

File With Section

SECTION 131 FORM

Appel NO: PI 03.239378

Defer Re O/E

☐To: BP

Having considered the contents of the submission dated/ received _____ from

I recommend that section 131 of the Planning and Development Act, 2000

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

Reason: _____

Date: _____

To: BP

Section 131 not to be invoked at this stage.

☐

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

☐

Reason: _____

Date: _____

Reason: _____

Date: _____

To: _____

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

To: _____

Allow 2/4 weeks - BP _____

Reason: _____

Date: _____

Reason: _____

Date: _____

File with: _____

OBSERVER FORM

Appeal No: PL OS. 239378

S.37

Received: <u>1/9/11</u>	Date Appeal Lodged: <u>8/8/2011</u>
	Date Last Appeal Lodged: <u>—</u>
	Date of E.I.S. Publication: <u>—</u>

Name: <u>Sullivan + Michael Marrow</u>
Address/A gent: <u>N. 42, Coor East, Mullagh,</u> <u>Co. Clare</u>
Status: Invalid – (insert reason):

VALID	INVALID
M <u>S. Sloney</u>	1. RETURN TO SENDER with BP _____
1. Acknowledge with BP <u>40</u>	2. Keep envelope ☐
2. Keep copy of Board's letter ☐	3. Keep copy of Board's letter ☐
3. Prepare refund form ☐	4. Prepare refund form ☐

Attach to file		RETURN TO EO ☐
(a) R/S ☐	(d) Screening ☐	
(b) Mapping ☐	(e) Inspectorate ☐	
(c) Processing ☐		

EO: <u>[Signature]</u>	AA: <u>Liam Sloney</u>
Date: <u>5/9/11</u>	Date: <u>05/09/11</u>
Comments:	

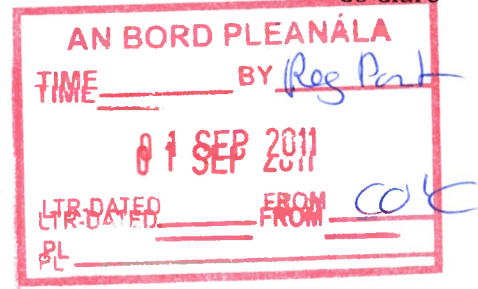
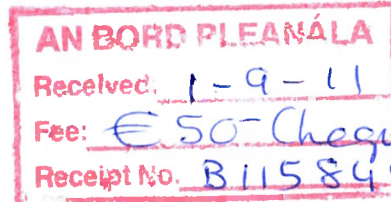
Sallyann & Michael Marron

Number 42
Coore East
Mullagh
Co Clare

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

31st August 2011

Dear Sir



Ref: Planning Appeal Case Number 239378: Coor West, Shanavogh, Co. Clare. (11/360)

We are writing with reference to the recent planning application 11360 considered and denied by Clare County Council. We objected to this development 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 are horrified that the applicant, McMahon Finn Wind Acquisitions Ltd, appears to have simply submitted plans on, what would appear, a whim. The argument given by the developer in their appeal is that further information to supplement their incomplete EIS should have been sought by the local planning authority before any decision was made.

Surely, an application of this importance should be absolutely complete at the time of submission. This simply proves that the application was premature and to consider such an application for an appeal would be foolhardy following Clare County Council's comprehensive refusal of this planning application.

Also, since the deadline for correspondence concerning the application closed on 22 June 2011, Clare County Council received, and accepted, a "petition" sent in by the developers on 5 July 2011, three weeks after the deadline for submissions. The developers refer to this "petition" in their appeal to yourselves. The environmental consultants responsible for this "petition" stated that they had been contacted by people in support of the planning application and so they were submitting 79 names as a "petition" to back up their application. None of these 79 people had been moved to write in support of the application by the deadline of 22 June, and their names had to be drummed up after the strength of the opposition to this wind turbine development was realised.

It would seem to us that Clare County Council were at fault to allow this document, in light of the Development Management Guidelines for Planning Authorities 2007, section 5.10 "Unsolicited further information", that states: "As the submission of unsolicited further information by the applicant may have implications for the rights of third parties, such submissions should only be considered when they relate to non-contentious matters, such as clarification of details already submitted."

It should be borne in mind that had the local community realised three weeks after the final date for submissions for the planning application that we wanted to object, and managed to get the names of 79 other people who also objected all of a sudden, we would have had such a letter refused by the council, for being out of time. For the developers to have been allowed to add such a contentious document at such a late stage, and to be referring to it in their appeal, is unacceptable and we would ask that An Bord Pleanála do not allow the consideration of this "petition".

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I would also draw your attention to some of the many reasons the reasons that Clare County Councils' planners proposed that this development be refused.

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, we bring your attention to the very clear reasons that this planning application was refused by Clare County Council. In their 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".

In conclusion, since the Bord has recently granted permission for 29 Turbines at Coore East/Mount Callan, the cumulative affect on us of effectively living within a windfarm would be unbearable to put it mildly.

Based on the Local Planning Authority's objections, we feel, should the Bord approve this development, in any way, that our property will be compromised to such a degree that all we have worked for will be rendered valueless. We will therefore seek damages in the form of complete compensation from An Bord Pleanala and Clare County Council.

Please do not see this as a threat, it is simply a corner that we have been backed into due to improper guidelines and seriously flawed planning procedures which seem to ensure that those who wish to develop this industry do so on an uneven playing field.

We would ask you to uphold Clare County Council's decision on this application, refusing planning permission for any wind developements in the Coore West and Shanavogh area.

Yours Sincerely



Sallyann & Michael Marron

