OBSERVATION / OBJECTION TO PROPOSED STRATEGIC INFRASTRUCTURE DEVELOPMENT

Case reference: VA04.324632

Proposed development: 220 kV Air Insulated Substation, loop-in grid connection to the Knockraha–Cullenagh 220 kV overhead line and ancillary works, Ballyneague / Ballydaniel / Knocknagappagh, Co. Cork, forming part of the "Greenhills Renewable Energy Park" (solar farm c. 320–328 ha and BESS)

Applicant (as stated): Perigus Energy Ireland Midco Ltd (formerly Ørsted Onshore Ireland Midco Ltd)

Submitted by:

Mr. Theo Dorman Kade

The Grove,

Inch,

Killeagh,

Co. Cork

P36VX79.

19.Oct.26

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1. Introduction and basis of this submission

This submission is made under section 182A of the Planning and Development Act 2000, as amended, and Article 217 of the Planning and Development Regulations 2001, as amended. It addresses (i) proper planning and sustainable development, (ii) likely effects on the environment, and (iii) likely effects on the integrity of European sites, as the statutory notice permits.

The case documents were reviewed and findings below are referenced by the title or section heading of the document or page in which they appear. The Commission is respectfully asked to **refuse permission**, or alternatively to require the applicant to correct the defects below and re-advertise before it makes any determination.

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2. Summary of grounds of objection

1. The application is a fragmented part of a single project, contrary to the EIA Directive and the Habitats Directive (project splitting).
2. No EIAR has been prepared, and the EIA screening is inadequate and relies on mitigation.
3. The Natura Impact Statement does not meet the *Waddenzee / People Over Wind* standard.
4. Ornithological and ecological baseline surveys are inadequate.
5. The application documents are internally inconsistent, incomplete, corrupt or unsigned, and the applicant's identity is unclear.
6. Water, flood, waste, BESS safety and other required assessments are missing or deficient.
7. Heritage, landscape, noise and traffic assessments are deficient.
8. Several statutory and procedural requirements under the Irish planning code are in doubt.
9. Public participation under the Aarhus Convention and Directive 2003/35/EC is prejudiced.

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3. Ground 1 – Project splitting (EIA Directive 2011/92/EU as amended by 2014/52/EU; Habitats Directive Art. 6(3); Planning and Development Act 2000 s.172)

1.1 The application is for the 220 kV substation and loop-in only. The solar farm and BESS were lodged separately with Cork County Council. The Site Notice says "A separate planning application has been submitted to Cork County Council for the proposed Greenhills Renewable Energy Park" (Site Notice; SID Application Form).

1.2 The applicant's consultation material announced "two separate planning applications" for one development (Community Newsletter 1; Community Newsletter 3). This is a deliberate staged lodgement of what is functionally one project.

1.3 Despite the split, the Planning and Environmental Report, EcIA, hydrology, glint and glare, noise and NIS all assess the substation, solar farm and BESS together as one "Proposed Development" (e.g. Planning and Environmental Report, Introduction; EIA Screening Report, Project Description; Planning and Environmental Report, SID status). The substation drawing notes label the BESS and solar park "subject to approval as a separate planning application" and "part of the Project" (Substation Layout Drawing notes).

1.4 The temporary construction compound is on land "designated for future EirGrid expansion" (LVIA, Compound section). That future expansion is not assessed.

1.5 The CJEU has held that project splitting that avoids or understates environmental assessment is incompatible with the EIA Directive (*Abraham*, C-2/07; *Ecologistas en Acción*, C-142/07; *Commission v Ireland*, C-215/06; *Wells*, C-201/02). The same applies to the in-combination test under Art. 6(3) of the Habitats Directive.

1.6 The SID status of the project is stated to be outstanding on the Cork County Council side (Planning and Environmental Report, SID status). The Commission cannot properly decide the SID application without knowing the status and content of the parallel application

Relief sought: refuse permission, or require a single, consolidated application with a full EIAR and NIS covering the entire project.

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4. Ground 2 – No EIAR / unlawful EIA screening (EIA Directive Arts 2–4, Annexes I–III; Planning and Development Act 2000 ss.172, 176A; S.I. 296/2018; PDR 2001 Schedule 5)

2.1 The application states "This SID application does not require an EIAR" (SID Application Form, final page). The Planning and Environmental Report concludes "an EIA, and the production of an EIAR, is not required" (PER Chapter 8, EIA Screening). The screening reasoning is one paragraph and rests on "appropriate and robust environmental protection and control measures" (PER Chapter 8, EIA Screening).

2.2 The separate "EIA Screening Report" referred to is not identifiable as a standalone document in the file. The only screening material is an embedded extract of the Planning and Environmental Report (EIA Screening Report, Table 4.1 and preceding sections).

2.3 That EIA Screening section (Schedule 5 analysis): - states that BESS and 220 kV substations are "not listed" in Schedule 5 and does not consider Annex II headings 3(a), 3(b), 3(d), 10 and 13 (changes and extensions) of Directive 2011/92/EU; - argues that access tracks are "materially different from the definition of roads under the Roads Act 1993" without legal authority (Roads Act 1993 s.2 defines "road" broadly); - considers only one other project (the Lyrenacarriga wind farm), limits the search to five years and about 2 km, and excludes withdrawn and refused applications (EIA Screening Report, Cumulative Effects); - states "no significant waste" and "off-site soil removal likely zero" (EIA Screening, Waste and Major Accidents), contradicting the Resource and Waste Management Plan (13,600 m^3 topsoil and 39,690 m^3 subsoil); - addresses major accidents without any BESS fire or thermal-runaway analysis (EIA Screening, Waste and Major Accidents); - records a hydrological connection to the Blackwater River SAC and Blackwater Estuary SPA but contains no Natura cross-reference (EIA Screening, Natura).

2.4 The applicant's own consultants contradict the conclusion. The ecology and hydrology chapters use "EIAR chapter" headings and an Annex III/IV structure, yet say the project is "not considered an Environmental Impact Assessment" (Hydrology, section 1.2.5; EcIA,

Project Description). Unmitigated hydrology effects are rated “moderate to profound” (Hydrology, effects table). Unmitigated Japanese Knotweed spread is “Very significant” (EcIA, Invasive Species assessment).

2.5 A project of about 328 ha, with a 220 kV substation, a BESS of about 7,800 m^2 footprint and 56 containers, an overhead-line loop-in, 11 entrances, a Natura Impact Statement and a record of significant unmitigated effects cannot reasonably be screened out of EIA. Mitigation measures may be considered under Annex IIA, but they must be specified and not deferred.

2.6 The applicant’s EU instrument citations are out of date. S.I. 543/2014 is cited as the EIA transposition when Directive 2014/52/EU was transposed in Ireland by S.I. 296/2018 (EcIA, Legislation list). Repealed Directives 85/337/EEC and 2001/12/EC are cited (ACP Judicial Review Notice; EIA Screening, legislative context). EPA EIAR guidance cited as “draft” dates from 2015 and 2017 (EcIA Legislation list; Cultural Heritage chapter).

Relief sought: require an EIAR for the whole project, or refuse permission.

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5. Ground 3 – Inadequate Appropriate Assessment (Habitats Directive Art. 6(3); Birds Directive; Planning and Development Act 2000 ss.177T–177V; S.I. 477/2011)

3.1 **Mitigation relied on at screening.** The NIS states that the decision to proceed to Stage 2 for the Blackwater River SAC was “by virtue of the requirement for protection or provision of mitigation measures” (NIS Section 11, Conclusion). Mitigation, including the 7 m invasive-species buffer and the “dilution effect of 3.5 km”, is used to downgrade effects (EcIA, SAC/SPA effects; EcIA, Tourig fish data). This is contrary to *People Over Wind* (C-323/17).

3.2 **Wrong legal test.** The Waterford Boundary Document says the NIS “concluded the Proposed Development would not have a likely significant effect” (Waterford Boundary Document, AA/NIS statement). The Art. 6(3) test is “no adverse effect on the integrity of the site”, established “beyond reasonable scientific doubt” (*Waddenzee*, C-127/02; *Sweetman*, C-258/11).

3.3 **Blackwater Estuary SPA screened out** although the application records a hydrological link via the Tourig River. The distance is given as 2.09 km and 3.5 km (NIS conclusion, second copy; NIS Section 5 Source-Pathway-Receptor table; EIA Screening, Natura). The count of sites (“five” in the text, eight in Table 4.2) is wrong (NIS Section 3, screening).

3.4 **Gull foraging ranges contradict each other.** Lesser Black-backed and Herring Gulls are linked to Helvick Head and Seas off Wexford SPAs by foraging range (92 km and 533

km) but are rated Local/Low sensitivity. The AA screening uses 14 km and 43.3 km (EcIA, gulls and SPAs).

3.5 **In-combination assessment contradicts itself.** Table 10.1 records "No" in-combination effects for every Otter attribute, but section 8.1.1.2 says adverse effects are likely from housing development 244647 (NIS Table 10.1). Different sections count three, one or two relevant projects (NIS In-combination section; EcIA Cumulative Assessment, Table 11.1). The search radius is 500 m in one place and 2 km in another. Table 7.3 contains empty conclusion cells for lamprey attributes and Freshwater Pearl Mussel is dropped from Tables 7.2 and 7.3 (NIS Section 7).

3.6 **Baseline data gaps.** There are no fisheries, lamprey, shad, salmon or pearl-mussel host data for the Tourig River. The NIS says distribution data are "not available" (EcIA, Tourig fish data; NIS Section 5).

3.7 **Copy-paste text from other projects.** The AA refers to "operating turbines" (NIS Section 5, Source-Pathway-Receptor table) and the SAC for an SPA (NIS Section 5). The site "Zone of Influence" references and the otter holt location are inconsistent (the Tourig River in some sections, the western boundary in others; NIS Section 10).

3.8 **Mitigation deferred.** Table 7.3 says "mitigation to be considered at the next stage of assessment" in a Stage 2 NIS (NIS Section 7). Water Treatment Train figures are marked "00 DRAFT" (Water Treatment Train figure; second figure), and the CEMP is "a draft" (Resource and Waste Management Plan). The soakaway design is "TBC at detailed design" (Substation layout drawing notes).

3.9 **Public document restrictions.** The NIS states it is "confidential to the client" and "may not be used by any person other than Ørsted" (NIS QA and title page). This is inconsistent with a statutory NIS lodged for public inspection (s.177T; Aarhus).

3.10 The Site Notice states that the NIS "accompanies" the application (Site Notice), yet the Planning and Environmental Report appendix list (A–U) contains no AA Screening or NIS.

Relief sought: the Commission cannot lawfully grant permission on this NIS. It should refuse, or require a corrected, complete NIS with up-to-date survey data and re-notification.

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6. Ground 4 – Inadequate ecological and ornithological baseline (Birds Directive 2009/147/EC Arts 3–5; Habitats Directive Arts 6, 12, 16; Wildlife Acts 1976–2023)

4.1 **Bird survey effort.** The "winter" vantage-point survey totals 12 hours at a single location, against 36 hours per vantage point per season in SNH (2017), the stated guidance. Its "winter" hours include May and June (EcIA Table 3.15, vantage point hours;

NIS Section 3.5.2, Field Study). The I-WeBS "wintering" surveys ran from 27 January to 6 June 2025 and have identical dates to the water connectivity surveys. There are no October–December 2024 surveys, despite the winter season 2024/2025 being claimed. The Ecology Office requested up to one year of surveys, which is not evidenced (Planning and Environmental Report, pre-application consultation).

4.2 **Bats.** Roost BL3 is a confirmed maternity-period roost (12 Common and 5 Soprano Pipistrelle emerged on 7 August 2025) rated only Low sensitivity. Annex IV roosts are strictly protected. No re-entry surveys were done for moderate to high suitability structures, contrary to the Collins (2023) guidance cited in the EcIA methodology. No derogation licence is referenced (EcIA, bat roost BL3). Bat survey results are omitted from the AA (NIS Section 3.5.2, Field Study).

4.3 **Otter, mammals and badger.** Otter and mammal surveys were on only two dates in August 2025 (NIS Section 3.5.2, Field Study). Badger sett counts conflict (six against four) and a "Moderate" habitat loss is rated "Not Significant" (EcIA, Mammals assessment).

4.4 **Habitat loss logic.** EcIA Table 8.1 gives 49.12% loss of GA1 where the figures give 49.47% (143 / 289.06), and 33.61% for BC1 where they give 49.96%. A loss of 143 ha of foraging grassland plus 395 m of hedgerow is rated Low magnitude "1–5% of the wider baseline" with no defined baseline. The hedgerow, otter and mortality assessment is lost to a blank page in the EcIA.

4.5 **Nature Restoration Regulation (EU) 2024/1991 and Invasive Alien Species Regulation (EU) 1143/2014** are treated as not yet applicable or are not cited (Biodiversity Enhancement Management Plan; EcIA Cumulative Assessment). Presence of American Mink is "assumed", not surveyed (Biodiversity Enhancement Management Plan). The wrong schedules and the wrong Irish IAS regulations are cited (NIS Section 3.5.2; Invasive Species Report).

4.6 **Limitations section contradicts the surveys.** It states "no significant limitations", yet the single-vantage-point and single-season effort is acknowledged elsewhere (EcIA, surveys, methodology and limitations).

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7. Ground 5 – Defective, inconsistent and incomplete application documents

7.1 Applicant identity and legal standing

- Documents name "Ørsted", "Ørsted Onshore Ireland Midco Ltd", "Orsted Onshore Midco Ltd" and "Perigus Energy Ireland Midco Ltd" (NIS title page; Community Newsletters; EcIA front matter; Noise monitoring figures; EIA Screening Report; Landscape Mitigation Plan sheets; Cover Letter; An Coimisiún Pleanála letter). The Commission's own letter of 11 February 2026 uses "Orsted Onshore Midco Ltd".

- Landscape plans, drawing title blocks and EMF reports still identify “Ørsted” and “Greenhills Solar Farm” as client and project.
- The applicant must confirm that the s.182E pre-application consultation and the s.182A application are by the same legal person, and the legal interest in the land (s.34 / PDR art. 22) must be shown.

7.2 Statutory forms and notices

- The Cover Letter, statutory notification letters and Site Notice have blank signature lines.
- SID Application Form: newspaper notice and site notice details are blank (SID Application Form). The Cork County Council reg. refs 25/6876 and 26/2133 are incomplete or inconsistent.
- The notice is headed “Section 182E … Notice of Direct Planning Application”, though s.182E is the pre-application consultation provision and the application is under s.182A.
- The Minister for Housing letter is sent three times (Statutory notification letters) and one copy lists TII’s email address. Notification letters are duplicated (Statutory notification letters). The Commission’s list of prescribed bodies (An Coimisiún Pleanála letter) includes the Minister for Climate, Energy and the Environment, CRU, EirGrid, ESB, IFI, TII, the Heritage Council, An Taisce, Fáilte Ireland, the HSA and the HSE. The file contains notices only to some of them.
- The form gives gross floor space of 21,493 m^2 but the class of development and floor area are marked “N/A” and the area is not reconciled with the described buildings (SID Application Form).
- A “ten-year permission for the purposes of construction” is sought for the substation but “permanent” permission for the loop-in; the solar farm has a 40-year life (Site Notice; Decommissioning and Restoration Plan).
- The final four pages of the file are blank.

7.3 Drawings

- DR-203 is cited for the BESS but is the substation elevations drawing; DR-201, 202, 205, 208 and 212 are missing from the Schedule of SID Planning Drawings. DR-100 is size “0”.
- Cited drawings 7353-PL-DR-101 to 114, 7353-PL-811 and 7353-PL-501 are not in the file (Substation layout drawing notes; EIA Screening Report, Project Description; PER project description tables).
- Title blocks carry conflicting revisions and dates (09.02.2026 to 02.09.2026; the cut-and-fill sheet dated 06.02.2025 against 06.02.2026).
- Substation layout notes: “This drawing is to be used only for information. This drawing is subject to changes. To be confirmed – TBC” (Substation layout drawing). Layout is “indicative” (Substation layout drawing).

- Landscape Mitigation Plan sheets are black or blank; the glint and glare mitigation relies on them.
- Drawing and report text from other projects ("wind farm", "peat", "turbines") appears in the Outline Water Quality Monitoring Plan, the Resource and Waste Management Plan and the NIS.

7.4 Inconsistent project data

Item	Conflicting values	Document / section
Site area	320 / 323 / 328 ha; array 323 ha vs 210 ha	Hydrology chapter; PER project description tables
Export capacity	250 MW vs 240 MW	Community Newsletters 1–3
Access tracks	5,135 m new / 7,115 m upgraded vs 5,380 m new / 7,775 m existing	EIA Screening project description; PER project description tables
33 kV cable	1,685 m vs 1,674 m	PER project description tables; PER drainage section
Temporary compound	5,200 m^2 vs 45 × 65 m (2,925 m^2)	LVIA, compound sections
Panel table height	1.5 m vs 3.4 m	PER SID status / project description
Overhead-line works	four months vs four weeks	PER project description tables
Construction duration	21 months vs 13 months main construction	Substation drawing notes; EIA Screening Table 4.1
Distance from Youghal / Killeagh	4.1 km / 7 km; 6.5 km NE / N	Invasive Species Report; Traffic Assessment
Lyrenacarriga wind farm	1.19 km E / 1.36 km N / 1.8 km N; "proposed" vs "permitted"	Hydrology chapter; EIA Screening cumulative section
Inverter hardstanding	54 × 172 m^2 = 9,288 m^2, not 9,180 m^2	Water Treatment / drainage design
Abstraction example	50 m^2 vs about 18,000 m^2 (about 365× error)	Hydrology, section 1.10.5
Hardstanding in FRA	substation 18,540 m^2 vs 33,489 m^2	Flood Risk Assessment, run-off section
Run-off	0.185 vs 0.336 m^3/s; 4.15% vs 4.40%	FRA Table 4.7, run-off

Item	Conflicting values	Document / section
Glint and glare	168 / 138 / 65 / 54 dwellings do not reconcile with Table 1-2; R34, R202 and R430 show glare appearing only after mitigation	Glint and Glare report, Tables 1-2 and 1-4

7.5 Document control

Report references, revisions and dates conflict (Traffic Assessment reference 605444-R01 vs footer 605444-01 (00); Flood Risk Assessment "Planning Submission" revision dated 12/11/2026, after the report date; NIS Version 1 signed 15/12/2025 while other reports are dated July–September 2026). The NIS author is an assistant ecologist (NIS Statement of Authority) and the checker's experience is in "small urban developments". Reliance restrictions and "confidential to Ørsted" notices appear on documents lodged for public inspection (NIS title page; Decommissioning and Restoration Plan; EcIA front matter).

7.6 Corrupt and unreadable content

In some places, the PDF documents corrupt (eg. Appendix P_Greenhills_VP20.pdf), blank or mirrored, including: Substation drawing sheets, part of the Outline Water Quality Monitoring Plan, the Decommissioning and Restoration Plan area, the EcIA (hedgerow and otter assessment), the Cultural Heritage chapter (Figures section), the Noise baseline monitoring figures (images only), the Landscape Mitigation Plan sheets, the ACP judicial review notice area and the final blank pages of the file. Photographs of percolation tests and trial pits (Site Investigation photographs) are unreadable, and percolation results exist only in them. Members of the public cannot meaningfully assess content they cannot read (see Ground 9).

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8. Ground 6 – Missing or deficient technical assessments

8.1 **Water Framework Directive 2000/60/EC (Art. 4; S.I. 272/2009).** No WFD compliance assessment is provided although the Tourig sub-basin is "At risk" and runoff effects were rated "moderate to profound" unmitigated (Hydrology chapter; EIA Screening, Hydrology). WFD status data stop at 2016–2021 and conflict with "Good" 2019–2024 elsewhere. The new bored well and abstraction have no groundwater assessment (Hydrology, section 1.10.5). Four private wells within the red line are not characterized, including my own. In-stream "dam and flume" works are left to later agreement with IFI and the Council (PER project description tables; PER drainage section).

8.2 **Floods Directive 2007/60/EC and OPW *Planning System and Flood Risk Management Guidelines* (2009).** The FRA concludes "no risk of flooding" (FRA conclusion) while classing the development "highly vulnerable" and relying on anecdotal downstream flooding. The Justification Test is not applied or explained (FRA Table 4.2, Justification

Test). The assessment relies on indicative OPW mapping and LiDAR only (FRA conclusion and references). The climate allowance is 20% in one place, a higher scenario in another, and none in the water balance. Local knowledge of flooding is acknowledged but not mapped.

8.3 **BESS safety (Seveso III Directive 2012/18/EU; Batteries Regulation (EU) 2023/1542; Fire Safety).** Protection is described only as "multi-layer protection systems", with no standard (NFPA 855, UL 9540A, IEC 62619), no contaminated firewater retention, no thermal-runaway analysis and no consultation with the fire authority (PER section 4.2.3, BESS; EIA Screening, major accidents). No battery end-of-life route is given.

8.4 **Waste (Directive 2008/98/EC; Waste Management Act 1996).** Waste statements contradict each other on whether soil leaves site (Resource and Waste Management Plan; PER project description and drainage sections). RWMP Table 4-2 flags only one hazardous European Waste Catalogue code and omits battery and PV panel streams. The cited waste permit regulations (1998, 2001) were replaced in 2007 (RWMP, waste legislation). The Decommissioning Management Plan uses invalid codes (e.g. "12 04 11" for cables), lists facilities that cannot accept WEEE or Li-ion batteries and states "all other elements will remain in place". The Decommissioning and Restoration Plan is deferred ("will be updated once the site has been surveyed near it's end of life") and has no bond or financial security (Decommissioning and Restoration Plan).

8.5 **Noise (Environmental Noise Directive 2002/49/EC; EPA guidance NG4).** Only 13 of 106 receptors are assessed. Baseline surveys are from March 2025 and pre-date the final layout; the "Complies?" column in Table 1.32 is empty; substation, solar transformers and BESS all use the same 93 dB LWA with tonality deferred; the Figure 1.10 caption ("Night-time 35 dB") contradicts its legend (35–60+ dB) and map (Noise Fig 1.10; noise summary). The Decommissioning Management Plan predicts exceedance at 12 of 13 receptors yet calls residual effects "not significant", and states "no impact" as its objective. UK methods (BS 4142, DMRB LA 111, CRTN) are used with the legislation misnamed ("Protection of the Environmental Act 2003"; Noise report, legislation).

8.6 **EMF/EMC.** The Ai Bridges EMF/EMC report relies on 1998 ICNIRP guidance (ICNIRP 1998 reference) and does not quantify fields against Council Recommendation 1999/519/EC; EMC conclusions for broadcast, aviation, industrial and medical receptors are unevidenced; the report's document number is blank and it names Ørsted.

8.7 **Traffic (TII PE-PDV-02045).** HGV increase is 7.9% in one place and "approximately 2%" in the threshold table (Traffic Assessment, N25 traffic figures); peak HGV and LGV numbers differ (22 / 70, 25 / 60, 20–26); road numbers conflict (R634 / R624 / R364); the cumulative assessment considers only a single wind-farm junction in 2037.

8.8 **Soils and ground.** Only six trial pits (2.0–2.3 m, terminated on stone) support the substation and BESS design; the report concedes a borehole investigation "will be required" (TLI Site Investigation). Excavations to 3.6 m for the substation are said not to affect bedrock without borehole data (Hydrology chapter).

8.9 **Climate and carbon.** No quantified carbon assessment is provided. The planning report quotes superseded 2030 targets (40% GHG, 27% renewables) alongside current 55% targets (PER section 7.4, EU and national policy). Regulation (EU) 2022/2577 and RED III acceleration areas are mis-described (PER section 7.4). The claim that the project is a "RED III project" with a 52-week decision period (S.I. 274 of 2025) is asserted without showing the project is in an acceleration area (PER section 7.4.3.3, S.I. 274 of 2025).

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9. Ground 7 – Heritage, landscape and visual deficiencies

9.1 **Protected Structure "Roisin"** is within 5 m of the site boundary. Its Record of Protected Structures number is given as 1157 and 2863, with two different NIAH numbers (Cultural Heritage, Roisin entry; ACSU Geophysical Survey). It was gutted by recent fire; effects on setting are discounted because it is uninhabited, with no section 59 / Conservation Officer consultation (Cultural Heritage, Roisin fire damage).

9.2 **Archaeology.** Four anomalies of "high" significance (M1–M4) are rated Low magnitude / Slight-Moderate effect and left to test trenching "that could be conditioned" (Cultural Heritage, section 6, Impact Assessment). Map numbers are cited as 89–91 though the anomalies are 88–91. The geophysics licence number and detection-device number are inconsistent, the report's document control uses a 2025 template date against a July 2026 report, and key figures are unreadable or mirrored (ACSU Geophysical Survey and figures). Pre-planning advice said no geophysics was needed, yet it was carried out (PER pre-application consultation). The National Monuments Acts are cited as 1930–2004 and 1930–2014 and the 2023 Act commencement status is not updated (ACSU Geophysical Survey). The grid route is not assessed archaeologically. Mitigation (no-dig gabions) is not fixed: "may vary slightly… has no bearing on planning" (Archaeological solar-mounting methodology).

9.3 **LVIA.** Landscape sensitivity "Medium-low" conflicts with the County Development Plan's "High" for LCT10b (LVIA, sensitivity; LVIA, strategy). Identical inputs give different significance ratings for construction and operation (LVIA). ZTV figure numbers are wrong. The viewpoint index lists a cumulative VP19 photomontage, but the text says consented wind turbines are excluded. Viewpoint photomontage sheets cite SNH (2017) wind-farm visualisation guidance for a solar project, give "Distance to Site: 0 km" and show a single March 2025 photo date; some sheets are rotated or upside-down (LVIA viewpoint photomontage sheets). The "Draft Cork County Landscape Strategy" is relied on (LVIA, sensitivity; LVIA, strategy).

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10. Ground 8 – Planning-law compliance

10.1 **Scope of s.182A.** The substation includes a customer IPP compound with a battery room, battery control room, a diesel generator and fuel tank, 4 storage containers and a

37.5 m telecoms mast (Site Notice). The Commission should satisfy itself that all elements are "electricity transmission development" under s.182A and not private generation-side development properly consented under s.34.

10.2 **Section 172 and Schedule 5.** The 2000 Act and the Regulations require an EIAR for Part 1 projects and sub-threshold-screened Part 2 projects. The applicant's reliance on class-by-class listing (for example "BESS not listed") ignores class 3(a)–(b), class 10(dd) and the cumulative / splitting rule, and the sub-threshold test of risk to the environment in Schedule 7. Mandatory EIA is a question of law, not planning judgment.

10.3 **Part XAB.** Section 177U requires a determination on the basis of objective information, excluding reasonable scientific doubt, after consulting all relevant data. The 177U(5) quotation reproduced in the NIS Section 1, Legislative Context says the competent authority shall determine an appropriate assessment *is not required* if it can be excluded that the development "will have a significant effect", an evident error of drafting that changes the legal meaning.

10.4 **Planning and Development Act 2024.** The documents refer to An Coimisiún Pleanála and S.I. 274 of 2025 but rely on provisions of the 2000 Act as amended without stating which provisions of the 2024 Act are commenced and which transitional provisions apply. The applicant should state this and the Commission should confirm validity.

10.5 **Content of the application (PDR 2001 arts 17–22; s.182A(2)–(3)).** Requirements include a statement of legal interest, evidence of consent of landowners and plans at the correct scale, a NIS, newspaper and site notices, and copies to prescribed bodies. The site notice and newspaper notice are unsigned, the form is incomplete and the drawing set is not coherent (see Ground 5).

10.6 **Wildlife Acts and S.I. 477/2011.** Bat roost disturbance (s.23 and s.40 licensing; Reg. 51/54 derogation), hedgerow removal outside the 1 March–31 August period, otter holt works and invasive species (S.I. 477/2011, Regs 49–50; S.I. 374 of 2024) all require specific licences or consents that are not evidenced. The cited legislation is outdated (Flora Order cited as 2015; Wildlife Acts "1976–2021" instead of 2023).

10.7 **National Monuments Acts 1930–2014** (ss.12, 14, 26) and the **Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023** require licensing for geophysics, testing and works near recorded monuments; no consents are evidenced (ACSU Geophysical Survey).

10.8 **Roads Act 1993** (road opening licences, ss.13, 50, abnormal loads) and Cork County Council road-opening conditions: only brief references in the Traffic and Transport Impact Assessment. The Council's roads levels are "to be confirmed by Cork Co. Council" (Decommissioning Plan; PER project description tables).

10.9 **Safety, Health and Welfare at Work (Construction) Regulations 2013.** The Project Supervisor Construction Stage (PSCS) and client details are "TBC prior to commencement" (Outline Water Quality Monitoring Plan, Contacts table); the CEMP cites

the withdrawn UK PPG guidance and the superseded Machinery Directive 2006/42/EC (Outline Water Quality Monitoring Plan).

10.10 **Development plan.** Cork County Development Plan 2022–2028 and Waterford CDP 2022–2028 policies on landscape (GI 14-10), flooding and heritage are cited, but the LVIA contradicts the plan's sensitivity (Ground 7). The draft Solar Energy Guidelines are not addressed.

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11. Ground 9 – Public participation (Aarhus Convention; Directive 2003/35/EC; EIA Directive Art. 6; Planning and Development Act 2000 s.182A)

11.1 The statutory documents are lodged as 124 separate PDF with corrupt, blank, mirrored, rotated and duplicated pages, which makes effective public participation impracticable.

11.2 The separate EIA Screening Report, drawing set, appendices and AA material that the notices say are "accompanying" are not identifiable. The seven-week period from 15 September 2026 to 3 November 2026 cannot cure this.

11.3 Duplicated content appears throughout (for example the NIS conclusion appears in NIS Section 11 and again in the second copy; EIA screening appears in the EIA Screening Report and in PER Chapter 8), so the public cannot know which version is operative.

11.4 The consultation record contains statements that were later contradicted: "areas of archaeological interest have been excluded" (Community Newsletters) against "Surveys have commenced" (Newsletter 1) and "reports currently being finalised" (Newsletter 3); "net-positive biodiversity" (Newsletter 3) without evidence; 250 MW vs 240 MW.

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12. Documents and information not found in the submission

The following were not found. The applicant should be required to provide each before any decision:

1. A standalone EIA Screening Report and, in the alternative, an EIAR for the whole project.
2. A complete, clean AA Screening Report and NIS listed in the application appendices and updated with full survey data.
3. A WFD compliance assessment.
4. A BESS fire-safety, firewater containment and thermal-runaway assessment, Seveso III screening and end-of-life battery plan.
5. A quantified carbon / climate assessment.

6. A project description with total MW, MWh, number of panels and hectares that matches across documents.
7. A BESS and transformer noise assessment using final layout and a full receptor set.
8. A fully legible set of drawings: missing numbers, Landscape Mitigation Plan sheets and cited 7353-PL drawings.
9. Evidence of grid connection offer, landowner consents and legal interest.
10. Bat derogation licence application, hedgerow and badger licences, National Monuments consents.
11. Cumulative assessment with all other relevant projects (not only one wind farm).
12. A decommissioning plan with a financial bond.
13. Signed statutory notices and the complete SID form.
14. Readable site investigation photographs, percolation results and borehole data.
15. A clean, consistent public version of every report with the reliance and confidentiality restrictions removed.

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13. Requests to the Commission

The objector respectfully requests that An Coimisiún Pleanála:

1. **Refuse permission** for the reasons set out above; or, if it is minded to proceed,
2. Treat the application as invalid or require **further information** under the Regulations to cure the defects listed in Grounds 1–9, and **re-notify** the public with a fresh period for observations;
3. Require that the SID application and the parallel Cork County Council application be **assessed together** under a single EIAR and NIS;
4. Hold an **oral hearing** (s.182A discretion) given the number of unresolved factual and legal issues; and
5. Receive and consider this submission with the €50 fee, and notify the objector of all further steps.

Signed: _____ Date: 19/Oct/26