Eoin OHanlon
Forrest View
Knocknagappagh Killeagh
Co. Cork

3rd November 2026

The Secretary
An Coimisiun Pleanala
64 Marlborough Street
Dublin 1
D01 V902

RE: OBSERVATION ON STRATEGIC INFRASTRUCTURE DEVELOPMENT - CASE REFERENCE VA04.324632
Applicant: Perigus Energy Ireland Midco Ltd
Proposed Development: 220kV Air Insulated Substation, loop-in grid connection and related works
Location: Ballyneague, Ballydaniel and Knocknagappagh, County Cork

Dear Sir/Madam,

Introduction

As a resident living within close proximity of the proposed development, I am concerned that the applicant has not adequately demonstrated why this location was selected, whether reasonable alternatives were considered, or why a permanent item of strategic energy infrastructure should be located in this rural area. I respectfully request that the Commission rigorously assess these matters

Furthermore, the Supreme court[1] has already ruled that whilst the climate action bill[2] lends significant weight to utility scale energy generation projects that reduce fossil fuel dependence it should not override other principles of law. It is especially important that applicants follow local, national, EU and other international law.

This is especially true when adjacent guidelines do not exist to suggest suitable locations for connectivity such as this application for a substation. This creates a vacuum and a potential for commercial convenience and myopic focus on operational imperatives rather than objective analysis and suitability.

It is crucial therefore that An Coimisiun Pleanala (ACP) uphold its role as the authority who can apply this objective rigour.

1. Site Location and Alternatives

The proposal places a substantial industrial installation within an agricultural landscape. The EIA Directive (2011/92/EU, as amended by 2014/52/EU), as transposed through the Planning and Development Act 2000 and the Planning and Development Regulations 2001, requires the EIAR to describe the reasonable alternatives studied by the developer and the reasons for the option chosen. The EPA's Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (2022) similarly envisage a clear and transparent comparison of reasonable alternatives.

Having reviewed the application documentation, I could find no meaningful comparison of alternative substation locations along the proposed 220kV connection corridor. While the Blackwater SAC and other environmental constraints are referenced, alternative locations do not appear to have been assessed against stated environmental, technical, social or planning criteria. Without such a comparison it is difficult for either the public or the Commission to determine whether significant effects could have been avoided or reduced through a different site selection process.
From the information provided, the only clearly identifiable basis for site selection appears to have been the availability of a willing landowner. While this may be a commercial consideration, it does not in itself constitute a planning rationale. The applicant's own documentation identifies significant residential effects affecting a substantial number of properties, and it is therefore reasonable to ask whether an alternative location could have reduced these impacts.

In addition, the drainage investigations contained within Appendix B appear to have been undertaken during a relatively dry period. Given the known wetland characteristics of the area, I am not satisfied that the information presented adequately reflects seasonal groundwater conditions, winter drainage patterns or the potential hydrological consequences of the development.

Finally, I could find no evidence within the application documentation demonstrating that EirGrid or ESB Networks specifically support this location in preference to alternative locations along the connection corridor. In the absence of a transparent alternatives assessment, the Commission cannot be satisfied that this site represents the most appropriate location from a proper planning and environmental perspective.

2. Regulatory Framework and Joined Up Decision Making

Section 15(1) of the Climate Action and Low Carbon Development Act 2015 imposes a qualified obligation on public bodies to perform their functions, insofar as practicable, in a manner consistent with national climate objectives. While this is an important consideration, alignment with climate policy does not of itself justify the granting of permission. Landscape, ecology, archaeology, agricultural land, infrastructure capacity, residential amenity and the protection of the environment remain material planning considerations that must also be assessed and weighed.

I note that the Minister has acknowledged the absence of specific national planning guidance for utility-scale renewable energy infrastructure and associated grid connectivity projects. As a result, there appears to be no clear spatial framework identifying appropriate locations for substations and related transmission infrastructure of this scale. In such circumstances, it is particularly important that site selection is supported by a robust and transparent assessment of alternatives rather than by operational convenience alone.

As the competent authority, the Commission must conduct its own independent assessment of the application and the environmental information submitted. In **Holohan v An Bord Pleanála (Case C-461/17)**, the Court of Justice of the European Union confirmed the importance of assessing alternatives and providing reasons capable of dispelling reasonable scientific doubt regarding environmental effects. The importance of national energy and climate objectives does not lessen these obligations. In **Inter-Environnement Wallonie (Case C-411/17)**, the Court reaffirmed that projects pursued in the public interest, including energy infrastructure projects, remain subject to the full requirements of EU environmental assessment law[3].

In the absence of specific national siting guidance, the Commission's independent assessment becomes particularly important in ensuring that strategic infrastructure is located based on proper planning and sustainable development rather than solely by reference to commercial or operational considerations.

3. Archaeology

Appendix R assesses the wider renewable energy development, and the avoidance measures described appear to have been developed primarily for the solar component of the scheme. Anomalies M1 to M4 are proposed to be protected through non-intrusive measures including gabion or ballasted foundations together with buffer zones. However, drawing 300101185-DR-213 shows that the proposed substation platform would be created through substantial engineering works involving approximately 17,304 cubic metres of cut and 34,669 cubic metres of fill to achieve a finished level of 109.05 m. A permanent platform of this scale is fundamentally different from a reversible solar installation, and it is difficult to reconcile the stated reliance on preservation in situ and reversibility with the extent of excavation and ground disturbance proposed.

The archaeological walkover undertaken was necessarily limited to visible surface features. The accompanying geophysical survey (Licence 26R0042) states that only a "significant portion" of the site was surveyed, with south-western fields omitted. The application documentation does not clearly establish that the proposed substation compound, tower foundations, access widening works and associated infrastructure are located within the area that was subject to geophysical investigation. Paragraphs 6.34 and 6.35 propose archaeological monitoring during construction together with preservation in situ "where feasible". However, where extensive cut-and-fill operations are required to establish a level platform, preservation in situ may not be feasible. Monitoring during construction is not a substitute for understanding the archaeological resource before consent is granted. The Commission should therefore be satisfied that the nature, extent and significance of any sub-surface archaeology within the development footprint are known at the decision-making stage.

In **Holohan v An Bord Pleanála (Case C-461/17)**, the Court of Justice emphasised that the competent authority must have sufficient information before reaching its decision and that conclusions must be supported by evidence capable of dispelling reasonable scientific doubt regarding likely impacts. While the case concerned ecological assessment, the underlying principle is equally relevant where significant uncertainty remains regarding potential archaeological impacts[3].

I note that Cork County Council previously advised, in relation to the associated solar application, that the sub-surface archaeological resource should be established before a planning decision is made. The proposed substation is a permanent piece of strategic infrastructure and should not be assessed to a lower evidential standard.

Finally, the Recorded Monument hillfort CO067-001001, located approximately 490 metres west of the site boundary, is described within the documentation. However, I have been unable to identify a meaningful assessment of the effects of the proposed permanent compound, lightning masts, transmission infrastructure and associated engineering works on its wider archaeological setting and landscape context. I respectfully request that the Commission establish whether the geophysical survey adequately covered the entire red-line development area and whether sufficient archaeological information exists to permit a fully informed assessment of the proposal.

4. Public Consultation

Appendix A records that Newsletter 1 was distributed to approximately 342 households within a radius of 1.5 km, while 334 invitations to consultation events were subsequently issued, some of which were returned undelivered. No explanation is provided for the selection of a 1.5 km consultation boundary, notwithstanding that visual, traffic and other environmental effects may extend considerably beyond that distance.

The consultation events held during August 2025 largely comprised pre-booked individual appointments, with 36 face-to-face meetings taking place during the first two days. I understand that additional requests for meetings were made by residents and were not accommodated. While the Commission may ultimately conclude that the consultation met the applicant's statutory obligations, these circumstances raise questions regarding the accessibility and inclusiveness of the engagement process.

More importantly, Newsletter 2 indicated that the layout and design of the proposal remained under development at the time of consultation. Residents were informed that photomontages and detailed visual information would accompany the subsequent planning application. Consultation on a developing concept cannot be equated with informed participation on the scheme ultimately submitted for consent.

This is particularly significant given the absence of any transparent assessment of alternative substation locations. Public consultation provides an opportunity not only to identify local impacts but also to test the appropriateness of site selection. However, neither the consultation material nor the engagement process appears to have provided stakeholders with information regarding alternative locations, alternative layouts, the criteria used in site selection, or the reasons for rejecting other options.

As a result, the public was effectively presented with a preferred site rather than being given an opportunity to comment on how that site had been chosen. Many of the concerns identified throughout this observation, including impacts on landscape character, archaeology, residential amenity, traffic, hydrology and cumulative effects, arise directly from the location selected. Had alternative locations been assessed and presented during consultation, it may have been possible to identify options with lower environmental and community impacts.

I further note that much of the consultation material appears to have related to the wider Greenhills renewable energy project rather than to the proposed substation as a distinct item of permanent strategic infrastructure. I am not aware of any dedicated engagement programme focused specifically on the substation, notwithstanding that it would remain in place independently of the operational life of the associated solar development.

The Aarhus Convention and the public participation objectives reflected in EU environmental legislation are intended to facilitate early and effective public participation while options remain genuinely open. In **Inter-Environnement Wallonie (Case C-411/17)**, the Court of Justice reaffirmed the importance of environmental assessment and public participation occurring before development consent is granted and while the decision-making process remains capable of influencing the outcome[4].

In these circumstances, the consultation process cannot be viewed in isolation from the deficiencies in the alternatives assessment. The two issues are intrinsically linked. Without meaningful information on alternative locations and the reasons for the preferred site's selection, the public was deprived of an effective opportunity to engage with one of the most fundamental planning questions before the Commission: whether this is the most appropriate location for a permanent item of strategic energy infrastructure.

5. Emergency Risk and Fire

The proposed station includes up to two 220kV transformers, described on the site notice as oil-filled and located within bunded enclosures, together with a diesel generator and associated fuel storage. Schedule 7 of the Planning and Development Regulations 2001 requires consideration of the risk of major accidents and disasters relevant to the proposed development.

Section 3.7.8 of the EIA Screening Report and Table 4.1 classify the risk of major accidents and disasters

as "Low". However, I have been unable to identify any detailed assessment of a transformer fire, diesel fuel fire, transformer oil release or the environmental consequences of contaminated firefighting water. The volume of transformer oil is not stated. Drawing 300101185-DR-200 notes that the bund design remains "TBC at Detailed Design" stage and shows a full-retention separator and soakaway system. However, the documentation does not demonstrate that firefighting water contaminated by transformer oil or fuel would be fully retained on site rather than entering the drainage system.

This is of particular relevance given the known wetland characteristics of the area and the concerns already identified elsewhere in this observation regarding drainage and hydrology. Without a clear demonstration of containment capacity, it is difficult to understand how the environmental consequences of a transformer fire have been assessed. A conclusion that major accident risk is "Low" should be supported by sufficient detail to explain how such scenarios were considered and mitigated.

The question of emergency access is similarly unresolved. The proposed access route follows the R634 to Site Access No. 1, yet I could find no fire appliance swept-path analysis, gate-width assessment, turning-circle assessment or operational access review within Section 4.3, Appendix H or Drawing 300101185-DR-100B. Appendix M also appears not to assess this route from an emergency response perspective.

The absence of this information is particularly notable given that the project requires the delivery and installation of transformers weighing approximately 150 tonnes. If abnormal load access can be engineered and assessed, it is reasonable to expect that emergency service access should also be assessed. Operational safety measures have limited practical value if emergency services cannot promptly and safely reach the site in the event of an incident.

In **Holohan v An Bord Pleanála (Case C-461/17)**, the Court of Justice emphasised the obligation on the competent authority to have sufficient information before reaching its decision and to ensure that conclusions are supported by evidence capable of dispelling reasonable scientific doubt. In circumstances where critical design elements, including bund capacity, firewater management and emergency access arrangements, remain unresolved, I am not satisfied that the information presently before the Commission is sufficient to support the conclusion that major accident and disaster risk is low.

Furthermore, the emergency access constraints identified above reinforce the importance of a robust alternatives assessment. If a site presents challenges in relation to emergency response, abnormal load access, drainage or environmental protection, those constraints should form part of the comparison between alternative locations. I have been unable to identify evidence that such a comparison was undertaken. The Commission should therefore satisfy itself not only that emergency risks have been adequately assessed, but also that the chosen location does not create avoidable operational and environmental constraints that may have been avoided through a different site-selection process.

6. Cumulative Effects

A 110kV substation (PA04.309121) has been permitted approximately 4 km from the proposed development, while the Lyrenacarriga Wind Farm has also been permitted within the wider area. Both projects, together with the proposed substation and associated renewable energy infrastructure, have the potential to generate cumulative effects on the local road network, landscape, visual amenity, archaeology and environmental receptors.

I note that Cork County Council, in its request for further information under application 25/6876, sought a cumulative landscape and visual assessment of the solar development and Lyrenacarriga Wind Farm. I understand that the subsequent application (26/2133) did not adequately address these concerns and did

not assess the implications of the proposed substation as part of the wider receiving environment. Regardless of the outcome of those applications, the Commission must satisfy itself that the cumulative effects of all reasonably foreseeable developments have been properly assessed.

The assessment of cumulative effects should extend beyond landscape and visual impacts. It should also consider overlapping construction periods, cumulative traffic generation, abnormal load deliveries, noise, earthworks, drainage impacts, ecological effects and demands on local infrastructure. In particular, I note that the R634 is identified as a principal access route for a number of these developments. The potential for concurrent heavy goods vehicle movements, abnormal load deliveries and associated road safety impacts should therefore be assessed on a combined rather than project-specific basis.

The need for a robust cumulative assessment is especially important where infrastructure projects are advanced through separate planning applications. The division of related elements into individual applications should not result in environmental effects being assessed in isolation if, in practice, those effects will be experienced by the receiving environment as part of a wider pattern of development. The Commission's assessment should therefore consider the combined effects of the proposed substation, the Greenhills solar project, the permitted 110kV substation, the Lyrenacarriga Wind Farm and any associated transmission or grid infrastructure, both spatially and temporally.

The Court of Justice has repeatedly emphasised that environmental assessment must be capable of identifying the full extent of likely significant effects before consent is granted. In **Holohan v An Bord Pleanála (Case C-461/17)**, the Court confirmed the need for a complete assessment of environmental effects and adequate information on which the competent authority can base its decision. A cumulative assessment that excludes closely related infrastructure or relies solely on project boundaries risks understating the true environmental consequences of development.

The issue of cumulative effects also reinforces the concerns already expressed regarding site selection. The applicant has not demonstrated that alternative locations were assessed against cumulative constraints arising from existing and permitted energy infrastructure in the wider area. If multiple energy projects are expected to share the same road network, landscape setting and environmental receptors, those cumulative constraints should form part of any comparison of alternative sites. I have been unable to identify evidence that such a comparison was undertaken.

I therefore respectfully request that the Commission assess the proposed substation, the surrounding renewable energy developments and associated infrastructure as an integrated network of related projects, rather than as a series of isolated applications, and that it seek further information where necessary to ensure that the cumulative effects of the development have been fully identified and assessed.

Conclusion

The application does not demonstrate a reasoned and evidence-based choice of site. Throughout the documentation, key conclusions regarding alternatives, archaeology, emergency risk, fire safety, drainage, access and cumulative effects are either unsupported by sufficient assessment or deferred to later stages of design. In my submission, this leaves significant uncertainty regarding the environmental and planning consequences of the development.

A common theme emerging from the issues identified above is the absence of a transparent assessment demonstrating why this location was selected in preference to other potentially available locations. The applicant has not shown that alternative sites were assessed against environmental, archaeological, operational, landscape, hydrological or community criteria, nor has it demonstrated that the chosen location represents the option with the least adverse effects.

The deficiencies in the alternatives assessment are compounded by shortcomings in public consultation, uncertainty regarding buried archaeology, unresolved emergency access and firewater management arrangements, and the absence of a sufficiently robust cumulative assessment of related energy infrastructure in the wider area.

Taken together, these matters raise doubt as to whether the Commission has before it the information necessary to fully assess the likely significant effects of the proposal.

For these reasons, I respectfully submit that the application does not satisfy the requirements of proper planning and sustainable development and that permission should be refused.
Alternatively, if the Commission is not minded to refuse permission, I respectfully request that it seek further information in relation to:

- Alternative site selection and the reasons for the preferred location;
- Archaeological survey coverage, impacts and mitigation;
- Fire safety, major accident risk, firewater containment and emergency access;
- Hydrology and drainage;
- Cumulative landscape, traffic and environmental effects; and
- The interaction of these matters with other existing, permitted and proposed energy infrastructure in the area.

Only when these matters have been fully examined can the Commission be satisfied that the proposal has been assessed in accordance with the requirements of EU environmental law, the Planning and Development Acts, and the principles of proper planning and sustainable development.

Is mise,

Eoin OHanlon

References

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