- (
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SECTION 131 FORM

Appeal NO:_PL <u>SU . 248</u> 153	Defer Re O/H
TO:SEO / For Boord Direction	
Having considered the contents of the submission dated/recommend Ack on Group	eived 6/10/17 8 9/10/17
I recommend that section 131	of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s):	
E.O.: 18hy	Date:
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:
MS. Collins	
Please prepare BP	osing a copy of the attached
o: Applicant & PA	
Allow 2/3/4weeks - BP 4 MM	
EO: 18hy	Date: 16/10/14
AA: \\	Date: 26. \ 15. [7

	File With			
CORRESPOND				
ppeal No: PL 248 K3				
s. colim				
lease treat correspondence received on 6/10/17 & 9/10/17 as follows:				
. Update database with new agent for Applicant/Appellant				
2. Acknowledge with BP <u>28</u>	1. RETURN TO SENDER with BP			
3. Keep copy of Board's Letter	2. Keep Envelope: 3. Keep Copy of Board's letter			
Amendments/Comments Rosponce	h Appellant			
Amendments/Comments 1655 St. September 2017				
DUNTON OCCION DE SOFCE, INC.				
	· · · · · · · · · · · · · · · · · · ·			
4. Attach to file				
(a) R/S (d) Screening	RETURN TO EO			
(b) GIS Processing (e) Inspectorate				
(c) Processing				
	Plans Date Stamped Date Stamped Filled in			
EO: () ()	AA: Roslan Callins			
EO: Shy	Date: -10-1}			
Date 11 / 10 / 10				

Leonard Mangan

From:

Joe Noonan <jnoonan@nlcc.ie>

Sent:

Friday 6 October 2017 16:09

To:

Bord

Cc:

Pippa Willows - Legal Secretary, Noonan Linehan Carroll Coffey

Subject:

Your refs: PL04.248153 (245824)

Attachments:

06.10.17 - Email Submission Letter to ABP.pdf; Letter from Patrick Manning for ABP 03.10.2017.pdf; Letter from Buckley, Larkin, O'Donovan to ABP 06.10.2017.pdf; 02.02.15 - Letter from KMS.pdf; KMS Valuation - Cohalan.pdf; KMS Valuation -

Sheehan.pdf; KMS Valuation - Galvin.pdf

Noonan Linehan Carroll Coffey

SOLICITORS www.nlcc.ie

TO: The Secretary, An Bord Pleanála

FROM:

Joe Noonan
NOONAN LINEHAN CARROLL COFFEY
Solicitors
54 North Main Street
Cork.
T12 WY2D

Tel 021 4270518 Fax 021 4274347

www.nlcc.ie

Cyber-crime warning: Please be aware of cyber-crime when dealing with the electronic transfer of funds. Please note that we will only give or accept bank account details in writing on paper. We will **never** ask you to give us your bank account details by email, fax or over the phone. We will **never** give you our bank account details by email, fax or over the phone. If you receive an email claiming to be from us which contradicts this policy, please do not act on it and please let us know immediately

Confidentiality: This email and any attachments are confidential to the person named above. If we have sent this email to your email address by mistake, please reply and let us know. Then please delete the email and any attached files from your system. You should note also that the material contained in this email and any attached files may be legally privileged. The unauthorised use of any of this material may be unlawful.

[Evolve Platform:4c2d4022-c2fa-43ad-944a-ef4f90141314]

Noonan Linehan Carroll Coffey

SOLICITORS 54 North Main Street Cork

> T12W2YD www.nlcc.ie DX 2044 Cork

> > Telephone: 021 4270518 Fax: 021 4274347 Email: inoonan@nlcc.ie

The Secretary An Bord Pleanála, Marlborough Street, Dublin 1

~ By Email – <u>bord@pleanala.ie</u> & DX Courier ~

6th October 2017

Our ref: 22007-16/JN/PW

Your refs: PL04.248153 (245824)

PA Reg. Ref. 14/6760

RE: 6 no. wind turbines

Lackareagh and Garranereagh

Lissarda and Barnadivane, Terelton, County Cork

Dear Sir/Madam,

Further to your letter dated 13th September 2017 with enclosure, enclosed please find the following documents setting out the material which our clients wish the Board to consider at this stage, in addition to their previous submissions:

- 1. Letter from Patrick Manning, 3rd October 2017
- 2. Letter from Denis Buckley, Michael O'Donovan & Stephanie Larkin, 6th October 2017
- 3. Letter dated 2nd February 2015 from Keane Mahony Smith Auctioneers confirming that in their expert opinion the proposed development will have a negative impact on property values in the area including those of our clients and of notice party Jerome Cohalan.

"The proposed wind farm if developed will have a significant negative factor in the marketability, attractiveness and ultimately the achievable sale price of the property".

- 4. Valuation prepared by Keane Mahony Smith Auctioneers regarding property of Jerome Cohalan
- 5. Valuation prepared by Keane Mahony Smith Auctioneers regarding property of Patrick Sheehan
- 6. Valuation prepared by Keane Mahony Smith Auctioneers regarding property of Dan Galvin

Our clients' properties are all close to the proposed wind farm. (Specific distances are given in the letter from Mr Buckley et al. and the letter from Mr Manning)

In conclusion we submit that the Board is by now aware (or ought to be aware) that serious noise nuisance is being experienced in multiple sites due to windfarms which claim to be complying with their Board-drafted noise conditions.

County Councils are having immense difficulty taking effective enforcement action due at times to Board-drafted noise conditions which are badly drafted.

The Board repeatedly seeks to justify such ineffective conditions by asserting that they are in keeping with the vague and scientifically unsubstantiated guidance contained in Section 5 of the 2006 Wind Energy Development Guidelines. The responsible Ministers have publicly declared those Guidelines unfit for purpose, inter alia so far as protecting the public from noise nuisance. The Board knows that. It continues nevertheless to impose such ineffective conditions that homes have to be abandoned. So far, the Board has disregarded that evidence of real world effects, preferring instead patently unreliable computer predictions and unfit guidance so out of date it does not even address the by now well recognised nuisance posed by excess Amplitude Modulation.

We urge the members of the Board to put aside its current unthinking practice and to reassess in a scientific and evidence based manner what the Board is doing to the lives of peaceful and good people who find themselves landed with industrial wind turbines next to their homes.

We ask the Board to refuse this application.

Yours faithfully,

Joe Noonan

NOONAN LINEHAN CARROLL COFFEY

Mr. Patrick Manning
Barnadivane,
Terelton,
Macroom,
Co. Cork

03.10.2017

To whom it concerns

The investment property that I own, circled in red on the attached map (Map #1), is only circa 400 metres from the turbine **T4** circled in cyan on same. This clearly falls short of the minimum distance required under Irish law. Safe and considerate planning would ensure that the minimum 500m along with the proposed 1000m limit suggested under the proposed Wind Turbine Regulation Bill 2016 is adhered to.

Furthermore, both this property, and that which I reside at, circled in yellow on the attached map (Map #1), will be subjected to noise levels above the allowed decibel (db) level under the proposed turbine layout.

From Map #2 attached, detailing the predicted cumulative noise levels", it can be clearly seen that both of my properties, labelled **54** and **55** respectively, will be subjected to noise levels in excess of **43db** – the allowable night time limit.

I will also point out that these predicted db contours are just that – <u>Predictions!</u> It may in fact be subjected to far higher decibel levels of noise than what these db models are suggesting. What are the margins of error in this model? These margins of error need to be considered and the db contours revised to reflect that.

Additionally, may I point out that **40dbs** is representative of a <u>typical refrigerator unit</u>. Why should I be subjected to the hum drum of a fridge for the remainder of my days after working all my life?

No planning application should allow a turbine layout to encroach upon another person's property in terms of db levels and physical location.

Yours Faithfully

PATRICK MANNING

Patrick Marning.

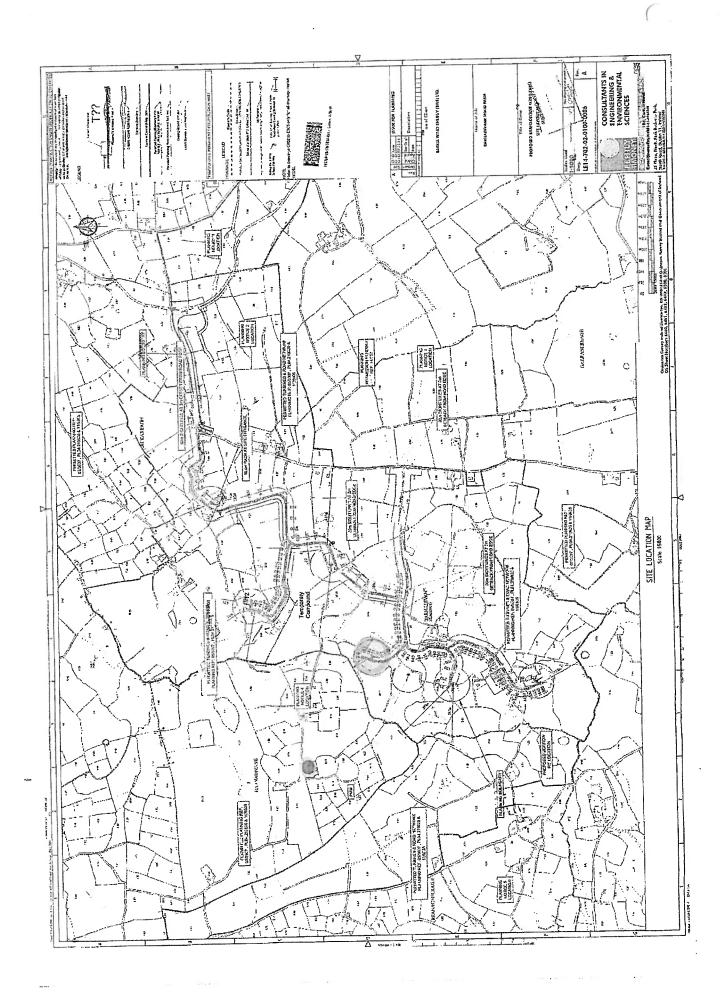
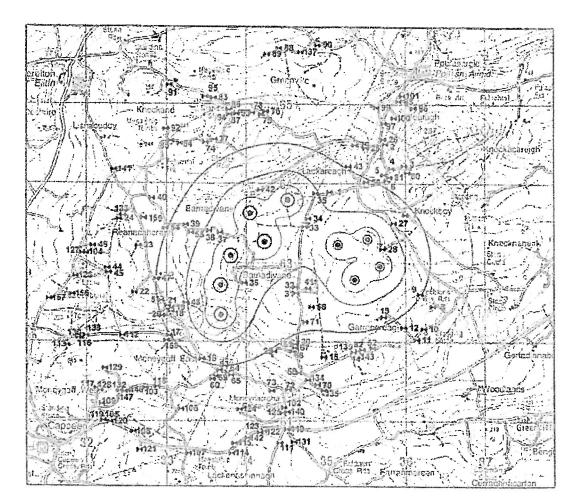


Figure 9-2: Predicted Cumulative Noise Levels at 10 m/s Standardised 10 m Height Wind Speed



The Secretary
An Bord Pleanála,
Marlborough Street,
Dublin 1

6th October 2017

Dear Sir/Madam,

While we understand that the ruling in our High Court case required the Board to circulate the information most recently sent to us we feel it is essential to point out that this information is now out of date (and so is incorrect) as one of the main premises it was based on - that there were extant planning permissions for a substation and 14 turbine wind farm - no longer exists.

In this context Fehily Timoney's reasoning and rational for many of their assertions, conclusions and alternative scenarios can no longer be applied. Both applications must be reassessed in light of this. Not to do so can only result in a seriously flawed outcome. Due recognition of this critical change to one of the main arguments underpinning these planning applications should be made by refusing them both outright.

Once again for the record we want to record how close the nearest turbine will be to our homes so the Board can be in no doubt and have a clear understanding of why we have serious concerns around devaluation of our properties and why this concern must be addressed in a meaningful way:

Denis Buckley, house on farm - 706m, but land boundary much closer Stephanie Larkin & Michael O'Donovan - 609m
Pat & Noelle Sheehan - 743m
Dan & Tess Galvin, house on farm - 814m, but land boundary much closer Patrick Manning - 572m
David Forde - 631m
JP & D O'Callaghan - 823m
J Nyhan - 994m

Yours sincerely,

Denis Buckley, Michael O'Donovan & Stephanie Larkin

KEANE MAHONY SMITH



35 Grand Parade, Cork, Ireland.

tel: 021 427 0311

fax: 021 427 1296 email: keanemahonysmith@gmail.com

www.k-m-s.com

Mr Joe Noonan, Noonan Linehan Carroll Coffey, Solicitors, 54 South Mall, Cork.

2nd February 2015

Re: Proposed Wind farm Development by Barna Wind Energy at Gurranreigh, Lissarda and Barnavidane, Teralton for 6no
131 meter high turbines.
Planning reference: 14/1760

Dear Sirs,

We write to confirm that we have carried out inspections of the following properties and have made other appropriate enquiries in order to provide you with our opinion of the Current Market Value.

- (1) Ashmore House, Hornhill, Lissarda Ms Geraldine Hanley
- (2) Gurranreight, Lissarda Jerome & Nickie Cohalan
- (3) Gurranreight, Lissarda Dan & Tessie Galvin
- (4) Moneygave, Coppeen, Enniskeane Paddy & Noelle Sheehan

We have prepared Certificates of Current Market Value for each of the properties on the basis that clean marketable Titles are in place.

At this stage we are not in a position to comment on what effort the proposed Wind Farm will have on the market value of the aforementioned properties, suffice to say that the erection of a wind turbine creates apprehension in the general public which makes the property less desirable and therefore diminishes the prices of all neighbouring properties.

Studies have shown that fear of wind farms can negatively affect purchase prices and there is continuing scientific uncertainty over the advance health consequences and only seems to perpetuate the debilitating effect of wind turbines on property prices.

The proposed wind farm if developed will have a significant negative factor in the marketability, attractiveness and ultimately the achievable sale price of the property.

We trust this is the information you require for now, and if we can be of any further assistance, please do not hesitate to contact us.

Y ours faithfully,

For Kane Mahony Smith

Antho ny O'Regan





tel: 021 427 0311

fax: 021 427 1296

email: keanemahonysmith@gmail.com

www.k-m-s.com

Property Address:

Gurranreigh, Lissarda, Co Cork.

Owners Name:

Jerome and Nickie Cohalan

Brief Description:

New part three storey detached residence

Accommodation:

Hall, sitting room, kitchen/dining room, spare bedroom, study/

library, guest cloakroom, utility room, 4 bedrooms, 3 bathrooms. Top Floor:

bedroom and work station.

When Built:

2012

Floor Area:

c3,700sq.ft.

Site Area:

C.1.2 Acre

Services:

Septic Tank/Mains - Septic Tank

Private Well/Mains Water - Private Well

Heating - Oil fuel central heating and solar panels

Distance from Proposed Wind Farm: 1050 metres

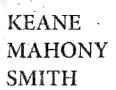
Additional Comments:

Current Market Value: €4,00,000.00 (Four Hundred Thousand Euro).

Signed:

Anthony O'Regan

Date: 2/2/2515





tel: 021 427 0311

fax: 021 427 1296

email: keanemahonysmith@gmail.com

www.k-m-s.com

Property Address:

Moneygave, Coppeen, Enniskeane, Co Cork.

Owners Name:

Paddy & Noelle Sheehan

Brief Description:

4/5 bedroom detached bungalow

Accommodation:

Hall, sitting room, kitchen/dining, utility room, downstairs toilet, 3 bedrooms, bathroom. First floor - main bedroom with ensuite, double

bedroom and garage.

When Built:

1998

Floor Area:

c1,700sq.ft.

Site Area:

C.1/2 Acre

Services:

Septic Tank/Mains - Septic Tank

Private Well/Mains Water - Private Well

Heating - Oil and solid fuel

Distance from Proposed Wind Farm: 700/800 metres

Planning Denartment - re8 2015 Council ""IL Hall · srt

Additional Comments:

Current Market Value: €255,000.00 (Two Hundred and fifty five Thousand Euro).

Signe

O'Regan

Date: 2 2 2015.



Moneygove, Coppen. Emission - Pely , Nelle Stacker.





tel: 021 427 0311

fax: 021 427 1296

email: keanemahonysmith@gmail.com

www.k-m-s.com

Property Address:

Gurranreigh, Lissarda, Co Cork.

Owners Name:

Dan & Tessie Galvin

Brief Description:

1 1/2 storey farmhouse

Accommodation:

Hall, kitchen/living room, conservatory, dining room,

bedroom, bathroom and office. Four bedrooms, (1 ensuite) and bathroom.

When Built:

1997

Floor Area:

c2,200sq.ft.

Site Area:

C.1 Acre

Services:

Septic Tank/Mains - Septic Tank

Private Well/Mains Water - Private Well

Heating - Oil and solid fuel

Distance from Proposed Wind Farm: 750 metres

Additional Comments:

Current Market Value: €300,000.00 (Three Hundred Thousand Euro).

Signed:

Anthony O'Regan

Date:

Planning Department

UL FEB 2015

ork.

y Council

Anthony O'Regan MIPAV MCF1 | Decrego Traife MIPAV SEV MCF1



Green Reigh Lisselle - Dan , Fisse Gelin

Noonan Linehan Carroll Coffey

SOLICITORS AN BORD PLEASANTS4 North Main Street Cork 8 0 FOT 2017 **T12 WY2D** www.nlcc.ie DX 2044 Cork

The Secretary An Bord Pleanála, Marlborough Street, Dublin 1

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

6th October 2017

Our ref: 22007-16/JN/PW

Your refs: PL04.248153 (245824)

PA Reg. Ref. 14/6760

RE: 6 no. wind turbines

Lackareagh and Garranereagh Lissarda and Barnadivane, Terelton, County Cork

Telephone: 021 4270518 Fax: 021 4274347

Email: info@nlcc.ie

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Joe Noonan BCL Commr for Oaths

Mary Linehan BCL Eamonn Carroll BCL LLB

Philip Coffey BCL LLM Claire Coleman BCL

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Yours faithfully,

Joe Noonan

NOONAN LINEHAN CARROLL COFFEY

AN BORD PLEANÁLA

TIME ______ BY _____

0 9 0CT 2017

RECEIVED BY ______

Mr. Patrick Manning

Barnadivane,

Terelton,

Macroom,

Co. Cork

03.10.2017

AN BORD PLEANÁLA
TIME ______BY ____

0 9 OCT 2017

RECEIVED BY _____
PL ___

To whom it concerns

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Yours Faithfully

PATRICK MANNING

Patrick Manning.

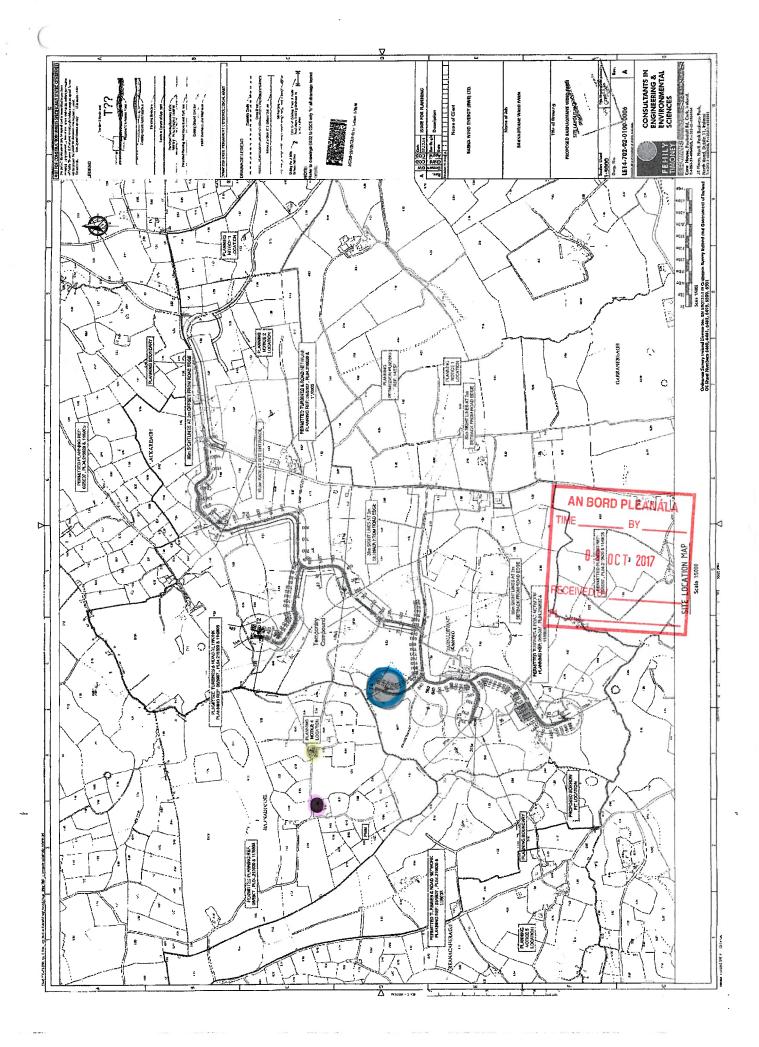
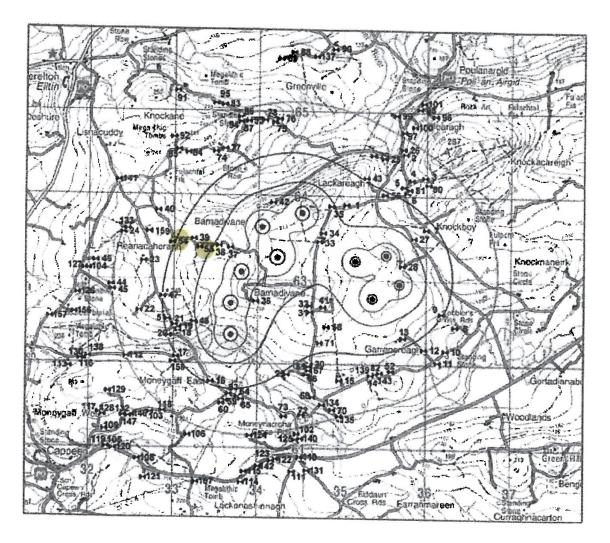


Figure 9-2: Predicted Cumulative Noise Levels at 10 m/s Standardised 10 m Height Wind Speed



AN BORD PLEANÁLA
TIME ______BY ____

0 9 OCT 2017

RECEIVED BY _____
PL ____

The Secretary An Bord Pleanála, Marlborough Street, Dublin 1

6th October 2017

Dear Sir/Madam,

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AN BORD PLEANÁLA

0 9 OCT 2017

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Pat & Noelle Sheehan - 743m

Dan & Tess Galvin, house on farm - 814m, but land boundary much closer

Patrick Manning - 572m

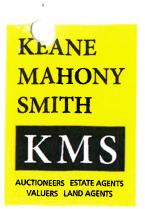
David Forde - 631m

JP & D O'Callaghan - 823m

J Nyhan - 994m

Yours sincerely,

Denis Buckley, Michael O'Donovan & Stephanie Larkin



tel: 021 427 0311

fax: 021 427 1296

email: keanemahonysmith@gmail.com

www.k-m-s.com

Mr Joe Noonan, Noonan Linehan Carroll Coffey, Solicitors, 54 South Mall, Cork.

2nd February 2015

Re: Proposed Wind farm Development by Barna Wind Energy at Gurranreigh, Lissarda and Barnavidane, Teralton for 6no AN BORD PLEANÁLA

131 meter high turbines. Planning reference: 14/1760

BY_

9 007 2012

RECEIVED DV

Dear Sirs,

We write to confirm that we have carried out inspections of the following properties and have made other appropriate enquiries in order to provide you with our opinion of the Current Market Value.

- (1) Ashmore House, Hornhill, Lissarda Ms Geraldine Hanley
- (2) Gurranreight, Lissarda Jerome & Nickie Cohalan
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- (4) Moneygave, Coppeen, Enniskeane Paddy & Noelle Sheehan

We have prepared Certificates of Current Market Value for each of the properties on the basis that clean marketable Titles are in place.

At this stage we are not in a position to comment on what effort the proposed Wind Farm will have on the market value of the aforementioned properties, suffice to say that the erection of a wind turbine creates apprehension in the general public which makes the property less desirable and therefore diminishes the prices of all neighbouring properties.

Studies have shown that fear of wind farms can negatively affect purchase prices and there is continuing scientific uncertainty over the advance health consequences and only seems to perpetuate the debilitating effect of wind turbines on property prices.

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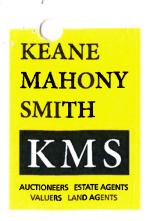
Yours faithfully, For Keane Mahony Smith

Anthony O'Regan

AN BORD PLEANÁLA

0 9 OCT 2017

RECEIVED BY_



tel: 021 427 0311

fax: 021 427 1296

email: keanemahonysmith@gmail.com

AN BORD PLEANÁLA

0 9 OCT 2017

RECEIVED BY___

www.k-m-s.com

Property Address:

Gurranreigh, Lissarda, Co Cork.

Owners Name:

Jerome and Nickie Cohalan

Brief Description:

New part three storey detached residence

Accommodation:

Hall, sitting room, kitchen/dining room, spare bedroom, study/

library, guest cloakroom, utility room, 4 bedrooms, 3 bathrooms. Top Floor:

bedroom and work station.

When Built:

2012

Floor Area:

c3,700sq.ft.

Site Area:

C.1.2 Acre

Services:

Septic Tank/Mains - Septic Tank

Private Well/Mains Water - Private Well

Heating - Oil fuel central heating and solar panels

Distance from Proposed Wind Farm: 1050 metres

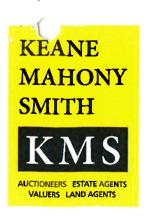
Additional Comments:

Current Market Value: €400,000.00 (Four Hundred Thousand Euro).

Signed:

Anthony O'Regan

Date: 2/2/2015



tel: 021 427 0311

fax: 021 427 1296

email: keanemahonysmith@gmail.com

TIME _____ BY ___

RECEIVED BY

0 9 OCT 2017

www.k-m-s.com

Property Address:

Gurranreigh, Lissarda, Co Cork.

Owners Name:

Jerome and Nickie Cohalan

Brief Description:

New part three storey detached residence

Accommodation:

Hall, sitting room, kitchen/dining room, spare bedroom, study/

library, guest cloakroom, utility room, 4 bedrooms, 3 bathrooms. Top Floor:
AN BORD PLEANÁLA

bedroom and work station.

When Built:

2012

Floor Area:

c3,700sq.ft.

Site Area:

C.1.2 Acre

Services:

Septic Tank/Mains - Septic Tank

Private Well/Mains Water - Private Well

Heating - Oil fuel central heating and solar panels

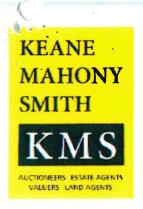
Distance from Proposed Wind Farm: 1050 metres

Additional Comments:

Current Market Value: €400,000.00 (Four Hundred Thousand Euro).

Signed

Date: 2/2/2515



tel: 021 427 0311

fax: 021 427 1296

email: keanemahonysmith@gmail.com

www.k-m-s.com

Moneygave, Coppeen, Enniskeane, Co Cork. **Property Address:**

Owners Name:

Paddy & Noelle Sheehan

Brief Description:

4/5 bedroom detached bungalow

TIME ______ BY __

AN BORD PLEANÁLA

Hall, sitting room, kitchen/dining, utility room, downstairs Accommodation: toilet, 3 bedrooms, bathroom. First floor - main bedroom with ensuite, double

bedroom and garage.

When Built:

1998

Floor Area:

c1,700sq.ft.

Site Area:

C.1/2 Acre

Services:

Septic Tank/Mains - Septic Tank

Private Well/Mains Water - Private Well

Heating - Oil and solid fuel

Distance from Proposed Wind Farm: 700/800 metres

Planning Department

- FEB 2015

Council Comy Hall Ork

Additional Comments:

Current Market Value: €255,000.00 (Two Hundred and fifty five Thousand Euro).

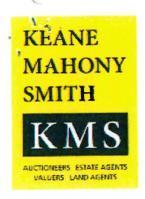
Date: 2 2 2015.



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www.k-m-s.com

Gurranreigh, Lissarda, Co Cork. **Property Address:**

Owners Name:

Dan & Tessie Galvin

Brief Description:

1 1/2 storey farmhouse

Accommodation:

Hall, kitchen/living room, conservatory, dining room, bedroom, bathroom and office. Four bedrooms, (1 ensuite) and bathroom.

When Built:

1997

Floor Area:

c2,200sq.ft.

Site Area:

C.1 Acre

Services:

Septic Tank/Mains - Septic Tank

Private Well/Mains Water - Private Well

Heating - Oil and solid fuel

Distance from Proposed Wind Farm: 750 metres

Additional Comments:

Current Market Value: €300,000.00 (Three Hundred Thousand Euro).

Signed

Planning Department

UZ FEB 2015

...y Council County Hall

Anthony O'Regan MIPAV MCFI | Darragh Taaffe MIPAV REV MCH



Greeneigh Lissela - Da , Jessie Galvin

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