To: An Coimisiún Pleanála
Re: ACP-324420 -26 Dyrick Hill Wind Farm, Co. Waterford
Applicant: Dyrick Hill Wind Farm Limited
Submission: Observation/submission request for refusal
From: Dr. Kathleen Fitzpatrick, B.Ed., M.Sc., PhD

Address: Knockmeal, Ballinamult, Co. Waterford
Date: August 8th 2026

Submission on the reactivated Dyrick Hill Wind Farm application

1. Introduction and request

I respectfully request that An Coimisiún Pleanála refuse permission for the proposed Dyrick Hill Wind Farm.

This is not an objection to renewable energy as such. Ireland requires substantial and timely renewable-electricity development. The issue is whether this particular 12-turbine development, at this particular location and in its current form, is acceptable under the statutory planning and environmental framework, and whether granting it can objectively be shown to comply with section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended ("the Climate Act").

The application is a reactivated case following the High Court's quashing of the previous refusal under PA93.317265 and as a result of the Supreme Court judgment in the Coolglass case, which is relevant to some of the issues in the Dyrick Hill Windfarm application.

In the High Court case Judge Humphreys stated:

> *It is not an answer that the permitting of any one project won't achieve climate goals on its own. That is the drop-in-the-ocean fallacy that is rejected globally, and would obviously strangle the effort to address climate change at the starting line.*

It cannot be an answer to the environmental consequences of this particular development that the permitting of any one project, in isolation, will not determine whether Ireland achieves its overall climate objectives. As Humphreys J observed in the High Court, such reasoning amounts to the "drop-in-the-ocean" fallacy, which has been rejected in the context of climate action because, if applied consistently, it would undermine the collective effort required to address climate change at the outset ([2025] IEHC 1, 10 January 2025).

The same principle must be applied in assessing the environmental consequences of this project. It cannot be argued that the impacts of this development should be disregarded merely because the project is only one development among many. The fact that a single project may make only a limited contribution to overall environmental degradation does not render its individual impacts acceptable, nor does it remove the obligation to properly identify, assess and weigh those impacts.

In this case, the proposed development will give rise to significant and irreversible environmental impacts, including the direct loss of approximately 3.5 hectares of Annex I Dry Heath habitat; adverse effects on ecological connectivity; loss and fragmentation of habitats; impacts on biodiversity within an exceptionally sensitive landscape; potential impacts on Hen Harrier and other protected species; impacts on protected habitats and species; and potential effects on the Blackwater SAC. In addition, the development raises concerns regarding the loss or disturbance of archaeological and cultural heritage.

These impacts cannot properly be dismissed on the basis that the contribution of this single development to overall biodiversity loss or habitat destruction is relatively small. Each incremental loss contributes to the cumulative deterioration of Ireland's natural environment. Indeed, it is precisely through the cumulative permitting of individual developments that the wider and potentially irreversible loss of habitats, biodiversity and ecological connectivity occurs.

The planning authority must therefore consider the actual and cumulative environmental consequences of this particular proposal, rather than treating them as insignificant because they arise from a single project. The relevant question is not whether this development alone will determine the future of Ireland's climate or biodiversity, but whether **this development, in this location, with these identified impacts, is environmentally acceptable and consistent with the statutory obligation to protect European sites, protected species, biodiversity, habitats and Ireland's natural and cultural heritage.**

The "drop-in-the-ocean" argument cannot operate as a justification for permitting environmental damage any more than it can operate as a justification for ignoring the contribution of an individual development to climate change. If each individual loss is characterised as insignificant because it is only one among many, the cumulative result is precisely the large-scale environmental degradation which the planning and environmental protection regimes are intended to prevent. Important to note that The Department regarded the loss of approximately 3.5 hectares as significant and permanent. The Development Plan contains biodiversity policies requiring protection of habitats and biodiversity. The Inspector ultimately found that the Board could not be satisfied that the development would not result in a **significant loss of biodiversity**. Furthermore, she identified conflict with development-plan biodiversity objectives and Article 4(4) of the Birds Directive.

The Commission should decide the matter afresh, taking account of all material now before it, current law and current environmental evidence. The fact that the earlier decision was quashed does not determine the substantive planning merits of the proposal, does not establish that the development is acceptable, and does not displace the need for a complete EIA, AA and planning assessment.

The previous Inspector's Report and the prior decision are nevertheless highly relevant evidence. They record detailed planning and environmental concerns that have not been rendered immaterial merely because the prior decision was quashed. In particular, the earlier case identified:

- conflict with the Waterford Renewable Energy Strategy ("RES"), including the site's designation as an Exclusion Zone;
- conflict with the Development Plan's landscape protection policies, with the majority of turbines located in a "Most Sensitive" landscape area;
- direct loss of approximately 3.5 hectares of Annex I dry heath;
- serious concerns concerning hen harrier, golden plover and other sensitive bird interests;
- potential inadequacies in baseline survey information and the NIS; and
- unresolved cumulative and in-combination effects.

The central submission is that the Commission must now conduct an independent, evidence-based assessment of these matters. It must not regard the project's renewable-energy purpose as automatically answering the planning, environmental or statutory climate question.

2. The proposal and procedural position

The current Commission file describes a proposal for the construction of Dyrick Hill Wind Farm comprising 12 turbines and related works in the townlands of Ballymacmague North and South, Ballynaguilkee Lower and Upper, Broemountain, Carrigaun (Mansfield) and others, County Waterford.

The prior Inspector's Report described turbines in the 6.0–7.2 MW range, with a 110 kV grid connection of approximately 16 km to Dungarvan substation, together with access tracks, hardstands, a substation and associated works. The Commission should verify the precise scheme now before it, including turbine dimensions, grid route, excavation and road works, felling, construction programme, haul route and all mitigation relied upon.

The previous decision under PA93.317265 was refused on 3 October 2024. The Commission records that decision as having been quashed by High Court order, perfected on 7 May 2026, and the proposal reactivated as PA93.324420 on 7 July 2026.

This submission does not assume the ground upon which the High Court quashed the earlier decision unless and until that judgment and order are specifically considered by the Commission. The legal consequence of quashing is that the earlier decision cannot stand; it is not a substantive endorsement of the application or a finding that the earlier planning, landscape or ecological concerns were wrong.

3. Section 15(1) and *Coolglass*

The recent judgment of the Supreme Court in *Coolglass Wind Farm Ltd v An Coimisiún Pleanála [2026] IESC 5* is directly relevant and the applicant is likely to place substantial reliance on Ireland's climate obligations and the contribution which the proposed Dyrick Hill Wind Farm would make to renewable electricity generation. It is accepted that climate change and the transition to renewable energy are important national policy objectives. However, the fact that a proposed development is a renewable-energy project does not establish, of itself, that the granting of planning permission for that particular development is consistent with section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended. It does not establish that all renewable-energy developments should be permitted, nor does it make a development plan irrelevant. Equally, it makes clear that section 15(1) cannot be addressed merely by referring to climate policy in general terms. The judgment confirms that section 15(1) creates a substantive legal obligation on a public body. It is not merely a requirement to have regard to climate policy or to undertake a procedural exercise. Compliance is directed to the outcome of the decision and is capable of judicial review. What is important in the present case is that the court held that an obligation to perform a function in a manner consistent with identified climate objectives is addressed to the outcome of the decision and that the outcome must be capable of being demonstrated to be consistent with the relevant standard.

The Court held that the section 15 obligation is not simply procedural. It concerns the result of the public body's exercise of its function: the outcome must be capable of being demonstrated to be consistent with the relevant statutory standard. Compliance is an objective legal question and is not insulated from review simply by describing it as a matter of planning judgment.

However, the Supreme Court also rejected an over-simplified approach under which climate-positive development must automatically be favoured over a conflicting development-plan provision unless refusal is impracticable. It expressly rejected the proposition that section 15(1) creates an automatic presumption in favour of renewable-energy development. The Court stated that consistency with the section 15(1) objectives cannot be reduced to a simple "traffic-light" system whereby a climate-friendly development must be permitted. Section 15(1) obligation cannot be reduced to a procedural or "box-ticking" exercise. It recognised that a range of decisions may be consistent with section 15(1), and that climate considerations are already embedded throughout the detailed planning and environmental code.

Accordingly, the proper question for the Commission is not simply whether Dyrick Hill would generate renewable electricity. The question is whether, having regard to the particular characteristics and consequences of this proposal and the statutory and planning framework within which the decision must be made, the actual outcome of granting permission for Dyrick Hill can objectively be demonstrated to be consistent with section 15(1). Therefore, the correct question is not:

Does Dyrick Hill produce renewable electricity?

It is:

Having regard to the actual generation benefit, the location, the adopted spatial strategy, the environmental effects, mitigation, alternatives and cumulative effects, can granting permission for this particular proposal be objectively demonstrated to be an outcome consistent with the statutory climate objectives?

That analysis requires more than a general statement that wind energy contributes to national targets. It requires the Commission to explain, by reference to evidence:

1. the relevant climate objectives;
2. the proposal's evidenced and realistically deliverable contribution to them;
3. its lifecycle and site-specific environmental consequences;
4. the extent to which those consequences are avoided or adequately mitigated;
5. the relevance of the Waterford RES and Development Plan designations; and

6. why the resulting decision is consistent with section 15(1).

A reasoned refusal may be consistent with section 15(1) where, on the evidence, the particular site is unsuitable or the environmental and planning effects are unacceptable. Conversely, a grant could not lawfully rest on an unsupported assertion that renewable generation alone outweighs all site-specific concerns.

It would not be sufficient for the Commission simply to record that:

- Ireland has legally binding climate targets;
- renewable electricity generation is required;
- wind energy is supported by national policy; and
- Dyrick Hill would generate renewable electricity.

Those propositions may all be accepted without establishing that the particular planning outcome sought by the applicant is the outcome required by section 15(1).

The Commission must instead address the particular circumstances of Dyrick Hill and explain why granting permission for this particular project, at this particular location and in this particular form, is consistent with the statutory climate objectives.

The Dyrick Hill site is not an ordinary or unconstrained wind-energy location

This issue is particularly important because the original Inspector's Report did not find that the proposal was inconsistent with European, national or regional renewable-energy policy generally.

Indeed, the Inspector expressly acknowledged that the proposal would contribute to European and national renewable-energy targets.

However, that was not the end of the planning analysis.

The Inspector found that the proposed development was located within an area identified as an **"Exclusion Zone"** under the Waterford Renewable Energy Strategy and concluded that the proposal materially contravened Policy Objective UTL 13. The Inspector further found that a significant portion of the site was within a **"Most Sensitive"** landscape character area and that the proposal would materially contravene LO2.

The Inspector concluded:

- that the principle of the development was not acceptable on lands designated as an exclusion/no-go area for new wind energy development;
- that the proposal was not in accordance with the Waterford Renewable Energy Strategy and wind-energy designation map;
- that the elevated site was within a Most Sensitive character area; and
- that the proposal would affect the integrity of the character of that area.

These are not merely matters of visual preference. They form part of the statutory planning framework within which the climate obligation must now be assessed.

Section 15(1) does not render the Development Plan irrelevant

The Supreme Court's decision in *Coolglass* does not establish that climate policy automatically overrides an adopted Development Plan.

On the contrary, the Court recognised that climate considerations are already incorporated throughout the planning system.

This is particularly significant in the present case because the Waterford Development Plan and Renewable Energy Strategy have themselves established a spatial approach to wind-energy development.

The fact that a particular location has been identified as unsuitable or excluded for wind-energy development cannot simply be disregarded because the proposed development is capable of generating renewable electricity.

The Commission must consider the relationship between:

1. the national climate objectives;
2. the statutory section 15(1) obligation;
3. the adopted Waterford Development Plan;
4. the Waterford Renewable Energy Strategy;
5. the landscape and environmental designations applying to the site; and
6. the actual environmental consequences of the proposed development.

The existence of a national objective to increase renewable electricity does not mean that every individual location is equally appropriate for achieving that objective.

Indeed, the purpose of spatial planning is precisely to determine where development should and should not occur having regard to the characteristics and sensitivities of particular locations.

The climate benefit of Dyrick Hill must be considered against its actual environmental consequences

The section 15(1) analysis must be undertaken in the context of the actual Dyrick Hill proposal. The project involves 12 turbines with a maximum tip height of approximately 185 metres, associated access roads and hardstands, a substation, borrow pit, forestry felling and an approximately 16.8 km grid connection to Dungarvan. The Commission should therefore not treat the climate benefit as an abstract benefit detached from the physical consequences of the proposal.

The original Inspector identified significant environmental issues associated with the development. In particular, the proposal would result in the direct loss of approximately 3.5 hectares of Annex I dry heath habitat, together with associated acid grassland. The Inspector noted that the conservation status of dry heath in Ireland was assessed as “Bad” and that wind farms were recognised amongst the pressures affecting this habitat.

The Department of Housing, Local Government and Heritage also raised serious concerns concerning the loss of this habitat and its importance for species of conservation concern.

The Inspector concluded that the proposed mitigation did not sufficiently address the direct and residual impacts and recommended refusal on the basis of the impact on Annex I habitat.

The Inspector also identified the importance of the Broemountain area for hen harrier. The area forms part of a wider Knockmealdown habitat unit which supported a significant proportion of the national population, while the national population of hen harrier had itself declined substantially.

These matters are directly relevant to the question of whether the actual outcome of granting permission can objectively be regarded as consistent with the statutory climate objectives.

Climate policy cannot be reduced to renewable electricity generation alone

Climate policy is not synonymous with maximising the number of wind turbines irrespective of location. In fact a proper section 15(1) assessment should recognise that climate policy exists within a wider statutory environmental framework. A development which produces renewable electricity but causes significant and permanent damage to sensitive habitats and landscapes cannot simply be characterised as "climate compliant" without examining the complete balance of consequences.

The Supreme Court's judgment in *Coolglass* is important precisely because it rejects an overly simplistic approach to section 15(1). The Court confirmed that there may be a range of outcomes which are consistent with the statutory objectives. Consequently, the relevant question is not whether Dyrick Hill is capable of contributing to climate targets, but whether granting permission for Dyrick Hill at this particular location and in this particular form is an objectively sustainable and climate-consistent outcome when the complete planning context is considered.

The existence of alternative locations is relevant

If the Commission is to rely upon the climate benefits of Dyrick Hill as a reason for granting permission notwithstanding the site's exclusion designation and landscape sensitivity, it should address whether the same climate objective can be achieved through development in locations which are more suitable for wind energy and which would result in fewer significant environmental effects. This does not amount to an assertion that section 15(1) requires the Commission to identify one particular alternative wind farm.

Rather, it follows from the Supreme Court's requirement for an objective assessment of consistency that the Commission should not assume that the climate benefit of this particular development is uniquely dependent upon this particular site. The existence of an adopted spatial strategy for wind energy is particularly relevant in this regard.

If the Waterford Renewable Energy Strategy identifies areas considered suitable and unsuitable for wind-energy development, the Commission should explain why the climate objectives cannot appropriately be advanced through development within areas identified as suitable, rather than through a development within an exclusion area.

The Commission must objectively demonstrate compliance

The Supreme Court has confirmed that compliance with section 15(1) is not simply a matter of subjective planning judgment. The Court described the question of compliance as an objective question and a matter of law. Accordingly, if the Commission decides to grant permission, it should expressly identify:

(a) the section 15(1) climate objectives which it considers applicable;

(b) the specific climate contribution expected from Dyrick Hill;

(c) the evidential basis for that assessment;

(d) the significance of the project's contribution in the context of Ireland's overall climate objectives;

(e) the environmental consequences of achieving that contribution at the Dyrick Hill location;

(f) the conflict with the Waterford Renewable Energy Strategy and the designation of the site as an Exclusion Zone;

(g) the conflict with the landscape protection provisions applying to the site;

(h) the implications of the loss of Annex I dry heath and associated habitats;

(i) the implications for hen harrier and other species of conservation concern;

(j) the cumulative environmental effects of the proposal; and

(k) why, having considered all of those matters together, the actual outcome of granting permission is objectively consistent with section 15(1).

A general statement that the development will contribute to renewable-energy targets would not adequately answer that question.

The original Dyrick Hill decision demonstrates why this analysis is necessary

The original Inspector's Report is particularly instructive because it expressly recognised the renewable-energy and climate benefits of the proposal. Nevertheless, after considering the site-specific planning circumstances, the Inspector concluded that the proposal materially contravened UTL 13 and LO2 and was contrary to the proper planning and sustainable development of the area.

The Inspector's assessment therefore demonstrates that there is no necessary conflict between recognising the importance of renewable energy and concluding that a particular wind farm is unsuitable for a particular location.

The *Coolglass* judgment does not eliminate that distinction.

Rather, it requires the Commission to undertake the section 15(1) assessment properly and substantively.

4. Waterford Development Plan, RES and the plan-led system

The Waterford City and County Development Plan 2022–2028 is the statutory plan. Its Renewable Energy Strategy adopts a spatial approach to wind-energy development. That approach distinguishes between preferred areas, areas open to consideration, and exclusion/no-go areas.

The prior Inspector found that the application site lay in an Exclusion Zone and concluded that the proposal would materially contravene Policy Objective UTL 13 because it was not in accordance with the RES and its wind-energy designation map. The prior decision adopted that conclusion.

Policy Objective UTL 13 supports renewable-energy proposals developed fully in accordance with, among other matters, the RES, its wind-energy designation map, the Landscape and Seascape Character Assessment ("LSCA") and the relevant wind-energy guidelines. That wording is important. It is not a policy supporting wind development without regard to location; it is a policy which expressly connects renewable development to the spatial, landscape and environmental framework.

The applicant previously argued that the area had earlier been "open to consideration" and that the later exclusion designation was unclear. That is not a sufficient answer to the operative statutory Development Plan. Unless the Commission identifies a lawful and persuasive basis to depart from the RES, the starting point must be that the adopted plan designation represents the planning authority's current spatial judgment about this location. In addition the inspector concluded that National climate policy does not automatically override the democratically adopted Waterford Development Plan. The Inspector specifically referred to *Brophy v An Bord Pleanála* and *Murtagh v An Bord Pleanála* in support of the proposition that the development plan can retain primacy where there is an apparent conflict with national policy.

The Commission should therefore:

- identify the exact current RES designation applicable to every turbine, access track, borrow pit, substation and grid-connection element;
- explain the planning and environmental evidence that justified that designation;
- identify any alleged ambiguity or material change relied on by the applicant;
- assess whether the application is genuinely consistent with UTL 13; and
- if it contemplates a material contravention, give clear and legally sufficient reasons for doing so.

The adopted plan is not an obstacle external to climate action. It is part of the plan-led system through which climate, landscape, biodiversity and sustainable-development considerations are intended to be reconciled spatially.

5. Landscape, visual amenity and scenic character

The proposal is located at the south-eastern extent of the Knockmealdown range, in an elevated landscape associated with uplands and foothills. The prior Inspector recorded that eight of the twelve proposed turbines were within the "Most Sensitive" landscape category; the balance lay within high- and low-sensitivity areas.

The Development Plan's LSCA states that development in or near a Most Sensitive area must be shown not to impinge significantly on its character, integrity or uniformity, particularly when seen from scenic routes and from the environs of archaeological and historic sites.

The earlier Inspector expressed specific concern about the ability of the landscape to absorb the scale of the proposed development. The turbines would represent a material intervention on the skyline and that there were significant views of the site from scenic and elevated areas. The previous decision concluded that the layout and scale would adversely interfere with the landscape's intrinsic character, integrity and distinctive qualities, contrary to Policy Objective LO2.

That is particularly significant because these are not ordinary turbines.

The proposal is for:

- **12 turbines**
- up to **185m tip height**
- **162m rotor diameter**
- hub height of 104m.

T**herefore landscape designation must be applied to the actual scale and characteristics of this proposal**, rather than merely establishing that wind energy is supported nationally.

That conclusion is plainly material to the reactivated case. It must now be reassessed, but it cannot be dismissed by a generic assertion that turbines are seen against a wider developed or working landscape. The relevant question is the effect of this layout, scale, height, night lighting and cumulative presence in this sensitive upland setting.

The Commission should require an updated and transparent LVIA addressing:

- current turbine dimensions and tip heights;
- verified viewpoints from residences, settlements, scenic routes, recreational routes, heritage assets and elevated land;
- day, dusk and night-time effects, including aviation lighting;
- the accuracy and representativeness of photomontages;
- the extent to which intervening vegetation may be temporary, seasonal or subject to felling;
- effects on the setting of the Knockmealdowns and on the adjacent Tipperary landscape; and
- current cumulative visual effects with built, consented and live wind-energy proposals.

A conclusion that effects are acceptable should be accompanied by reasons engaging with the Most Sensitive designation and Policy LO2, rather than simply repeating the applicant's assessment.

6. Biodiversity, Annex I habitat and birds

The previous Inspector found that the proposal would cause direct loss of approximately 3.5 hectares of dry heath habitat (4030), an Annex I habitat. Associated impacts included loss of linked Nardus acid grassland and other upland habitat.

The previous Departmental submission, as recorded in the Inspector's Report, raised concern that the exposed Broemountain area supported a mosaic of upland habitats and species of conservation concern. It considered that the turbine layout could render a long band of hen harrier and golden plover habitat unsuitable or severely compromised. The Inspector was not satisfied that the key biodiversity effects had been fully addressed.

The applicant's habitat-management proposal relied in material part on enhancement or restoration of habitat elsewhere. That is not necessarily an answer to direct and permanent habitat loss. Before accepting any such measure, the Commission must be satisfied that it is technically effective, legally secure, funded, enforceable, additional to ordinary land-management measures, and capable of delivering the claimed result within a relevant timeframe.

In particular, the Commission should not treat uncertain future habitat improvement as equivalent to avoiding the destruction or degradation of existing Annex I habitat.

The prior file also recorded concerns about the adequacy of the ornithological baseline. It referred to Annex I species including hen harrier, golden plover and merlin, as well as other species of conservation concern. The Inspector noted that the baseline understanding and assessment of likely bird effects were not sufficiently comprehensive.

The passage of time makes updated evidence especially important. Surveys undertaken for the original application cannot automatically establish the current baseline in 2026. The Commission should require current, seasonally appropriate surveys and an updated assessment of:

- breeding, foraging and commuting use by hen harrier;
- golden plover and merlin;
- raptors, gulls, migratory and other relevant species;
- collision, displacement, barrier and habitat-loss risks;
- disturbance during construction, operation and decommissioning;
- effects of turbine lighting; and
- cumulative effects with Scart Mountain and every other built, consented or live project capable of contributing effects.

If the Commission lacks complete, scientifically robust information to exclude adverse effects on a European site's conservation objectives, alone or in combination with other plans or projects, permission cannot lawfully be granted. The prior Inspector expressly recorded concern that the information then available did not permit a complete assessment of effects on Dungarvan Harbour SPA. In addition, the Department regarded the loss of approximately 3.5 hectares as significant and permanent. The Development Plan contains biodiversity policies requiring protection of habitats and biodiversity. The Inspector ultimately found that the Board could not be satisfied that the development would not result in a **significant loss of biodiversity**. Furthermore, she identified conflict with development-plan biodiversity objectives and Article 4(4) of the Birds Directive.

7. Appropriate Assessment and Natura 2000

The development requires AA. The previous file identified pathways to European sites including Blackwater River SAC and Dungarvan Harbour SPA, as well as several SPAs relevant to mobile bird species.

The Commission's AA must be based on complete, precise and definitive findings capable of removing reasonable scientific doubt as to adverse effects on site integrity. It must consider the entire project, including the grid connection, haul route, watercourse crossings, construction activities, lighting, habitat change, operational effects and in-combination effects.

The Commission should ensure that:

- the NIS is current and internally complete;
- all supporting information relied upon is readily available as part of the assessment record;
- the baseline and survey data are current;
- mitigation is specific, proven, secured and capable of implementation before any relevant effects arise;
- in-combination assessment includes all completed, consented, under-construction and live applications; and
- the conclusions are not dependent on speculative compensation or unproven future habitat gains.

Where information is insufficient, the appropriate response is not to assume absence of effects. The applicant bears the burden of providing information sufficient for lawful AA.

8. Cumulative and in-combination assessment

The prior Inspector's Report recorded concern about whether Scart Mountain should have been included in the cumulative assessment. The position has changed since the original application and must be reassessed against the present planning baseline.

Cumulative effects must not be confined to projects which have already secured permission. They must be assessed in accordance with the applicable EIA and AA requirements, including relevant proposed projects for which consent applications have been submitted.

The Commission should require a single, updated cumulative schedule identifying, at a minimum:

- operating wind farms;
- consented but unbuilt schemes;
- applications currently before planning authorities or the Commission;
- associated grid infrastructure, substations and overhead or underground connections;

- forestry felling and replanting;
- roads, borrow pits and other extractive works; and
- projects with potential combined effects on landscape, birds, biodiversity, water, traffic and residential amenity.

The analysis must be receptor-specific. A general statement that there are no unacceptable cumulative effects cannot substitute for separate assessments of cumulative visibility, habitat fragmentation, bird collision and displacement risk, hydrological effects and construction traffic.

9. Water, soils, peat, forestry and environmental risk

The Commission should scrutinise the current evidence on soils, geology, peat, hydrology and hydrogeology, including the effects of tracks, hardstands, turbine bases, drainage, excavation, forestry operations and the grid connection.

The project documentation identifies watercourses, Water Framework Directive catchments, groundwater receptors, wells and watercourse crossings. The earlier AA assessment also identified hydrological pathways relevant to Blackwater River SAC and Dungarvan Harbour SPA.

The Commission should be satisfied, on current evidence, that:

- the project will not cause erosion, sediment release, pollution or altered drainage;
- all watercourse crossings and trenching works are properly assessed;
- the construction environmental-management measures are detailed, enforceable and adequate;
- any peat or slope-stability risk has been properly investigated and managed;
- forestry felling, replanting and access works are included in the project assessment; and
- the proposal will not compromise Water Framework Directive objectives or protected water-dependent habitats and species.

These issues must be assessed as part of the total project, not deferred to later construction-stage plans where the information is material to the decision to grant consent.

10. Residential amenity, noise, shadow flicker, traffic and cultural heritage

The Commission should also reassess residential amenity using the actual turbine model and layout proposed. The record indicates a substantial number of dwellings within the local area. The assessment should include turbine noise, amplitude modulation where relevant, low-frequency characteristics, construction noise, shadow flicker, aviation lighting, visual dominance and cumulative effects.

The grid connection, turbine-delivery route, road widening and construction traffic require equal scrutiny. The Commission should be satisfied that the necessary works can be carried out without unacceptable risk to public safety, road infrastructure, residential amenity, watercourses or heritage assets.

The earlier process also identified cultural-heritage issues requiring further information and consultation. The Commission should ensure that the current record contains a complete and updated cultural-heritage assessment, including settings and intervisibility where relevant, before reaching any conclusion.

11. Renewable benefit and the evidential burden

The applicant's claimed climate benefits should be assessed carefully and transparently. The Commission should identify the evidence for:

- installed and export capacity;
- expected annual electricity generation;
- capacity factor and curtailment assumptions;
- grid availability and connection deliverability;
- lifecycle carbon calculation, including construction, excavation, habitat loss, forestry and grid works;
- expected operational life and decommissioning assumptions; and
- the extent to which the claimed benefit depends on mitigation or project elements not yet fixed.

This is not an argument that the project must demonstrate a unique or exclusive contribution to national targets. It is an argument that, if renewable and climate benefits are relied upon to justify a grant despite an exclusion designation and sensitive environmental setting, those benefits must be real, project-specific and evidenced.

Under *Coolglass*, the Commission must demonstrate the consistency of the decision's outcome with section 15(1). That duty cannot be discharged by assuming that every project generating renewable electricity is, regardless of location and consequences, the climate-consistent planning outcome.

12. Conclusion: Request to the Commission

For the reasons above, permission should be refused.

In light of *Coolglass Wind Farm Ltd v An Coimisiún Pleanála [2026] IESC 5*, the Commission is respectfully requested not to treat the renewable-energy status of the proposed development as determinative.

The Commission should undertake a specific and transparent assessment of whether the actual outcome of granting permission for Dyrick Hill is consistent with section 15(1), having regard to the complete statutory planning framework and the site-specific environmental consequences identified in the EIAR, the original Inspector's Report, submissions from the relevant statutory bodies and the applicable Development Plan and Renewable Energy Strategy.

In particular, the Commission should not assume that the national need for additional renewable electricity establishes that Dyrick Hill is necessarily an appropriate means of meeting that need.

The Supreme Court has confirmed that section 15(1) does not operate as a simple "traffic-light" mechanism in which a renewable-energy project automatically receives a favourable planning outcome.

The appropriate approach is one which considers the particular proposal, the particular location and the complete statutory and policy context.

In this case, the proposal is located within an area identified as an Exclusion Zone for wind energy, within a landscape identified as Most Sensitive, and would result in significant permanent impacts on sensitive upland habitats and species of conservation concern.

Those matters must form an integral part of the section 15(1) assessment.

Accordingly, it is respectfully submitted that the Commission should not rely upon section 15(1) as a justification for granting permission unless it can demonstrate, on an objective evidential basis, that granting permission for this particular development at this particular location is consistent with the statutory climate objectives.

Where that consistency cannot be demonstrated, and having regard to the significant planning, landscape and environmental conflicts identified above, permission should be refused.

The proposal conflicts with the adopted Waterford RES and Development Plan framework; involves development within a designated Exclusion Zone; would materially affect a Most Sensitive upland landscape; gives rise to serious and unresolved biodiversity and ornithological concerns; and requires a fully updated and legally robust EIA, AA and cumulative assessment.

If the Commission is not satisfied, on current and complete evidence, that all relevant environmental effects can be lawfully assessed and adequately avoided or mitigated, it must refuse permission. If it considers granting permission, it must give clear reasons addressing the Development Plan, RES, landscape designations, Annex I habitat loss, protected birds, AA, cumulative effects and the objective section 15(1) analysis required by *Coolglass*.

I respectfully request that the Commission refuse PA93.324420.

Yours Sincerely,

Dr. Kathleen Fitzpatrick, B.Ed., M.Sc., PhD

references

1. An Coimisiún Pleanála case file PA93.324420.
2. An Coimisiún Pleanála case file PA93.317265, including Inspector’s Report and Addendum.
3. Waterford City and County Development Plan 2022–2028, including the Renewable Energy Strategy and LSCA.
4. *Coolglass Wind Farm Limited v An Coimisiún Pleanála* [2026] IESC 5.
5. Any current ecological, ornithological, hydrological, landscape or local photographic evidence relied upon by the objector.