S. 37

File With _____

SECTION 131 FORM

Appeal NO:_ABP 319480. **Defer Re O/H** ☐

Having considered the contents of the submission dated/ received 28-05-24

from

PA

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 rebuttal of GOA.

E.O.: Liz Cullen **Date:** 11-06-24.

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐

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

S.E.O.: _____ **Date:** _____

S.A.O: _____ **Date:** _____

M _____

Please prepare BP _____ **- Section 131 notice enclosing a copy of the attached submission**

to: _____ **Task No:** _____

Allow 2/3/4weeks – BP_____

EO: _____ **Date:** _____

AA: _____ **Date:** _____

S. 37

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 319480-24.

M Alfie Staunton.

Please treat correspondence received on 28-05-24 by email (29th by Post) **as follows:**

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP 23	**1. RETURN TO SENDER with BP** _____
3. Keep copy of Board's Letter ☐	2. Keep Envelope: ☐
	3. Keep Copy of Board's letter ☐

Amendments/Comments
PA response to S.132 wontime.

4. Attach to file	
(a) R/S ☐ (d) Screening ☐	**RETURN TO EO** ☑
(b) GIS Processing ☐ (e) Inspectorate ☐	L. Clarke
(c) Processing ☐	(on desk)

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: LitClerk	**AA:** [signature]
Date: 29-05-24	**Date:** 29/05

Lita Clarke

From: Appeals2
Sent: Tuesday 28 May 2024 17:36
To: Lita Clarke; Lisa Quinn
Subject: FW: ABP-319480-24 Leitrim Co Co Ref P. 24/60008 Applicant: Letter Wind Farm Limited
Attachments: Letter 28.05.2024 Planner's Comments on Appeal to ABP.pdf

From: Eileen Keenehan <ekeenehan@leitrimcoco.ie>
Sent: Tuesday, May 28, 2024 3:41 PM
To: Appeals2 <appeals@pleanala.ie>
Cc: Kate Bradley <kate.bradley@leitrimcoco.ie>; Finbarr Keaney <fkeaney@leitrimcoco.ie>
Subject: ABP-319480-24 Leitrim Co Co Ref P. 24/60008 Applicant: Letter Wind Farm Limited

A chara,

I refer to your letters dated 23rd May, 2024 advising that the planners comments, which were forwarded through Sharefile, would not be accepted by the Board and also letter dated 23rd May, 2024 advising that in accordance with Section 132 of the Planning & Development Act, 2000 (as amended), the Planning Authority is required to submit submissions or observations on or before 10th June, 2024.

Please find attached the Planning Authority submission in relation to appeal reference ABP-319480-24, our reference P.24/60008.

I would be grateful if you would confirm receipt of same by return please.

Is mise, le meas,

Kind Regards

Eileen Keenehan, Assistant Staff Officer,
Planning Department, Leitrim County Council,
Aras An Chontae, Carrick On Shannon, Co. Leitrim, N41 PF67
Phone. 071 9620005 Ext. 507
Email: ekeenehan@leitrimcoco.ie

Comhairle Chontae Liatroma
Leitrim County Council

Áras an Chontae
Cora Droma Rúisc
Contae Liatroma
N41 PF67

Áras an Chontae
Carrick on Shannon
County Leitrim
N41 PF67

This matter is being dealt with by: Liam Flynn 071 9620005 Ext. 110

28th May, 2024

P.24/60008 ABP-319480-24

An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

Re: Appeal – Planning Application for PERMISSION for ten year planning permission with a 40-year operational life (from the date of commissioning of the development). (ii) Construction of 4 No. wind turbines with an overall ground to blade tip height ranging from 149.85m to 150m inclusive. The wind turbines will have a rotor diameter ranging from 115.7m to 117m inclusive and a hub height ranging from 91.5m to 92m inclusive. (iii) Construction of permanent turbine hardstands and turbine foundations. (iv) Construction of a bottomless bridge culvert across a minor stream on site (EPA River Segment Code: 26_4053). (v) Construction of one temporary construction compound with associated temporary site offices, parking areas and security fencing. (vi) Installation of one (40-year life cycle) meteorological mast with a height of 50m and a 4m lightning pole on top. (vii) Construction of new internal site access tracks and upgrade of a section of existing internal Site track, to include all associated drainage. (viii) Improvement of existing site entrance with access via the L4282. (ix) Development of an internal site drainage network and sediment control systems. (x) Construction of 1 no. permanent 20kV electrical substation. (xi) All associated underground electrical and communications cabling connecting the wind turbines to the wind farm substation. (xii) All works associated with the connection of the wind farm to the national electricity grid, which will be via 20kV underground and partially overhead cable connection approximately 6.4km in length to the existing ESB Corderry 110kV Substation in the townlands of Letter, Greaghnadarragh, Stangaun, Corralustia, Turpaun, Gortnasillagh West, Lugmeeltan, Leckaun, Lisgavneen, Treannadullagh, Drumcashlagh and Corderry. (xiii) Ancillary forestry felling to facilitate construction of the development. (xiv) All associated site development works including berms, landscaping, and soil excavation. (xv) Installation of battery arrays located within container units (2 no. units) and associated electrical plant for grid stabilisation adjacent to the substation building. (xvi) Development of one on-site borrow pit. at Letter, Boleybaun, Stangaun, Greaghnadarragh, Corralustia, Turpaun, Gortnasillagh West, Lugmeeltan, Leckaun, Lisgavneen, Treannadullagh, Drumcashlagh and Corderry, Drumkeeran, County Leitrim.

Applicant: Letter Wind Farm Limited

Phone: 071 96 20005
Email: customerservices@leitrimcoco.ie
Follow:

Beidh fáilte roimh freagra tre Ghaeilge

A Chairde,

I refer to your letters dated 23rd May, 2024 advising that the planners comments, which were forwarded through Sharefile, would not be accepted by the Board and also letter dated 23rd May, 2024 advising that in accordance with Section 132 of the Planning & Development Act, 2000 (as amended), the Planning Authority is required to submit submissions or observations on or before 10th June, 2024.

As previously advised, please see comments below:

I refer to your letter dated 11th April 2024 in regard to the above Appeal and wish to advise that the Planning Authority have reviewed and considered the appeal submission as submitted to the Board and wish to respond, as follows.

Leitrim County Council refused planning permission on the 13th of March 2024, with three reasons for refusal given which are set out below:

1. *Having regard to:*
   - *(a) The classification of the proposed wind farm site as being of 'low to moderately high' landslide susceptibility;*
   - *(b) The high occurrence of recorded landslide events in proximity to the proposal site (59 no. recorded events within 5km of the subject site), including one such recorded landslide event within the proposed wind farm site itself;*
   - *(c) The upland and sloping nature of the terrain;*
   - *(d) The significant depths of peat at some locations within the proposed wind farm site;*
   - *(e) The extensive network of drainage systems across the proposed wind farm site;*
   - *(f) The proposed manner of spoil disposal (side casting);*
   - *(g) The identified deficiencies in the submitted Peat Stability Hazard Assessment;*
   - *(h) The volumes of peat and other spoil material requiring excavation, handling, storage and management on the subject site;*
   - *(i) The extent of intrusive construction works associated with the development on the natural terrain of the site; and*
   - *(j) The potential for destabilising impacts of the proposed development during its construction stage,*

   it is considered that due to the elevated risk of a major accident arising from a landslide event associated with the proposed wind farm, the proposed development would pose a serious danger to the environment, potentially causing extensive pollution of waterbodies within and in the vicinity of the site. The Planning Authority is not satisfied that the applicant has adequately demonstrated through the submission of sufficient robust evidence that the proposed development could not result in a peat landslide from occurring which would have significant and adverse effects on the receiving environment. In particular, it is considered that the submitted Peat Stability Hazard Assessment fails to clearly demonstrate using qualitative assessment, or other appropriate means, which would be sufficiently robust, that the peat conditions at the subject site are different and more stable than the sites of the nearby peat failures at Garvagh Glebe and Shass

Mountain and that the extent of significant environmental impact occurring from a failure have been adequately considered. The Planning Authority is not therefore satisfied that the environmental impacts arising from the potential of a peat landslide occurring have been adequately considered and mitigated against. The proposed development would be considered contrary to the proper planning and sustainable development of the area.

2. *The Planning Authority is not satisfied based on the information submitted with the application, including the Natura Impact Statement (NIS), and having regard to the assessment of the Planning Authority by reference to the issues set out under Reason number 1 above, including the risk of pollution of watercourses in the area, that the proposed development is not likely to adversely affect the integrity of the Lough Gill SAC (Site Code: 001976) and Unshin River SAC (Site Code: 001898) European Sites, in view of their Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting planning permission.*

3. *On the basis of the information submitted with the application, the Planning Authority notes that a number of birds of conservation value which have been observed on, over and in close proximity to the site as documented in the ornithological survey data and findings referenced in the submitted Environmental Impact Assessment Report, thereby indicating this area to be an ecologically sensitive area of some ornithological significance. Given the extent of existing wind farm activity in the wider area, to which the proposed development would add to, the Planning Authority cannot be satisfied that the cumulative environmental assessment of the likely effects of the proposed development on avifauna can reasonably exclude the possibility of a significant impact. In this regard, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.*

The Planning Authority has reviewed the Grounds of Appeal (GOA) document submitted by the 1st Party appellant and note that the appellant has attempted to address each of the reasons for refusal by way of further expansion on the issues raised.

It is accepted that the first and second cited reasons for refusal are inextricably linked to the significant concerns regarding the elevated risk of a major accident arising from a landslide event associated with the proposed wind farm and the ensuing environmental and ecological damage such an event would likely bring about.

Notwithstanding, the attempted rebuttal of the concerns expressed by the Planning Authority in the planner's report and the geotechnical review undertaken by RPS Group Ltd. of the Peat Landslide Hazard Risk Assessment (PLHRA), the Planning Authority remain of the opinion that there is a real and inherent risk of peat failure and/or landslide associated with the construction stage of the proposed development.

The proposed development poses a significant risk from landslide having regard to the classification of the proposed wind farm site as being of 'low to moderately high' landslide susceptibility; the high occurrence of recorded landslide events in proximity to the proposal

site (59 no. recorded events within 5km of the subject site), including one such recorded landslide event within the proposed wind farm site itself; the significant depths of peat at some locations within the proposed wind farm site; the extensive network of drainage systems across the proposed wind farm site; the identified flashy regime within the site, coupled with low permeability soils and standing water in some areas of the site; and the proposed manner of spoil disposal (side casting) would result in a significant pollution threat to waterbodies and the wider environment resulting from a landslide.

Similarly, it is acknowledged that a mobile species pathway exists between the wind farm site and the otter populations associated with the following Natura 2000 sites on account of all elements of the project within the maximum foraging range (15km) of the otter population supported by Unshin River SAC and Lough Gill SAC who, as the submitted NIS states, are likely to rely upon freshwater habitats downstream of the proposed wind farm site.

Given the real concerns of a landslide event occurring as a result of the proposed development or in-combination with other projects, particularly given the high degree of such occurrences within the wider area, and including the risk of pollution of watercourses in the area as a result, the Planning Authority remain of the opinion that the mitigation measures presented in the NIS and EIAR will not be effective and may indeed exacerbate the potential for a landslide on this site at the construction stage, by creating instability.

Given the extent of this definitive scientific doubt that the proposed development, alone or in-combination with other plans or projects, would not result in adverse effects to the integrity and conservation status of the Lough Gill SAC and Unshin River SAC sites in view of their Conservation Objectives, the Planning Authority remains of the view that it was precluded from granting permission for the proposed development.

Similarly, in relation to GOA submission against the rationale for the third reason for refusal, the Planning Authority remain of the view that the survey findings in respect of the proposed development and those associated with previous proposed wind farms development within the vicinity of the appeal site establish that there is significant ornithological value associated with the site and its surrounding area. The proposed development would result in a further erosion of habitat loss and an increase in displacement and collision risk by yet more turbines in this area. In this regard, it is difficult to conclude that the cumulative impact would not be significant.

Is Mise, le Meas,

Kate Bradley

Senior Staff Officer
Planning Department

Comhairle Chontae Liatroma
Leitrim County Council

Áras an Chontae
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