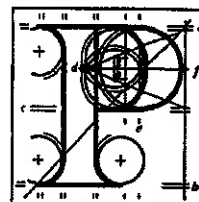


Our Case Number: ABP-316051-23

Planning Authority Reference Number:



**An
Bord
Pleanála**

Gerard Murtagh
Glasson
Athlone
Co. Westmeath
N37 HF98

Date: 05 May 2023

Re: Renewable energy development comprising 9 no. wind turbines and associated infrastructure.
Umma More and adjacent townlands, County Westmeath.

Dear Sir / Madam,

An Bord Pleanála has received your observation or submission in relation to the case mentioned above and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the Local Authority and at the offices of An Bord Pleanála when they have been processed by the Board.

For further information on this case please access our website at www.pleanala.ie and input the 6-digit case number into the search box. This number is shown on the top of this letter (for example: 303000).

Yours faithfully,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

BL50A

Tel
Glao Áitiúil
Facs
Láithreán Gréasáin
Riomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1890 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

An Bord Pleanála,
64 Marlborough St
Dublin 1.
D01 V902.
25/04/2023
ABP Case Ref: PA25M.316051

316051 : Umma More and adjacent townlands, Co Westmeath.

Renewable energy development comprising 9 no. wind turbines and associated infrastructure.

Dear Sir/Madam,

I wish to make the following submissions and object to the proposed development on the following grounds:

- (A) Folio WH 493: This folio contains H9 on planning map (H9 on shadow flicker map and Drawing Figure 1 on the Community Report) and the land within which proposed T1 is located.

Although my mother, Madeleine appears to have been signed a form in February 2022. Her signature is not witnessed by an independent solicitor. In addition, at the time of signature, folio **WH493** was registered to both my parents, Madeline and Patrick J Murtagh. There is no indication that the consent of Patrick J Murtagh was ever sought or given.

I wish to place Bord Pleanála on notice that my mother is over 80 years of age and would be classified as a legally vulnerable person within the terms of the Consumer Protection Legislation. From my conversations with her, she appears to have no comprehension nor understanding of the magnitude nor scale of this development. I do not believe that her signature constitutes informed consent.

Please see Folio WH493 attached - attachment 1.

Please see Interim Death Certificate of Patrick J Murtagh attached- attachment 2.

(B). In addition, I wish to highlight that Folio **WH493** is a parent folio from which a site was transferred to myself, Gerard Murtagh since June 2004. I am the registered owner of this property, namely Folio WH20940F. I have never been approached by MKO Energy, seeking my consent to their prospective development. I only became aware of the development after application for planning permission was made to An Bord Pleanála.

Please see Folio WH20940F attached (attachment 4).

- (C). Drawings:

Drawing Number 201050-02 the landowner's boundary are incorrectly identified.

(Drawing Number 201050-02 refers to Question No 7 in SID planning application requesting information on beneficial interests to adjoining, abutting or adjacent lands).

3 Folios are wrongfully classified as part of the landowners boundary. The following Folios are not part of the landowners boundary as follows:

*Folio WH11629 – H12 on Drawing Number Figure 1 of Community Report (H12 on shadow flicker map) was my father's property; which is registered solely to Patrick J Murtagh, who I have explained passed in November 2022. He never gave consent to this development and neither has parties (me included) with a beneficial interest in this property consented/agreed to the development.

Certificate of death attached (attachment 2) and Folio (attachment 3).

*Folio WH20940F – This is my property; registered to me, Gerard Murtagh since June of 2004 and I have never been approached by Enerco Energy. I only became aware of the development after application for planning permission was made to An Bord Pleanála (attachment 4).

*Folio WH493 – The consent of both owners was not given to seek planning permission for this development (attachment 1).

Drawing Number 201050-02B Baskin House is omitted from Folio WH493.
My mothers home house has not been identified nor included in any of the planning application and has therefore been wrongfully disregarded in the planning application.
Location of mothers home house (attachment 5).

Location of T1 in relation to Baskin House from Folio WH493.
This house is closer again to the wind turbine than H9 and property belonging to my deceased father (H12). There are no measurements in relation to distances etc as it was omitted incorrectly from the application but it is in no doubt considerably less than 4 times the tip height of the wind turbine and no consideration has been given to this. Distance from wind turbine to house (attachment 6).

Location of T1 in relation to H12 on Drawing Number Figure 1 on the Community Report (H12 on Shadow Flicker Map).

Folio **WH11629** my fathers property to the north of the site entrance/exit is not in agreement/consented to the proposed development.

When taking into consideration the curtilage of this house from the point closest to the wind turbine my concerns are that the distance from these two points will fall short of 4 times the tip height of the wind turbine (attachment 7).

(D)

Some of the main impacts of the development on Folio **WH11629** – H12 on Drawing Number Figure 1 on the Community Report (H12 on Shadow Flicker Map); my father's property; registered solely to Patrick J Murtagh without giving consent/agreement to the proposed development include shadow flicker, noise generation, traffic, fumes, dust, substantial increase in overshadowing/overlooking, loss of light, health and safety, disturbance, property devaluation, adverse effect on the tenants in the property and visual amenity are of serious concern for me especially given the distance of T1 from the property and the location of the road adjacent to the property leading down to the turbines.

Some of the main impacts of the development on Folio **WH20940F** - My property; registered to me Gerard Murtagh without giving consent/agreement to the proposed development include shadow flicker, noise generation, traffic, fumes, dust, substantial increase in overshadowing/overlooking, loss of light, health and safety, disturbance, property devaluation, and visual amenity are of serious concern for me especially given the distance to T1 from the property and the location of the road. The intention is for me to return home to the family farm and build a home close to my family.

Some of the main impacts of the development on Folio **WH493**– H9 on planning map (H9 on shadow flicker map and Drawing Figure 1 on the Community Report), my home house and my mother's current residence; registered to Patrick J Murtagh and Madeline Murtagh without proper consent/agreement to the proposed development include shadow flicker, noise generation, traffic, fumes, dust, substantial increase in overshadowing/overlooking, loss of light, health and safety, disturbance, property devaluation, adverse effect on the residents in the property

and visual amenity are of serious concern for me especially given the distance of T1 from the property and the location of the road leading down to the turbines.

Given the existing medical conditions of the residents residing [REDACTED] I am severely concerned over the implications such a development would have on their health and mental health. The occupiers in my mother's house would be classified as vulnerable persons and in my opinion there is a potential lack of capacity / complete unawareness of the development.

Also Baskin house contained within the same folio is omitted from the planning application; The house will become completely uninhabitable due to the inability to renovate because of the location of T1 and the planning implications of it.

Proposed development consultation.

Although there were consultations with one consenting landowner in relation to T2, there is no evidence that any other family members were appropriately consulted about this planning application.

Considering the above I want to object to the proposed development. I do not consider that it is proper planning to seek planning permission for a development without the informed consent of all affected landowners.

Yours sincerely,

Gerard Murtagh

Glasson,
Athlone,
Co. Westmeath.
N37 HF98
[REDACTED]

Click the links below to go
directly to the attachments or
scroll through whole document

[Attachment 1](#)

Ref 316051

[Attachment 2](#)

Gerard Murtagh

[Attachment 3](#)

Observation attachments

[Attachment 4](#)

[Attachment 5](#)

[Attachment 6](#)

[Attachment 7](#)



The Property Registration Authority
An tÚdarás Clárúcháin Maoine

Land Registry Sealed and Certified Copy Folio (& Filed Plan)

gerard
murtagh
glasson
athlone
athlone
westmeath, N37 HF98

This page forms part of the official document. Do not detach.

Folio Number: WH493
Application Number: P2023LR045722E
Your Reference: baskin home and mrs allens

This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of **dealings pending** (if any) on the enclosed folio/filed plan are listed in the **Schedule** below.


An officer duly authorised by the Property Registration Authority.

Schedule

Notes:

1. Filed plans should be read in conjunction with the Register. The description of the land in the Register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
2. Filed plans greater than A3 in size may be provided as separate A3 tiles with an overlap and print gutter. When aligning the tiled sheets, customers are advised to use the underlying topographical detail.
3. On receipt of this record, please check to verify that all the details contained therein are correct. If this is not the case, please return the document to the Property Registration Authority immediately.

Folio Number: WH493
Date Printed: 19/04/2023

Application Number: P2023LR045722E
Page 1 of 7

Land Registry

County Westmeath

Folio 493

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	A plot of ground being part of the Townland of BASKIN HIGH and Barony of KILKENNY WEST containing 54.9968 Hectares shown as Plan(s) 493 edged RED on the Registry Map (OS MAP Ref(s) 23/12, 23/7, 23/8).	V.O. 16844
2	A plot of ground being part of the Townland of BASKIN HIGH and Barony of KILKENNY WEST containing .1265 Hectares shown as Plan(s) 493 edged RED on the Registry Map (OS MAP Ref(s) 23/7, 23/8, 23/12).	V.O. 16844

Land Cert Issued: No

Page 1 of 4

Collection No.:

Date Printed: 19/04/2023

Page 2 of 7

Number: WH493

Application Number: P2023LR045722E

Attachment 1 - page 3 of 7

Land Registry
County Westmeath

Folio 493

Part 1(B) - Property
Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:
1	1	D2004XS008240Y	16-JUN-2004		A7AJ9	WH20940F

Land Registry

County Westmeath

Folio 493

Part 2 - Ownership

Title POSSESSORY V.O. (26/7/1899)

No. The devolution of the property is subject to the provisions of Part
 II of the Succession Act, 1965

The devolution of the property is subject to the provisions of Part IV of the Registration of Title Act, 1891.

1 16-MAR-1966 PATRICK J. MURTAGH (FARMER) of HIGH BASKIN, DRUMRANEY, ATHLONE,
1937/3/66 COUNTY WESTMEATH and MADELINE (OTHERWISE MARY MADELINE) MURTAGH
(MARRIED WOMAN) of HIGH BASKIN, DRUMRANEY, COUNTY WESTMEATH are
full owners of property number(s) 1, 2.

Address altered see D2007NL036670C

Land Registry

County Westmeath

Folio 493

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.</p> <p>Cancelled D2004XS008240Y 16-JUN-2004</p>

620440 mE, 749250 mN



**The Property
Registration Authority**
An tÚdarás
Clárúcháin Maoin
Folio: WH493

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- Sub-Leasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at:
www.landiregistry.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:10000 Scale
Page 5 of 7



Attachment 1 - page 6 of 7

Application Number: P2023LR045722E

Creation Date: 19 April 2023 16:37:40

617240 mE, 746650 mN
Date Printed: 19/04/2023



The Property
Registration Authority
An tÚdarás
Clárúcháin Maoin
Folio: WH493

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

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The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deeds and Title Act 2006.

CORONER'S INTERIM CERTIFICATE OF THE FACT OF DEATH

DEATH

REF. NO. COR/279/22

Date and Place of Death: 14/11/2022 AT ELIZA LODGE NURSING HOME,
BANAGHER, CO OFFALY

Name and Surname: PATRICK J MURTAGH

Address: HIGH BASKIN,
DRUMRANEY,
ATHLONE,
CO WESTMEATH

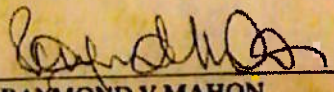
Occupation: FARMER

Date of Birth: 07/06/1936

Sex: MALE

I certify that I am inquiring into the death of the above named, and have taken evidence of the facts set out above.

- A Death Certificate will issue in due course
- A decision will be made as soon as possible:
- Cause of Death has yet to be established:

SIGNED: 
RAYMOND V MAHON
Coroner for the County of Offaly

DATE: 07/12/2022
RAYMOND V. MAHON
CORONER - CO. OFFALY,
HIGH STREET, TULLAMORE



The Property Registration Authority
An tÚdarás Clárúcháin Maoine

Land Registry Sealed and Certified Copy Folio (& Filed Plan)

gerard
murtagh
glasson
athlone
athlone
westmeath, N37 HF98

This page forms part of the official document. Do not detach.

Folio Number: WH11629
Application Number: P2023LR045723G
Your Reference: baskin home and mrs allens

This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of dealings pending (if any) on the enclosed folio/filed plan are listed in the **Schedule** below.

An officer duly authorised by the Property Registration Authority.

Schedule



Notes:

1. Filed plans should be read in conjunction with the Register. The description of the land in the Register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
2. Filed plans greater than A3 in size may be provided as separate A3 tiles with an overlap and print gutter. When aligning the tiled sheets, customers are advised to use the underlying topographical detail.
3. On receipt of this record, please check to verify that all the details contained therein are correct. If this is not the case, please return the document to the Property Registration Authority immediately.

Folio Number: WH11629
Date Printed: 19/04/2023

Application Number: P2023LR045723G
Page 1 of 6

Folio Number: WH11629

Application Number: P2023LR045723G

Land Registry**County Westmeath****Folio 11629****Register of Ownership of Freehold Land****Part 1(A) - The Property**

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	The property shown coloured RED as Plan(s) 20 on the Registry Map, situate in the Townland of BASKIN HIGH, in the Barony of KILKENNY WEST, in the Electoral Division of DRUMRANEY.	From Folio WH9675

Land Cert Issued: Yes

Page 1 of 4

Collection No.:

Date Printed: 19/04/2023

Page 2 of 6

Land Registry

County Westmeath

Folio 11629

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965
-----	--

1	10-OCT-1991	PATRICK J MURTAGH of BASKIN, DRUMRANEY, ATHLONE, COUNTY WESTMEATH is full owner.
	X5682/91	
		Land Cert Application No.: 633384236838
		Date: 20-SEP-1993
		Issued To: HENRY ARIGHO & CO. SOLRS
		Address: MOATE
		CO WESTMEATH

Folio Number: WH11629

Application Number: P2023LR045723G

Attachment 3 - page 5 of 6

Land Registry

County Westmeath

Folio 11629

Part 3 - Burdens and Notices of Burdens

No.	Particulars

Page 4 of 4

Date Printed: 19/04/2023

Page 5 of 6



The Property
Registration Authority
An tÚdarás
Cláracháin Maoin

Folio: WH11629

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- Sub-Leasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit



A full list of burdens and their symbology can be found at:
www.landdirect.ie

The registry operates a

non-conclusive boundary system.

The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



1:2500 Scale



The Property Registration Authority
An tÚdarás Clárúcháin Maoine

Land Registry Sealed and Certified Copy Folio (& Filed Plan)

Gerard
Murtagh
Glasson
Athlone
County Westmeath
N37 HF98

This page forms part of the official document. Do not detach.

Folio Number: WH20940F
Application Number: C2023LR005693J
Your Reference: baskin site

This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of **dealings pending** (if any) on the enclosed folio/filed plan are listed in the **Schedule** below.


An officer duly authorised by the Property Registration Authority.

Schedule

Notes:

1. Filed plans should be read in conjunction with the Register. The description of the land in the Register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
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Folio Number: WH20940F
Date Printed: 21/04/2023

Application Number: C2023LR005693J
Page 1 of 6

io Number: WH20940F

Application Number: C2023LR005693J

Attachment 4 - page 2 of 6

Land Registry

County Westmeath

Folio 20940F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	A plot of ground being part of the Townland of BASKIN HIGH and Barony of KILKENNY WEST shown as Plan(s) A7AJ9 edged RED on the Registry Map (OS MAP Ref(s) 23/7).	From Folio WH493

Land Cert Issued: No

Page 1 of 4

Collection No.:

Date Printed: 21/04/2023

Page 2 of 6

Number: WH20940F

Application Number: C2023LR005693J

Attachment 4 - page 3 of 6

Land Registry

County Westmeath

Folio 20940F

Part 1(B) - Property
Parts Transferred

[illegible]

Land Registry

County Westmeath

Folio 20940F

Part 2 - Ownership

Title POSSESSORY V.O. (26/7/1899)

No. The devolution of the property is subject to the provisions of Part
 II of the Succession Act, 1965

1 16-JUN-2004 GERARD MURTAGH of High Baskin, Drumraney, Athlone, County
D2004XS008240Y Westmeath is full owner.

Number: WH20940F

Application Number: C2023LR005693J

Attachment 4 - page 5 of 6

Land Registry

County Westmeath

Folio 20940F

Part 3 - Burdens and Notices of Burdens

No.	Particulars

Page 4 of 4

Date Printed: 21/04/2023

Page 5 of 6



The Property
Registration Authority
An tÚdarás
Clárúcháin Maoinne
Folio: WH20940F

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(centre-line of parcel(s) edged)

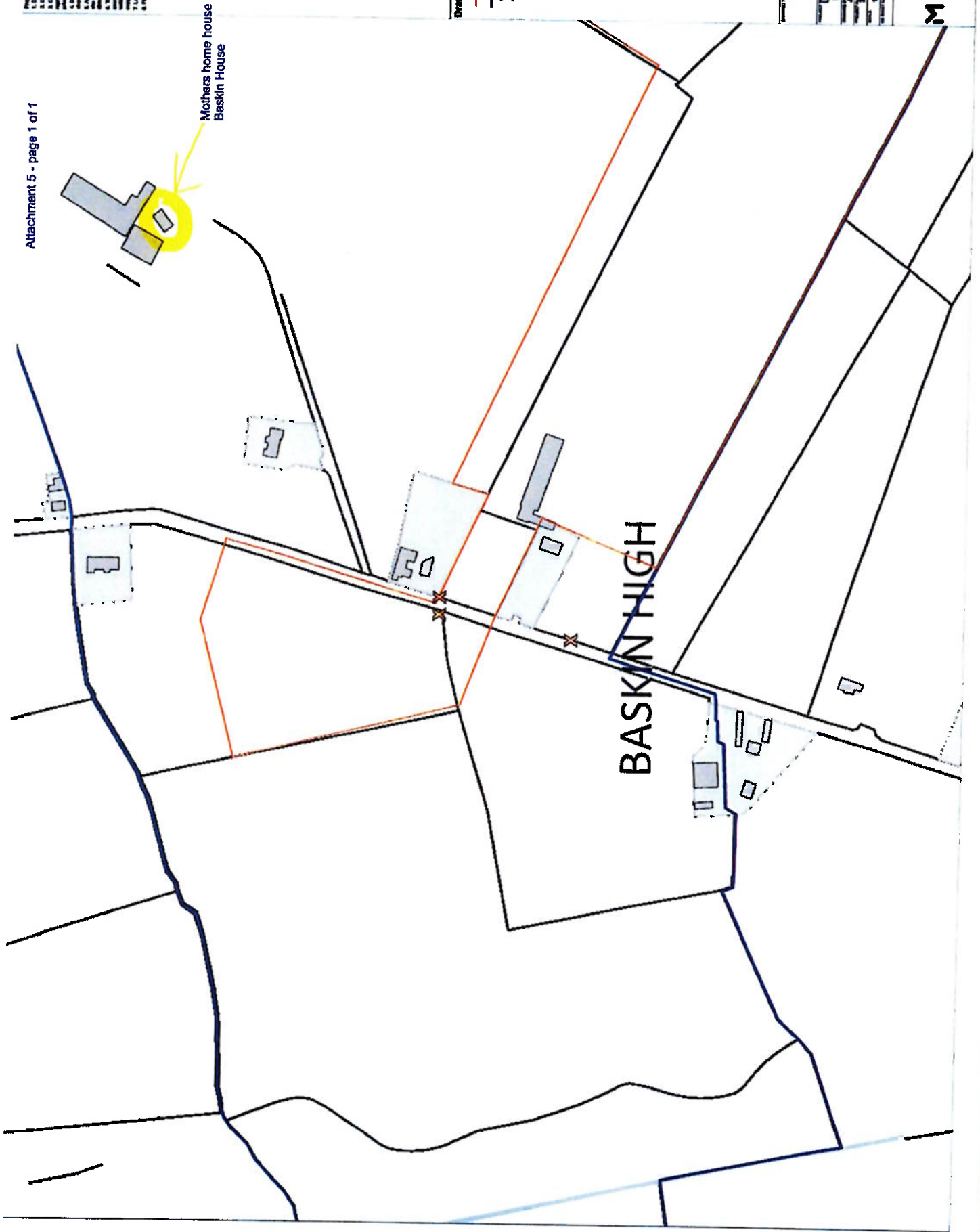
- Freehold
- Leasehold
- Subleasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
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Project Design Standards

1. All buildings shall be constructed in accordance with the applicable zoning ordinance.
2. All buildings shall be constructed in accordance with the applicable zoning ordinance.
3. All buildings shall be constructed in accordance with the applicable zoning ordinance.
4. All buildings shall be constructed in accordance with the applicable zoning ordinance.
5. All buildings shall be constructed in accordance with the applicable zoning ordinance.
6. All buildings shall be constructed in accordance with the applicable zoning ordinance.
7. All buildings shall be constructed in accordance with the applicable zoning ordinance.
8. All buildings shall be constructed in accordance with the applicable zoning ordinance.
9. All buildings shall be constructed in accordance with the applicable zoning ordinance.
10. All buildings shall be constructed in accordance with the applicable zoning ordinance.

Drawing Legend

- Property Boundary
- Lot Boundary
- Lot Area



Site Location Map
Sheet B

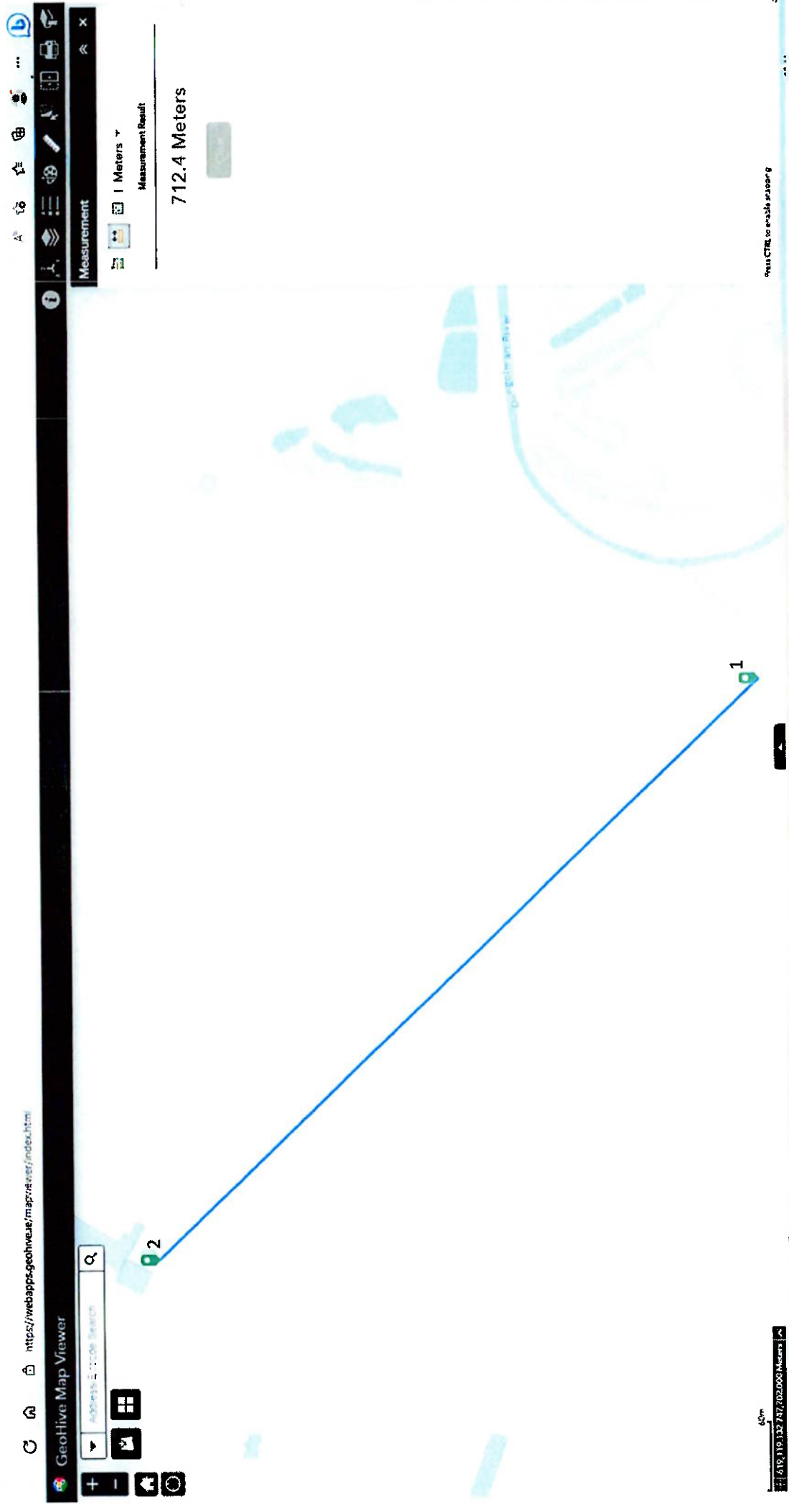
Project Information

Project Name	James More Renewable Energy Development, Co. Woodstock
Owner	Joseph O. Baskin
Address	10000 N. 100th St.
City	Woodstock, GA
County	Cherokee County
State	GA
Year	2007
Scale	1" = 100'

Prepared by: MKO
Checked by: MKO
Reviewed by: MKO
Approved by: MKO

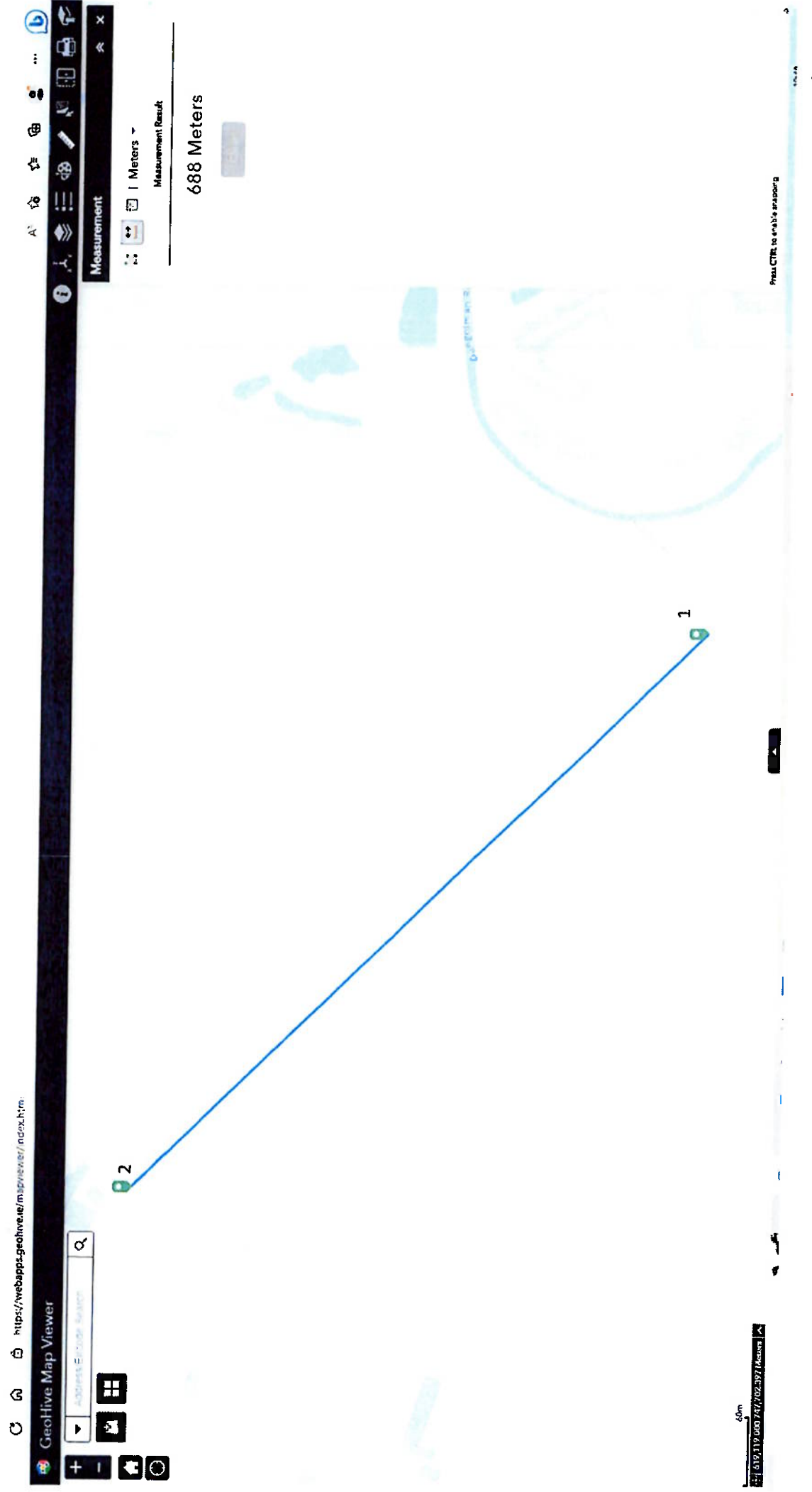
Point 1 - Location of T1 (wind turbine 1): X(ITM) 619119; Y(ITM)747702

Point 2 – Location of mothers home house excluding curtilage



Point 1 - Location of T1 (wind turbine 1): X(ITM) 619119; Y(ITM)747702

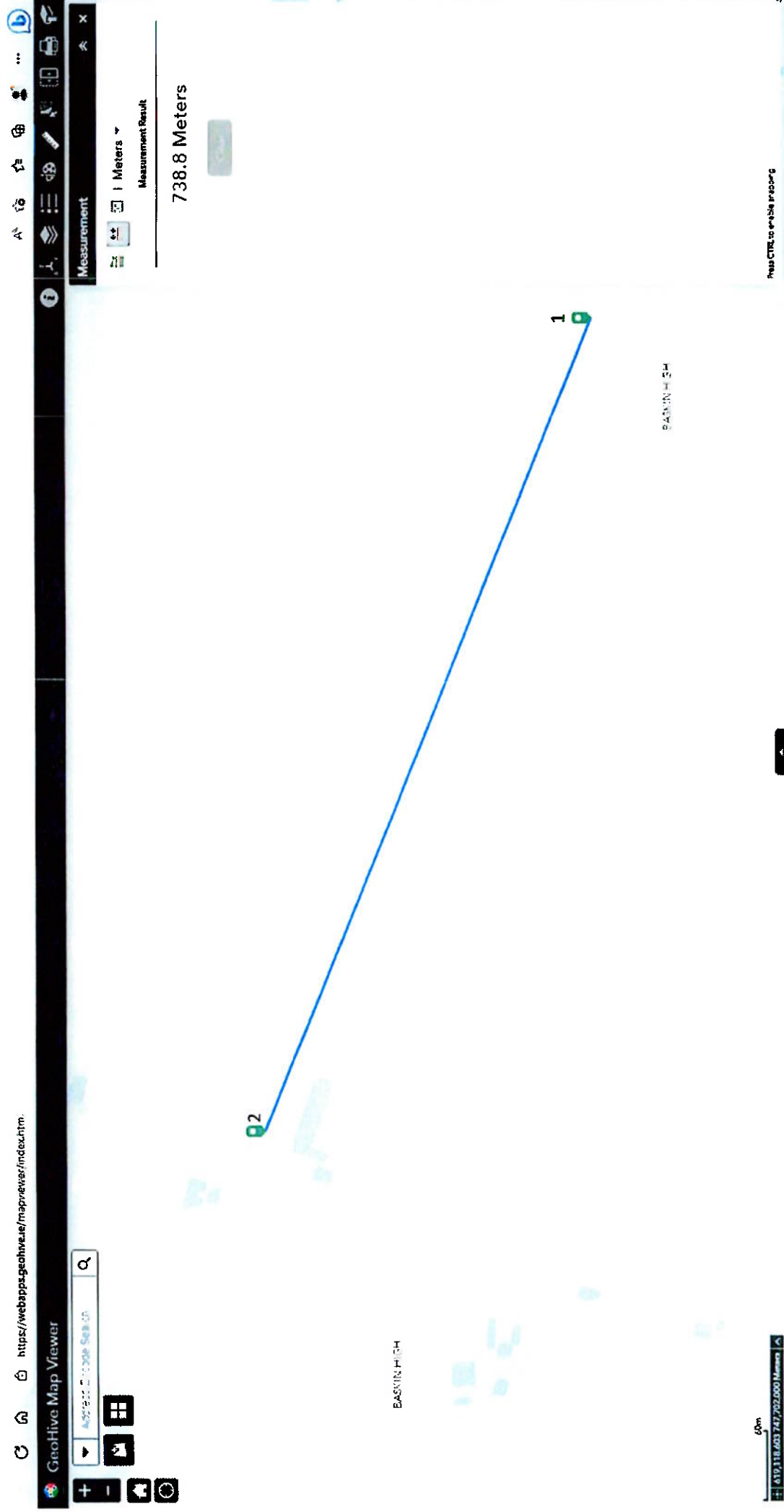
Point 2 – Location of mothers home house including an element of curtilage



Point 1 – Location of T1 (wind turbine 1) X(ITM) 6191119; Y(ITM) 747702

Attachment 7 - page 1 of 2

Point 2 – House No 12 on Drawing Number Figure 1 of the Community Report taking curtilage into consideration



Point 2 – House No 12 on Drawing Number Figure 1 of the Community Report on planning map with curtilage

