation) has offered practical guidance on the accreditation process. Cork County Council's Roads Management division held an active meeting with The Mealagh Valley Dark Skies Committee on the lighting policy, with follow-up correspondence dated 8 May 2026 — just 17 days before the deadline for observations on this planning application. Deputy Christopher O'Sullivan TD, Minister of State for Nature, Heritage and Biodiversity, engaged personally with the project and subsequently provided a formal written Letter of Support (Attached) describing the Committee's approach as "innovative and forward-thinking" and stating that Dark Sky Park accreditation would be "a very positive addition to the region"

The applicant's proposal would permanently ruin this natural asset by requiring 28 mandatory, high-intensity red aviation warning lights operating continuously throughout the night. Peer-reviewed optical research (Bara & Lima, Journal of Quantitative Spectroscopy and Radiative Transfer) establishes that wind turbine aviation lighting can exceed the luminous intensity of Venus at distances up to 4km, remaining visible to the naked eye at distances up to 38km. This introduces an unmitigated form of light pollution across a wide geographical radius.

Crucially, the applicant's EIAR fails to evaluate available mitigation technologies, specifically an Aircraft Detection Lighting System (ADLS). ADLS utilizes localized radar to keep aviation warning lights deactivated by default, only illuminating them on the rare occasions when an aircraft enters the immediate airspace. By failing to assess or propose an ADLS framework, the developer's EIAR fails to minimize its environmental and visual impacts on a highly sensitive night-sky ecosystem. This directly contradicts the explicit commitment in the Programme for Government to actively promote, encourage, and expand Dark Sky national parks and community reserves.

6. Ecology and Biodiversity

6.1 Irreconcilable Conflict with the EU Nature Restoration Law (Regulation EU 2024/1991)

The proposed development stands in direct conflict with overriding European environmental legislation, specifically the EU Nature Restoration Law (adopted June 2024). Under this binding regulation, Ireland is legally mandated to implement measures to restore at least 20% of the state's degraded terrestrial ecosystems by 2030, with a formal National Restoration Plan required to be submitted by September 1, 2026.

Ireland's 4th National Biodiversity Action Plan (2023–2030), published by the National Parks and Wildlife Service (NPWS), confirms that 46% of EU-protected habitats show ongoing declines, 15% of EU-protected species are declining, and 63% of bird species in Ireland are in a state of conservation concern. The proposed development involves the permanent industrialization, excavation, and fragmentation of sensitive upland peatlands, heathlands, and headwater catchments. Approving this project directly conflicts with the State's upcoming legal duties to protect and restore this ecosystem, running entirely counter to national and EU biodiversity targets.

6.2 Protected Bird Species and Wider Countryside Obligations

The proposed site and its immediate upland margins support species strictly protected under Annex I of the EU Birds Directive (2009/147/EC), including:

- Hen Harrier (*Circus cyaneus*): A specially protected raptor whose upland heath and blanket bog foraging and nesting habitats are directly threatened by this development footprint. This is a direct parallel to the spatial planning precedent in County Clare, where planning permission was refused for wind energy infrastructure specifically due to the unacceptable risk of habitat degradation and displacement of the Hen Harrier population (Clare County Council Planning Register Reference: 22/836).
- Peregrine Falcon (*Falco peregrinus*): A high-altitude ridgeline hunter uniquely vulnerable to catastrophic turbine blade collision and displacement.
- White-tailed Sea Eagle (*Haliaeetus albicilla*): A recovering, highly sensitive apex species documented within the wider West Cork regional flight corridors.

Under Article 4(1) of the Birds Directive, and as confirmed by the Court of Justice of the European Union (CJEU) in *Commission v. Ireland* (Case C-418/04, "The Birds Case"), special conservation obligations are not confined strictly to designated Special Protection Areas (SPAs). They apply bindingly across the wider countryside wherever Annex I species occur. The applicant's EIAR fails to demonstrate that the placement of 14 massive 169-metre turbines will not cause unlawful displacement, barrier effects, or mortality to these protected populations within their natural range.

6.3 Peat Stability, Slope Failure, and Environmental Liability

The Maughanaclea site is characterized by sensitive upland blanket peat terrain, sharing identical hydrogeological configurations with upland landscapes that have suffered catastrophic failures (such as Derrybrien and Meenbog). Upland peatlands are inherently unstable systems when subjected to extensive industrial earthworks, deep excavation for turbine pads, rock blasting, and heavy vehicle traffic.

I submit that the applicant's site-specific peat stability assessment relies on idealized baseline assumptions that fail to account for the extreme rainfall patterns of West Cork and the execution risks inherent in constructing massive concrete foundations on sloped, waterlogged organic soils. The Derrybrien precedent demonstrates conclusively that peat failure is a profound, irreversible environmental risk. In the absence of an absolute, independent engineering guarantee of slope stability under extreme weather events, the application fails to satisfy the precautionary principle under the Planning and Development Act.

6.4 Vulnerabilities to High-Status Freshwater Ecosystems

The Mealagh and surrounding river systems support strictly protected aquatic species, including Atlantic Salmon (*Salmo salar*), Freshwater Pearl Mussel (*Margaritifera margaritifera*), Otter (*Lutra lutra*), and Kingfisher (*Alcedo atthis*). These species depend fundamentally on pristine, ultra-low-sediment water conditions.

The extensive construction footprint, soil stripping, and risk of chemical or cementitious contamination along the upland ridges pose a direct, non-mitigable threat to these species. Because these headwaters maintain High Status Objective classifications under the Water Framework Directive, any localized mitigation failure on the steep slopes of the Maughanaclea Hills will cause irreversible downstream ecological degradation, resulting in a direct violation of the state's non-deterioration obligations.

6.5 Inadequate Assessment of Protected Terrestrial Mammals

The upland habitats of Maughanaclea and the Mealagh Valley support multiple legally protected terrestrial mammal species that have been structurally downplayed or inadequately evaluated within the applicant's EIAR text. These include:

- The Pine Marten (*Martes martes*): Protected under the Wildlife Acts and Annex V of the EU Habitats Directive, known to actively utilize the woodland-bog margins of the site.
- The Red Squirrel (*Sciurus vulgaris*): Protected under the Wildlife Acts, dependent on the contiguous canopy and hedgerow corridors intersecting the proposed grid route.
- The Irish Hare (*Lepus timidus hibernicus*): A priority Annex V species under the Habitats Directive, whose core breeding and foraging habitat on the upland blanket bog will suffer a permanent, significant residual loss according to the developer's own documentation.

The creation of expansive access roads, turbine pads, and borrow pits will result in severe habitat fragmentation. The lack of comprehensive, multi-season, independent track and camera-trap surveys within the core development zone means An Coimisiún Pleanála lacks the necessary empirical data to conclude that these populations will not suffer unlawful disruption and displacement.

6.6 Bats: Omission of Survey Data and Legal Non-Compliance

I draw An Coimisiún Pleanála's direct attention to a profound evidential deficit in the applicant's ecological assessment: the developer's own survey data appendix (Appendix 7-4) contains extensive bird data running over 220 pages, yet completely lacks transparent, seasonal, raw baseline data regarding bat activity, static detector locations, or acoustic analysis profiles.

All bat species in Ireland are subject to the strictest system of legal protection under Annex IV of the EU Habitats Directive (92/43/EEC) and the Wildlife Acts. It is a criminal offence to deliberately kill, injure, or disturb any bat, or to damage or destroy their breeding sites or resting places. This strict legal protection applies across the entire territory of the state, regardless of proximity to designated Special Areas of Conservation (SACs).

Of critical regional significance is the Lesser Horseshoe Bat (*Rhinolophus hipposideros*), an Annex II species requiring the highest level of European protection. The mature hedgerows, woodland margins, and river valleys of the Kealkill and Maughanaclea area provide classic foraging and commuting infrastructure for this species.

Furthermore, industrial wind turbines are an empirically proven cause of bat mortality through two distinct vectors: direct blade collision, and barotrauma (fatal internal hemorrhaging caused by the extreme air pressure drops around spinning 169-metre rotors). Barotrauma routinely kills bats without any physical blade contact, meaning large-scale rotors present an amplified risk to local populations.

The complete absence of explicit, transparently indexed, multi-season static acoustic data within the survey appendices means the applicant has failed to comply with the statutory scoping requirements set by Bat Conservation Ireland and the Eurobats guidelines. In the absence of this objective scientific data, An Coimisiún Pleanála cannot perform its duties under Appropriate Assessment or Environmental Impact Assessment frameworks. To grant development consent on an incomplete ecological baseline would render any subsequent planning permission highly vulnerable to a direct judicial review.

I formally request that An Coimisiún Pleanála invoke its statutory powers to require the applicant to submit full, multi-season, independent bat surveys covering all proposed turbine zones and grid corridors before this application can be further considered.

7. Tourism and the Local Economy

7.1 Methodological Invalidation: Macro-Data vs. Localized Realities

The applicant's assessment of Population and Human Health (Chapter 5) exhibits a serious methodological contradiction. To dismiss the potential economic damage to local tourism, the developer relies on the cited BiGGAR Economics study, which utilizes aggregate regional employment and visitor data averaged across entire local authority areas and a broad 15km study radius. From a proper planning perspective, this macro-methodology is wholly unsuitable for assessing localized business impacts.

This regional-scale data is directly invalidated by the applicant's own Landscape and Visual Impact Assessment (Chapter 13). In Table 13-17, the developer records "Significant residual visual effects" at multiple local viewpoints (including VP6, VP11, and VP12) and a "Substantial magnitude of change" at VP16 within 1km of the infrastructure. The developer cannot logically use regional-scale macro-statistics to obscure severe, localized visual and amenity impacts on the precise micro-geography where quiet-dependent eco-retreats and tourism assets operate.

7.2 Omission of Key Tourism Assets and Quantifiable Amenity Values

The EIAR fails to compile a comprehensive or legally robust inventory of local tourism infrastructure. It downplays or entirely omits established local businesses such as Wild Hideaways, Hagal Farm B&B, and Owl Cabin B&B, alongside major recreational walking trails like the Sheep's Head Way and St. Finbarr's Pilgrim Path.

The local tourism economy of West Cork is founded directly on landscape quality, scenic value, dark skies, and deep environmental tranquillity. These are not abstract amenities - they are the core commercial assets on which these businesses depend for their economic survival. Superimposing 14 industrial structures measuring 169 metres in height, which will be visible from distances of up to 40 kilometres and stand 2.5 times the height of the Elysian building, permanently devalues the landscape asset that drives this sustainable rural economy. Unlike temporary construction impacts, this industrialization of the historic Maughanaclea ridgeline represents a permanent, irreversible degradation of West Cork's landscape character.

8. Community Impact, Socio-Economic Viability, and Asset Stranding

8.1 Non-Compliance with the Socio-Economic Objectives of the National Planning Framework and Local Policy

While the applicant frames this project as a contributor to national renewable energy targets, the structural configuration of this development represents a purely extractive economic model. It stands in direct violation of the sustainable community development policies of both the National Planning Framework (Project Ireland 2040) and the Cork County Development Plan (Section 13.7.4, page 300), which explicitly mandates “the importance of community ownership of wind energy projects.”

The socio-economic assessment in the EIAR fails to demonstrate any meaningful, long-term wealth retention or structural economic benefit for the local community or the broader Bantry area. This proposal offers no provision for genuine community ownership or equitable benefit sharing. The permanent devaluation of local property, the displacement of nature-based tourism, and the industrialization of common rural assets are to be borne entirely by local residents. In contrast, the financial yields, including state-backed infrastructure subsidies funded by Irish consumers, are structurally channeled away from the local economy to corporate entities. This creates a severe socio-economic imbalance that runs entirely contrary to the principle of proper planning and sustainable regional development.

8.2 Deficient Community Engagement and Exclusion of Local Stakeholders

The applicant’s Community Engagement Report claims (Section 4, page 9) that “active engagement and consultation with the local community has taken place from an early stage.” However, Section 2.1 (page 3) of the same report confirms that notification was strictly restricted to “all householders within a c.2km radius.”

From a proper planning perspective, this methodology is fatally flawed. By drawing an arbitrary 2km line, the applicant entirely excluded vital local tourism operators, agricultural stakeholders, and active recreational users of the wider landscape whose livelihoods and amenities are directly impacted by this development. This narrow geographic scoping means the applicant has failed to conduct a legally robust, comprehensive community consultation as required for a Strategic Infrastructure Development.

8.3 Long-Term Lifecycle Vulnerabilities and Decommissioning Liabilities

The application seeks a ten-year planning permission for an extensive 35 year operational lifecycle. However, the EIAR provides no legally binding, inflation-adjusted financial bonds or explicit, step-by-step engineering methodologies to guarantee the complete structural removal and ecological restoration of the upland site post-operation.

Given the volatile nature of special-purpose vehicles (SPVs) within the international energy market, there is a high risk of "asset stranding." If the corporate entity dissolves, divests, or

restructures over the next three decades, the local community and Cork County Council will be left with the permanent environmental and structural liabilities of decaying turbine foundations, access roads, and unmitigated upland concrete footprints. The absence of a transparent, fully costed decommissioning framework means the applicant has failed to safeguard the long-term sustainable development of the area.

9. Statutory and Statutory-Instrument Non-Compliance

The proposed development is contrary to, or raises serious questions of compliance with, the following:

- **Cork County Development Plan:** Landscape Character Area 15a designation (High Landscape Value, High Sensitivity); wind energy policy requiring “Open to Consideration” burden of proof on the developer; requirement for community ownership provisions (Section 13.7.4); scenic route designation of R585
- **National Planning Framework (NPF) 2018:** National Policy Objective 65 - protection of landscapes of high amenity value
- **EU Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC):** Requirements for Appropriate Assessment and special conservation measures for Annex I/II species
- **EU Water Framework Directive (2000/60/EC) and S.I. 272/2009:** Absolute non-deterioration obligation for High Status waterbodies
- **EU Nature Restoration Regulation 2024:** Legally binding biodiversity restoration obligations
- **EU Drinking Water Regulations 2023 (S.I. 99/2023):** Catchment risk assessment obligations
- **Flood Risk Regulations (S.I. 122/2010):** Non-permission of developments increasing downstream flood risk
- **EIA Directive (2014/52/EU):** Obligation to carry out an independent assessment; requirement for genuine Consideration of Alternatives at Scoping;

9.1 Irreconcilable Conflict with the EU Nature Restoration Law (Regulation EU 2024/1991)

The proposed development stands in direct, irreconcilable conflict with overriding European environmental legislation, specifically the EU Nature Restoration Law (adopted June 2024). Under this binding regulation, Ireland is legally mandated to implement measures to restore at least 20% of the state's degraded terrestrial ecosystems by 2030, with a formal National Restoration Plan required to be submitted by September 1, 2026.

The applicant's proposal involves the permanent industrialization, excavation, and fragmentation of sensitive upland peatlands, heathlands, and headwater catchments. Granting a 10-year planning permission for infrastructure designed to operate for 35 years directly conflicts with the state's upcoming legal duty to protect and restore this ecosystem. An Coimisiún Pleanála cannot legally or logically grant a long-term development consent that directly undermines the state's impending statutory obligations to achieve net-positive biodiversity restoration targets under EU law.

9.2 Violation of the 4th National Biodiversity Action Plan (NBAP) 2023-2030

The application violates the core strategic objectives of Ireland's 4th National Biodiversity Action Plan, which carries statutory weight under the Wildlife (Amendment) Act. The NBAP explicitly demands a "transformative change" in how national agencies value and protect threatened natural systems. The developer's EIA relies on an outdated "mitigation-by-avoidance" model that treats biodiversity as a regulatory hurdle to be minimized on paper, rather than respecting the integrity of the upland ecological corridor. By introducing massive physical footprints, potential sediment run-off, and permanent habitat fragmentation, the project actively subverts the national mandate to halt biodiversity loss.

10. Cumulative Impact, Landscape Saturation, and Spatial Precedent

10.1 The Spatial and Hydrological Precedent of the Gougane Barra Refusal

I draw An Coimisiún Pleanála's direct attention to the binding precedent established by the refusal of planning permission for the Gougane Barra wind farm development in West Cork. The applicant will undoubtedly attempt to distinguish the Maughanaclea site by arguing that it lacks the specific "High-Value Landscape" (HVL) zoning attached to the immediate Gougane Barra bowl. This argument must be rejected.

From a proper planning, ecological, and topographical perspective, the Maughanaclea Hills belong to the exact same interconnected upland ridgeline system and share identical baseline environmental constraints. Crucially, the hydrological and ecological pathways of both sites feed into highly sensitive, legally protected catchments. The spatial planning principles that dictated the refusal of the Gougane Barra development - namely, the protection of sensitive upland headwaters, the prevention of habitat fragmentation, and the preservation of rural landscape integrity, apply with equal force to the Maughanaclea application.

10.2 Cumulative Saturation and Environmental Tipping Points

The surrounding West Cork region is already heavily saturated with industrial wind energy infrastructure, including the operational footprints at Shehy More and Cleanrath. The addition of 14 massive 169-metre turbines at Maughanaclea does not represent an incremental change; it constitutes a definitive environmental impact.

The applicant's cumulative impact assessment fails to adequately model the combined, continuous ecological pressure exerted by these adjacent developments. This includes the cumulative loss of upland hunting corridors for protected ornithological species (such as the Hen Harrier) and the collective drainage stress placed on the regional water table. The landscape has reached its absolute spatial and ecological capacity to accommodate large-scale industrial interventions. Granting permission would transform a contiguous, living rural ecosystem into a continuous, industrialized energy production zone, completely erasing its native amenity and ecological value.

11. Conclusion

The proposed Maughanaclea Wind Farm fails to satisfy the fundamental requirements of proper planning, sustainable development, and environmental law on multiple, independent, and serious grounds.

Taking these matters both individually and cumulatively, the impacts of this development would be unacceptable, unmitigable, and entirely irreversible. The applicant's EIAR is built upon internal methodological contradictions-juxtaposing regional-scale macro-data against severe localized visual impacts, and applying generic, low-sensitivity mitigation frameworks to ultra-sensitive, legally protected High Status Objective river catchments. Consequently, the application fails to provide An Coimisiún Pleanála with a legally sound, reliable evidential basis for granting development consent.

Because the developer's documentation contains profound internal data contradictions regarding local tourism assets, environmental baseline assumptions, and engineering execution risks within high-status catchments, I hereby request that An Coimisiún Pleanála convene a formal Oral Hearing for this Strategic Infrastructure Development application. A public oral hearing is absolutely necessary to allow these critical hydrological, ecological, and socio-economic conflicts to be rigorously tested under cross-examination by independent experts.

I respectfully but firmly call on An Coimisiún Pleanála to uphold the integrity of EU environmental law, protect the unique heritage of West Cork, and refuse planning permission for application ACP-324165-26.

Signed:



Date: 21st May 2026

Address: Ahil beg, Kealkill, Cork, P75K079

Planning Application Reference: ACP-324165-26 | Applicant: Maughanaclea Ltd / Enerco | Location: Maughanaclea, County Cork



Christopher O'Sullivan TD

Minister for Nature, Heritage and Biodiversity. TD for Cork South-West.



Dear Amy,

I am delighted to have the opportunity to express my support for the initiative being undertaken by Wild Hideaways and the local community to develop an accredited Dark Sky Park within the Mealagh Valley, County Cork.

The goal of a Dark Sky Park is to raise awareness of the need to reduce light pollution and promote responsible lighting solutions, in order to protect the natural night sky for the benefit of both people and wildlife.

I am also conscious that it brings the potential for the development of rural tourism products outside the typical summer season. Dark Sky tourism is a growing sector internationally, attracting visitors who are seeking experiences rooted in nature, heritage and wellbeing, and promoting sustainable rural development and tourism diversification.

Wild Hideaways have demonstrated an innovative and forward-thinking approach with this proposal, and I understand they have engaged widely with the local community. I believe that Dark Sky Park accreditation would be a very positive addition to the region and I wish them the best of luck with this work.

Kind Regards,

Christopher O'Sullivan T.D.

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