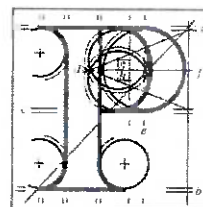


Our Case Number: ABP-317809-23



**An
Bord
Pleanála**

Cathal Fleming and Caoimhe McElhinney
Banbha House
Slatt Lower
The Swan
Co. Laois
R14 VK24

Date: 12 October 2023

Re: Proposed Coolglass windfarm and related works
In the townlands of Fossy Upper, Aghoney, Gorreelagh, Knocklead, Scotland, Brennanshill,
Monamantry, Coolglass, Crissard and Kilenabehy, Co. Laois.

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development 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.

The Board will revert to you in due course with regard to the matter.

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.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

PP EGm
Evan McGuigan
Executive Officer
Direct Line:

PA04

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Banbha House
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Co Laois
R14VK24

To: An Bord Pleanála,
61-64 Marlborough Street,
Dublin D01V902

05/10/2023

Re: Case PA11.317809: Submission to Bord Pleanála Case PA11.317809 In the townlands of Fossy Upper, Aghoney, Gorreelagh, Knocklead, Scotland, Brennanshill, Monamantry, Coolglass, Crissard and Kylenebehy, Co. Laois.

A Chara,

On behalf of Caoimhe McElhinney and Cathal Fleming I object to this proposed development and ask you to consider the observations and concerns listed below.

As a young farming family in The Swan we have serious concerns about the proposed development being approved.

1. Agriculture Impacts

- a. As a young farming family converting to dairy farming we are making a huge investment into developing our farm. I am really fearful of the potential impact to the production capabilities of our cows as our new dairy shed will be 450m from Turbine 11. There is evidence that wind have a negative impact on cows [Cruel & Unusual Punishment: 400 French Cows Succumb to Low-Frequency Wind Turbine Noise & Vibration – STOP THESE THINGS.](#)
- b. As a young farmer trying to improve and reduce our environmental impacts we are working extremely hard to protect our waterways and improve infrastructure to keep livestock away for watercourses. We have created a new drinking infrastructure, riparian buffer and habitat zones to improve the biodiversity on our farm. Our farm lies along the Clogh 010 River that is currently at risk under the WFD. We really struggle to accept with all the improvements we are making it can all be undone by allowing this development go ahead and have a huge detrimental impact on the environment.
- c. We feel this will be a disaster for the long term viability of our family farm and will force our children to leave the farm not continue into the 4th generation farming our land.

2. Community engagement

- a. There was very poor community engagement from the developer with the local communities that will be impacted by this development. Not all houses in the local area impacted or within 1.6Km of the development were called to as described in the planning application. Calling unannounced to people's homes without appointment during daily working hours does not constitute meaningful community engagement. The Developer made no attempt to engage with the large community in The Swan. They effectively avoided entering the village with ultimate many residents only aware through the local Facebook group and word of mouth.
- b. The developer claims feedback was "mostly positive" from the local community. I would question this as this is not the general feeling amongst the community. No public group meeting or informational consultation was held in person by the developer with the local community at any stage. **I personally asked the developer during a phone conversation, why a public community engagement meeting is not being performed. The response to me from Statkraft was, they were advised by the Gardai not to hold a public meeting due to fears for their safety. There is no evidence of this. Why would Statkraft fear for their safety if feedback was "mostly positive"? This shows that Statkraft had truly no intention of completing full meaningful engagement with the local community.**
- c. **I shared my concerns to the developer that I was a landowner 150m from turbine 11 and I was completely unaware of the development only from the word of mouth by neighbours. His response was they were only speaking with houses within the 1km zone. None of this was addressed or mentioned in the application.**
- d. **I raised concerns about the impact to Children with Autism and Special needs and his response to me I was totally wrong and Turbines had a hypnotic effect on Children and they really like them – he referenced a turbine development in Offaly. Again my concerns were never addressed in the planning application.**
- e. **I asked about the community development fund and reports that due to wind farms being sold once development is complete communities never see any funds. He agreed that there can be issues there and can be delays.**
- f. Per the Aarhus convention, meaningful community and local resident engagement is required prior to applying for planning for a wind farm development. This requirement was not met for this development.
- g. This development has caused undue stress, great anger, division and splits amongst family, neighbours and friends in the local communities.

3. Land sterilisation/ Community decline/ Rural development impact

- a. As a nation we should be bringing people and life back to rural areas of Ireland to aid in community building and regeneration. In recent years many people, including young families and children of local farmers and landowners, have moved back to the area (The Swan/ Wolfhill/ Timahoe and surrounding townlands) where they grew up themselves to raise their own families. New homes built and currently being built in The Swan village for example (which is 1km from the proposed development) will also bring more people into the community. This has brought new life into the area and local community. If the proposed development goes ahead, people will not want to return to live in the area they grew up and new people will not want to live in an

area with a massive out of place industrial sized Windfarm development looming over them. Living less than 700m from wind turbines is too close.

- b. Due to difficulties in receiving planning permission for sites in close proximity to a windfarm, local people, landowners, landowners' sons and daughters will not be able to develop and build on their own land. Windfarm developers and owners have a history of objecting to local people's requests for planning permission to build their family home on family land. See objection letter from pinewoods windfarm ltd Spink as an example.

4. SID decision

- a. The proposed development is described as a windfarm with two distinct clusters. The EIA report (Vol 2 EIAR Chapter 3 Section 3.1.2) states:

"The Proposed Development is divided into two distinct areas identified as the northern cluster and the southern cluster...."

We believe the two distinct clusters are in two completely different locations and townlands (Wolfhill and Fossy Mountain).

5. Set-back distance

- a. The 500m set back distance from wind turbines to residential properties detailed in the Wind energy Guidelines 2006, were applicable for wind turbines of typically 80m in height at that time. The turbines described in the proposed development are industrial sized 180m tall turbines, **more than double** the typical turbine height from 2006. Therefore, the setback distance of 500m to residential properties in the 2006 guidelines is inadequate for the proposed 180m turbines. The 2006 guidelines are so outdated in relation to the current turbine proposals that it would be contrary to proper planning and sustainable development to apply them to this proposal. At 180m the turbines will be some of the biggest in the country and will have an exponentially greater impact due to greater air displacement, noise and shadow flicker. They would be completely out of place and totally dominate the landscape which will hugely affect the visual amenity in the area. The residents and communities' concerns need to be taken into consideration.

6. Property devaluation

- a. The application states there is no evidence that wind farms have any influence on property values. A peer reviewed paper from the London School of Economics, *Gone with the Wind*, by Stephen Gibbons (2014) has clearly shown the negative impact (reduce prices by 12% within 2km), on property values in England and Wales over a 12 year period (2000 – 2012). It is important to note that the average turbine in their extensive sample area was 2.5Mw x 90m high to tip, whereas under the current proposal the turbines are 7.2Mw x 180m tip height rotor diameter of 162m.

Therefore it is reasonable to assume that the impact on property values will be even worse.

- b. Evidence has shown and as confirmed by local Auctioneers, properties near a wind farm like the proposed development (particularly within 2km) will be devalued by between 30% - 50% depending on location. This will have a serious impact on homeowners, specifically mortgage repayments, obtaining or switching mortgages and ability to sell.
- c. In relation to property devaluation, An Bord Pleanála will be aware that under the Fourth Schedule of the PDA, 2000, Reasons for the refusal of permission which exclude compensation, no.10 (c) states:

*10. In the case of development including any structure or any addition to or extension of a structure, the structure, addition or extension would -
(c) seriously injure the amenities, or depreciate the value, of property in the vicinity,*

Therefore, a development which results in the depreciation of the value of a property is a standalone grounds for refusal of an application.

7. Land sterilisation/ Community decline/ Rural development impact

- a. As a nation we should be bringing people and life back to rural areas of Ireland to aid in community building and regeneration. In recent years many people, including young families and children of local farmers and landowners, have moved back to the area (The Swan/ Wolfhill/ Timahoe and surrounding townlands) where they grew up themselves to raise their own families. New homes built and currently being built in The Swan village for example (which is 1km from the proposed development) will also bring more people into the community. This has brought new life into the area and local community. If the proposed development goes ahead, people will not want to return to live in the area they grew up and new people will not want to live in an area with a massive out of place industrial sized Windfarm development looming over them. Living less than 700m from wind turbines is too close.
- b. Due to difficulties in receiving planning permission for sites in close proximity to a windfarm, local people, landowners, landowners' sons and daughters will not be able to develop and build on their own land. Windfarm developers and owners have a history of objecting to local people's requests for planning permission to build their family home on family land. See objection letter from pinewoods windfarm ltd Spink as an example.

8. Laois county council development plan 2021 – 2027

- a. The planning statement in the EIAR states 4 of the southern turbines are within areas 'Open for consideration' for wind energy development. This is incorrect

information from the developer. Only one turbine T11 is in an area 'Open for consideration'. 12 of the 13 proposed turbines are in areas 'Not Open for Consideration' per appendix 5 Wind Energy Strategy of LCDP 2021 - 2027. There are inconsistencies between the maps showing the proposed layout of the development in the EIAR and the planning application drawings. This incorrect information needs to be taken note of by the Bord.

Laois county council are the local authority for the area, have the most knowledge and expertise for county Laois and have performed a thorough assessment with relevant subject matter experts to determine areas open and not open to consideration for wind farm development.

- b. In 2022, a ministerial directive was submitted to Laois County Council to update Appendix 5 of the LCDP 2021 – 2027 to remove the set-back distance of 1.5Km from a residential property to a turbine. The LCDP was subsequently updated and then reviewed and approved by the planning regulator, indicating that the regulator was satisfied with the content including Laois County Councils assessment in determining areas Not Open For Consideration.

9. Community engagement

- a. There was very poor community engagement from the developer with the local communities that will be impacted by this development. Not all houses in the local area impacted or within 1.6Km of the development were called to as described in the planning application. Calling unannounced to people's homes without appointment during daily working hours does not constitute meaningful community engagement.
- b. The developer claims feedback was "mostly positive" from the local community. I would question this as this is not the general feeling amongst the community. No public group meeting or informational consultation was held in person by the developer with the local community at any stage. The developer was asked when they called to one local residents door unannounced, why a public community engagement meeting is not performed. The response from Statkraft was, they were advised by the Gardai not to hold a public meeting due to fears for their safety. There is no evidence of this. Why would Statkraft fear for their safety if feedback was "mostly positive"? This shows that Statkraft had truly no intention of completing full meaningful engagement with the local community.
- c. Per the Aarhus convention, meaningful community and local resident engagement is required prior to applying for planning for a wind farm development. This requirement was not met for this development.
- d. This development has caused undue stress, great anger, division and splits amongst family, neighbours and friends in the local communities.

10. Water Impact

The location of the proposed development has the potential to impact two critically important water sources in County Laois - Kyle and Orchard Springs and Swan Public Water Supply Scheme. The developer has proposed to erect turbines inside the Source Protection Zone of the Kyle and Orchard Spring (*Figure 1*) and 75m above the Source Protection Zone of the Swan Public Water Supply (*Figure 2*). The whole area of the development lies in the catchment areas of the Groundwater Source Protection Zones of the above-mentioned Public Water Supplies which supplies over 2000 homes and businesses.

We urge the Bord to consider the following points.

- Water is a basic human right and is protected under European law through the Drinking Water Directive - Directive (EU) 2020/2184
 - o *'The objectives of this Directive are to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean, and to improve access to water intended for human consumption'*.
 - o *'Tackling emerging pollutants, such as endocrine disruptors and PFAs, as well as microplastics'* There is now evidence that blades coated with plastic are shedding into the environment as they degrade over time and polluting water sources. There is no mention of the potential impacts of blade degradation and micro plastic pollution in our environment from the developer.
- Geological Survey of Ireland have noted both water sources as highly to extremely vulnerable.
 - o Regard the Kyle and Orchard Spring the GSI note - 'Particular care should be taken when assessing the location of any activities or developments which might cause contamination at the springs. We believe not enough scoping has been done to protect and ensure a zero-risk approach is taken to the water supply of the local communities.
 - o In Chapter 9 of the application, Water, section - 9.6.12 *Water Environment Receptors and the significance and sensitivity/Importance*, The Swan Public Water Supply is mentioned in the opening paragraph but is not included in the companies tableted data showing the significance of the Supply. This is a critical piece of infrastructure that has potential negative implications to the water supply of a large community.
 - o GSI have raised serious concerns about the potential impacts to the water supply in their response to the developer – Appendix 2.1 Scoping Responses - <https://coolglasswindfarmsid.ie/>
- Swan Public Water Supply Scheme is already a stressed water supply to the local area with water being drawn in from other locations during dry summer months to service the local population when the aquifer is low. There is no other viable aquifer in the Swan to Tolerton region at the current time to service the needs of the community. We believe there should be zero risk taken in the catchment area of the aquifer due to the potential significant impact on the local populations water supply.

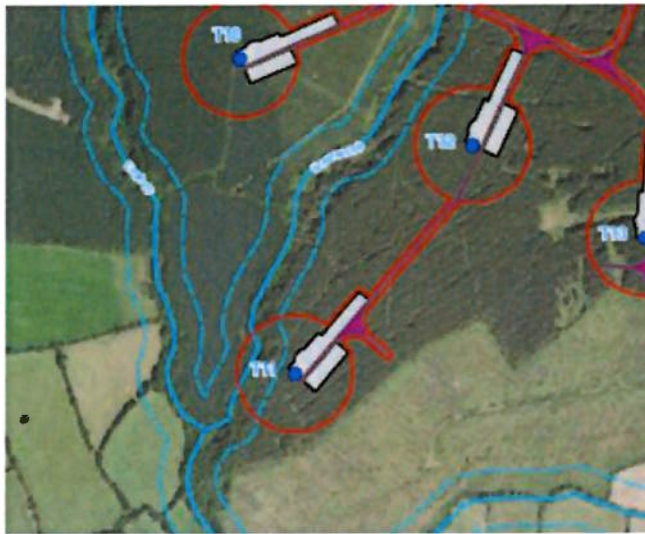


Figure 5. Turbine location Showing Buffer Zones

References

https://environment.ec.europa.eu/topics/water/water-framework-directive_en#law

<https://gis.epa.ie/EPAMaps/Water>

https://www.catchments.ie/wp-content/files/subcatchmentassessments/15_12%20Dinin%5bNorth%5d_SC_010%20Subcatchment%20Assessment%20WFD%20Cycle%202.pdf

<https://coolglasswindfarmsid.ie/wp-content/uploads/2023/08/Chapter-9-Water-V3.1-FINAL-1.pdf>

<https://coolglasswindfarmsid.ie/wp-content/uploads/2023/08/Technical-Appendix-15.4-Aquatic-Ecology-Report.pdf>

11. Landscape/ Visual impact

- a. If the 13 x 180m proposed industrial turbines go ahead the local and surrounding landscape will be totally dominated and the windfarm will completely detract from the beautiful serene rural landscape.
- b. The ratio of rotor diameter (162m) to hub height (102.5m) is much greater than the 1:1 ratio of a typical in proportion wind turbine. This will lead to the turbines dominating views. The visual clutter and cumulative effect of this development on top of potential other proposed developments need to be carefully considered.

12. Grid connection:

- a. There is currently no substation or grid connection for the proposed development. Both options for grid connections detailed in the planning application are currently

lamprey (Lampetra sp.) (n=7 sites). Other aquatic species of high conservation value, such as white-clawed crayfish (B7, B8, B10, C7) or otter (A12, A14, A15, C7) were also present at certain sites (Table 4.2. 4.3). Sites A11, B3, B8, C3, C6 and D1 also achieved Q4 (good status) water quality (Appendix B).'

Multiple Annex II protected species have the potential to be affected by the development of these Turbines around the river catchments identified.

- European Otter
- White Clawed Crayfish
- Lamprey

The Developer states certain sites claimed good status on the biological water testing carried out in their report we believe this is clouding the reality of a watercourse (Clogh river 010) at risk. For example, they state in the application site C6 achieved good status but reviewing the detail a sampling site C4 further upstream showed the river in poor condition. This sampling would be much closer to the Turbines development and have a higher risk of being impacted. Multiple testing sites showed poor quality status on the Owveg River yet two sites were stated as being in good condition. Again, this does not give a complete picture of the status of the river.

3. Pearl Mussel and The Nore SAC

Although no evidence was present in the immediate river catchments within the turbine development of the Pearl Mussel, we would have significant concerns of the potential of siltation and damage to the Nore SAC and the habitat of the critically endangered Pearl Mussel. The Clogh River 010 flows into the Dinin River 010 at Clogh Bridge which is the beginning of the Nore SAC. This is located less than 3km from the development of turbines. Given the critical nature of the Pearl Mussel high levels of protection and care, consideration needs to be given to any development upstream of The Nore SAC. The Ecology report states that conditions for testing for the Pearl Mussel were not ideal due to the conditions of rivers and we would question the accuracy of the testing.

4. The developer's application states it will maintain a 50m buffer zone between any watercourse and the development site of the turbines (Section 9 Water - 9.9.3.1 Buffer to Water Courses). T11 completely disregards the buffer zone claimed for all water courses and suggests part of The Clogh River 010 (Classed by the WFD as at Risk) will be flowing right through the development site. This in our opinion gives complete disregard for the status of the river and the integrity the Developers suggestion it will protect water courses.

under review and no works have taken place. How can a Wind Farm development of this magnitude or any windfarm for that matter, be approved for planning if it has no confirmed grid connection. It is also noted that the developer states in their application that the proposed grid connection substations are "under construction". This is again incorrect information in this application.

13. Proximity to schools/ Impact to children

- a. Wolfhill NS, The Swan NS and Timahoe NS are in very close proximity to the proposed development. Wolfhill NS is approx. 1km from the proposed development and will be looking directly out at the both clusters with potential to impact several children including those with learning difficulties or additional needs.
- b. The developer states there is "*no credible scientific evidence to positively link wind turbines with adverse health effects*".
However, reference "Green Energy Supply" high court case, who in Feb 2020 settled an action for €225,000 over the alleged health effects of living just over 700m from a turbine. It is strange that such a settlement should be made in the face of "*no credible scientific evidence*". In the proposed development the nearest residential property is 676m from a turbine.

With Respect to the above concerns and observations we ask the Bord to refuse the application made for this turbine development.

Please refer any correspondence to the above address.

Kind Regards

Cathal Fleming

05/10/23

References

1. <https://eur-lex.europa.eu/eli/dir/2020/2184/oj>, Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast) (Text with EEA relevance)
2. https://gsi.geodata.gov.ie/downloads/Groundwater/Reports/SPZ/LS_PWSS_SPZ_Swan_November_2000_GSI.pdf, Swan Water Supply Scheme Groundwater Source Protection Zones Prepared by: Geoff Wright, Geological Survey of Ireland In collaboration with: Laois County Council November 2000
3. https://gsi.geodata.gov.ie/downloads/Groundwater/Reports/SPZ/LS_PWSS_SPZ_Kyle_and_Orchard_Springs_Stradbally_Ballylynan_and_Timahoe_November_2000_GSI.pdf, Kyle & Orchard Springs (Stradbally, Ballylynan & Timahoe Public Water Supplies) Groundwater Source Protection Zones Prepared by: Maeve McHugh and Geoff Wright Geological Survey of Ireland In collaboration with: Laois County Council November 2000
4. <https://coolglasswindfarmsid.ie/wp-content/uploads/2023/08/Technical-Appendix-2.1-Scoping-Response.pdf>
5. <https://coolglasswindfarmsid.ie/wp-content/uploads/2023/08/Chapter-9-Water-V3.1-FINAL-1.pdf>

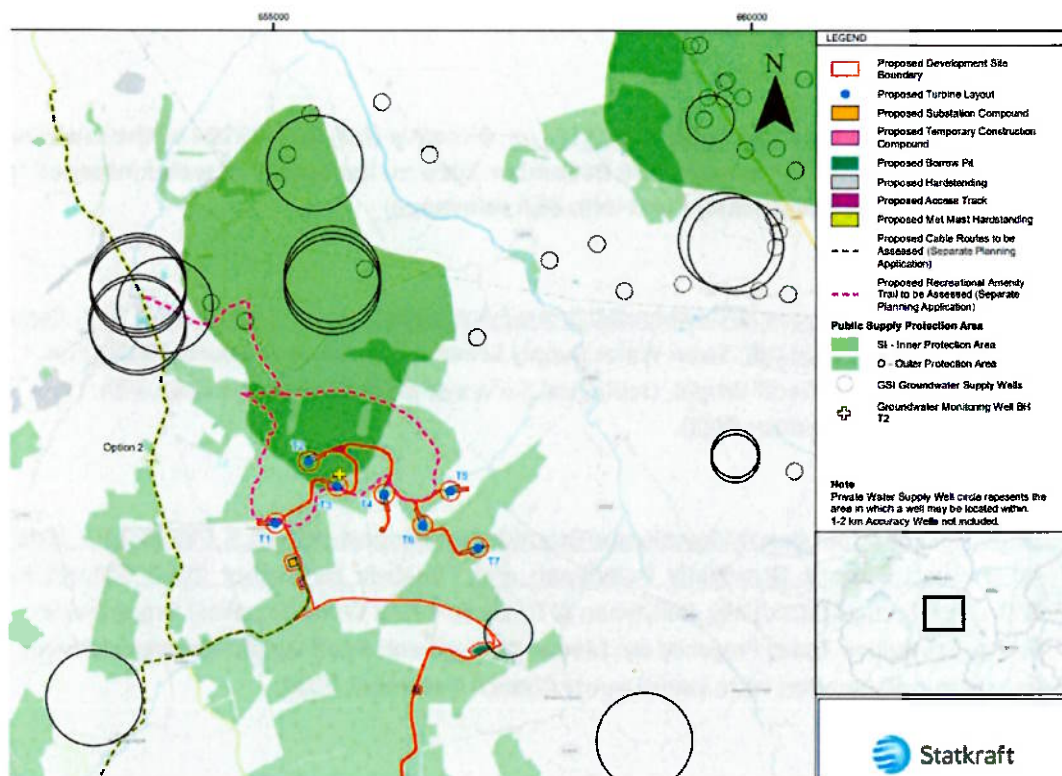


Figure 1. Map Showing Turbines Inside Kyle and Orchard Spring from ABP Submission

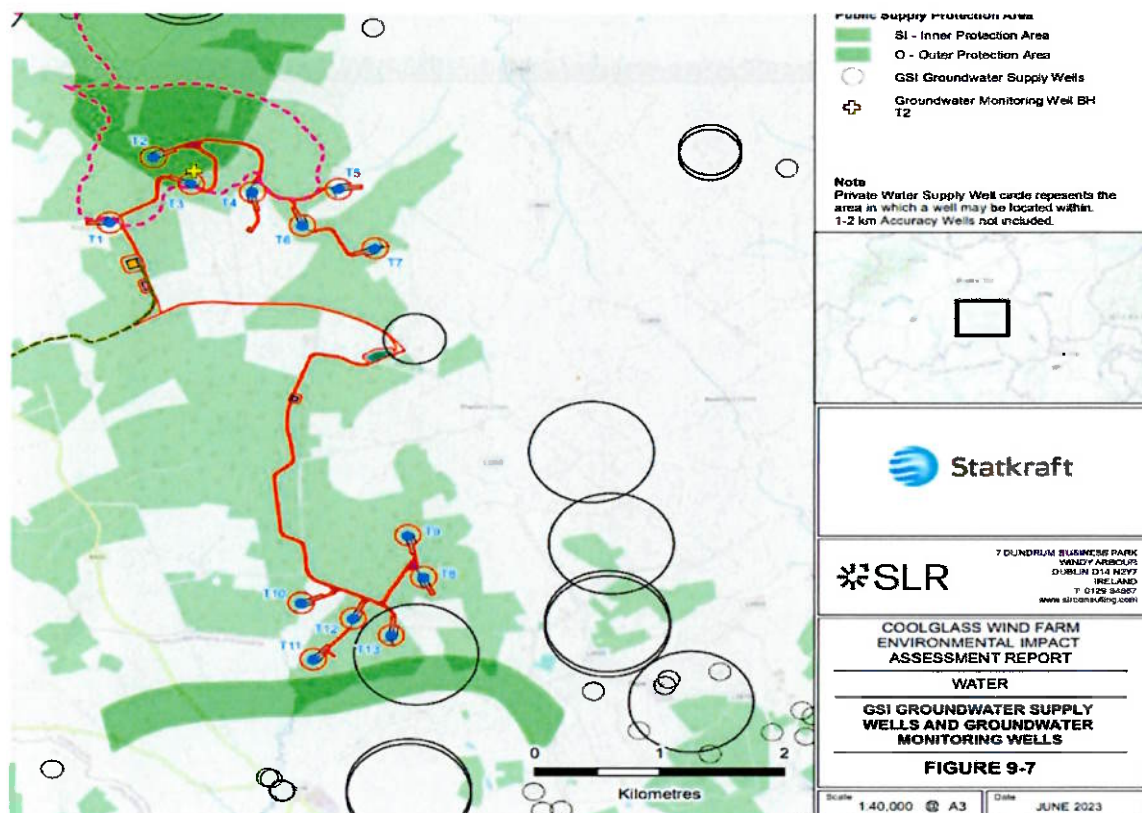


Figure 2. Map Showing Turbines Just Above Protection Zone Swan Public Water Supply from ABP Submission

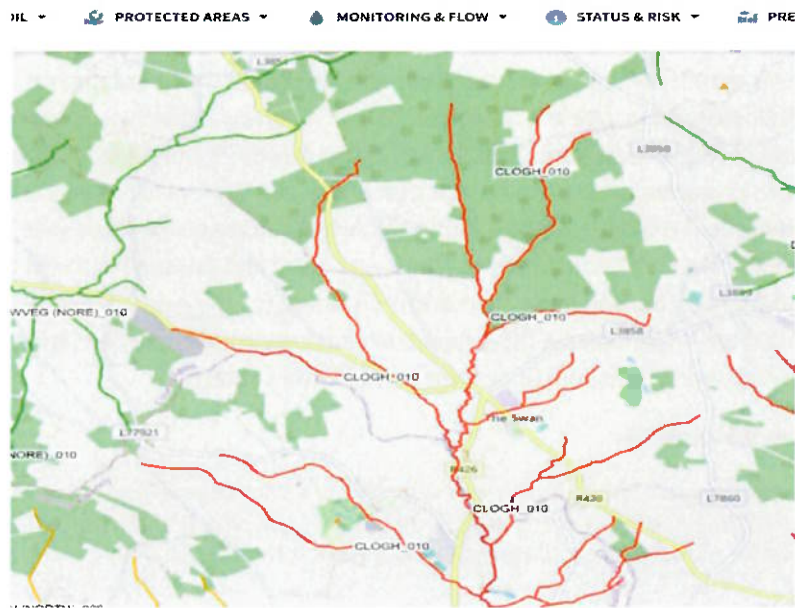


Figure 4. Exert from gis.epa.ie/maps rivers at risk

2. The Habitats Directive

The Habitats Directive aims to protect over a thousand species, including mammals, reptiles, amphibians, fish invertebrates, and plants, and 230 characteristic habitat types.

The overall objective is to ensure that these species and habitat types are maintained, or restored, to a favourable conservation status within the EU. In addition to halting the further decline or disappearance of these species and habitats, the Directive aims to allow them to recover and thrive over the long-term.

The watercourses affected by turbine development maintain high levels of biodiversity and wildlife with multiple aquatic endangered species which are protected under Habitats Directive. On the development application multiple locations are highlighted to be of high importance locally and one being of International importance. As detailed below in a exert from the Aquatic Ecology Report prepared by Triturus Environmental Ltd. for SLR Consulting - December 2022.

*'Site A15 on the Stradbally River was evaluated as international importance given its location within the River Barrow and River Nore SAC (002162). The site also supported Atlantic salmon, lamprey (*Lampetra* sp.), the Annex I habitat 'Water courses of plain to montane levels, with submerged or floating vegetation of the *Ranunculus fluitantis* and *Callitriche-Batrachion* (low water level during summer) or aquatic mosses [3260]' and highly regular otter activity, including a legally protected couch (resting area) for otter. The above species and habitats are also listed as qualifying interests for this European site.*

A total of 15 no. sites on the Crooked River (A6), Stradbally River (A11, A14), Cremorgan Stream (A12), Owveg River (B2, B3, B7, B8, B10), Clogh River (C2, C6 & C7), Brennanshill River (C3) and the Douglas River (D1) were evaluated as local importance (higher value) (Table 4.4). This evaluation was primarily due to the presence of salmonids (n=13 sites) and or

Rivers

Given the potential risk and significant impact on the rivers and tributaries in the catchment area of the proposed turbine development we urge the Bord to consider the irreversible risk of damage to the habitats and environment in the local area. There are numerous reports of endangered species and rivers at risks which are protected under the Habitats Directive and Water Framework Directive. Although these are noted in the Developers Natura impact statement inadequate responses have been made to protect the wildlife, habitats and rivers. The rivers, flora and fauna effected in this development are protected by EU Law and with the current disregard for the environmental impact to the communities involved we firmly believe this project will have an irreversible damaging impact for generations and potentially never return to it current rich biodiverse state.

1. The Water Framework Directive

The EU Water Framework Directive (WFD) is an important piece of environmental legislation which aims to improve our water quality. It applies to rivers, lakes, groundwater, estuaries and coastal waters. The Water Framework Directive was agreed by all individual EU member states in 2000, and its first cycle ran from 2009 – 2015.

It is our belief that the proposed development will undermine our obligations to improve the rivers in the catchment area of the Turbine development. The Clogh River 010 is classed as At Risk and under significant pressure under the WFD and we are obliged to improve this by EU law.

River And Lake Waterbodies: WFD Risk

The following river and lake waterbodies are in the subcatchment.

Code	Name	Type	WFD Risk	Significant Pressure
IE_SE_15C030300	CLOGH_010	River	At risk	Yes
IE_SE_16D070080	DININ (NORTH)_010	River	At risk	Yes
IE_SE_15H010300	HOLLY PARK STREAM_010	River	At risk	Yes
IE_SE_15D070250	DININ (NORTH)_030	River	Review	Yes
IE_SE_15D070400	DININ (NORTH)_040	River	Review	Yes
IE_SE_15C010100	CASTLECOMER STREAM_010	River	Not at risk	No
IE_SE_15D070200	DININ (NORTH)_020	River	Not at risk	No

Figure 3. Catchments.ie WFD Risk