

File With

SECTION 131 FORM

Appeal No

ABP— 319480-24

Defer Re O/H

☐

Having considered the contents of the submission dated/received ^{obs.} 07-05-24.
 from John Mathew I recommend that section 131 of the Planning
 and Development Act, 2000 be/not be invoked at this stage for the following reason(s):
 no new material planning issues.

Section 131 not to be invoked at this stage.

☒

Section 131 to be invoked — allow 2/4 weeks for reply.

☐

Signed

Litz Clellie

EO

Date

11-06-24

Signed

SEO/SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date

Lode 9/4 : 7/5 -
BP40
PJ on file ✓ FK 13/05

L. Quinn



Planning Appeal Online Observation

Online Reference
NPA-OBS-003434

Online Observation Details

Contact Name
John Matthews

Lodgement Date
07/05/2024 13:43:36

Case Number / Description
319480

Payment Details

Payment Method
Online Payment

Cardholder Name
johnn Matthews

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

EO

Date

10/5/24

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG— 071917-28

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

Finance Section

Payment Reference

ch_3PDnMqB1CW0EN5FC0IGAizqx

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

Letter Townland windfarm submission to An Bord Pleanála.

file no. ABP-319480-24

Dear sir or madam,

Please see below my submission points, concerns and reasons why I objected to this proposed wind turbine development at local planning stage.

I have read over the submitted appeal document for the development lodged with An Bord Pleanála and remain unassured and unconvinced by its contents and contentions.

Hen Harrier. Hen Harrier are critically endangered as a resident breeding bird in Ireland with fewer than 100 pairs now considered to occur throughout the country. The 2022 National Hen Harrier Survey indicated further declines in the breeding numbers and range.

Hen Harriers are strictly protected throughout the EU and are considered a priority species afforded Annex I protection wherever they occur, not just in SPA's; Special Protection Areas. In fact the latest survey results show that there are more breeding pairs of Hen Harrier outside of SPA's than in. This demonstrates the huge importance of the open countryside uplands for the species. This area and region of the country is most important for Hen Harriers. Nine breeding pairs were recorded nesting around but not inside the Cuilcagh-Anierin Uplands SAC across Lough Allen from this application lands. A pair of Hen Harrier have been seen and recorded in the breeding season in this Drumkeeran to Killavoggy area for the last two decades. They also occur breeding on the opposite side of the vally between this proposed development site and the side of Boleybrack Mountain SAC.

It is accepted scientific knowledge that loss of habitat is the number one cause and driver to extinction of a species.

Approval and development of this Blanket Bog and High Nature Value lands will cause further loss of prime habitat for forage and or breeding.

Hen Harrier/ Windfarm Threat

The Government's recently publicised Hen Harrier Threat Response Plan consultation document, (ten years in the making) publicly declares and confirms afforestation and windfarms to be the first and second greatest threat to the continued existance of the species. It is clear that immediate action is required to save the species. Ireland inc and the forestry and wind turbine industry in particular need to be cogniscent of the implications of further declines in the Hen Harrier in terms of future liabilities under the Environmental Liabilities Directive. Wind turbine developers need to find a way to live with Hen Harriers not the other way around. Siting windfarms in prime habitats used by Hen Harrier is not the way to go.

Other Bird species using the proposed dev. site

The other bird species which occur on and locally and which depend on the upland and bog

habitats in the area are Meadow pipit, Skylark, Snipe, Kestrel, Stonechat, Merlin, Red Grouse and summer breeding migrant species such as Cuckoo, Swallow, Sand Martin and occasional willow warbler if some low growing 'scrub' bush vegetation occurs in sheltered slopes to streams. Resident Dipper also use the upland eroding streams and water course for foraging and nesting if suitable vegetated overhung ledges occur along the streams. Golden Plover have been recorded in the greater local area on wetter more open blanket bog during the spring migration and occasionally in the nesting season. The majority of these once common bird species are now Irish Red listed as threatened or declining in numbers and range while Merlin and Golden Plover, like the Hen Harrier are afforded the highest EU priority species protection.

Skylark. It is stated within the appeal document regarding Skylark, that they are a 'wet grassland' species. This is factually misleading and incorrect. Skylark utilise and nest/breed in several different habitats where suitable conditions occur. I encounter them annually in the breeding season on blanket bog, North Atlantic wet heath, High Nature Value, unimproved grasslands, mosaics of heathland and acidic grasslands/ HNV farmlands. They also occur on coastal dunes and Machair but only on any of these sites where suitable habitat and low/ no disturbance or low risk of predation allow.

Otters, Daubenton's Bat and other bat species, Kingfisher, Dipper, Grey wagtail, White-clawed Freshwater Crayfish, Lamprey.

While protected Otter are referenced within the application document submitted to the PA, it appears to me that this is mainly in reference to SAC's and SPA's hydrologically connected to the application site lands some distance away. Bat species appear to be only considered to the direct lands of the proposed development site.

I do not believe that the Annex IV species listed above have received adequate attention and consideration in the application documents nor the appeal documents. Annex IV species are afforded strict protection throughout their range, both inside and outside of designated protected areas; to damage or destroy a breeding site or resting place of an Annex IV species is an offence. I am not convinced that the risk of damage from this proposed development to breeding or resting places on this river has been afforded proper scrutiny or adequate attention.

Owengar River

The Owengar River which is directly downstream from the proposed development site and one of its main feeder streams flows through the actual development site.

This river hosts the above listed species. All are protected under EU and National Legislation, some are strictly protected under Annex IV of the Birds and Natural Habitats Regulations.

This river which flows through Owengar wood pNHA and on in to Lough Allen suffered or underwent catastrophic damage from a Wind turbine development in 2008 which caused a major bog burst or slide. The true actual costs for the 'clean up' was never truly accounted for, either financially or ecologically. The risk of or for further ecological damage and or catastrophic biological effects is again posed by this proposed development, despite all the maths, calculations and assurances.

Side casting

It is noted that the proposed 'side casting' of the gouged out saturated blanket bog for creation of roads, hard stands and turbine bases that I objected to and which the PA drew concerns too/ refused on has now been dropped and instead planned for more equally ecologically unsound bunding.

Both 'methods' of storing pose unacceptable risks to Lough Allen and the Owengar river and its habitats dependent species.

Remarkable too how no reference is made or acknowledgement of the massive carbon emissions from all the drying out of this blanket bog peat in these bunds and along the kilometres of new roadside blanket bog faces on both sides of each road, hard stands and bigger clearances for the turbine bases.

Irrespective of all the calculations and percentages of blanket bog peat removal and stated 'minimal' loss or impacts on birds, peat/ bog slide risk etc. What this application is seeking is the licence to undermine, degrade, fragment and destroy the integrity and natural functions of a sizable area of upland blanket bog both on the site and negative impacts on the same habitat on adjoining lands and also to destroy and fragment a sizable area of upland High Nature Value lands. All this plus the additional negative impacts on EU protected species and Irish Red listed species of Birds.

Road Materials

I don't recall seeing mention but may have overlooked reference to road and hard stand construction materials proposed for construction. I do see where IFI, Inland Fisheries Ireland draw attention to same with concerns for silt, 'milky' washout. There will of course be massive amounts of base rock, aggregate fill required to the full width of the haul/ installation/service roads, given the massive weights of the machinery required to install/ erect the heavy turbine mast, turbines and blades.

If limestone aggregate materials are used these will have negative impacts and consequences for the remaining blanket bog as the limestone is damaging to ericaceous species such as heathers. Limestone roads material also create conditions and cause many 'pest' species and ruderal plants to colonise. This includes invasive species and species such as Pirri-pirri bur which has been brought in and colonising other wind turbine locations nearby.

Limestone wash or leachate would not be in keeping with the Owengar river which is a sandstone river system.

Rainfall volumn Precipitation.

I may have overlooked this within the application doumentation but do not recall seeing mention of it. I am aware however that many development applications quote or site Ballyhaise, Co. Cavan and Finner Camp, Co. Donegal for weather data/ conditions which may apply to or influence their developments. These locations do not provide accurate date for county Leitrim,

I am also aware of Leitrim County Councils own recording of rainfall data from north Leitrim, at I think, is Truskmore Mt. This recording showed a rainfall amount of over 6 feet per square inch given evenly over the year. That was well over a decade ago, may be two. This may/must have radically changed over the last decade and more in which record amounts are being recorded in all seasons, including summer time area/ localised deluges and flash flooding and persistent month long almost constant daily rain. This rises further concerns for side cast or huge banded blanket bog peat deposits proposed for this proposed development.

Leitrim County Development Plan

In mentioning Leitrim County data, I also note in the introduction of this appeal document there are selected references to the County's Development Plan objectives and policies but these only pertaining to wind energy.

There are no references to the Development Plans policies and objectives relating to protection of the environment, biodiversity, habitats, conservation etc. When you don't look at all aspects of a project or item you are not seeing the full picture, with potential negative consequences possible or unforeseen.

Blanket Bog. EU annex I Habitat

The blanket bog is described dismissively and incompletely in the appeal document as cut over and degraded bog. This belittles and omits the facts that the bog has totally re vegetated, is intact with all usual species of heather present. There is only occasional (two noted) bog cotton flower heads occurring which demonstrates that the bog is intact, functioning and not drying out. Bog Cotton is observed in abundance when and where drying out and drainage has occurred. Bog Cotton is the indicator species for dried out or drying out damaged peat bogs.

The historic, limited, discrete, ceased turfcutting floors on the bog has led to structural diversity within the habitat and now provides localised, enhanced, sheltered, occluded or screened areas with taller overhung heather providing privacy most suitable for the ground nesting Hen Harrier. The blanket bog is capable and has the potential of hosting nesting Hen Harrier.

One or two small discrete old face bank pools with wetter vegetation are occasional noted with little or no depth to them.

This blanket bog is not just occurring on the application lands. It continues on into adjoining lands. What happens on the proposed development site has implications and impacts on adjoining blanket bog too.

While this area of blanket bog does not presently have official recognised designation/protection it is still afforded recognition under Regulation 27 of the Birds and Natural Habitats Regulations and also recognised under Article 10 of the Habitats Directive.

Regulation 27 states, Regulation 27 provides that all public authorities have a responsibility to avoid the deterioration of natural habitats and species protected under the Birds and

Habitats Directives and to exercise their functions and statutory powers in compliance with the Directives requirements.

Article 10 states; Member states shall endeavour, where they consider it necessary in their land use planning and development policies possible and, in particular, with a view to improve the ecological coherence of the Natura 2000 network to encourage the management of features of the landscape which are of major importance for wild fauna and flora. Such features are those which by virtue of their linear and continuous structure such as rivers with their banks or the traditional system for marking field boundaries or their function as stepping stones (such as ponds and small water bodies) are essential for the migration, dispersal and genitic exchange of wild species.

It is visually obvious that the loss of this area of blanket bog combined with the existing large areas of bog, heathlands and high nature value farmland lost to industrial conifer plantations and the proximity and connectivity to the existing industrial wind turbine sites and High Court contested Croagh Wind Turbine development to this site constitutes a significant blockage to the connectivity of the upland habitats range from Kilronan Roscommon across Leitrim and on into Cavan and Fermanagh uplands which are internationally important and designated sites.

Waste, biodiversity, environmental hazards and risks of proposed development.

Despite all the assurances, platitudes and planned toolbox talks proposed as part of these developments the truth of the situation is more obvious and long term afterwards. Litter, plastics, parts wrapping, food, discarded food packaging, including dangerous fiberglass stands, innocuous string like, 3" to 6' long from electrical cable insulation; a biohazard, causing severe skin irritation and infection in humans, while also posing and more likely a huge health and viability risk to birds and their nestlings when and if used as nest lining material. Bird nestlings are born naked with very thin skin much more susceptible to fiberglass exposure irritation, infection and cause of non thriving or failure to fledge out.

Rodent bait stations.

Also present at these wind turbine bases and substation infrastructures are (illegally placed) Rat/ rodent bait stations. Rats, rodents do not naturally occur in blanket bog, (field mice hopefully are naturally present in heathland/ HNV grassland for Kestrel). If it is possible for rodents to have eaten some poison bait and to leave the station this is now a significant environmental bio hazard liable, dead or dying or slowly moving, available or accessible to poison or bio accumulate in apex predators.

The vector route and attraction for rodents has to be the created roads network for constructing and constant/ frequent servicing of the turbine infrastructure and the associated availability of food, discarded food/wrappers/container at these supposed naturally sterile mast and substation bases. (You can often see which service station the food product was purchased in on the way to the site). This is not a 'one off arbitration' sighting. This is continual, on going, observed annual over the last 25 years of survey work

and at not just at one wind 'farm' only.

Proposed Road networks

Construction of roads into any area, but especially so in to natural and semi-natural habitats such as blanket bog has massive negative impacts and knock-on continuous consequences for the integrity and long term viability of the site, its natural functions and especially so for the habitat dependent species which occur there on, the majority of which being ground dwelling or ground nesting.

These road networks allow for, create or provide a direct route into the majority of the natural habitats. Mammalian predators such as Pine marten, Fox, Badger, (cats; feral and farm) would not usually be found in these habitats. By creating the road/route these mainly crepuscular and nocturnal predator species use the road as a hunting route where they can make exploratory trips from into the areas of intact habitats which they never would have access to be before.

This situation also applies to corvids, especially Hooded Crow, which in the ordinary course of events would not be seen on blanket bog, yes, flying over, warily landing where a dead sheep may lie. Roads, substations, stair rails, infrastructure affords them vantage points to observe movements and locations of ground nesting birds. The litter waste and food/wrappers are a huge draw to hooded crows at these upland sites.

The frequency of daytime presence and visual disturbance by service personnel adds to the risks to the ground dwelling and or nesting birds, the risks including food materials dropped accidentally or deliberately. In the end the habitat site becomes unsafe to the species, causing abandonment and displacement.

Precautionary Principle

The precautionary principle should and must apply.

It appears that there is little understanding or consideration of ecology at play here, stating that there are plenty of other similar lands in the region where these displaced species can go.

Species dynamics, behaviour and ecology do not work in this fashion. Most bird species, with the exception of colony nesters, are in the main territorial, especially so in the important nesting and provisioning season. Suggesting that they go elsewhere when those sites can be already occupied or form part of the foraging area of another pair or are sub-optimal habitat for nesting or foraging, is simplistic, uninformed or perhaps just convenient for the proposed project.

Ultimately this is a commercial entity's proposed venture using mathematical calculations and equations to state or try to convince that all will be ok and little or nothing, only a little bit will be lost, and it doesn't really matter there is lots elsewhere in the region. The bog site will be 100% damaged and effected on the footprint of the development and hugely impacted by the modification, drainage, planned and as consequence of same,

destruction and fragmentation of EU Annex I priority habitat and High Nature Value uplands and all supposedly in the name of climate change protection and all will be ok if there is some loss. I remain unconvinced.

Shifting/ sliding Baselines.

It has been the continual, combined and incremental 'minimal' loss of prime suitable habitats throughout the country, death by a thousand cuts, in the first instance that has driven these critically endangered EU protected and Irish Red Listed species to the brink, tentatively holding on in these very last optimal refuges of our uplands, blanket bogs and heathlands. More, just one more 'minimal loss' such as this commercial venture contends exacerbates and renders continued existence of these species more vulnerable and fragile. This is part of the sliding baseline of what is 'normal' and what 'normally' occurs in an area or region. Stating that by constructing these wind turbines and haul/servicing access road networks beside or close to existing wind turbine lessenes or restricts its negative impacts or effects is nonsense when 100% of the site had been damaged, lost or compromised. Stating later that only occasional or no birds occur in the area until we get to the point that the species no longer occurs there. Why? because so much of the area has been lost, damaged, compromised that it renders the whole area unviable for the sustenance of the species to exist.

More that enough of these uplands and bogs have been lost to afforestation, drainage, conversion and exploitation.

Footprint of development

Another cynical assertion/statement is in relation to the area that would supposedly be lost/ impacted by the proposed development. This, the calculation of the bare minimum footprint of the works, roads, hard stands and turbine bases while ignoring the far reaching radial effects and impacts within the site habitat. The whole site is affected and compromised, both as functioning habitat and for the species which are dependent on it. The bog, a 'wetland' habitat is drastically affected by drying out caused by the gauged out road networks and associated drains. The exposed linear peat faces along both sides of the roads are drying out by wind, sunshine and lower water levels drainage. The totally alien industrial nature, noise, human and vehicle movement causing displacement, avoidance, abandonment for vulnerable species. Not so much a footprint, more of a stampede.

In my own work, responsible for one of the largest areas of SAC blanket bog, I dealt with a proposed development with somewhat similar 'area calculation' 'methodology' of footprint on the blanket bog, where acres of Annex I priority habitat would have been covered by a proposed boardwalk planking, rendering the covered area of this SAC habitat unusable, non functioning, no sunlight, no flowering, no pollinators. It also had additional spatial visible and non visible negative impacts of displacement, disturbance, avoidance etc. The proposed project environmental document submitted stated that just 3 metres sq. was the total footprint, having calculated the 75 x 75 mm dimension of each post into the ground. Cynical or 'cute'. Yes, right.

Other outlooks on blanket bogs

While other EU countries and the UK are making valiant efforts to restore, rehabilitate and even recreate their remaining bogs, heathlands and wetland, ours are under constant and consistent threat of destruction and fragmentation from many sources, wind turbine developments being a significant one. It is much more costly to restore than to conserve and protect. This application is a case in point. Its attitude appears to be, its only a bit of bog, what of it, its not designated.

It appears that the significant historic loss of our unique uplands and blanket bogs, (Considered to be the most important bogs in Europe) over the decades to misinformed and misguided afforestation is now continuing through the targeting of these habitats for wind turbine development.

Sustainable development

This industrialising, destruction, fragmenting, compromising the functioning and integrity of these irreplaceable habitats is not wise use and cannot be considered, classed or claimed as a sustainable development.

It has been observed and stated; Wind turbines do not give birth each year.

I believe the Bord's staff and Inspectors are more fully informed and aware of the issues and importance of habitat integrity, protection, conservation, loss, displacement and threat to same and the habitat depending species which have the potential to live and breed there. That these are not waste lands and expendable.

Biodiversity crisis

Ireland is in a Government declared and acknowledged biodiversity crisis, if not collapse. It is money driven, misguided, insensitive and inappropriate developments like this which is adding to the accumulating loss and exacerbates this crisis.

Habitat loss is scientifically considered to be the number cause of species extinction.

Noise Limits

It is noted that noise limits used and relied upon in the application documents relate to

Wind Energy Development Guideline 2006, almost two decades out of date, when much more recent data is available. Anyone with any experience of bird surveying will know and be aware of the negative impacts of wind turbine noise from both turbine gearbox, nacelle and blades. especially so when downwind of the turbine. It is almost impossible to hear bird calls, contact calls, courtship calls or alarm calls, drowned out by the turbine. This noise combined with shadow flicker for birds has to have increased risks. Ability to hear alarm call for possible predator approach is sufficient time is critical.

Consultation brochure drop.

It is noted in the appeal document that the a consultation brochure/ leaflet drop was undertaken in January 2024, a week or so before the application was lodged with Leitrim planning office on the 19th of January. This, when the whole project has been finalised and in a week of being lodged with Planning Authority

Hardly seeking out the public opinions in that short space of time, fait accompli, box ticking are terms that come to mind.

The leaflet makes mention of among others 'environmental benefits' associated with the proposed development. I failed to locate any environmental benefits associated with the proposed development in the documents submitted, only destruction and increased threats to the environment and biodiversity.

It is also noted on page one of the appeal document; Introduction, Development background. 1.2, second paragraph it states "The aim of Letter Wind Farm is to help Ireland deliver on its 'green' energy targets", my emphasis. This too is questionable. Having read through the documents proposals for and on blanket bog and HNV lands I would contend that profit is the aim.

Conclusion

The right development in the right place.

Observation/ comment by Aldo Leopold.

Examine each question in terms of what is ethically and esthetically right as well as what is economically expedient.

A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community.

It is wrong when it tends otherwise.

I put these observation, concerns and points for the Bord to consider and reflect on in their assessment and making of a decision.

Signed, John Matthews,

Address; Lissnanerris, Gortnasillagh East, Drumkeerin, Co. Leitrim .