

File With _____

SECTION 131 FORM

Appeal NO: PL 04.244439Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission dated/ received 24/11/15from Nathan Larkin Carroll Coffey

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

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

*(Refer to Board - see memo
1st December 2015)*E.O.: Rob FordeDate: 01/12/15

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

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

to: _____

Allow 2/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

CORRESPONDENCE FORM

Appeal No: PL 04.244439

M Sutton

Please treat correspondence received on 24/11/15 as follows:

<p>1. Update database with new agent for Applicant/Appellant _____</p> <p>2. Acknowledge with BP <u>20</u></p> <p>3. Keep copy of Board's Letter <input type="checkbox"/></p> <p><u>WPE</u> <u>A7588</u></p>	<p>1. RETURN TO SENDER with BP _____</p> <p>2. Keep Envelope: <input type="checkbox"/></p> <p>3. Keep Copy of Board's letter <input type="checkbox"/></p>
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Amendments/Comments

<p>4. Attach to file</p> <p>(a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/></p> <p>(b) Mapping <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/></p> <p>(c) Processing <input type="checkbox"/></p>	<p><u>11B</u> <u>R FORDE</u></p> <p>RETURN TO EO <input type="checkbox"/></p>
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EO: <u>11/11/15</u>	Plans Date Stamped <input type="checkbox"/>
Date: <u>24/11/15</u>	Date Stamped Filled in <input type="checkbox"/>
AA: <u>24/11/15</u>	AA: <u>24/11/15</u>

Noonan Linehan Carroll Coffey

SOLICITORS

54 North Main Street

Cork

Ireland

Addressee

www.nlcc.ie

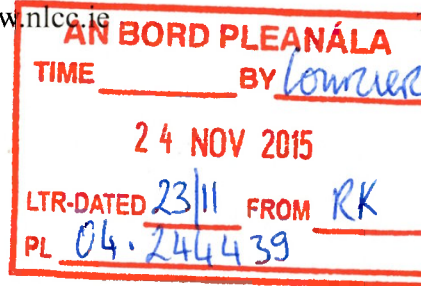
Telephone 021 4270518

Fax 021 4274347

Email info@nlcc.ie

DX 2044 Cork

Mr Rob Forde,
Executive Officer,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.



~ By Email – bord@pleanala.ie & Tracked DX ~

23rd November 2015

Our ref: 26310-14/JN/PW

Your ref: PL04.244439

RE: Cork County Council Planning Register Reference – 14/557
An Bord Pleanála Reference – PL04.244439
Construction of a substation to replace substation previously granted under PL04.219620
and all ancillary site development works.
Barnadivane, Kneeves, Terelton, County Cork

Dear Sir,

Thank you for your letter of 4th November with enclosure.

Your letter invited us to make submissions or observations in relation to the submission received from the Agents of the Applicant dated 2nd November 2015.

Our clients have now prepared their observations and we enclose them herewith for the Board's attention please.

Kindly acknowledge safe receipt.

Yours faithfully,

Joe Noonan,
NOONAN LINEHAN CARROLL COFFEY

The Secretary
An Bord Pleanála
64 Marlborough St
Dublin 1

20th Nov 2015

Observations re planning appeal to An Bord Pleanála PL04.244439

LANDSCAPING PLAN

I have over 20 years of experience in the horticultural industry and work currently as a horticultural teacher. I have managed many garden centres and nurseries in Ireland and have prepared many domestic and industrial planting plans for companies like EMC, Irish Cement, Glaxosmithkline, UCC etc. I have even worked for several years on a contract to maintain all of the horticultural needs of all Cork Substations (the vast majority located in the lowlands) in the ownership of the ESB, so my comments here are those of an industry professional.

I can say honestly that I have never worked for a company that has submitted a planting plan as bad graphically and containing so many errors as that proposed by Fehily, Timoney and Co. To a professional it represents confusion, contradiction, lack of understanding of ground conditions/site location, no forward thinking and basic taxonomical errors.

CONFUSION

The applicants state *that the perimeter of the site (where slope and land availability allow) will, where possible, be planted with semi mature native trees to provide year round screening of the substation infrastructure*. However the annotations on the plan only refer to what are apparently whips (though this is not explicitly stated) as the plants indicated are to be planted at *1000 plants for every 300m* which equates as the standard three per metre roughly. Whips are classified by their height excluding roots from 20cm to a max of 1.5m depending on species and also by age i.e. 1+1, 1+2 etc. There are no heights given here for whips. This has to be specified in the plan. In this wording the applicant has created a loophole where he does not have to plant any semi mature trees at all if he thinks that the ground conditions are unsuitable. This scenario changes everything that follows in terms of screening. Only one of the trees, Holly, is evergreen and in this location will never be anything more than a shrub, all the rest being deciduous. This so called screening will be leafless for over half the year, is this taken into account in the photo montages. NO it isn't. This certainly does not constitute 'year round screening'.

AN BORD PLEANÁLA	
TIME _____	BY _____
24 NOV 2015	
LTR-DATED _____	FROM _____
PL _____	

CONTRADICTION/BASIC TAXANOMICAL ERRORS

What appears to be an alternative planting plan under *planting notes* gives us a planting plan that has 20-25mm girth rootballs, 600mm long Crataegus and rooted gorse cuttings.

The rootballs I have to assume are what have been previously described as semi mature native trees therefore the girth has to be 20-25cm (first error). I have never heard of 600mm long Crataegus (such a thing does not exist, the classification is 60cm height) and are we to believe that the applicant intends to plant Hawthorn whips between semi mature trees. This is either a mistake or simply more incompetence. The same goes for the rooted cuttings which will be even smaller.

Holly, which appears to be included in the 20-25cm category? cannot be classified in this way as it does not have a single stem and is classified by height and bushiness (error 2). What size will they be?

Planting distances are indicated as 3m centres. Again I must assume that the Crataegus whips and rooted cuttings are to follow this regime (error 3).

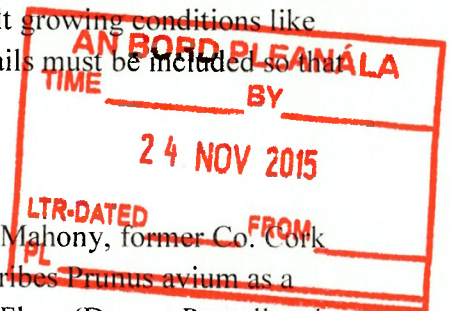
The applicant says *all trees to be staked*. He gives no details of how this is to be done. It is standard practice to explain this and to set it out clearly with graphics. As we are talking about semi mature trees in a windswept environment, a sophisticated staking system will have to be employed. There can be no possibility of the trees rocking on their roots as this will prevent them from growing, will cause poor leaf development and will eventually lead to death. Large girth rootballs like these are notoriously difficult to get rooted in difficult growing conditions like those that prevail at this site. This is not an optional omission. Details must be included so that the Bord can decide if the planting plan is adequate.

HORTICULTURAL NAIVITY AND MORE ERRORS

Prunus avium is proposed as one of the semi mature trees. Tony O'Mahony, former Co. Cork plant recorder for the Botanical Society of Britain and Ireland describes *Prunus avium* as a dubious native in Cork (Flora of Cork City and County). The Irish Flora (Dooge, Parnell and Webb) describe its distribution as occasional in Ireland. Let me clearly state that the habitat at Kneevies is utterly unsuitable for this tree and it is assured a certain death. Its inclusion in the plan is a mark of the level of incompetence by the applicant.

Ulmus glabra is another bizarre choice. Even Monty Don (BBC anchor Chelsea flower) stated this year at the Chelsea Flower Show, that he could see no point in planting Elms as every single tree bar none has and will die due to Dutch elm disease in the British Isles. Some trees may produce suckers before they die but these too are destined for death. This fact is also clearly stated in An Irish Flora (page 30 XXVI ULMACEAE). I now seriously start to wonder who exactly prepared this plan and what are their qualifications and can they in any way justify these decisions.

Another tree proposed is *Betula pendula*. Silver Birch is a tall, slender tree with small delicate



leaves and unless planted very densely together is totally unsuitable for screening. It is also has a weak stem, is native to sheltered spots in the lowlands, and is prone to snapping in isolated positions. I do not know of even one specimen of this tree anywhere in the district and I cannot fathom any rational for its inclusion.

The mixture of choices for the semi mature trees have totally conflicting growing requirements, from *Salix cinerea* preferring wet sites, to *Ulmus glabra* needing a well-drained soil, *Betula pendula* wanting to be in the lowlands and *Prunus avium*, a proper woodland tree. These differences are irreconcilable even in an arboretum, never mind the side of hill at altitude beside an industrial complex. There is also the question of growing rates, which in this case are vastly different. As a horticultural teacher I can state that the RHS Certificate (the most basic recognized horticultural qualification) requires candidates to propose a planting plan for a specific location and function as part of its exam. This planting plan presented here would fail outright as the applicant has demonstrated no knowledge of plant ecology including suitability to ground conditions, growing rates, tolerance of wind in an exposed site and suitability for the proposed task i.e. to screen a substation complex. I again have to call into question the qualifications of the persons involved in this poor attempt at a planting plan.

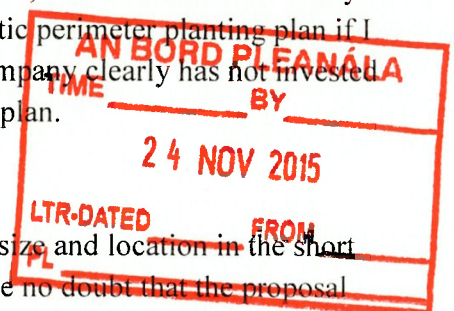
In the right hand column under LEGEND we have yet another indication as to planting species. Here, two species are noteworthy. They are *Ilex verticillata* and *Acacia falcata*, which they then call, Holly and Sally. *Ilex verticillata* is in fact American Holly or Winterberry and is commonly found in swamps. It grows to a maximum height of 1 metre. I must again assume that Fehily, Timoney and company don't actually mean to inflict this plant upon us and call it screening. Another error then? And as for *Acacia falcata*, it is an Australian native, Sickle or Hickory Wattle, sometimes known also as Sally (in Ireland Sally refers to the *Salix* or Willow family) that grows to a max height of 2-5 metres. Again an error I assume.

I think that there are serious grounds to wonder if the person who prepared this plan has 1) sufficient experience working in Irish horticulture and 2) is competent to carry out the work. I have no hesitation in my professional opinion in subscribing to both of these opinions.

Considering that we are dealing with a multimillion euro project here, these mistakes are totally unacceptable and even Cork County Council would reject a domestic perimeter planting plan if I submitted it with mistakes of this caliber. Fehily, Timoney and Company clearly has not invested sufficiently in their task of providing a clear and coherent planting plan.

FORWARD THINKING

I would question the feasibility of screening a development of this size and location in the short to medium term, which would cover the life of the windfarm. I have no doubt that the proposal of planting 20-25cm rootball semi mature trees is simply a plan that on the face of it would appear to provide immediate screening but is in reality a smokescreen to fool the planners. The ground conditions which will be very wet on the downward side of the substation will be very prohibitive to growth and leaching of any fertilizers will be severe. Even in optimum growing conditions, large rootballs will take 5 years to start growing at all as their severely pruned roots



take a long time to adjust to the ground conditions. Then there is the extremely exposed nature of the site, there is not a single tree growing in the hedgerows here, the only trees being a small predominantly Sitka Spruce plantation. The large rootballs proposed here are going to be battered to pieces and will have their leaves torn off as they will have no protection (from N, E, S or SW). I also doubt whether any system of staking would be capable of holding these trees in place. Any deficiencies in this quarter will mean that the trees will not grow. No landscape architect would propose this plan for here in normal circumstances as they could not stand over it as they would be forever replanting and maintaining the site(I have never heard of a replanting plan extending to 5 years as proposed by the applicants. I assume that they anticipate a large and prolonged number of losses. Such losses effectively set back the screening plan by years). However I know from experience that many planting plans are constructed merely to fulfill planning obligations and are not feasible in the long term. The Bord would be very naive to think that such practices do not go on, and this clearly is one such motivated planting plan. It is absolutely in my professional opinion not fit for purpose and I ask the Bord to seek professional advice on this matter, a site visit is mandatory for a proper assessment as well as knowledge of the meteorological conditions that prevail.

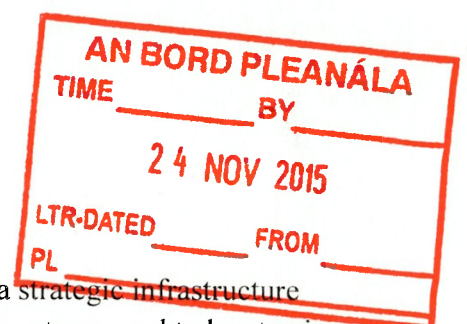
The notion of planting whips is totally inappropriate as no screening effect will be visible for well over a decade. As such, under the current planting plan, the Bord should determine that the plan proposed by the applicant will not effectively screen the site. I cannot see any mitigation factors to alter this view and the photo montages that present a 4.5m hedge is nothing more than a fantasy concocted by the applicant.

In conclusion the applicants are in error in choosing this site as it cannot be absorbed into the receiving landscape through screening. There is a much better site closer to the permitted substation location where the receiving landscape is much more accommodating as is the original permitted site. Presumably, this is why the original substation was located in this side of the site as it is the only area sufficiently screened by the local topography and is a reasonable distance from dwelling houses. The idea of any negative or positive ecological effects in the old or new location is meaningless as no EIS has been carried out at any other possible locations and in any case the EIS type document provided by the developer has no legal validity as determined by the O'Grianna judgement.

GRID CONNECTION

BORD PLEANALA SID PRELIMINARY MEETING

The applicants held a meeting with An Bord Pleanála in order to get a strategic infrastructure development (SID) determination on the 15th August 2014. The applicants seemed to be at pains to make it clear to the Bord that the proposed substation does not constitute an SID. As part of the arguments presented by the applicants are the 2 following statements as recorded in the minutes of the above meeting and which are contained in the EIS documents. On page 5 of 9 under Other Issues they state *the proposed substation will not facilitate any other wind farm. The*



no. of turbines will remain at 14no. They go on to state that substation to operate 110kv – only a connection point to the transmission grid for energy generated at Barnadivane wind farm, not transmission infrastructure.

At this point it is relevant to mention the Shehy More wind farm, Co Cork (ABP ref PL04.243486) being proposed by a sister company to that involved at Barnadivane.

2011: the applicant requests a planning retention from Cork County Council for the 14 turbine windfarm (planning ref 11/6605)

2013 the application for Shehy More goes to Cork County Council by a sister company

2014 August the determination on SID for the newly proposed substation at Barnadivane

2014 Shehy More windfarm is appealed to ABP

2014 October the new planning application for the bigger substation in a new location is lodged with Cork County Council (14/557)

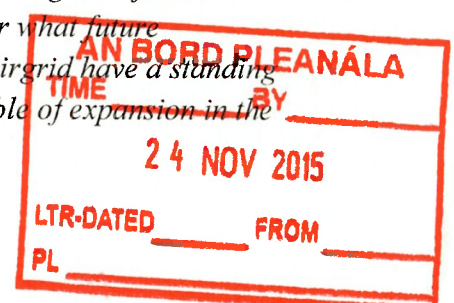
2014 December a new planning application for a new wind farm at Barnadivane is lodged with Cork County Council (14/6760)

2014 December the O’Grianna decision is made at the High Court

2015 October the grid connection route from Shehy More wind farm to Barnadivane substation is revealed as part of an RFI by ABP

As can be seen from the ABP meeting references above, the applicants have gone on the record to state that the substation will not facilitate any other wind farm and that the number of turbines will remain at 14 and that the substation is only a connection point for Barnadivane wind farm and is not transmission infrastructure. However, the current situation is that the Shehy More wind farm planning application is at An Bord Pleanála (PL04.243486) where it has now been disclosed because of the O’Grianna judgement that they are seeking a grid connection at the proposed substation. The total number of turbines proposed to connect to the proposed substation is now 26 (permitted 14 at Barnadivane and 12 currently under appeal at Shehy More). This exceeds the threshold of 25 wind turbines for qualification for SID as required under the guidelines.

It was only due to this most recent Clarification Request from ABP on the substation currently under appeal that the applicants disclosed that they would be handing over the operation of the substation to Eirgrid and that Eirgrid would be free to make any further connections to it that they wish. Arran Wind Farm Ltd have stated in their Response to ABP Clarification Request *that the substation is being developed as ‘contestable works’, with the asset being transferred to Eirgrid once complete. The applicant therefore will have no control over what future connections are made to this substation, while it is acknowledged that Eirgrid have a standing (and reasonable) corporate requirement for new substations to be capable of expansion in the*



event of changing technology and future national grid requirements, should they become necessary. Eirgrid, who will take ownership of the Barnadivane substation once operational (and takes ownership of all such substations), can make any further connection to it that they wish, subject to any necessary statutory approvals. The Shehy More wind farm is now to connect to the proposed (or permitted) Barnadivane substation.

It is clear now that the information given by the applicants to the Bord at the SID meeting in August 2014 was either false or has been superseded by further developments i.e. 26 turbines using the proposed substation and because of this and Eirgrid's right to connect further wind, solar etc farms to the proposed substation it must now be described as transmission infrastructure. The Bord has been misled as to the true nature of the proposed substation and its true ramifications. The scenario now appearing poses other legitimate questions for the Bord, i.e. should Shehy More wind farm, Shehy More grid connection route, Barnadivane wind farm (proposed and permitted) and the proposed substation be considered as one project as determined by the O'Grianna judgement? Should the Bord take into consideration The Irish High Court in Kelly & Ors. v An Bord Pleanála (25 July 2014) judgement with regards Appropriate Assessment screening because of the wide ranging effects of this project (Shehy More and Barnadivane windfarms are separated by 24kms and their proposed developments effect a large and diverse number of water catchments for example)?

SHEHY MORE WIND FARM LIMITED – APPARENT CONTRADICTION

The applicants, by way of justification for this application, state that the proposed changes are necessary to comply with Eirgrid's new requirements. They state that 'Eirgrid will not connect the wind farm if the substation is not compliant with its operational requirements.' This means that Shehy More wind farm as well those proposed and permitted for Barnadivane will not be able to connect to the grid if the proposed substation is not approved.

This conflicts with the information provided by Shehy More Wind Farm Ltd who have stated that it is their intention to connect to either the proposed or the permitted substation.

It appears to me that there is a clear contradiction in what the Bord has been presented with in Shehy More and Barnadivane. This is a very serious matter. Which is correct? The Bord must, I submit, resolve the contradiction before proceeding any further.

In the case of the observers on Shehy More the consultation held by The Bord on the route connection to the grid provided as part of a revised EIS closed on the date that this information was sent out for comment.

So the affected parties in Shehy More were not aware of this conflicting statement, nor did they have an opportunity to comment on its significance.

The Bord are therefore requested to notify the Inspector dealing with Shehy More of this conflict of evidence between the applicants in this case and the applicants for Shehy More.

AN BORD PLEANÁLA	
TIME _____	BY _____
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TRANSMISSION INFRASTRUCTURE

As has been already demonstrated the proposed substation is actually a transmission infrastructure development. The applicant has washed his hands of further developments which are imminent under Eirgrid ownership. The applicant is therefore creating a true industrial power hub on the top of Kneeves Hill. The prospect of further power generation infrastructure and cable routes, whether via pole, pylon or underground is something that the local community has not bargained for, indeed has not been made explicitly aware of through any part of the various planning application processes, appeals, public consultations etc. The applicant has also stated that in Response to ABP Clarification Request that *it has further confirmed that it has no plans for further phases of wind energy development, in the immediate area of the proposed Barnadivane wind farm, particularly as a constraints assessment has indicated that there is no suitable or viable area for wind farm development in this location.* The applicant does not clearly demonstrate what he considers “immediate area” to be. This is unacceptable and clarification needs to be sought by the Bord on this matter. The applicant, which in this case is Arran Wind Farm Ltd, has stated that *it has no plans for further phases of wind energy development, in the immediate area of the proposed Barnadivane wind farm.* This does not remove the possibility of the developers behind this company from developing renewable energy facilities in the immediate area, i.e. solar farms. It is common practice for wind farm developers to be involved in a multitude of different companies as is the case here.

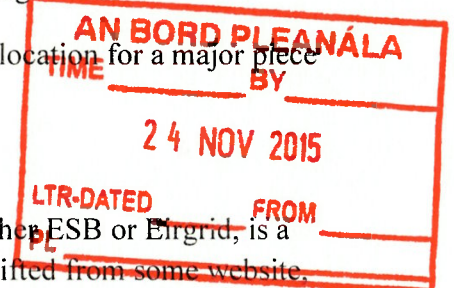
With regard to the statement that ‘no suitable or viable area for wind farm development in this location’, this appears to be contrary to information that is available within this community. It is well known that many landowners in this location have been approached regarding renewable energy projects and that they are merely waiting for the decision regarding the proposed substation to be granted before these applications are rolled out to the relevant authorities.

In conclusion, it is not the role of a private company, Arran Wind Ltd in this case, to decide that Ireland needs a transmission infrastructure connected to the national grid, to facilitate further unknown developments. If Eirgrid, the statutory body in this case, wants to develop a facility of this type, then it needs to demonstrate the need for it, choose a suitable site for it, provide the necessary documents to support it and then go through the proper planning process which includes public participation such as open and transparent public meetings.

I am certain that Eirgrid would never choose such a visually dominant location for a major piece of infrastructure like this.

INDEPENDENT CORROBORATION

The only evidence which the applicant has produced from the TSO, either ESB or Eirgrid, is a 110kv – AIS substation building plan and elevation that appears to be lifted from some website. to demonstrate the need for the proposed increase in the scale and capacity of the substation from that already permitted in connection with the permitted wind farm at this location. These plan and elevation drawings have actually been provided by Arran Wind Farm Ltd and are not as a result of a direct correspondence with Eirgrid and do not fulfill the proofs necessary to satisfy the



request for further clarification by the Bord. There are in fact other options open to the applicants with regard to the design and layout of this substation, for example a GIS 110KV substation which would be considerably smaller than the AIS model. Also the area for expansion is something which can be negotiated with Eirgrid. The rigid regulations regarding the size and layout of a 110kv substation that are supposedly being imposed by Eirgrid are something that the Bord needs to clarify through direct communication with Eirgrid.

TIMELINE

Planning permission for 14 turbine windfarm granted Feb 2007

Applicants secure grid connection 2010 scheduled to connect 2015

Eirgrid new standards issued 2011

As can be seen from the timeline, the applicant had four years in which to construct the wind farm and substation. He did not, stating that there were issues with grid connection, financing etc. No proofs have been placed on file by the applicant to demonstrate these alleged holdups. It is my opinion that the applicant delayed construction in order to maximize profits available through subsidies for larger turbines. This is after all what this development is about-profit for investors. The applicant subsequently, through Cork County Council, got an extension for the wind farm which he subsequently turned into three new applications, (new substation, new windfarm and new road development). We have no guarantee that the applicant will not make more revised applications to the planning authority.

It is not the function of either the planning authority or the Bord to facilitate applicants that are either greedy or incompetent in their approach to the planning system.

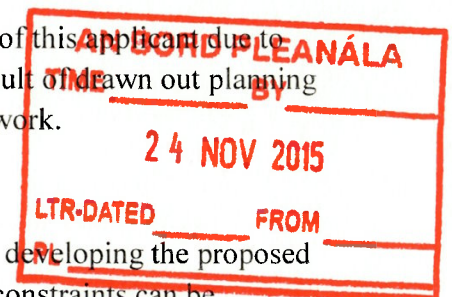
The Bord must ask for proofs at the very least, in a matter as serious as this, as word of mouth is not trustworthy or legally binding.

The applicant is also putting all the blame for the relocation and increase in capacity of the substation onto Eirgrid and then using this to put pressure on the Bord to grant the planning permission. The fault lies entirely with the developer in his adhoc approach to the planning system and he has no right in seeking the Bord to bail him out of the hole he has placed himself in.

In the interest of proper planning, the Bord cannot make a special case of this applicant due to alterations in development technologies and procedures which are a result of drawn out planning permissions with developers waiting for the optimum moment to start work.

NEED FOR RELOCATION OF SUBSTATION

The list of constraints itemised by the applicant is not a real obstacle to developing the proposed substation at the permitted site. The applicant has admitted that all the constraints can be overcome and do not appear to be unduly difficult. For instance, the issue of further consent is



merely an issue of internal squabbling of the relevant stakeholders in the project and is not a matter for the board. It is clear and the applicants have not been able to demonstrate otherwise, that the negative effects especially in relation to visual impact, greatly outweigh any perceived hassles that the developer imagines. In any case, these are totally normal issues faced by developers who, due to the enormous profits involved in their investments, can well absorb any added expense.

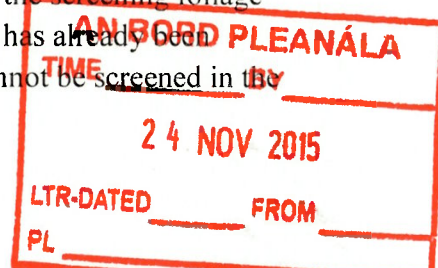
The applicants also state that if they do not get permission for this substation, they will not be able to build either wind farm (permitted or proposed). This is factually incorrect and is another attempt to put undue pressure on the Bord. They can of course, and there is little doubt that they will, make a new application for a grid connection route to another facility, which is the most common way of connecting wind farms. That they have not already done this when they realised that there was a problem with the permitted substation (this information was known to them in 2011) is a matter now for conjecture to everyone but the applicant. Could it be that they had the intention all along to develop a transmission generator with the capacity to connect more wind/solar farms to it? It seems to me that this is the only likely scenario, which is why they sought, through the Bord prior to the proposed substation application, a determination that this was not a SID project, the ramification of which has caused great confusion in the entire application process for the Cork County Council, the Bord and all concerned citizens who have tried to engage with this process.

PHOTOMONTAGES

Only two locations were chosen as focal points to represent the visual impact that the new site would create. Both locations are considerably lower in altitude to the proposed substation, and one is at the lowest possible point from which the proposed substation can be viewed. Both locations are also close to the same viewing axis. Both locations are also a considerable distance from the site.

It is obvious that both these locations were chosen by the applicant to take advantage of the effect of the higher ground and forestry behind the proposed substation and to get maximum benefit for the screening foliage as represented at 4.5mts. in the photomontages.

Obvious locations would be from the road that traverses the top of the hill behind the proposed substation which is a popular walking and recreational area. The views here with the substation in position would be something of an industrial horror show compared with the pastoral views that can be enjoyed at present. Views from the opposite side of the valley would also be vastly different to those from the locations presented. The houses here (many of whom have already lodged objections) are at a similar altitude to the proposed substation and are also much closer and do not receive the benefit of the higher ground or the forestry behind the site due to the orientation of their viewing axis. The higher vantage point also means that the screening foliage as represented in the photo montages would have very little or no effect. It has already been demonstrated in the landscaping section of this observation that the site cannot be screened in the



short to medium term at the very least and is totally unsuitable. There are also no views from the Newcestown road above Monacroha crossroads. This coupled with the already existing windfarm would present a very visually obtrusive view from this recognised waymarked walking route.

The applicants have also been asked to provide for existing development at the site so that they can assess the overall visual impact of the proposed substation. They have however only included two of the existing four turbines in the existing photo montages. This must constitute an error on their behalf and does not provide the board with clarity to make decision.

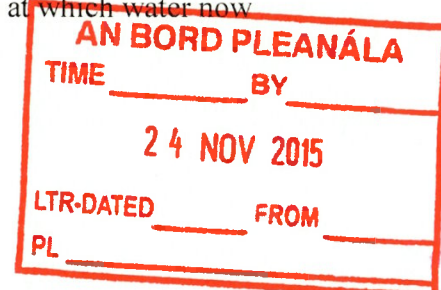
The applicants have already stated in their initial EIS application *that the substation should not be excessively dominant or visually obtrusive in the landscape and should be sited and designed accordingly*. It is very clear that they have not achieved this objective. They have further stated that in the ownership of Eirgrid, further extensions and grid connections are likely. They have not worked this into their visual impact assessment as the applicant failed to consider this in their scoping process.

The applicant has also not provided any visual comparisons with the permitted substation in an attempt to satisfy the ABP Clarification Request to demonstrate its relocation to a more elevated and visually dominant area of the site. This is a key element in their rational for moving the substation and needs to be clearly proven by the applicant through illustrated maps etc.

FAILURE TO DISCLOSE IMPORTANT INFORMATION

The owner of the land where the proposed substation is located, Barry O'Sullivan, has seriously altered the topography of his farm in the past year, especially in the last 4 months. The most significant works were carried out recently when several hundred metres of hedgerow/fieldbanks were removed to create two very large fields. Most importantly, he removed hedgerows that were running parallel to the river Bride. This is strongly discouraged in the IFA guidelines and by the Inland Fisheries because such banks have a very important blocking effect on the movement of rainwater into the river. More significantly one bank was at the base of a very steep hill while another was a good bit further up the hill enclosing several small fields. The hill is completely opened up now and very deep drainage channels have been dug running perpendicular to the river.

- a) The landowner has seriously altered the movement of water on part of the site. This is below the proposed substation which is atop the hill in question. Runoff from the substation has to be reassessed as part of their EIS as the map 'Existing Site Drainage' Fig.8.2 located at 8.2.2 in the EIS attached to the proposed substation application is now factually incorrect as there are newly constructed drains that will accommodate runoff from the proposed site location.
- b) The creation of new drainage ditches has seriously altered the rate at which water now leaves this area.



- c) Risk of pollution of the river Bride which abuts the windfarm site has greatly increased due to land reclamation.

All of this is relevant with regard to the Bord's request for a need to demonstrate a satisfactory need to relocate the substation to a more elevated area. In the applicants response, they state that the new site would have less negative impacts on the local ecology.

However, in light of the significant alterations to hydrology and ecology of the site, a reassessment of the true effects of relocating the permitted substation has to be undertaken and should have been included in the applicant's response. I have attached a series of photographs which demonstrate some of the reclamation works carried out by the landowner. They are arranged chronologically and are numbered 1-4.

CONCLUSION

I hope that the Bord will consider the points that I have raised here in their decision making process and I urge the Bord to refuse planning permission.

Michael O'Donovan & Stephanie Larkin
Moneygoff East
Castletown
Enniskeane
Cork

