



Connolly O'Neill

SOLICITORS LLP

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Reply to:

**An Bord Pleanála,
64 Marlborough Street,
Dublin 1.
D01 V902
REGISTERED POST**

Email & Registered Post
bord@pleanala.ie

Our Ref
RAC/VOC/2447

Your Ref

Date
19th December, 2022

RE/

Your Case Number: ABP-305972-19
Planning Authority Reference Number: 11/360
Our Reference: McMahon Finn Wind Acquisitions Limited
Our Client's Agents: Inis Environmental Consultants Limited

**Construct six turbine wind farm including sub-station, internal roads and borrow pits
Coor West, Shanavogh East and Shanavogh West, County Clare**

Dear Sirs,

We have been forwarded your letter to Inis Environmental Consultants Limited which is dated the 2nd November, 2022 but despite said date same was not received by Inis Environmental Consultants Limited for a period of over one month later same actually being received by them on the 7th December, 2022.

We note that very surprisingly said letter makes no reference whatsoever to our detailed letter sent to you on behalf of our client McMahon Finn Wind Acquisitions Limited on the 22nd September 2022 last by registered post.

It is surprising given the importance to our clients and urgency of this matter that a letter of such importance as our letter of the 22nd September, 2022 took until the 7th December, 2022 to reply to.

We now confirm having received expert advice from our client's agents Inis Environmental Consultants Limited the position is that to carry out a repeat of the required surveys originally fully carried out and properly lodged with the Bord by our client will take a minimum of two years for the surveys alone (2 winter seasons and 2 breeding seasons – 24 months of surveys) and a further significant period of time to submit the Environmental Impact Assessment Report, revised Natural Impact Statement and other associated drawings/files etc.

We would point out to you that receipt of your letter on the 7th December, 2022 means it is too late to commence the surveys for this winter thereby meaning the earliest on which surveys could be in

place would be following the expiry of two further full winters and two breeding seasons with surveys commencing in April of 2023 with all required surveys concluding at the end of April 2025.

This being the case and following the advice we have received we require you in the first instance to confirm by return that the period within which these surveys are to be put in place is hereby extended up to and including a period expiring six months after the end of all required surveys.

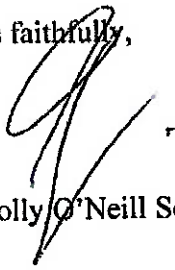
We require a period up to and including the end of October 2025 to accomplish all of the matters that the Bord has now determined it is necessary to put in place to allow the adjudication of this appeal to be finalised.

We would further point out that the entirety of this process has been caused by the error/ mistake and negligence of An Bord Pleanála and any and all costs that our clients incur in connection with the putting in place of said surveys and reporting as now determined by the Bord will be for the account of An Bord Pleanála and we expect in early course your confirmation of an indemnity to our clients in respect of these costs. It is also of significant distress for our client that the turbine type that our client had proposed to use on this site are no longer being manufactured and as a direct result our client now has to revisit the design and be encumbered with these additional costs. If the Bord had not made its error this wind farm would be constructed, operating and creating a revenue for our client.

We now call upon you no later than expiry of two months from the date hereof, given the Christmas period, of your confirmation that the period within which the time for putting in place the necessary surveys now determined by the Bord as necessary will be extended up to and including the 31st October 2025.

We await your response.

Yours faithfully,



Connolly O'Neill Solicitors LLP.

AN BORD PLEANÁLA	
ADG- _____	
ABP- _____	
20 DEC 2022	
Fee: € _____	Type: _____
Time: _____	By: <i>reg post</i>

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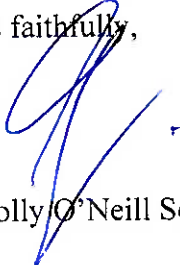
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