

S.37
File With _____

SECTION 131 FORM

Appeal No: PL

03.289378

Defer Re O/H

☐

To. SEO _____

Having considered the contents of the submission dated/received _____

from

Sally Anne Michael Morron I recommend that section 131 of the Planning and Development Act, 2000

be/not be invoked at this stage for the following reason(s):

Not cure pending Bid Review

EO:

Rise O

Date: _____

To EO: _____

Section 131 not to be invoked at this stage

☐

Section 131 to be invoked - allow 2/4 weeks for reply

☐

SEO: _____

Date: _____

SAO: _____

Date: _____

M _____

Please prepare BP _____ Section 131 notice enclosing a copy of the attached submission

to: _____

Allow 2/3/4 weeks BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File with _____

OBSERVER FORM

Appeal No: PL 03. 239378

S.37

Received: <u>24/10/13.</u>	Date Appeal Lodged: <u>8/8/2011.</u>
	Date Last Appeal Lodged: <u>—</u>
	Date of E.I.S. Publication: <u>Hol on foot of New Notices 24/10/13.</u>

Name: <u>Sallyann & Michael Marrow,</u>
Address/Agent: <u>Number 42, Coare East, Mullagh,</u>
<u>Co. Clare.</u>
Status: Invalid – (insert reason): _____

VALID	INVALID
<u>MR. C. Byrne.</u> 1. Acknowledge with BP <u>AO.</u> ☐ 2. Keep copy of Board's letter ☐ 3. Prepare refund form ☐	1. RETURN TO SENDER with BP _____ ☐ 2. Keep envelope ☐ 3. Keep copy of Board's letter ☐ 4. Prepare refund form ☐

Attach to file

- | | |
|---|---|
| (a) R/S ☐ | (d) Screening ☐ |
| (b) Mapping ☐ | (e) Inspectorate ☐ |
| (c) Processing ☐ | _____ |

RETURN TO EO ☒For 1031 Assessment.

EO: <u>A. A. Fithens.</u>	AA: <u>CS</u>
Date: <u>24/10/13.</u>	Date: <u>31/10/13</u>
Comments:	

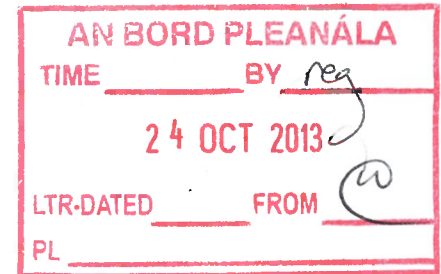
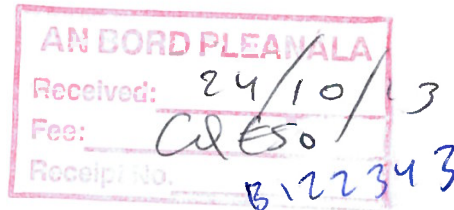
Sallyann & Michael Marron

Number 42
Coore East
Mullagh
Co Clare

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

10th October 2013

Dear Sir



**Ref: Planning Appeal Case Number PL 03.239378: Coor West, Shanavogh, Co. Clare.
(11/360) McMahon Fin Wind Acq. Ltd.**

We are writing with reference to the above planning application 11360 considered and denied by Clare County Council. We objected to this development at every stage and are adamant that this decision should not be appealed in favour of the applicant by yourselves. We enclose a cheque for €50, as the fee for this observation on this appeal.

We understand that the applicant was due to reply to An Bord Pleanála with further information as the information included in their appeal was not sufficient for the Board to make a decision. We note that, when the developer replied to the Board, the information requested did not relate back to the originally refused application, but formed a wholly new proposed development.

Our first observation is that this new application should be treated as such and that all previous information submitted be disregarded and a new Environmental Impact Assessment be produced which strictly relates to this new proposal.

Having read the previous and new application and their associated information we are somewhat surprised as to how little actual information has been supplied. The application confirms to us just how little concern or respect the developers have for the people who are directly impacted by the application, and the disdain they feel for those of us affected by these industrial turbines being proposed next to our houses.

With regards to turbine type (3.3.1.2), 'the turbine type proposed for the development site remains the same as the original planning application...' "the exact make and model of the turbine will be dictated by a competitive tender process. The turbines will be white or off-white".

We recall from the previous application that they were to be painted green at some point to make them less obtrusive and almost invisible! The author of the EIS also goes to great lengths using computer modelling to prove that these turbines will have no negative affect on us, but does so without any specifications of the turbines that will be used?

With regards to grid connection(3.3.7) when referring to the cable leaving the site, the applicant says that "It is anticipated that a cable will be laid under the road in an easterly direction". At this stage of an application, surely it is not good enough to anticipate or guess where cables will go as the applicant also states that they don't know where they will in fact connect to the grid.

With regards to section (3.3.9) Environmental Management, the applicant states that "All proposed site activity will be provided for in an environmental management plan which will be prepared

prior to the commencement of any operations on site" We understood that the Board had asked for further information, not a vague statement to do something as and when it might happen?

With regard to the hen harrier and wildlife management plans, we would ask the Board to gain further information regarding this report as the data presented is not at all representative of the area in which we live. It paints a picture of an area devoid of any important flora and fauna, which simply is not the case. We would therefore urge the Board to seriously consider any conclusions or any prescribed management plans provided by the applicant.

Having lived in and studied this area, and as a qualified ecologist, I can only assume that any monitoring methodology and execution of this monitoring was flawed as those involved certainly aren't seeing what I'm seeing.

For instance, has another bat survey been carried out, as requested by the Board? The previous survey in the EIS was totally flawed, given that it was carried out in November, when bats hibernate. All Irish bats are protected and all are red listed in the Red Data Book of Irish Vertebrates. The survey should be carried out in conjunction with the National Parks & Wildlife Service (NPWS) or a trained bat worker. It is an offence under the Wildlife Act (1976 & 2000) to intentionally disturb, kill or injure a bat or its resting place, so any work must be carried out with advice and under licence from the NPWS.

Given the number of important and in some cases endangered species known to live on, in or in close proximity to the site, it is essential a genuinely thorough ecological survey be carried out of the whole area by a qualified, independent ecological team to provide full and proper information about the site before any plans are even made about siting of the turbines, let alone planning mitigation works during the build or remediation works following the build.

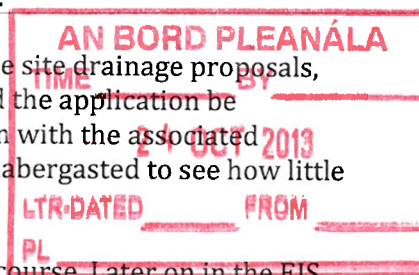
There is a known colony of the red listed species of bee, *Bombus sylvarum*, in the area proposed for the turbines. These are extremely rare and endangered bumblebees that require undisturbed habitat. They also nest and hibernate underground, so disturbance of the ground by machinery and people will destroy the habitat they currently survive in, potentially destroying a colony of an endangered species. Detailed surveys of the site need to be carried out to determine the extent of this bee before any work is even proposed in the region.

A major concern of both ourselves and Clare County Council is the proximity of the proposed turbines to a watercourse which feeds into an important trout and salmon stream. The bases of the turbines are vast, concrete monoliths, and given the proposed sites for these, the watercourse is likely to be damaged and potentially destroyed, with a massive impact not just on local wildlife, but on wildlife downstream such as white clawed crayfish, salmon and trout.

Watercourses in the local area have been shown to contain freshwater pearl mussels, another red listed endangered species. Such mussels require the sort of habitat provided by the stream running through the site, including trout on whom the mussel larvae live. It is imperative that a full riparian survey should be carried out by an independent third party to ascertain whether freshwater pearl mussels and white clawed crayfish live in this stream.

With regard to the Wet Heath, the author is also vague and based on the site drainage proposals, we are concerned that these protected areas will be lost forever should the application be permitted. Having read the section on site drainage (3.4) in conjunction with the associated drainage drawings and their 14 point drainage design notes we were flabbergasted to see how little information is contained within.

Firstly, the applicant states that nothing will be within 50m of a watercourse. Later on in the EIS, (3.4.2.10) Silt Fences, the applicant states that "Silt fences will be installed as an additional water protection measure around existing water courses in certain locations, particularly where works



are carried out within the 50m buffer zone". Either there is a buffer zone or there is not a buffer zone.

With regard to (3.4.2) Detailed Preliminary Drainage Design, the applicant states "Detailed Preliminary Drainage Designs are included in the site layout drawings of the proposed developments". This refers back to the drainage drawings and their drainage design notes (1-14). Having read the 14 drainage design notes, it would appear that, once permission is granted, the applicant will simply dig holes and see what happens. There are no prescriptive elements to the drainage plan, it's very much a suck it and see attitude.

The narrative of the drainage plan is vague at best and uses language such as "envisaged" and "not anticipated" when referring to very important pollution avoidance and structural measures. Again, the Board asked for further information and it seems that nothing prescriptive or factual is actually forthcoming.

Sections (3.4.2.6) Vegetation Filters, (3.4.2.8) Siltbuster, (3.4.2.9) Culverts, (3.4.2.10) Silt Fences are all equally vague. There are no specifications, no actual hard data referred to. Having read it, it is a very amateur approach to a development of this size.

Coupled with the statement in (3.4.5.1) Preparative Site Drainage Management, that "An adequate amount of straw bales, clean stone, terram stakes etc. will be kept on site at all times to implement the drainage design measures as necessary", we are actually concerned that any professional advice has been sought at all. If the 'plan' is to sort out every bit of drainage when it arises, (as opposed to carrying out a proper site survey beforehand and coming up with an actual drainage plan) how can they know what is an adequate amount of mitigation material, and what is included in the all encompassing "etc."?

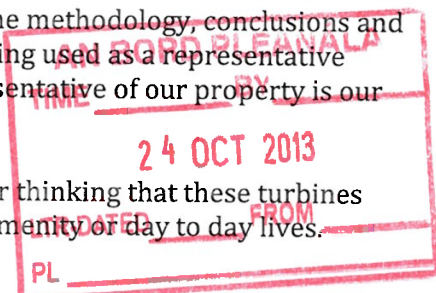
With regard to Chapter 6, Hydrology and Hydrogeology, we are very sceptical about any conclusions and information within. Given the cavalier approach to basic drainage on the site, we would be deeply concerned with this developer being in charge of such an important engineering exercise. We are concerned that the effect of the ill informed, poorly considered drainage management plan will have on any existing hydrology and hydrogeology. One can quote Darcy's Law for specific discharge all one wants, but it doesn't mean a thing if basic drainage is not attended to.

Chapter 8 deals with shadow flicker. We live in house number 48. The applicant, using modelling based on a generic turbine, confirms that our house will be affected by shadow flicker should this development be approved. The cumulative affect of this development and the approved Slieve Callan development would ensure that shadow flicker will be an issue at this property.

It is almost laughable that the applicant would suggest that Local Mitigation (9.5.1) would involve the introduction of blinds in our home, or the planting of tall trees to obscure our view of the turbines based on their assessment of our flicker. By their proposed actions, they are admitting that they are willing to diminish our amenity to such an extent that they have to carry out works at our property to make it habitable so they can build an industrial operation close to our home whilst depriving us of natural light.

Noise. With regard to the data collected and the assumptions made by the applicant, we will be unaffected by noise at our home. Having worked in this field as a Noise Pollution Technical Officer for a local authority in the UK, I would strongly disagree with the methodology, conclusions and assumptions made, specifically with regard to property H04 being used as a representative location for our property (H48). The only location that is representative of our property is our property.

Looking at the data as it is presented, you would be forgiven for thinking that these turbines (unspecified at this time) will have no negative impact on our amenity or day to day lives.



No account whatsoever is made for the nature of this noise and its associated nuisance value. At no point is there any mention made of noise made at times when the windspeed is greater than 9m/s. This is somewhat laughable given that the whole point of putting turbines at this location is to avail of the higher than average winds, that is, averaging higher than 9m/s.

We would draw your attention to some of the many reasons the reasons that Clare County Councils' planners refused permission for the original application 11/360.

1. Threats to flora and fauna including many rare species and habitats that form and occupy our immediate environment and land included within the development area.
2. Loss of amenity due to these structures would have a negative affect on house prices in our area.

Furthermore, in Clare County Council's letter refusing planning permission, they stated that "Having regard to the scale of the proposed development, the location of the site on relatively open lands in proximity to existing residential properties, the noise generated from the proposed wind turbines and from the construction of the proposed development, the proposed development may seriously injure the amenities of residential property in the vicinity by reason of impact of noise and visual overbearing, and thus depreciate the value of property in the vicinity."

They also indicated the application had "inadequate habitat mapping submitted" and "non specific mitigation measures proposed", that the application had "the potential to impact on Annex 1 species" and "the lack of regard to the potential cumulative impact of existing/permitted wind farms in the vicinity".

This last paragraph refers to the fact that An Bord Pleanala has granted permission for 29 Turbines at Coore East/Mount Callan and the nearby wind turbine development at Booltiagh has expanded from 13 to 18 turbines. The cumulative affect of these developments and this proposed one will mean that our house is effectively within one huge wind turbine development, making our lives unbearable.

In February 2013, An Bord Pleanala requested detailed further information from McMahon Finn Wind Acquisitions Ltd, because the EIS and other supporting documents in Planning Appeal Case Number PL 03.239378: Coore West, Shanavogh, Co. Clare. (11/360) were shown to be too vague and insufficient. Instead of this, McMahon Finn Wind Acquisitions Ltd have returned a new application to An Bord Pleanala which is even more lacking in detail, more obfuscating and more slapdash than before. McMahon Finn Wind Acquisitions Ltd are treating An Bord Pleanala with the same contempt that they have shown throughout this whole planning process to the people of Coore and Shanavogh.

We would ask you to uphold Clare County Council's decision on the previous application (11/360), refusing planning permission for any wind developments in the Coore West and Shanavogh area, and to further require that the land in Coore East, Coore West and Shanavogh be exempted from Clare County Council's "Acceptable in Principle for Wind Turbine Developments", having established that it is not acceptable on any principle to site turbines this close to housing and in such an environmentally sensitive area.

Yours Sincerely



Sallyann & Michael Marron

