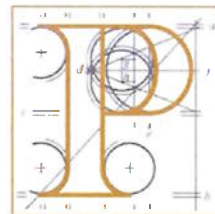


**Our Case Number:** ABP-318446-23

**Planning Authority Reference Number:**



**An  
Bord  
Pleanála**

J.C Alderton  
Bleantis  
Ballinamult  
Co. Waterford  
E91 Y462

**Date:** 30 January 2024

**Re:** Proposed construction of Coumnagappul Wind Farm consisting of 10 no. turbines and associated infrastructure.

In the townlands of Coumnagappul, Carrigbrack, Knockavanniamountain, Barricreemountain Upper and Glennaneanemountain, Skeehans, Lagg, Co. Waterford.  
([www.coumnagappulwindfarmSID.ie](http://www.coumnagappulwindfarmSID.ie))

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.

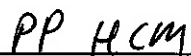
The Board will revert to you in due course with regard to the matter.

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](http://www.pleanala.ie).

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

Yours faithfully,

  
\_\_\_\_\_  
Niamh Hickey  
Executive Officer  
Direct Line: 01-8737145

PA04

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Bleantis  
Ballinamult  
Co Waterford  
E91 Y462

Dear Sir,

**With Reference to Planning Application 318446 - Coumnagappul Wind Farm**

**I wish to object most strongly to the above planning application.**

**I have personally focused on 2 very important reasons for my objection:**

- 1 The result of the Site's recent environmental degradation**
- 2 The effect of habitat destruction on protected bird species**

**I have expanded the bases for my objections in the document that follows**

There are many other factually based and valid reasons for objecting to this application and I have listed them on the next page of this covering letter.

I have also provided some preliminary facts (see SectionA) that will aid the reader to understand more about the actual "Site", the recent activities that have degraded the environment, and the reasons behind Fehily Timoney's statements about the Site's current condition.

All my comments on "the Site" are related only to the site of the actual wind farm and do not include the extensive access area/route from the nearest public road.

In their use of the phrase "the Site", Fehily Timoney often, confusingly, include the access area when they write with reference to the environment, habitat, forestry, farmland, internal tracks, works needed etc etc..

**Additionally I can briefly identify many other factual reasons for rejection of this planning application. These include:**

- 1 Deliberate destruction of CO2 'sequestering' environment i.e. peat uplands**
- 2 Deliberately misleading information as to land ownership within the site area**
- 3 Deliberate concealment of unsatisfactory metrics associated with wind measurements**
- 4 Visibility of whole site from the Comeragh Scenic Drive and other significant routes**
- 5 Deliberate attempt to ignore existing EU Directives re Annex 1 birds**
- 6 Numerous erroneous/contradictory statements in Empower's documents**
- 7 Irreversible and adverse effect on the beauty and aesthetic value of the proposed location on the pristine open mountain**
- 8 Absence of impartiality of any EAIR or survey, as these have been carried out by a company contracted to the developer**
- 9 Legitimate and documented environmental and health issues,**  
(e.g. corona ionisation, infra-sound effects on lungs and inner ear etc. etc.), **lifetime emissions, lifetime recovery costs of initial environmental damage, etc. etc.**
- 10 Irreversible and adverse impact on rural tourism**  
We have a self catering apartment for, mainly foreign visitors, all of whom have commented on the serenity, beauty and peacefulness of our surrounding mountain area. Several have even described it as "Paradise". We have entries in our visitors' book and on booking.com to confirm this.
- 11 Irreversible and adverse effect on existing house values**  
Relating to the UK where the Government has reduced Property Valuation Tax on houses in proximity to wind farms:  
<https://www.dailymail.co.uk/news/article-2177429/Wind-farms-DO-hit-house-prices-Government-agency-finally-admits-thousands-wiped-value-homes.html>

I hope that the Planning Authority will take careful note of the legal obligations of the Irish State, the adverse effect on flora, fauna, tourism and the health and peace of the local community, and reject this application outright.

Thank you for taking the time to absorb all this information, and ensuring that you have accurate information on which to base your planning decision.

Yours faithfully

J.C Alderton

Re the following statements in all Sections:

(Comments in **red** (sometimes italicised) refer to statements etc in Empower's documents)  
(FT stands for Fehily Timoney, the author of most of Empower's documents)  
(My own comments and external references are in **black and blue**).

## Sections:

- A My personal knowledge of the area of the proposed turbine site
- B The Site environment - past and present
- C The destruction of habitat and environment of protected bird species
- D Accuracy of Fehily Timoney's desktop studies and field studies
- E Destruction of the environment - landslide and hydrology implications

## Section A

### **My personal knowledge of the area of the proposed turbine site**

#### **A1 Where I live and Empower's lack of communication with me**

I need to make you aware of the fact that, **since 1994, I and my sister have owned a home within the 2km radius of the proposed wind farm site.**

Despite their assertions that the community within the 2km radius was kept fully informed from early 2019 onwards (*see Addendum F Community Consultations table*), **Empower neither sent nor delivered any information to us until Spring 2023** (after we had complained to them).

As there were no visible site notices in our area until Sept/Oct 2023, any knowledge about a proposed wind farm was provided to us by our neighbours.

#### **A2 How well do I know the environment and habitat of the proposed 'Site area' ?**

**Currently and for the past 27 years, mostly each day, we walk in the upland area of our local mountains - Bleantasour Mountain, Milk Hill and Knockavannia - all of which locations are included in the turbine site of the proposed Coumnagappul wind farm.**

Since 2014 our bird and fauna observations in this area, relating to our regular and frequent visits, have been recorded on Birdwatch Ireland and the National Diversity website.

It was the excitement of seeing our first hen harrier up there that first prompted us to record some of our observations.

## **Section B**

### **The Site environment - past and present**

#### **B1 The Site environment as it was, prior to 2018/2019**

Prior to 2018/2019 the Site's upland environment, on the western side of the Site (which we knew very well) was a beautiful untouched area of blanket bog, quite wet underfoot in various places.

Prior to 2018/2019 the amount of burning in the Site area was very limited (not even annually) and it was always legal (within the lawful season), under control, and affected very small areas.

It was a delight to walk up there as it is so quiet, is rarely windy and has extensive views of the Knockmealdowns, the Galtees and the Silvermine mountains. We could walk across the tops to the Nire Valley as it is Open Mountain. In season it would be covered with waving bog cotton, and it was the home of the bog asphodel, sundew, tormentil, bell heather, marsh orchid, milkwort, pimpernel etc etc. Also frogs, lizards and large, brown, hairy caterpillars (?heath butterflies?). Sphagnum moss was abundant.  
(See the Irish Peatland Conservation Council <https://www.ipcc.ie/a-to-z-peatlands>).

#### **B2 The Site environment as it is now in 2023, since extensive burning**

##### **B2.1 Amount of extensive illegal burning**

**Since 2018/2019 extensive burning, much of it illegal (out of season) has taken place, numerous times in a year and mainly on the uplands of the Site area.**

Most fires were widespread and the fire brigade was called on several occasions by concerned locals. On at least one occasion a small flock of sheep in the grazing rights area was endangered by the spread. No prior warning was given to anybody.

The upland area of the Site area has been devastated, and **target bird species have declined** (see B3 below).

##### **B2.2 The impact of extensive burning**

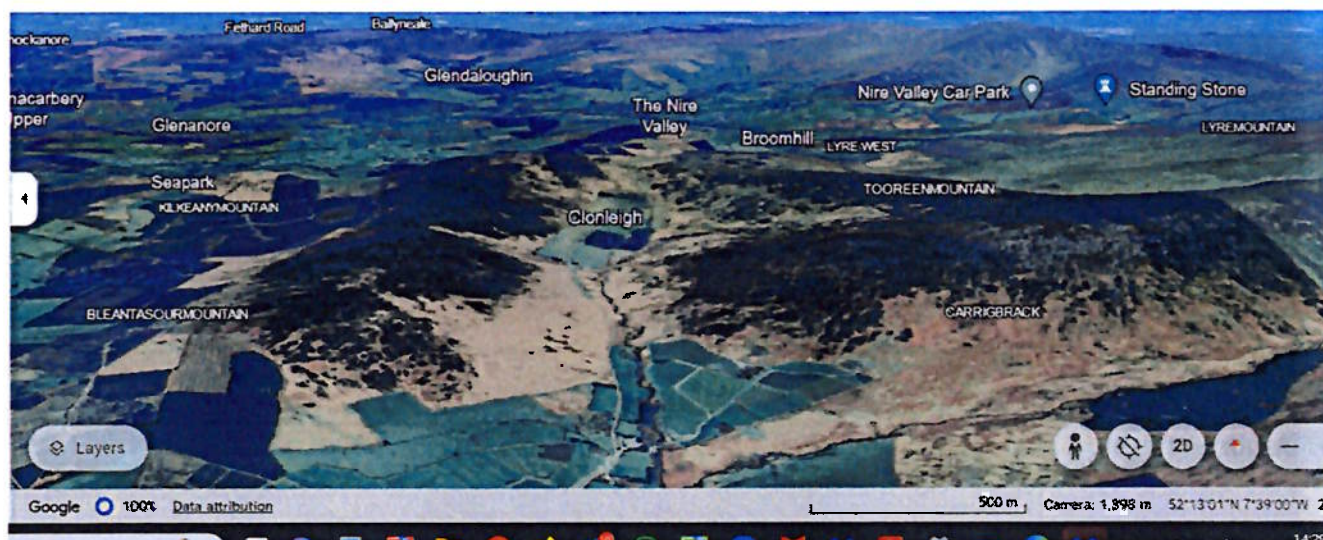
The result of this extensive burning has been the elimination/destruction of the extensive blanket bog environment and the destruction of the habitat that was ideal for many birds, including those numerous bird species on the EU's Annex 1 list.  
(See B2.3 below, and section C)



In order to visualise the amount of the Site that has been burnt, please see the Google Earth photograph below.

This Google Earth picture is of the Site area and clearly demonstrates:

- \* the areas blackened as a result of prolonged and extensive burning since 2018/2019.
- \* the twisting River Colligan flowing down from north to south in the Site



### **B2.3 The effect on the hen harrier of deliberate habitat destruction**

\*\*\*\*\*

**THE EFFECT ON THE HEN HARRIER** is reported by FT thus:

***“Habitat on site is highly degraded as a result of intensive livestock grazing and burning and is deemed unlikely to be suitable for breeding hen harrier in current times, and likewise, foraging is deemed suboptimal”***

(see Chapter 10-Ornithology Table 10-5: Effect of habitat loss to target species )

\*\*\*\*\*

### **B2.4 How Fehily Timoney chose to describe the cause of this devastation**

- FT have observed the destructive effects of extensive burning and decided to report them as ***“a result of intensive livestock grazing”***.  
(see Chapter 10-Ornithology Table 10-5: Effect of habitat loss to target species)

- **FT's reports make numerous references to "*intensive livestock overgrazing*", and "*overgrazing*"**  
(see **Chapter 10-Ornithology 10.5 Do nothing**)

**None of these activities have ever been a feature of the Site.**

There is one small flock of sheep hefted to the grazing rights area and VERY occasionally, a local individual puts a few hoggets on the Open Mountain for a few days. Satellite images could confirm this.

### **B2.5 More inaccuracies in Fehily Timoney's description of the Site itself**

- **FT describe the Site thus: "*The Site is contained in a mix of mountain moorland and commercial conifer forestry. The most notable areas of mountain moorland are contained throughout the most elevated locations within the Site.*"**  
(**EAIR Volume 1 - Non-Technical Summary page 45**)

**Please note that there is no mention of any upland blanket bog .**

- **Re water sources FT say: "*The Coumavane Stream is the nearest watercourse to the Proposed Development and is located just over 400m to the south of the site.*"**  
(see **EAIR Volume 1 - Non-Technical Summary page 45**)

**In fact the, locally important, River Colligan runs right through the centre of the Site and has its source at the northern end of the valley.**

(See OS Discovery Series map 75 and the Google Earth picture above which clearly shows the River Colligan in the centre of the site, flowing north to south)

## **Section C**

### **The destruction of the habitat and environment of protected bird species**

#### **C1 Legislative context**

Despite the fact that **at least 6 Annex 1 bird species are known to feed/roost/breed/ and overfly in the site area,** the government has not yet designated an SPA for their protection. This is a direct contravention of EU laws and directives which have been transposed into Irish law. Not only has this not yet been provided for them in the Site area, but not even in the whole Comeragh Mountain and Knockmealdown mountain ranges, which these birds inhabit.(see **Chapter 10-Ornithology 10.2.3**)

(See NPWS website <https://www.npws.ie/legislation/eu-directives/birds-directive> and under the heading **The Birds Case (C 418/04) Programme of Measures** select **Programme of Measures Update February 2022**

In The EU Birds Directive (Article 4 point 1) it states: “**The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat** in order to ensure their survival and reproduction in their area of distribution.  
(see <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009L0147>)

## **C2 Impact of extensive burning on bird habitat**

### **C2.1 Destruction of breeding habitat of Annex 1 birds: Merlin, Red grouse, and Golden Plover**

With reference to their breeding survey, FT reported:

*“Some land within the area had been **recently burnt**, rendering previously suitable breeding habitat unsuitable.....These surveys were carried out on **the following dates: 9th June 2020 17th July 2020.***

(see Appendix 10.1 Ornithology Report 2.3.2.2)

Please note the dates of the survey, and that burning had “recently” taken place. This is another example of deliberate illegal burning, at a time that would most affect birds.

### **C2.2 Impact on, and decline of, target species since 2019**

**During the summer seasons, post 2019, there was a significant decline in target species.** Target species” include red-listed birds and those on Annex 1 of the EU Birds Directive.

*“During the summer 2020 season, **12 target species** were recorded within the flight activity survey area.....During the summer 2021 season, **eight target species** were recorded within the flight activity survey area.....During the summer 2022 season, **four target species** were recorded within the flight activity survey area.”*

(see Chapter 10-Ornithology page 14)

Both of the above references demonstrate the result of deliberate destruction of habitat and the impact already experienced by Annex 1 birds.

**The Irish state has an obligation under EU law to protect these birds.**



## **D Accuracy of Fehily Timoney's desktop studies and field studies**

*“The reliability of the assessment is dependent on the observers used to collect the underlying information. Using appropriately skilled and experienced observers is therefore essential.”*

(see “Recommended bird survey methods to inform impact assessment of onshore wind farms” Scottish Natural Heritage)

It is difficult to have confidence in the observations of any of FT's desktop or field studies, given the **following examples** of data exclusion, lack of ornithological knowledge, and implementation of Vantage Point studies.

### **D1 Desktop study - data exclusion**

*“A desktop study (dated 28th March 2023) was undertaken to locate any records of rare or protected avian species that have previously been recorded in the site and the surrounding area..... Of these species, seven (chough, kingfisher, nightjar, red kite, spotted crane, teal and yellowhammer) are considered to be historical records, as they have not been documented in the grid square in the last fifteen years.”*

(see Chapter 10 Ornithology 10.3.2.3)

Section 10.2.5 (in Chapter 10 Ornithology ) states that this *“desktop study was carried out to collate and review available information.....Records available on the NPWS and the National Biodiversity Data Centre websites were reviewed*

**This desktop study was neither accurate or comprehensive. It failed to identify/include a June 2021 record of a red kite on the National Biodiversity website**

**See the following, relevant screen print extract from the National Biodiversity website**

📍	📅	2021-04-13	Hen Harrier (Circus cyaneus)	S266030
📍	📅	2021-04-22	House Martin (Delichon urbicum)	S234062
📍	📅	2021-04-12	Swallow (Hirundo rustica)	S234062
📍	📅	2021-06-12	Red Kite (Milvus milvus)	S233062
📍	📅	2021-04-13	Hen Harrier (Circus cyaneus)	S264038
📍	📅	2020-04-08	Peregrine Falcon (Falco peregrinus)	S233062

## **D2 Field study - lack of knowledge**

*“Walkover surveys were carried out over the summer 2022 season for breeding red grouse on the following dates: 2nd June 2022 5th July 2022”.....*

*“It is acknowledged that the timing of the red grouse surveys undertaken in 2020 and 2022 resulted in the start of the red grouse breeding season (April to early May) to be missed. Due to these survey limitations, a precautionary approach should be taken with regard to the 2020 and 2022 survey findings.” !!!!!*

(see Appendix 10.1 Ornithology Report 2.3.2.2 Walkover surveys)

‘Experts’ would have known, or at least determined, the start of the red grouse (a Red Listed bird) breeding season.

As a result of their inaction and lack of knowledge, FT recorded no information relating to red grouse breeding in the Site.

## **D3 Field Study - Vantage Points location and length of surveys**

*“Vantage points (VP) are ideally located on elevated areas, or other areas, which provide clear views over the survey area. Achieving maximum visibility over as much of the site as possible is important for these surveys.”*

(see Appendix 10.1 Ornithology Report 2.3.1.1)

**None of the VPs was “ideally located on elevated areas”.**

Only VPs 1-3 were operative during all 7 seasons. All were all located in the valley.

VP 4 was moved 3 times and was operative for 6 seasons.

VP 5 was operative for 2 seasons only.

Average hours of survey per VP was just 3 hrs twice a month during the year.

(See Appendix 10.1 Ornithology Report Table 6: All Vantage points)

## **Section E**

### **Destruction of the environment - landslide and hydrology implications**

#### **E1 Landslides and confirmation of recent destruction of the blanket bog**

FT refers to the *“GSI Landslide Susceptibility database, (completed in 2013) and then comments “Turbines T2, T7, T8, T10, T11 and T12 and portions of the access roads linking these turbines are all located in areas mapped as having a ‘Moderately High’ to ‘High’ landslide susceptibility. These areas directly correlate with mapped Blanket Peat deposits”.*

However FT then states: *“Classification rating at these locations does not accurately reflect actual ground conditions encountered on site i.e. shallow peat or complete absence of peat deposits.*

( see Chapter 11 – Soils, Geology and Hydrogeology 11.3.11.2)

**Where did the blanket bog go?**

Also see: **Burning of blanket bogs** (<https://www.ipcc.ie/a-to-z-peatlands/blanket-bogs/>) and **Conservation Status** (<https://www.ipcc.ie/a-to-z-peatlands/blanket-bogs/>)

## **E2 Local residents water supplies**

This is FT’s comments on directional flow:

*“It is anticipated that, given the geology of the Site, most groundwater flow will occur within the upper tens of metres, recharging and discharging in local zones. Discharge will likely follow the surface water drainage system flowing south where it eventually enters the limestone dominated Dungarvan GWB.”*

(see Chapter 11 – Soils, Geology and Hydrogeology 11.3.6.1)

ALL homes, farms etc on the south side of the site are downhill from the Site area.

Regarding the impact of the development and operation of the proposed wind farm on our domestic water supplies, please see the extensive list in Table 11-22 .

**Please note also that the Receptors, in every case, are:**

***“Locally important Bedrock Aquifers, Groundwater wells and Springs, Surface Water Bodies”***

(see Chapter 11 – Soils, Geology and Hydrogeology Table 11-22)

**None of us has mains water and all of us are are dependent on the natural Bedrock Aquifers, groundwater wells and Springs underlying this extensive area.**

## **D Outline reasons for objecting to wind farm development in the proposed site area**

- 1 Deliberately misleading information as to land ownership within the site area**
- 2 Deliberate destruction of CO2 sequestering environment i.e. peat uplands**
- 3 Deliberate misinformation about habitat and environment prior to illegal burning**
- 4 Deliberate destruction of habitat relating to rare birds and amphibians**
- 5 Deliberate attempt to bypass existing EU Directives**
- 6 Deliberate concealment of unsatisfactory metrics associated with wind measurements**
- 7 Visibility of whole site from the Comeragh Scenic Drive and other significant routes**
- 8 Numerous erroneous/contradictory statements in Empower's documents**
- 9 Lack of accurate bird surveys and use of inappropriate viewpoint survey locations**

## **D1 Deliberately misleading information as to land ownership within the site areaD**

### **Application Form for Permission/Approval in respect of a Strategic Infrastructure Development**

#### **Section 7 . Legal Interest of Applicant in respect of the site the subject of the application:**

*The applicant states: The lands in respect of which the Proposed Development is proposed are owned by different parties. Please see enclosed letters of consent to the making of the application from landowners on whose lands the Development will require works (Addendum C).*

**The implication of the above is that any development in “*The lands in respect of which the Proposed Development is proposed*”, has been agreed by all landowners.**

**This is fundamentally untrue.**

**The fact is that a large proportion of this land is unregistered and subject to Turbary Rights. Therefore no individual can consent to any development on lands that they do not own.**

- Land registry folios show just 3 landowners in the designated wind farm zone: Thomas Power, Patrick Power, Pat Morrissey. **All other landowners listed must therefore be associated with, not the Site itself but the need to gain access from a local road to the proposed turbine site.**
- The majority of the turbine site area (Open Mountain) is unregistered, nobody having individual title. and it is designated as providing not only Grazing Rights but also, as most of it is peat upland, Turbary Rights .
- This large area of Open mountain encircles the proposed site (except in the South), and includes Bleantasour Mountain and Knockavannia Mountain where access roads and turbines are proposed.  
(The information source for all the above can be found at [www.landdirect.ie](http://www.landdirect.ie))

Select Search/Townland/Waterford/Counnagappul and use a scale of 1:5000)

**D8 Numerous erroneous/contradictory statements in Empower's documents - which to believe?**

**B8.1 Extract from Planning Statement - (page 4)**

**2.1 Proposed Development**

The general components of the Proposed Development are set out hereunder, with exact detail provided in the EIAR and Planning Application:

**Construction of 1,17.71 m of new internal access tracks** and associated drainage  
**Upgrading of 11.46 m of existing tracks** and associated drainage infrastructure;

These figures relating to access tracks are in complete contradiction to those given elsewhere e.g. **1,17.71 m of new internal access tracks** versus **25.43 km of new internal access tracks** - see the following:

**Extract from EAIR - Construction and Environmental Management Plan (page 3)**

**1.3.1 The Site**

The key components of the Site include the following

- **Construction of 25.43 km of new internal access tracks** and associated infrastructure;
- **Up grading of 2,580 m of existing tracks** and associated drainage infrastructure;

I suggest that if an error, as obvious as the one above, is used by Empower to prove a false negative, other Empower desk study data should be viewed with great caution.

**B2 Deliberate destruction of CO2 sequestering environment i.e. peat uplands**

By far the majority of the actual turbine site area is peat land (hence the designation of Turbary Rights).

**B3 Deliberate misinformation about habitat and environment prior to illegal burning**

**Volume 2 – MAIN EIAR CHAPTER 10 - ORNITHOLOGY Page 8**

**10.3 Description of the Existing Environment**

**10.3.1 Site Description**

*“The redline boundary extends to 211ha, and comprises a mixture of farmland, forestry, and upland heath.”*

**The above statement is very inaccurate and misleading**



As there is so much documentation for referral, I have tried to simplify access to my detailed and valid objections to and concerns about statements made in the original documents, by the following means:

- 1 I have enclosed copies of certain relevant Empower documents. I regret the size!
- 2 In those original documents I have highlighted misleading/inaccurate statements, using a colour related to a specific topic e.g. "Ornithology" will be highlighted in red
- 3 I have given each highlighted statement a reference number which relates to my accompanying expanded comments (attached to this covering letter).

Warned off  
Ditches cut - cease and desist  
Vehicle vandalised

### **Community communication**

None to us until spring 2023

### **Ornithology**

Amount of time spent on surveys

Location of Viewing Points

Effect of continual out of season burning - fire brigade/guardai records

Inaccuracies and deliberate misinformation

Collision effect

Noise

### **Environment**

Totally wrong description of habitat

Effect of continual out of season burning - fire brigade/guardai records

### **Numerous contradictory statements**

Distance from Dungarvan of windfarm site

Overall length of access tracks

Ownership of land in the proposed site area

Colours

Ornithology red

Habitat and Environment green

Contradictions blue

Peat uplands brown