S. 37

File With _____

SECTION 131 FORM

Appeal NO:_ABP - 321867-25 **Defer Re O/H** ☐

Having considered the contents of the submission ~~dated~~/(received) 11/03/2025.
from
Adrienne Diamond and
Graham Robertson 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

E.O.: Karen Byrne **Date:** 7/04/2025.

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 321867-25 (Remitted case)

M _____

Please treat correspondence received on 11/3/25 -email **as follows:**

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

Amendments/Comments
Adrienne Diamond + Graham Robertson response to S131

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

	Plans Date Stamped ☐ Date Stamped Filled in ☐
EO: Rosa O -	**AA:**
Date: 12/3/25	**Date:** 13/03/25

K Byrne

Dáire Littleton Caden

From: Adventure Gently <adventuregently@hotmail.com>
Sent: Dé Máirt 11 Márta 2025 14:42
To: Appeals2
Cc: Adventure Gently
Subject: Case Number ABP-321867-25
Attachments: Adrienne Diamond ABP-321867-25.pdf; Attachment 1. Ursula Corcoran Executive Engineer.pdf; Attachment 2. Inlands fisheries report.pdf; Attachment 3. An Taisce.PDF; Attachment 4. Croagh Wind Farm.pdf; Attachment 5 Nova-Gadsby-Affidavit.jpg; Attachment 6. Ian Hazlett statement hh.pdf; Attachment 7 Graham Robertson Affidavit .pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Case Number ABP-321867-25
Planning Authority Reference Number 20120

Dear An Bord Pleanala,
Thank you for your letter dated 19th February, 2025, I have attached my submission on the above case. In addition, there are 7 attachments.
Could you please let me know that you have received this email.

Thank you

Adrienne Diamond and Graham Robertson

0851821547 0831297300

Adrienne Diamond
Beagh,
Dromahair,
Co. Leitrim

The Secretary,
An Bord Pleanála,
64 Marlborough Street, Dublin 1
D01 V902

Case Number ABP-321867-25
Planning Authority Reference Number 20120

11th March 2025

Re: Construction of 8 Wind turbines, electrical substation, partial demolition and alteration of two agricultural buildings and all associated site development works. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement have been prepared. Bargowla, Boleymaguire, Braudphark, Derreens, Derrybofin, Derrycullinan, Derrycullinan Beg, Drummanacappul, Garvagh, Garvagh Glebe, Glassalt, Lisfuiltaghan, Seltan Sheena and Tinnybeg, County Leitrim.

Dear An Bord Pleanála,

We request the Board to consider the following points alongside our our previous submissions.

We maintain that the original inspectors report is still valid, (Senior Planning Inspector, ABP-310788/789-21 Inspector's Report 22nd February, 2023)

This report complied with the correct Leitrim County Development Plan at the time it was written and it should be considered alongside any new Inspector's reports.

We ask the Board to consider the following in relation to:

HIGH RISK OF LANDSLIDES

'Letter wind farm' refusal LCC and ABP. 59 landslides within 5km of site

I would like to draw the Board's attention to Leitrim Co Co planning application 24/60008, ABP 319480-24, Letter wind farm which is only 2.4km to west of proposed Croagh wf.

This application was refused by Leitrim Co Co (March '24) and An Bord Pleanala (Nov '24). The following two extracts have relevance to proposed nearby Croagh wind farm.

"Due to the elevated risk of a major accident arising from a landslide event the proposal would pose a serious danger to the environment potentially causing extensive pollution of waterbodies within and in the vicinity of the site'.

(ABP 319480-24 Inspector's Report Page 7 of 142 Letter wind farm)

' 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).'***

(Leitrim County Council, Main Reasons and Considerations on which the Decision is based. Reference No. in Planning Register: P. 24 / 6 / 0008 Letter wind farm)

Garvagh Glebe Landslide

In 2008 during the construction of directly adjacent wind farm Garvagh Glebe, subsequently resulting in devastating environmental damage.

RTE New report 2008 https://youtu.be/MtJMhQ7SdLM?si=OoGpEfAYIFEHbWtW

We ask the Board to also consider the attached Executive Engineer report. The Council has failed to bring into consideration or are cognitive of their own senior engineers report. Extract as follows:

'all aspects of the proposed wind farm development could have a significant impact on water quality and the wider environment, and this development has the potential for a cumulative impact on these receptors due to the cluster of existing proximate wind farms. Such developments create a high risk of increasing the nutrient and suspended solid loading in the downstream receiving waters and receiving environment. This is a major concern for the Environment department and Leitrim County Council is obliged to improve the water quality status of all waters to 'Good' water quality status under the Water Framework Directive.'

Attachment 1. Leitrim Co Co Executive Engineer / Ursula Corcoran report May 2021

We ask the Board to consider the many concerns of Inland Fisheries Ireland **Attachment 2.**

We ask the Board to please consider **attachment no 3.** An Taisce's report submitted in response to this development planning application 20 / 120. (Sept 2020)

Peat Depth and Slope

We have serious concerns in regard to the proposed works in relation to the depth of peat and slope in light of the following statements.

'*Peat depths recorded within the proposed infrastructure envelope ranged from 0 to 6m'* (Section 4.1 (2) McCarthy Keville O'Sullivan Geotechnical & Peat Stability Assessment Report)

'*The slope angle at the turbine locations range from 2 to 12 degrees'* (Section 4.1 (3) McCarthy Keville O'Sullivan Geotechnical & Peat Stability Assessment Report)

'*There are serious difficulties with developments on peat soils where there is excessive slope and where the peat depth exceeds one metre.*' (ABP 319480-24 Inspector's Report Page 12 of 142 Letter wind farm)

Unsuitable locations of Turbines:

Mapped Fault

'*There is a mapped fault located in the south of the site with a southwest to northeast trend*'. (3.4 Soils,Sub soil & Bedrock McCarthy Keville O'Sullivan Geotechnical & Peat Stability Assessment Report)

This map indicates landslide events and landslide susceptibility in area of T01

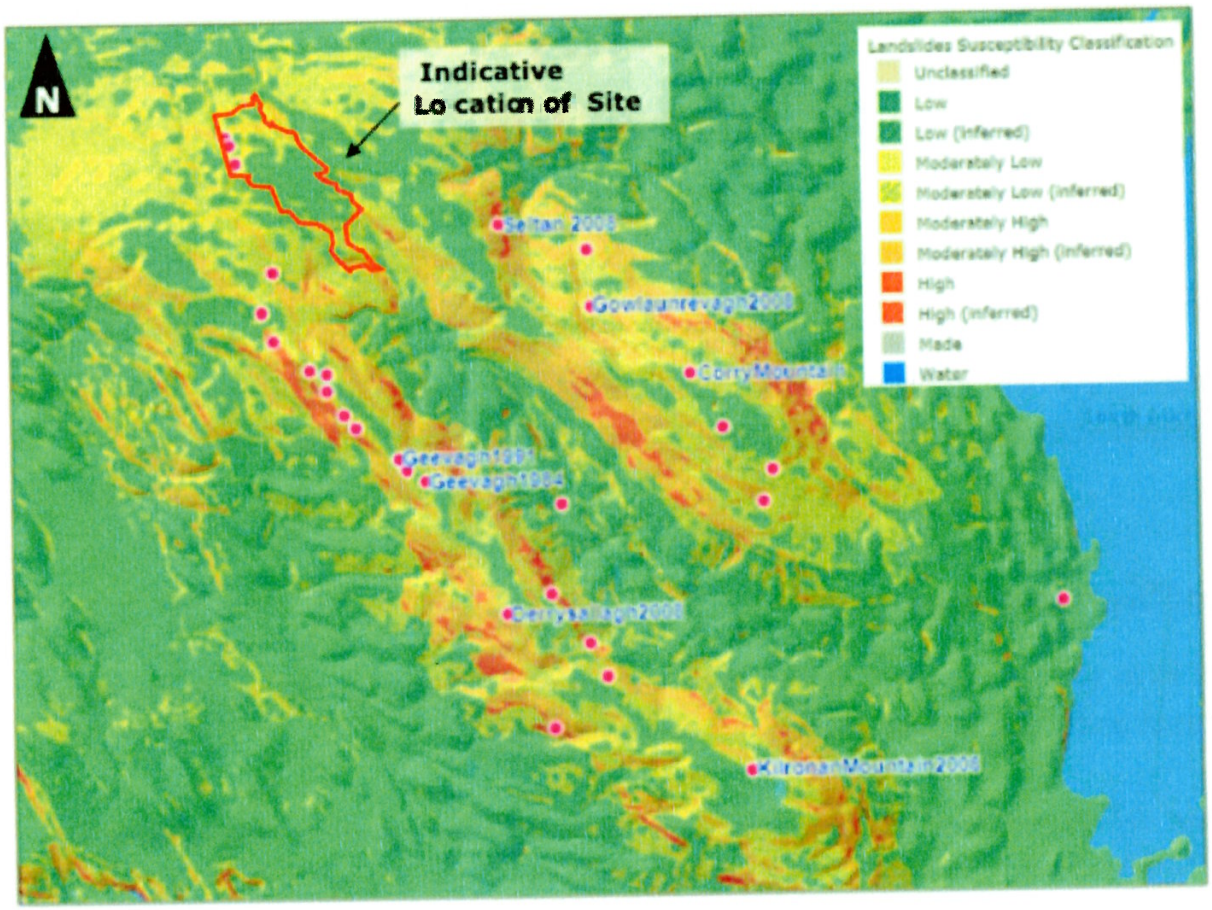
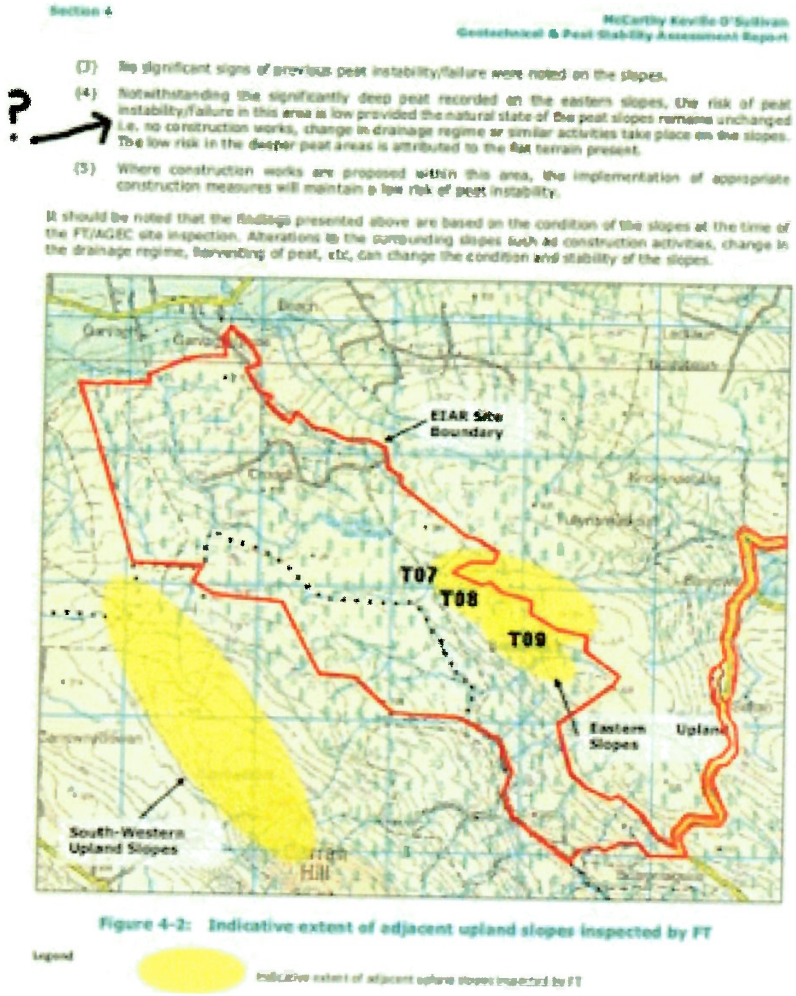


Figure 3-1: Plan showing landslide events and landslide susceptibility (GSI, 2019)

Eastern Slopes : Acknowledged high risk area, but turbines locations planned on it.



T07 / T08 / T09 are located in Eastern Slopes area

'Not withstanding the significantly deep peat recorded on the eastern slopes, the risk of peat instability/failure in this area is low provided the natural state of the peat slopes remains unchanged i.e. no construction works, change in drainage regime or similar activities take place on the slopes. The low risk in the deeper peat areas is attributed to the flat terrain present.'

(4) Section 4 Geotechnical & Peat Stability Assessment Report MKO

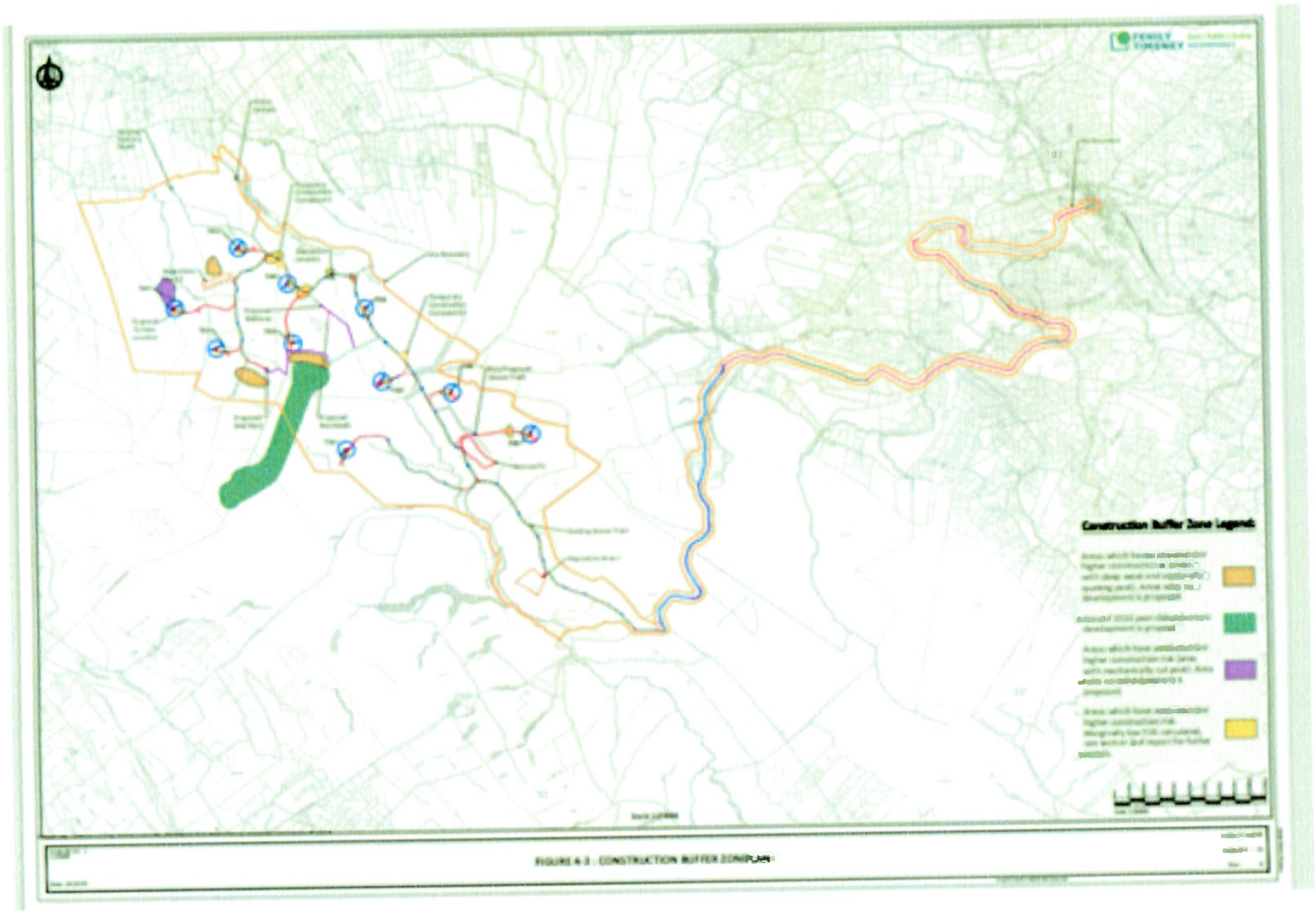
not withstanding..... definition : in spite of

This statement by MKO suggest this area should have no construction works, but T07 / T08 / T09 are located on this area.

Location of T01

Figure 4-3 : Construction Buffer Zone Plan, MKO Geotechnical & Peat Stability Assessment Report for Croagh Wind Farm.

This figure is of great concern in regard to T01 as you can see this turbine is positioned in a marked area Purple : '*Areas which have an elevated or higher construction risk (area with mechanically cut peat). Area where no development is proposed.*'



We ask the Board to consider :

The location of T01

The developer has proposed and the Planning Authority has licensed a turbine in the middle of an Annex I blanket bog habitat as recognised by MKO consultants.

This is in conflict with obligation to protect those habitats where they occur.

We are seriously concerned with reference to the following:

- How can this be good planning practice ?
- The gouging out of all the peat and drainage of the bog
- The bringing in of aggregates which would affect the bog
- The massive land take of that area of bog

Any siting of a turbine or ancillary works on or near this Annex I habitat would have major negative impacts on the bog for its integrity and long-term viability as a functioning ecosystem and could not be considered 'wise use', good planning practice nor sustainable development. The developer reiterates that we as a nation are in the midst of a biodiversity crisis and approval or confirming the Planning Authority's licence for this turbine on EU Annex I priority habitat will exacerbate this crisis.

We ask the Board to consider:

Increased rainfall

Damian Owens, spokesperson for Engineers Ireland. (source 10th March. RTE Radio 1, Drive time at 18.55pm)

1) Some of the wettest years recorded were is in this century.
2) He recommended nature based solutions including 'rewetting of bogs'.

It is clear that rainfall patterns have changed in Ireland
resulting in very heavy amounts of rain falling over shorter periods of time

Figures demonstrate that phenomenal amounts of rain are falling in short periods of time, for example:

Rainfall amounts recorded at Market Street, Dromahair, Co Leitrim (source: Met Eireann).

27 October 2022 / 20mm total daily rainfall
30 December 2023 / 20mm total daily rainfall
6 December 2024 / 38.5 mm. total daily rainfall

These rainfall patterns would have implications for the construction of new roadways and wind turbines in the area but could have serious ongoing implications for water run off and peat slippage after construction.

On the basis of all the information submitted in this application, there is considerable doubt that landslides could be avoided. This is a fragile landscape, already contributing to carbon capture and biodiversity, another landslide would be environmental catastrophic.

We ask the Board to consider:

Sweetman v An Bord Pleanála ([2021] IEHC 390) (the Derryadd decision)

The Court ruled that the design envelope approach is contrary to the requirement under the Planning and Development Regulations 2001 (the PDR) to provide "plans and particulars" in relation to the relevant application.

Similarly in this application the developer has not provided adequate specific details on the turbine designs.

We ask the Board to consider:

Non-compliance with the requirements of the SEA Directive.

CJEU CASE 24/19

The decision of the Court of Justice of the European Union (CJEU) in the case A v Others C-24/19 is relevant to ABP. Jurisdiction to permit this type of development arising from the requirements of Directive 2001/42/EC ("the SEA Directive") as interpreted by the Court of Justice in June 2020.

We ask the Board to consider:

Leitrim is already making a positive contribution to Ireland's National Strategic Policy on renewable energy and its move to a low energy carbon future.

Ref: Good Energies Alliance Ireland 2019 *'Seven wind farms in County Leitrim produce around 84,280MW hours (84,280million electricity units) per year.* ***This represents 64% of annual consumption of electricity in Leitrim.***'

With over 100 turbines on the mountain already, our fragile landscape has reached full capacity for wind energy developments.

In so many respects, the developer appears to have prepared this application with a desktop study approach, without really knowing the area. They have suggested unrealistic plans, for example: Access to amenity area is planned via tiny L roads, where any additional traffic would make walking and driving them very dangerous, and deterioration of the road surface. They have placed turbine locations on fault / previous landslide area, know locally as the 'swamp'. In relation to construction, they appear to have disregard for the deep peat and slopes of the terrain. And very importantly they do not appear to have considered the impacts on the bog for its integrity and long-term viability as a functioning ecosystem

Our Community really care for and love where they live, realising what an exceptional place it is. 109 submissions have been received at Leitrim County Council. People who live here and know the land, have campaigned against this development for over five years, in the hope that they can protect the environment and biodiversity from further landslides and destruction and ensure the well-being of the people who live here.

Attached to this submission are two statements from local people in regard to their ongoing sightings of the Hen Harrier. We ask the Board to consider these. Thank you.

We ask the Board, using their expertise and resources to carefully examine this application on our behalf. If this development were to go ahead it would have a profound and possibly disastrous impact on the local environment and surrounding communities.

We ask An Bord Pleanála, to please refuse this application.

Yours sincerely,

A. Diamond

Adrienne Diamond

Attachment 1. Leitrim Co Co Executive Engineer / Ursula Corcoran report May 2021

Attachment 2. Inland Fisheries Ireland

Attachment 3. An Taisce's report submitted in response to this development planning application 20 / 120. (Sept 2020)

Attachment 4. Croagh Wind Farm document

Attachment 5. Nova Gadsby Affidavit

Attachment 6. Ian Hazlett statement

Attachment 7. Graham Robertson Affidavit

ENVIRONMENT DEPARTMENT
(Air, Noise & Water Pollution Control),
Carrick-on-Shannon, Co. Leitrim
Tel: (071) 9620005 Ext 808

PLANNING SECTION
LEITRIM COUNTY COUNCIL
23 MAY 2021
REF. P. 20/120

Sent To: Planning Reports Only
CC: Marie Mulligan SEE Environment & Vivienne Egan, Planning
Ref: **P20/120 Significant Further Information**
Applicant: **Coillte**
Location: Townlands of Bargowla, Boleymaguire, Braudphark, Derreens, Derrybofin, Derrycullinan, Derrycullinan Beg, Drummanacappul, Garvagh, Garvagh Glebe, Glassalt, Lisfuiltaghan, Seltan, Sheena and Tinnybeg Co. Leitrim
Date: **27/05/2021**

I have reviewed the water quality aspects of the significant further information submitted for this planning application and the associated documents.

It is important to highlight that if the 2019 Draft Revised Wind Energy Guidelines (or very similar) are adopted during the planning application process. The applicant will be expected to demonstrate how this application will comply, relative to the proposed operational noise limits given in the EIAR (Table 11-14 refers, Wind Turbine Criteria Curves). Likewise, you will be expected to demonstrate how this application will comply with the zero-limit proposed in the Draft Revised Wind Energy Guidelines regarding shadow flicker.

I have reviewed the significant further information submitted; all aspects of the proposed wind farm development could have a significant impact on water quality and the wider environment, and this development has the potential for a cumulative impact on these receptors due to the cluster of existing proximate wind farms. Such developments create a high risk of increasing the nutrient and suspended solid loading in the downstream receiving waters and receiving environment. This is a major concern for the Environment department and Leitrim County Council is obliged to improve the water quality status of all waters to 'Good' water quality status under the Water Framework Directive

The cumulative impact of the proposed and the existing wind farm developments in such an environmentally and nutrient sensitive location on the sustainability of the habitats of the aquatic species and qualifying interests of the SAC is also a serious concern for the environment department. The Lough Gill SAC is within 5km of the northern boundary of the

Leitrim County Council Planning Department - Viewing purposes only

site at its nearest point; this Lake is also an import ant drinking water supply source for counties Leitrim and Sligo. There are 6no. proposed turbines to be located within the Bonet Sub-Catchment; this area drains in a northern direction via the KIllanummery River_010 towards the River Bonet and Lough Gill SAC. The Boleybrack Mountain SAC is located approximately 10km to the north west of the site but has no direct hydrological connect ion with the proposed Wind Farm site which should minimise the potential for direct effects. Wind farm developments during their construction and operationa llife time cause changes to environmental noise that is background noise levels and types and to water quality and the qualifying criteria for these designated sites are vulnerable to such changes; and require the highest standards of protection.

I would l ke to make the following observations and recommendthat these aretaken into consideration in any grant of planning permission:

Noise

1. Construction Phase - Construction machinery and operations during the construction phase of this development should be arr anged toensu rethat noise levels at the façade of the nearest house during the co nstruction stage should not exceed
    a. 65 dB LAeq between 7.00am a nd7.00pm Monday to Saturday
    b. 45 dB LAeq between 7. 00pmand 7 00am all week
    c. 55 dB LAeq betwee n7 00am and 7.00pm on Sundays.
    d. Noise should notbe tonal or impulsive in nature.
    e.
2. Operational Phase – for the operationa lphase of the proposed deve lopment, by itself or in co mbination with any other permitted wind farm in the vicinity, shal l not result in noise levels, when measured externally at noise sensitive locations, which exc eeds:

    (TheEIAR, Section 11.4.2 *Wind Turbine Noise Criteria* recommends the following proposed operational noise limits in $L_{A90,10min}$)

    i. 40dB $L_{A90,10min}$ for quiet daytime environments of less than 30dB $L_{A90,10min}$.
    ii. 45dB $L_{A90,10min}$ for daytime environments greater than 30dB $L_{A90,10min}$, or a maximum increase of 5dB above background noise (whichever is higher) and

Leitrim County Council Planning Department - Viewing purposes only

iii. 43dB $L_{A90,10min}$ or a maximum increase of 5dB above background noise (whichever is higher) for night-time periods.

3. It is recommended and should be mandatory in the planning conditions in any grant of planning permission for the proposed Wind Farm that where a noise problem persists at any affected noise sensitive location that additional environmental noise monitoring should be carried out at the Wind Farm operator's expense. The Wind Farm operator should be required to liaise directly with the affected parties, the affected members of the community and communicate with all affected parties and should appoint an independent noise monitoring consultant to conduct noise monitoring or other environmental monitoring as required at the site for the lifetime of the project and be required to implement all the actions of the relevant independent consultant which may include "switching off" the affected noise/nuisance source if no other satisfactory, practical solution can be agreed; and all of this will be at the Wind Farm operator's expense.

Forestry Clear-Felling

1. It is proposed to clear-fell 55.1 hectares of forestry within the proposed development site to facilitate turbine erection and construction of the hard standing areas for these. The Method Statement submitted with the further information must be fully incorporated and best practice guidance adhered to during these clear fell works. The clear-felling is stated as being permanent with no intention for re-planting proposed. Consultation with Inland Fisheries Ireland, Leitrim County Council and Sligo County Council must take place in advance of the commencement of the clear-felling works and the surface water sampling should be agreed with these statutory bodies in advance and this sampling should be continued until these statutory bodies are satisfied that there is no impact or deterioration on water quality taking place. Reasonable additional sampling and parameters or remediation and drainage may be required and if requested these additional items will also be at the Wind Farm developer's expense.
2. The updated site drainage plans which now includes the mapped existing forestry drains integrated into the proposed water protection measures was considered

Leitrim County Council Planning Department Viewing purposes only

essential. To ensure the protection of downstream receiving waters, the existing forestry drainage network mitigation measures identified in item No. 52 of the further information request must be implemented in advance of the commencement of an yworks on the proposed site.

Surface Water Management Plan

1. The Loca lAuthorities being Leitrim County Council and Sligo County Council, or the Inland Fisheries of Ireland (IFI) reserves the right to request additiona llocations, additiona lgrab and or composite water sampling be carried out. All analysi s shall be carried out by an INAB accredited laboratory, and the results submitted to t he above bodies within one week of receiving them. To monitor the physi cal chemical, and biological background water quality and the conditions in the selected sampling locations. Also, additional in-stream parameters relatedto the physical depths, conditions and flow in these streams may be r equested.This will also be at the wind farm developer and or operator's expense .
2. The Local Authorities being Leitrim County Co uncil and Sligo County Council, or the hland Fisheries of Ireland (IFI) reserves the right to request that the Post-Construction Surface Water Mo nitor ingis continued monthly both chemical and biological post-construction untilsuch a time that they are satisfied the results show no impact o nwater qualit y. This work will also be at the wind farm developer and or operator's e xpense.All analysis shall be carried out by an INAB accredited laboratory, and the results submitted to the above bodies within one we ek of receivin g them These results of this analysis may be referred to other stakeholders for their opinion to ensure the protection of water quality
3. A 50m buffer zone should be permanently delineated on the site (Item No. 55 of the further information refers) at all streams in advance of the commencement of any works. No settlement ponds and associated infrastructure should be located within the 50m buffer zone of all streams. Nore-fuelling to take place within the 50m buffer zone of all watercourses. No concrete chute washout b cations to be within the 50m buffer zone of any watercou rse.No herbicides or pesticides should be used with this 50mbuffer zone.

Leitrim County Council Planning Department - Viewing purposes only

4. The Local Authorities being Leitrim County Council and Sligo County Council, or the Inland Fisheries of Ireland (IFI) must be consulted at all stages of the proposed development to ensure that all works which could impact on the aquatic habitat or water do not cause any deterioration in Q values/water quality status as measured by the EPA.
5. All surface water mitigation and controls proposed in the updated Surface Water Management Plan should be included by way of planning condition to be mandatory in any grant of planning permission for the proposed Wind Farm to prevent any decline in the downstream receiving waters.
6. Best practice and the most up to date guidance documents provided by Inland Fisheries of Ireland (IFI) and the Forest Service (DAFM) must be adhered to in all stages of the works on this site.
7. If planning permission is granted the final detailed Surface Water Management Plan should be agreed with the Local Authorities being Leitrim County Council and Sligo County Council, and Inland Fisheries of Ireland (IFI) in advance of commencement. This is considered necessary due to the potential for adverse water quality and aquatic habitat impacts from the proposed development.
8. All liquids, fuels to be stored shall be enclosed in a bunded area with all valves, filler points and external pipe work contained within the bund. The bund(s) shall be equal in volume to 110% the volume of the stored liquid. Mobile fuel bowsers must be double-skinned and should be re-fuelled off the site. Minimum setback distances from all watercourses and designated re-fuelling locations should be agreed with the Local Authorities being Leitrim County Council and Sligo County Council, and IFI in advance of commencement.
9. Spill mitigation kits such as drip trays, fuel absorbent mats etc must be used during re-fuelling operations. Spill mitigation training and a plentiful supply of spill kits should be provided.
10. The final detailed Construction and Environmental Management Plan must be submitted and agreed with the Local Authorities being Leitrim County Council and Sligo County Council, and IFI in advance of commencement. A site-specific Emergency Response Plan should also be included in this Plan. Again, this is

Leitrim County Council Planning Department - Viewing purposes only

considered necessary due to the potential for adverse water quality and aquatic habitat impacts from the proposed development.

11. Class 1 petrol/oil nterceptors and grit taps are to be installed in both temporary compounds. These shou ldbe installed in an accessible location which allows for regular maintenance; and such that all surface water in both site compounds can be passed through this prior to its final discharge, submit a drawing with the proposed location of bot h
12. In addition, a suitably sized Class 1 petro l/oil interceptor and grit trap should be installed in the permanent amenity car park to be provided, to be sited in an accessible location which will allow all su rface water to be passed throu ghthis before discharge to surface waters and to allow regular maintenan ce and servicing.
13. All wastes arising including the wastewater effluent must be colle ctedand transported off th esite for further treatment by an authorised waste collector; a copy of the ope ation and maintenance contract for the effluent storage tanks should be submitted for approval to the Environ mentDepartment of Leitrim County Council.
14. This Site should have dedicated Waste St orageAreas, which are suitably sized in accordance with the volumes of wates andtypes of wastes and recyclables generated. This area should be prope rlysited to allow access for servicing by authorised waste collectors ; these Areas should not cause any visual or nuisance effects.

Con struction and Environmental Management Plan

1. The Construction and Environmental Management Plan submitted with this application and as updated by further information must be incorporated into any grant of planning permission, with full responsibility for Environmental Liability with both the Wind Farm developer and operator.
2. The Invasive species mitigation measures must include all areas of the site and equipment and must be agreed with IFI prior to commencement of any works on site.
3. The Asbestos Management Plan, if required for the partial demolition proposed at the existing farmyard in the townland of Sheena, in Drumkeeran Village. This

Leitrim County Council Planning Department - Viewing purposes only

Plan must be agreed with Leitrim County Council's Waste Enforcement Officer prior to commencement of any works on site.

Yours Sincerely,

_Ursula Corcoran_____

Ursula Corcoran MSc. CEng MIEI
Executive Engineer
Environment Department

Leitrim County Council Planning Department - Viewing purposes only

Leitrim County Council Planning Department - Viewing purposes only

Jacqui Colreavy

From: Ursula Corcoran
Sent: Friday 28 May 2021 08:53
To: Planning Reports Only
Cc: Marie Mulligan; Vivienne Egan
Subject: RE: P20 120 Croagh Wind Farm Significant Further Information
Attachments: P20 120 Croagh Wind Farm_Significant F.I. Planning Report.docx

Planning Report attached for P20/120 Croagh Wind Farm – Significant Further Information
Regards
Ursula

Ursula Corcoran MSc. CEng MIEI
Chartered (Executive) Engineer, Environment
☎ : (071) 9620005, ✉ : ucorcoran@leitrimcoco.ie
Leitrim County Council | Áras an Chontae, Carrick on Shannon, Co. Leitrim. N41 PF67

PLANNING SECTION
LEITRIM COUNTY COUNCIL
29 MAY 2021
REF. P. 20/120

Leitrim County Council Planning Department - Viewing purposes only

Leitrim County Council Planning Department - Viewing purposes only

Jacqui Colreavy

From:	Catherine Kerins <Catherine.Kerins@fisheriesireland.ie>
Sent:	Monday 24 May 2021 16:39
To:	planning
Cc:	Aisling Donegan
Subject:	submission re 20/120
Attachments:	lcc-c-20-0120.pdf

PLANNING SECTION
LEITRIM COUNTY COUNCIL
24 MAY 2021
REF. P. 20/120.

Dear Sir/Madam
Please find attached submission from IFI, Limerick (Drumsna) and IFI, Ballina in relation to planning application 20/120. Please could you acknowledge receipt of this submission.

Please do not hesitate to contact myself or Aisling Donegan should you wish to discuss.
Regards

Catherine Kerins
Senior Fisheries Environmental Officer
Inland Fisheries Ireland - Drumsna

Iascach Intíre Éireann
Inland Fisheries Ireland

Tel +353 (0)7196 24218
Mob +353 (0) 87 2860942

Email Catherine.kerins@fisheriesireland.ie

Web www.fisheriesireland.ie

Drumsna, Carrick on Shannon, Co. Leitrim, Ireland.

Help Protect Ireland's Inland Fisheries

Call 1890 34 74 24 to report illegal fishing, water pollution or invasive species.

Leitrim County Council Planning Department - Viewing purposes only

Leitrim County Council Planning Department - Viewing purposes only

Planning Section
Leitrim County Council
Aras an Chontae
Saint George's Terrace
Townparks
Carrick-On-Shannon
Co. Leitrim

21st May 2021

Re: Further Information provided for proposed 10 turbine windfarm development including electrical substation, underground cabling, connection to national electricity grid – Coillte CGA -PL20/120

Dear Sir/Madam

Inland Fisheries Ireland (IFI) is the State body responsible for the protection, management and conservation of the inland fisheries and sea angling resource in Ireland. Protection of the aquatic environment and habitat is a vitally important element of IFI's work.

The proposed development crosses a number of catchments including the Killanummery, Arigna, Tullynascreen and Owengar Rivers. The Killanummery River provides important salmon and trout spawning and nursery habitat for the Bonet River, Lough Gill and Garvogue River fisheries. This catchment also supports populations of lamprey and crayfish. Tributaries of the Killanummery River run adjacent to and through the proposed site. These watercourses are under environmental pressure and have been allocated poor ecological status in the River Basin management Plan. This status must be improved to good to comply with the Water Framework Directive. IFI is concerned that this deterioration will impact on the long term viability of the downstream fisheries. This catchment has been identified as being at risk of not recovering to good status due to forestry activity and poor hydro morphology which are both potential impacts of this development. Salmon stocks in this system have now fallen below their conservation limit, i.e. the number of spawning salmon required to maintain the fishery. As a result salmon angling in the system is now limited to catch and release only after the 12th May, this is a measure introduced to support the recovery of this natural resource. The Killanummery River forms part of the Lough Gill Special Area of Conservation (SAC) which this site is hydrologically connected to. This SAC is designated for the protection of Atlantic salmon, white-clawed crayfish and lamprey species.

Brook lamprey are present in the Bonet River system and many of its tributaries, with the Killanummery River identified in the Fisheries and Aquatic Report as providing suitable lamprey habitat. Lamprey are a protected species of fish given annexe II protection under the Habitats Directive, they don't have to fall within SAC or NHA to be protected, they are protected as a species wherever they occur. National Parks and wildlife should be specifically consulted with regard to the brook lamprey populations and measures to protect them must put into place.

The Arigna holds good stocks of wild brown trout and the upper reaches of the Arigna River are important for spawning trout, the Arigna River also supports a variety of coarse fish (downstream of Arigna). The Arigna River flows into Lough Allen. Lough Allen supports stocks of the rare endangered and protected species Pollan, listed and protected under Annex 5 of the Habitats Directive. The Irish Pollan (*Coregonus Pollan)* is unique to the Island of Ireland with its current known distribution being limited to five lakes, Lough Neagh, Lower Lough Erne, Lough

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Ree and Lough Derg (Rosell *et al.* 1997) and Lough Allen (Harrison *et al.* 2009). The Arigna River is popular with recreational anglers with the main trout angling stretches on the Arigna River upstream of Mount Allen bridge on the Drumkeeran road and downstream of the village of Arigna.

It is noted that 6km of construction access roads drain via the Owengar River. The Owengar River is a salmonid watercourse, which had good stocks of wild brown trout, however in September 2008 this was impacted by a landslide. A number of resident trout were relocated from the lower reaches of the lake before the landslide reached and were relocated to Lough Allen, but the resulting water quality and habitat damage severely impacted the fishery.

There is significant potential for this development to have a negative impact on the fisheries resource and it is imperative therefore that all works that could impact on water quality and the aquatic habitat are carried out in consultation with IFI throughout planning, design and construction.

The area proposed for the development of this windfarm falls within two River Basin Districts and would therefore be within the jurisdiction of IFI Shannon RBD (Drumsna) and FI Western RBD (Ballina) this is a joint submission from both RBD's, however all correspondence should continue to be sent to both the undersigned at the addresses below.

IFI has reviewed the further information provided and, in addition to a previous submission, has the following comments to make:

Watercourse Crossings and works in close proximity to watercourses

The numbering system for watercourse crossings is different in Appendix 5. Proposed New Watercourse Design Drawings, than in the text of Section 2.4.10 and on the drainage drawings provided e.g. Watercourse crossing number 3 is close to turbine 1 on the drainage plan, this culvert is referred to a New Watercourse crossing 1. in section 2.4.10 of the CEMP. and is shown as proposed crossing number 9 on the drainage design plan. The numbering of the watercourse crossings in section 2.4.10 Proposed Clear span watercourse crossings detail 7 crossings in total. The Proposed Drainage Layout shows a number of proposed new and upgrading of culverts which are not numbered and shows 9 new culvert crossings.

In the interests of clarity and so that a full assessment can be undertaken by IFI without any ambiguity a full set of drawings with culvert numbers and a drainage layout plan with corresponding culvert numbers should be provided to IFI for response before any grant of planning.

The drawings should include a minimum set back distance for foundations and structure walls must be provided to IFI before full comment is given and agreement can be reached.

IFI is satisfied that the clear span structure will have minimal impact on the bed and banks of the watercourses, but additional consultation will be required prior to works commencing as the proposed design may not be suitable in peaty areas of poor bank stability. In some cases this can result in instream works or bank separation and/or collapse even with the use of a bottomless culvert.

Details of the proposed upgrade of the existing culverts as shown on Figure 511-25A and 27A and the proposed culvert as shown on Figure 511-26A will also need to be the subject of consultation and agreement with IFI.

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The intended use of poured concrete for the culvert decks is noted, in this regard IFI would have a strong preference for the use of pre-cast, as in-situ concrete pours over watercourses carry a risk, which must be mitigated appropriately. Such in-situ pours should not take place in the fisheries closed season for works.

Final culvert designs must be agreed with IFI before commencement of construction on the site. Following agreement on a crossing design, a method statement with relevant environmental mitigation and control measures should be forwarded to IFI (with minimum 4 weeks prior to commencing) with IFI's agreement required on the method statement before works commence.

The type of each cable watercourse crossing i.e. under or over crossing or directional drilling should be provided (accompanied by grid references). Where under crossings for grid cable connection is proposed the risk to the watercourse will need to be considered and if deemed too great, directional drilling should be used. These works will be subject to the closed season and must be agreed with IFI before commencement.

All in-stream works, including culvert installations and grid connection cable water crossings, or any other works that may give rise to high suspended solids in close proximity to these watercourse or may impact on the Killanummery, Tullynascreen, Arigna and Owengar Rivers, their tributaries and other salmonid tributaries will be subject to the closed season (i.e. they cannot take place from 1st October to 30th April, note this date may be extended by Legislative changes in the future.) This is to avoid impacting on the aquatic habitat during the spawning season, and to reduce the potential impact on salmon and trout populations. It would be important that appropriate scheduling of works is allowed for.

Drainage and settlement measures

Section 3.3.2 of the Surface Water Management Plan proposed to use the existing drainage water network to treat pumped waters from the borrow pit. If this system is used the pumping rate must be at a velocity that does not result in erosion or prevent settlement of solids in the stilling ponds. Whilst it is noted the peat repository areas have settlement ponds giving a retention time of 24 hours, no predicted water quality output from the ponds is provided. At no time shall any discharge to waters from the pond level spreader exceed 25 mg/l suspended solids during construction.

It is noted that the settlement ponds in the remainder of the proposed development provide retention times of c. 11 hours and it is stated they are good to remove medium silt, however peat silt is fine in nature. IFI would have concerns that no final discharge quality is provided for these ponds. At no time shall any discharge to waters from the pond level spreader exceed 25 mg/l suspended solids during construction. IFI would have concerns about the adequacy of ponds with a retention time of 11 hours, in the absence of any predicted or modelled water quality output in terms of suspended solids in particular.

Whilst drainage design plans including the locations of settlement ponds and specific details of settlement retention time and pond sizing have been provided. Calculations to show their effectiveness in terms of water quality output have not been presented and should be supplied before any grant of planning or as condition included to stipulate water quality output from the settlement ponds. These must include details of the standards of treatment in terms of suspended solids that will be achieved.

The construction of new roads and substantial upgrading of existing roads represents significant disruption and removal of top soil and increased potential for run off from these activities. Widening of roads and use of imported material with fines could result in substantial runoff if not managed well. These roads should be drained with settlement ponds before upgrading occurs to prevent pollution due to run off. IFI has concerns about the durability of plywood as

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proposed in ponds and such ponds must be inspected and maintained on a regular basis with records of same.

IFI have concerns over the potential for erosion at points where interceptor drains discharge concentrated flows to bog/vegetated ground using a level spreader.

It is imperative that settlement ponds are put in place early in the development and in any instance before the substantial upgrading of roads commences as this in when most run-off is likely to occur. Silt prevention measure such as the installation of silt fences and silt bags must be put in place prior to other construction work.

IFI is concerned about the design of the proposed grassed swale in that the use of a collector drain should be carefully considered due to the likelihood of creating a preferential flow. Overland discharge direct from the grassed swale or to the drainage network would be preferable.

The note on the drainage drawings which states that in case of Water Pollution, 'Natural Watercourses should be diverted around the source of pollution' is not appropriate and should be removed.

Provision should be made to enlarge or modify ponds, tanker away water to alternative ponds and to shut off ponds in conditions where ponds are at risk of not achieving the required water quality standards.

The NIS clearly states that there will be no infrastructure (except for road crossings) within the 50 m buffer zone, however a large number of the proposed settlement ponds and their level spreaders fall within the 50 m buffer zone. This proximity to the watercourse creates an unacceptable risk particularly if there is a breach in the pond or if unfavourable discharges occur. The settlement ponds and their spreaders shall be situated outside of the buffer zone, with alternative drainage arrangements made and ageed with IFI and Sligo/Leitrim County Council whereby the road enters into the buffer zone. During road construction/upgrading in the last 50 m alternative settlement measures or back pumping to the pond/pumping to an alternative pond would achieve this.

Geotechnical

5(h) IFI notes the correction that the site is generally classified by the GSI as being 'low' to 'moderately high' and asks that this risk be taken into account by the planning authority in terms of potential for landslides when evaluating this application.

5(i) IFI notes the maximum height for side casting given as 1m.

Factors of safety derived for turbines T8 and T9 and temporary construction compounds 1 and 2 are close to the level of 1.3 deemed to be significant, whilst slightly above this level. Consideration should be given to re-siting these elements into areas with higher factors of safety.

Training must be provided to all contractors and machinery operators on the geotechnical aspects of the site. Monitoring of ground conditions and movement must be carried out throughout construction. All work must stop on-site where ground conditions are found to be unstable or ground movement is observed.

Road Construction and Earth works

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8b) it is stated that 'The upgrading of these roads, albeit presents a potential short term insignificant effect to water quality during construction' .
IFI believes this should read significant rather than insignificant to reflect the reality. An upgrade of c. 11 km of roads and widening, (resulting in 15 m width in the worst case scenario). This extent of road upgrade would result in a large surface area for run-off and drainage and must be considered in terms of the likely impact on water quality.

An aquatic buffer zone of minimum width 5 metres must be maintained between the proposed boardwalk and Lough Nacroagh. The width and overall footprint of the boardwalk should be kept to a minimum. The detailed design and method statement for these works must be provided to IFI a minimum of four weeks prior to works commencing on-site.

Monitoring and Surface Water Management Plan

In the proposed surface water monitoring locations in figure 4-1 in the Surface Water Management Plan SW1 appears to be below the confluence of the on site stream and an off site stream. IFI request an additional monitoring location be put in place further upstream, along the on site stream, downstream of proposed T2. SW4 may also need to relocated further downstream to ensure the impact of all drainage from proposed turbine 1 is monitored. In relation to the proposed SW6, whilst this would provide for monitoring of the Arigna downstream of the development it is a substantial distance downstream of the areas likely to be impacted by drainage/works and 2 additional further monitoring locations should be established upstream. These additional monitoring points should be included in any pre-works sampling.

IFI request that the final locations for surface water monitoring are agreed with IFI and Sligo and Leitrim County Council before commencement and throughout the development through a Environmental Monitoring Group.

Section 5.2.1.3.3. of NIS, Further information Culvert Upgrades references the Eastern Regional Fisheries Board 2004 guidance document. However this document was updated IFI in 2016 with the following document, "Requirements for the Protection of Fisheries Habitat during Construction and Development work" available at:
www.fisheriesireland.ie/Fisheries-management/fisheries-management.htm. IFI notes the intention to adhere to this IFI guidance document within the application.

In terms of the water chemistry and q values results presented these should be repeated annually to give a total of 4 rounds with a good seasonal spread pre-construction (3 have already been done) on windfarm surface water sites. Sampling should be repeated post construction. The remaining pre works sampling should be undertaken before felling activities commence to get a true picture of water quality.

IFI recommend an Environmental Working Group (EWG) including representatives of IFI, Sligo County Council and Leitrim Council be put in place for the construction phase of this development. Final drainage design should be agreed with Sligo County Council/Leitrim County Council and Inland Fisheries Ireland through the EWG.

Should planning be granted it should be a condition of planning that the final detailed SWMP and settlement pond monitoring programme and parameters and triggers (which have not yet been proposed) are agreed through the IFI/EWG once the construction programme is known, but before construction commences. During construction a risk based targeted monitoring of settlement ponds must be incorporated into such a programme, based on the settlement pond catchments which are likely to receive drainage from works areas at a particular time. Continuous monitoring should be provided in the active construction areas of the site. Locations of continuous monitoring to be agreed through EWG and should be located on the inflow of

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stilling ponds to ensure their design concentration is not breached. Parameters for monitoring of settlement ponds should be based on works ongoing.

Construction Environmental Management Plan (CEMP)

In relation to excavations for the grid connection cabling, meth od statements should be agreed with IFI to control and mitigate against potential contaminants, e.g. lean mix, suspended solids, pumping mitigation measures, dewatering of excavations, joint bays etc. and measure for working close to roadside drains, which could act as a vector for pollution.

Fuel storage bowsers should be bunded to 110% capacity, fuel storage locations provided or minimum setback distance from any watercourse should be provided. Refuelling locations or a minimum setback distance from any watercourse should be agreed with IFI/County Council.

Concrete chute washout locations should be identified and shall not be within 50 metres ofany waterco urse.

The wheel wash shall facilitate the use of recycled water.

Procedures for any dust control operations on roads that high le vels of suspended solids generated do not lead to pollution occurring.

The management of invasive species, within the CEMP and mitigation measures should be expanded to include aquatic invasive for work on watercourse s, preand post works for all plant, equipment, PPE including pumps brought into site. This m anagement plan should be agreed with IFI prior to works commencing on site. Consideratio n should be g iven to the treatment of Japanese Knotweed stands identified on site, as part of thisdevelopment.

The final CEMP must be submitted to IFI at least four weeks before works commence and be agreed with IFI in advance of construction o n sitecommencing. The CEMP must include IFI as a notifiable body in case of pollution to watercourses. A detailed Emergency Respon se Plan for landslides should be drawn up, with t he inclusion of notifyingthe re levant statutory agencies. Proposed locations for check bar rages should be agreed with IFI and the relevant local authorities before construction.

Where tree felling and re plantig is carried out as part of this development aquatic buffer zones must be provided along all watercourses with the planting of two rows of native broadleaf trees outside the buffer zon e orgroups of trees at irregular intervals.

Water Framework Directive

Streams in the upper reaches ofa river system are more sensitive to pollution, with the lack of diluti on in times of dry weather flow (DWF) being a particular problem which needs to be cons idered in terms of this development.

Given the targets under the WFD and the requirement to maintain ecological status, the waterbodies which could potentially be impacted by this proposed development need to be conserved at good status, it is imperative that this development cannot impact negatively of water quality of t hesestreams.

The issues raised in this submission and the guiding principles raised in previous submissions by Inland Fisheries Ireland in relation to this plann ingapplication should be consi dered.

Access to and along all watercourses for IFI personnel must be maintained during works and post construction.

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Please do not hesitate to contact me should you have any queries.

IFI requests an acknowledgement from Sligo County Council of receipt of this submission.

Yours sincerely

Aisling Donegan
Senior Fisheries Environmental Officer
IFI, Ballina
Ardnaree House, Abbey Street
Ballina
Co. Mayo

Catherine Kerins
Senior Fisheries Environmental Officer
IFI, Drumsna
Carrick on Shannon
Co. Leitrim

lcc-c-20-120

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An Taisce
The National Trust for Ireland

20200901-12-120

PLANNING DEPARTMENT
LEITRIM COUNTY COUNCIL
01 SEP 2020

Leitrim County Council
Planning Department
Áras An Chontae
St. Georges Terrace
Carrick on Shannon
Co. Leitrim

Sent by email to: planning@leitrimcoco.ie

1st September 2020

Ref.: **20/120**
App: **Coillte CGA**
For: **development located in the townlands of Bargowla, Boleymaguire, Braudphark, Derreens, Derrybofin, Derrycullinan, Derrycullinan Beg, Drummanacappul, Garvagh, Garvagh Glebe, Glassalt, Lisfuiltaghan, Seltan, Sheena and Tinnybeg, County Leitrim consisting of : (a) Construction of 8 No. Wind turbines with a maximum overall blade tip height of up to 170 metres, and associated hard-stand areas; (b) 1no. 38kV permanent electrical substation including a control building with welfare facilities, all associated electrical plant and equipment, security fencing, all associated underground cabling, waste water holding tank and all ancillary works; (c) all associated underground electrical and communications cabling connecting the turbines to the proposed wind farm substation; (d) all works associated with the connection of the proposed wind farm to the national electricity grid, via underground cabling to the existing Garvagh substation; (e) upgrade of existing tracks and roads, provision of new site access roads and hard-stand areas; (f) the partial demolition and alteration of two agricultural buildings in the townlands of Sheena and associated junction access and road works to the existing yard, agricultural buildings and agricultural lands in the townlands of Sheena and Derrybofin to provide link road primarily for construction traffic off the R280. this link road will be for the delivery of abnormal roads to the site during the construction period and may be used during the operational period if necessary or to facilitate the decommissioning of the wind farm. Following construction, access to the link road will be closed off and the yard / agricultural building will revert to its use for agricultural purposes except if and when required for delivery of abnormal loads during the operation period of the wind farm or to facilitate the decommissioning of the wind farm (g)1 no. borrow pit; (h) 2 no. peat and spoil repository areas; (i)2 no. temporary construction compounds; (j) recreation and amenity works including marked**

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trails, boardwalk and viewing area, provision of a permanent amenity car park, and associated recreation and amenity signage; (k) site drainage; (l) permanent signage, (m) ancillary forestry felling to facilitate construction and operation of the proposed development and (n) all associated site development works. An Environment Impact Assessment Report (EIAR) and a Natura Impact Statement have been prepared in respect of the proposed development

Site: **Townlands as above, Co. Leitrim**

To Whom It May Concern,

Thank you for referring the above application to An Taˈiscefor comment.

1.Impact on peat stability and landsliderisk

The June 2020 Geotechnical and Peat Stablity Assessment by MKO sets out the history of landslides on the site and the immediate area over the last two decades up to the date of the completion of the EIAR report.

Citing a reference (Pellicier 2006) itstates "*The Lough Allen upland area has a high density of historical landslides which are predominantly associated with peat failures from the plateau and surrounding steep slopes outside of the proposed development footprint.*"

The combination of the topography and peat cover on the site, and the history of landslides in the area, is a major consideration in this application.

At the end of June this year, since the EIAR wasprepared earlier in June, following a period of heavy rainfall one of the most damaging peat slides to have occurred in Ireland in recent years affected a large area of Coilte plantation forest to the north of Lough Allen at the southern end of the Boleyback plateau, affecting the Dawn of Hope Bridge. An RTE news report of June 30 describes and illustrates the impact[1].

> *"Engineers from Leitrim County Council are monitoring the impact of significant mudslides near Drumkeeran, which were caused by heavy rain over the weekend.*
>
> *Tonnes of peat slid down the Shass Mountain above the Dawn of Hope Bridge, which has been covered and damaged.*
>
> *Acres of farmland have also been covered by the peat and a number of roads are blocked.*
>
> *Drumkeeran IFA chairman Tommy Drugan said there are about a dozen farmers affected.*

[1] https://www.rte.ie/news/irela nd/2020/0630/1150528-leitrim-mudslides/

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Mr Drugan told RTÉ's News at One that the surrounding lands have been devastated by the displacement of thousands of tonnes of land.

"You'd have to see it to believe it. It is like something out of a movie," he said.

He said the big concern now is that if there is more rain, more peat will slide down from the top of the mountain.

"During the day you can monitor what is happening, but at night, if more bog was to move, then it would surround houses. It would have the power to demolish houses."



Leitrim County Council senior engineer Terence McGovern said it appears that during the recent good weather the bog on the mountain dried out, leaving cracks or fissures.

He said these filled with water during torrential rain at the weekend and the bog started to move on Sunday evening.

Sinn Féin Councillor Padraig Fallon complimented Leitrim County Council staff who have been on site since the start of the incident.

However, he said intervention is needed from the Government, including a hardship fund for the farmers affected.

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In a statement this afternoon, Leitrim County Council said it 'continues to assess the situation and monitor the direct impacts. Through this monitoring should emergency actions be identified, appropriate actions will be carried out.'"

Information on any other contributory causes of this slide is not yet available.

Figure 3.1 is a GSI map on landslide events in the area. This does not show the 2016 event which MKO state was immediately to the south of the current application side, in an area of peat cutting.

Of particular relevance to this application is a major slide which occurred in 2008 during the construction of the road access for Corry Mountain windfarm 2km to the southeast of the current application site, specifically linked to a windfarm construction impact.

This was reported in the Sligo Champion 1st Oct 2008



"A wall of stones is built in the river in an attempt to block the flow of mud following a landslide in Drumkeeran,Co. Leitrim.

Officials are set to continue monitoring the site of a bogslide in Drumkeerin which necessitated the removal of fish from the Abhann Ghearr river.

The slide began on Tuesday evening last week during the construction of road to the Garvagh Glebe North wind farm, a joint project between Coillte and Hibernian Wind Power, a subsidiary of the ESB.

Engineers at the site set about constructing three dams to contain the material and the slide was subsequently halted.

The 20 metre wide, four metre high mound of peat moved down a mountain, crossed a road and entered a small river which flows into Lough Allen.

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Staff from the Shannon Regional Fisheries Board removed over a thousand fish from the river, of which 4km or 5km was affected.

A total of 13 turbines are planned for the site but none have yet been erected with work continuing on the construction of an access road"

In 2009 the Irish Peatland Conservation Council in a general assessment of the impact of wind farm construction on bog bursts included consideration of the 2008 Co Leitrim case[2]:

> *"IPCC have noted several incidences of bog bursts occurring during the construction of wind farms and their associated works, such as road construction on deep peat. Bog bursts associated with wind farm construction in recent years have occurred at Derrybrien, Co. Galway in 2003; Stacks Mountains, Co. Kerry in 2008; Carrane Hill Bog in 2008 and the Corrie Mountains, Co Leitrim in 2008 (C. Douglas NPWS pers. comm., 26 April 2009). Bog bursts not only destroy the peatland habitat present but they also pose a massive risk to drinking water supplies, cause juvenile fish kills and destruction of the aquatic environment when the displaced peat enters local water courses.*
>
> *Bog bursts associated with wind farm construction are caused by a lack of adequate peat stress testing during the Environmental Impact Assessment (EIA). Often an EIA for a wind farm does not assess the impacts of construction of the wind farm ancillary works of peat extraction and road construction, as the planning authorities state that these minor aspects of the project do not require assessment. However, the recent bog bursts in the Stack Mountains and Corrie Mountains were both caused by wind farm road construction. Ireland was prosecuted by the European Courts in 2008 over its handling of road construction for wind farms on bogs. The courts found that Ireland consistently failed to conduct Environmental Assessments correctly, leading to consequences such as the Derrybrien bog-slide in County Galway. The BOGLAND project commissioned by the EPA is due to provide guidelines for developers which will hopefully redress this issue in 2009."*

It is significant that the photos attached to the MKO report, in particular 8 and 9, show extensive peat failure. While it is stated that "*no development is proposed for this area*", these photographs are indicative of the peaty nature of the site and the impact that arises when disturbance occurs.

The onus is on Leitrim and Sligo County Councils in assessing this application to determine that there is no risk of peat displacement posed by this application.

2. Cumulative impact on bird disturbance

The cumulative impact of this windfarm with other windfarms in the area must be considered, particularly given the Garvagh Glebe windfarm, which is directly adjacent. An RSPB study[3] found that:

[2] http://www.ipcc.ie/a-to-z-peatlands/peatland-action-plan/habitat-loss-of-peatlands/

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"The cumulative effects of large wind farm installations may be considerable if bird movements are consequently displaced. This may lead to the disruption of ecological links between feeding, breeding and roosting areas."

In addition, there are many factors which should be considered in determining whether the disturbance is likely to be problematic or not, as outlined by the RSPB study, whether this disturbance is a problem or not depends on:

"the size of wind farm, spacing of turbines, the extent of displacement of flying birds and their ability to compensate for increased energy expenditure."

This does not appear to have been considered in any detail in this EIAR.

3. Whooper swan

The EIAR outlines that swans become habituated to disturbance, and the site is currently subject to regular forestry activity, and construction disturbance will be similar. An Taisce would question the definition of 'regular', as it is our understanding that forestry activity on an established site is minimal. This is pertinent in terms of the habituation of swans to such disturbance. The study referenced in the EIAR (Rees, 2005)[4] found that while swans do become habituated to disturbance, that habituation does not last long:

"swans become less sensitive to disturbance events if daily disturbance frequency is high, but there was no evidence that habituation to disturbance persisted over longer periods."

The human activity around the site would not be very frequent during the operational phase, and as such we believe that the EIAR may be underestimating the potential impact. We would also note that there is a wide range of factors which determine swan's response to disturbance, as laid out in Rees (2005):

[there are a] "range of factors influencing the swans' feeding behaviour, and variability in their response to human activity"

But this is not detailed, nor investigated in detail in the EIAR. We submit that the findings of the EIAR are an oversimplification of the study upon which they rely, and as such the disturbance potential for Whooper swans is likely to be underestimated.

---

[3] Langston, R.H.W. & Pullan, J., 2003. Windfarms and Birds: An analysis of the effects of windfarms on birds, and guidance on environmental assessment criteria and site selection issues, RSPB/BirdLife

[4] Rees, Eileen & Bruce, Jennifer & White, George. (2005). Factors affecting the behavioural responses of whooper swans (Cygnus c. cygnus) to various human activities. Biological Conservation. 121. 369–382.

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4. Water quality

In regard to water quality, An Taisce note that 6.5.1.12 of the EIAR states that both watercourses running through the site are of good quality. An Taisce note that the Kilannummary site is recorded on the EPA data portal as being at poor Water Framework Directive status, and as such requires active measures to bring it up to good status by 2027 at the very latest. This river rises on the site, and the pollution is likely attributable to the immediate surroundings, which in this instance would appear to be largely Coillte afforestation. Remedial water quality measures should be implemented prior to any additional site or ground works on the site to remedy any previous negative water quality impacts.

Please acknowledge our submission and advise us of any decision made.

Yours sincerely,

Ian Lumley
Head of Advocacy
An Taisce – The National Trust for Ireland

Dr. Elaine McGoff
Natural Environment Officer
An Taisce – The National Trust for Ireland

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Leitrim Planning Authority - Inspection Purposes Only!

Pamela Moran

Fr Phoebe Duvall [planning@antaisce.org]
Se... 01 September 2020 16:56
To: planning
Subject: Ref. 20/120
Attachments: 20200901-12-120.pdf

To Whom It May Concern,

Please find attached a submission from An Taisce in relation to Ref. 20/120.

Kind regards,
–
Phoebe Duvall

Planning and Environmental Policy Officer
An Taisce - The National Trust for Ireland
The Tailors' Hall, Back Lane, Dublin 8, Ireland
Phone: 01 454 1786
www.antaisce.org

Company Reg No 12469 | Charity Ref. No CHY4741 | Charity Regulator No 20006358
An Taisce is a membership-based charity
Join at www.antaisce.org/membership

–
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Company Reg. No. 12469 | Charity Ref. No. CHY4741 | Charity Regulator No. 20006358
An Taisce is a membership-based charity
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The Croagh Wind Farm application does not meet the development management standards detailed in the Leitrim County Development Plan 2023 – 2029, extract below.

13.20.1 Wind Energy
"In addition to the above, the following considerations will be taken into account by the Council in relation to any planning application for wind energy development:

- Impact on human health in relation to:
  - Noise disturbance (including consistency with the Word Health Organisations 2018 Environmental Noise Guidelines for the European Region),
  - Shadow flicker (for wind turbine developments, including detailed Shadow Flicker Study)"

The Leitrim County Development Plan was prepared in consideration of the following:

1. The 2006 Wind Energy Development Guidelines, currently in force.
2. The Interim 2017 Guidelines.
3. The 2019 Draft Wind Energy Development Guidelines, which were issued and never revoked.

The Interim 2017 Guidelines were revoked in 2022 without undergoing a Strategic Environmental Assessment (SEA). The 2019 Draft Wind Energy Development Guidelines remain in effect and must be considered. While the Minister has not issued any formal guidance on these draft guidelines, in 2023 more revisions commenced, "As part of their work, the noise consultants have assessed the impact of human health from turbine noise having regard to international best practice and standards, including the current World Health Organisation (WHO) standards on noise." (PQ Ref: 45682/24).

The Minister for Housing, Local Government, and Heritage has consistently committed to adhering to WHO standards for wind turbine noise, as reflected in the 2013 Review, the 2017 Interim Guidelines Review Update, and the 2019 Draft Guidelines.

Wind Turbine Noise and Health Implications
The Minister for Health recently confirmed "The position of the Department of Health on wind turbine noise and shadow flicker from a health perspective is informed by advice from the HSE. The most recent advice from colleagues in the HSE found that there is currently no robust evidence in the international scientific literature to show that wind turbines negatively affect people's physical health once they are appropriately installed, in accordance with guidelines." (PQ 8569/25).

The position of two HSE units acknowledges that environmental noise from wind turbines could be an issue, HSE Public Health "the WHO advice is to keep wind turbine noise below 45 decibels Lden" (PQ 1944324):

1. HSE Public Health (PQ response from Dr. John Cuddihy, PQ 1944324).
2. HSE Environmental Health (position provided in HSE Submission to Lackareagh Wind Farm).

WHO 2018 : 45 decibels Lden equates to 37 decibels LA90

Draft guidelines issued and the CDP's development management standards require noise limits to be **'consistent'** with the 2018 World Health Organisation guidance. The WHO limit is '45 decibels Lden', an average of noise level over a period of 1 year. Wind turbine noise in this jurisdiction rightly or wrongly is measured in LA 90, a 10 minute noise metric. Dick Bowdler is a renowned acoustician, who converted 45 Lden to 37 LA90, which can be found in the 'joint submission' from13 IOA acousticians to the 2019 draft guidelines. The conversion is widely agreed across industry, including the Australian, Independent Scientific Committee on Wind Turbines.

Shadow Flicker

Shadow flicker has an impact on human health, the HSE recommends that a planning condition for the elimination of shadow flicker be put in place. The Croagh Wind Farm acknowledges that it can take some time for turbines to stop completely. Therefore, planning conditions must be clearly worded to ensure they are enforceable by local authorities.

Should the planning authority choose to disregard the HSE's recommendation, it must provide a clear justification.

Notification of the HSE

The HSE submitted observations to Leitrim County Council and, under law, must be notified of any remittal along with all other third-party submitters. Whether the planning authority failed to notify the HSE of an appeal is immaterial.

Considerations of Human Health Impacts

The planning authority must explicitly consider the impact of wind turbines on human health. Should it decide to disregard the Development Management Standard—an action not permitted under the Planning Act—it must provide a clear rationale.

If the inspector recommends refusal but the Board grants permission, the reasons for overruling the inspector's recommendation must be clearly stated.

Blaz & Heubach [2019] IESC 90.

Two major flaws in Irish energy policy

1. Section 28; Wind energy development guidelines

In Dail debates, the wind energy guidelines 2006 were declared **not fit for purpose**, by Minister Jan O'Sullivan in 2013 and Minister Denis Naughten in 2016. However, officials continue to formulate national policy based on these guidelines, essentially a setback of 500m.

Simply, the 2006 wind energy development guidelines do not address public health risks. To consider the implementation of the WHO standards alone, the setback would increase from 500m and the capacity for wind energy would be significantly reduced. Not to mention, additional penalties required for amplitude modulation and low frequency noise which have been constituted as a nuisance in the High Court.

According to **2015** geospatial modelling carried out jointly by the Department of Housing, spatial planning unit and RPS if a noise limit of **38** decibels LA90 was to be applied, the available land would amount to a capacity of < 3GW of wind energy.

Is it concerning that a target of 9GW onshore wind is clearly not compatible with required public health protection.

2. Climate Action Plan 2023 and 2024

There are a few concerns regarding the climate action plan targets,

- Is it achievable? Why did the Department not carry out geospatial analysis?

  Ministers PQ 45087/24 "For the electricity sector the targets for renewable energy capacities are based on emissions and power system modelling rather than geospatial analysis. Details of the emissions modelling and analysis that informed and supported the preparation of Climate Action Plan 2023, including the electricity sector can be found on the following link: www.gov.ie/en/publication/7bd8c-climate-action-plan-2023/"

  There was **no geospatial** analysis and **no cost** or assessment for the delivery of required infrastructure.

- Emissions Modelling

The government based its electricity sectoral emission targets on a report commissioned by an industry lobby group.
This information was acquired under an AIE to "request access to records supporting the policy change leading to the decision to target 9GW onshore wind energy, as detailed in the Climate Action Plan 2023."

It is legitimate to question whether the Department should have relied on a report that was commissioned by an industry group, especially one with vested interests in the success of wind energy projects.

Furthermore, there is a concern about whether the Department should have disclosed its reliance on the report, and a meeting between officials, Baringa and TENI consultants in formulating the Climate Action Plan.

The Department's response to PQ 38109/23 below, in relation to the Climate Action Plan mentions consultants McKinsey and other external organisations it has 'contracts' with, it appears the answer does not disclose its reliance on external reports and consultants funded by others.

PQ 38109/23
"Deputy Darren O'Rourke asked the Minister for the Environment, Climate and Communications the brief given to a firm (details supplied) to advise on Climate Action Plan 2023; how much the firm was paid for its work; and if he will make a statement on the matter.

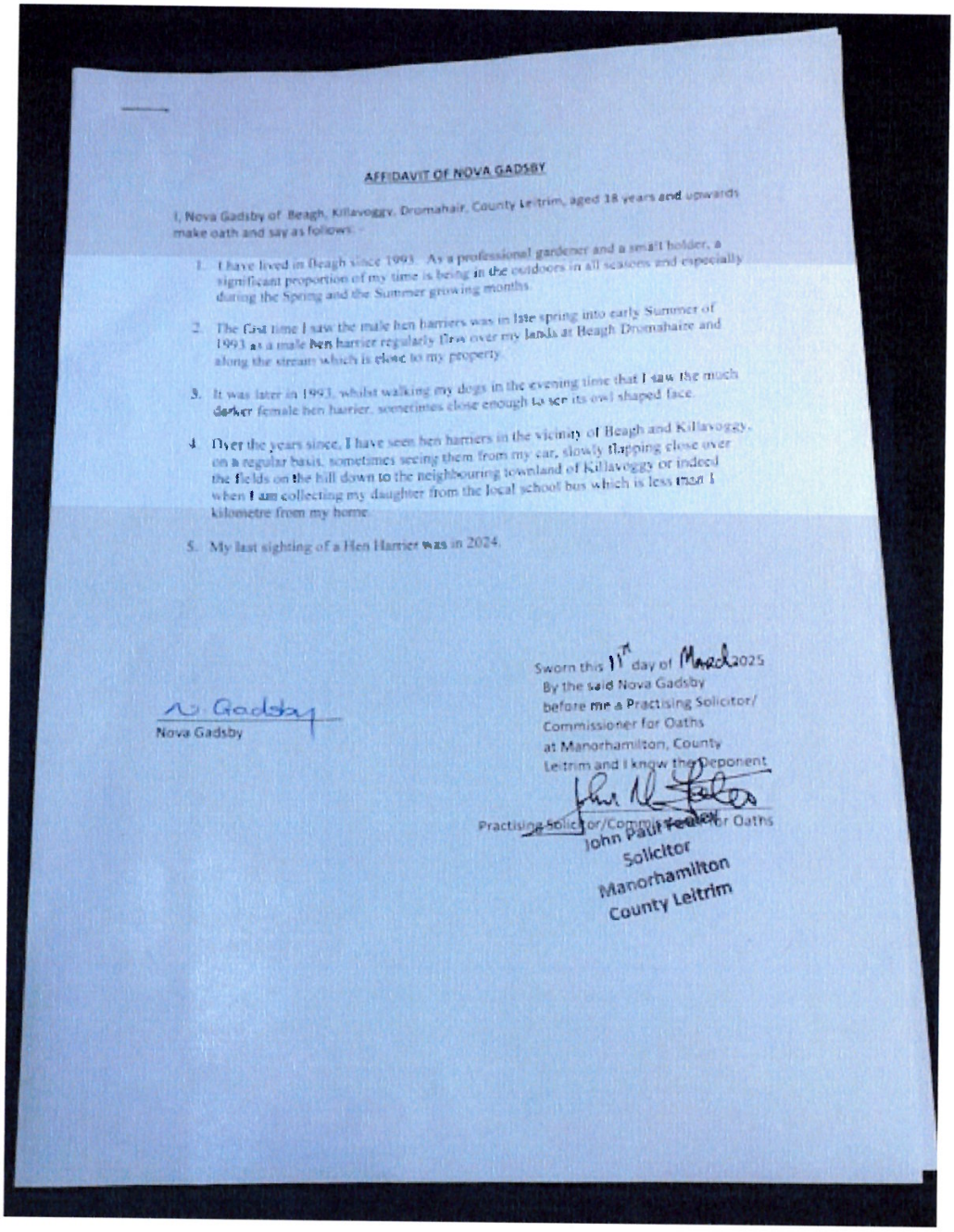
Written Answer
McKinsey and Company have been engaged by my Department to provide technical support services to inform, assist, and support the preparation of Climate Action Plan 2024.

In 2022, in relation to Climate Action Plan 2023, McKinsey and Company was contracted to:
- Provide technical support services to (i) inform, and assist, in the preparation and delivery of Ireland's sectoral emissions ceilings and (ii) identify the plans, policies and measures required to achieve these ceilings
- Underpin sectorial targets with measures and actions
- Set-out the updated governance/ approach to annual climate planning
- Provide additional technical support to to allocate the unallocated savings from the Sectoral Emission Ceilings as part of CAP23

In 2022, the firm was paid a total of €1,150,000 (Ex Vat) in relation to the above.

The Department of the Environment, Climate and Communications also has contracts with UCC, UCD, UoG, EnvEcon and the ESRI under a Climate Action Modelling Group (CAMG). These external research organisations are contracted to the Department to undertake analysis and modelling to help inform and support Ireland's climate policy.

The CAMG also provided technical support to inform and support the preparation of the Sectoral Emission Ceilings and ensure that CAP23 reflected and was aligned with the emission reduction pathway set out by the ceiling. This arrangement has continued in respect of CAP24."



AFFIDAVIT OF NOVA GADSBY

I, Nova Gadsby of Beagh, Killavoggy, Dromahair, County Leitrim, aged 18 years and upwards make oath and say as follows:

1. I have lived in Beagh since 1993. As a professional gardener and a small holder, a significant proportion of my time is being in the outdoors in all seasons and especially during the Spring and the Summer growing months.

2. The first time I saw the male hen harriers was in late spring into early Summer of 1993 as a male hen harrier regularly flew over my lands at Beagh Dromahaire and along the stream which is close to my property.

3. It was later in 1993, whilst walking my dogs in the evening time that I saw the much darker female hen harrier, sometimes close enough to see its owl shaped face.

4. Over the years since, I have seen hen harriers in the vicinity of Beagh and Killavoggy, on a regular basis, sometimes seeing them from my car, slowly flapping close over the fields on the hill down to the neighbouring townland of Killaveggy or indeed when I am collecting my daughter from the local school bus which is less than 1 kilometre from my home.

5. My last sighting of a Hen Harrier was in 2024.

N. Gadsby
Nova Gadsby

Sworn this 11th day of March 2025
By the said Nova Gadsby
before me a Practising Solicitor/
Commissioner for Oaths
at Manorhamilton, County
Leitrim and I know the Deponent.

Practising Solicitor/Commissioner for Oaths
John Paul Feeley
Solicitor
Manorhamilton
County Leitrim

Ian Hazlett
Beagh
Dromahair
Co. Leitrim

Dear An Bord Pleanala,

I have lived in Beagh, with my family, for over 50 years and know and love the lands surrounding my home.

Alongside farming, I have a special interest in the wildlife. I observe and feed the wild birds daily. I am out walking the land every day, in all seasons.

The hen harrier flies regularly over my land, the male especially and sometimes the female.

I would see them frequently over the last few years.

They fly mostly from south West to north, then they turn east, and I have seen them head back east to the south.

They would spend time foraging on the land, sometime I could even see they characteristic owl shaped face.

Yours faithfully

Ian Hazlett 9-3-25

Ian Hazlett

THE HIGH COURT

PLANNING AND ENVIRONMENT

JUDICIAL REVIEW

In the matter of the Planning and Development Act 2000

Record No. 2023.1454JR

Between/

FUTURENERGY CROAGH DAC

Applicant

And/

AN BORD PLEANÁLA

Respondent

And/

WILD IRELAND DEFENCE CLG

First Notice Party

And/

WIND AWARE DROMAHAIR

Second Notice Party

AFFIDAVIT OF GRAHAM ROBERTSON

I, **Graham Robertson,** Farmer of Beagh, Dromahair in the County of Leitrim aged 18 years and upwards do hereby MAKE OATH and say as follows: -

1. I say that I am the Chairperson of our Community Group, Wind Aware Dromahair and I make this Affidavit from facts within my own knowledge save or where otherwise appears and where so ap pearing I believe the same to be true and accurate and I make this affidavit in response to the Statement of Gr ounds for Judicial Review brought by the Applicant in these proceedings.

2. I say that I am the Chairperson of Wind Aware Dromahair which is a Community Group based in the District of Dromahair which said group has been in existence for a period of over 4 years. The reason for the formation of our group was that there was a very grave and significant concern within the community of Dromahair with regard to the ever-increasing proliferation of Wind Turbines and consents being sought for same and the erection of same in the general vicinity. In the past 10 years we have observed a massive acceleration in the erection of Wind Turbines which are now well over 100 within a radius of 5 miles (8 kilometres) approximately and adjacent to where most of the residents in our group reside. Our group consists of in excess of 30 people inthe general vicinity. I can confidently say that we represent the interests of at least 100 or more people in the general area who have concerns regarding the proposed erection of Wind Turbines in our area and who have attended public meetings in this regard.

3. I say that Dromahair is recognised as one of the most beautiful and pristine locations in Ireland . It boasts of a stunning physical landscape of hills and mountains of various altitudes all coalescing into an extraordinary multidimensional landscape. It is also graced with numerous lakes and rivers. Of considerable note is Lough Gil which is a Natura European Site under the Habitats Directive being a Special Area of Conservation. Lough Gill is famed in the poetry of William Butler Yeats in respect of the Lake Isle of Innisfree which is in close proximity as is one of Leitrim's most famous landmarks, Parkes Castle.

4. I say that the general area is an area of upland of high nature value which is recognized as unspoiled, undeveloped and species rich farmland. I say that in ordinary parlance it is clear to be seen that the farmland in this area is of a category which is becoming almost unique in Ireland in view of the intensive agriculture that is taking place countrywide. In our area a very healthy environment for biodiversity of nature, still exists.

5. These uplands and mountains of natural and semi-natural habitats consists of blanket Bog and heathlands, (both of which are EU recognised important habitats) along with species rich natural and semi-natural grasslands and intermingling of mosaic's of these along with intact and pre famine field systems and low intensity farmland, called HNVf ; High Nature Value farmland, again an EU recognised important habitats system.

6. These uplands, mountains and various grasslands habitats host an important range of species many which arc fully EU protected and or are Irish Red Data Listed as endangered. These range from Meadow Pipit, Snipe, Dipper, Red Grouse, Skylark and Golden Plover to Kestral, Merlin and Hen Harrier, European OEer, Bat species and much, much more in between by way of biota from plants to pollinators to resident, summer breeding visitor and migratory species and Irish Hare, Common Lizard and Common Frog.

7. One of the primary objections that our group had to this proposed development is the sheer scale of same. The turbines to be constructed on this site are of an enormous scale, being 170 metres in height. It is unprecedented for turbines to be erected of this size in this area. It is already the case that within a radius of a mere 5 miles, as already stated, there are 107 Wind Turbines running in a linear pattern across the landscape. This forms a veritable wall of turbines across the hills and ridges running for a distance of 15 kilometres. The initial turbines erected in the area were of a height of approximately 50 metres and have grown to 100 metres and even they can be seen for distances of up to 20 miles. These new turbines of 170 metres will be seen over a radius of a large area of the Northwest of Ireland.

8. Our uplands go on to connect and form a corridor with several other significant uplands and mountain ranges of European SAC importance for both habitats and species. These being Bolybrack Mountain, the most intact plateau blanket bog and the Slieve Anierin and Cuilcagh Mountains Uplands SAC which travel on into Cavan and Fermanagh. Going on to connect with Slieve Rushen Mountain, Knockninny and on to Slieve Beigh in Monaghan and Armagh.

Connectivity is also apparent to the northwest from our area to Bolybrack to Boey Mt, Dough Mt and the many important North Leitrim upland SAC's on into Sligo and Donegal. In our uplands 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. The 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.

9. I say that our group have huge concerns also with regard to peat stability. There have been a number of very significant landslides in our area most notably in Shass, Dowra/Drumkeerin approximately two years ago which is a distance of a mere 10 kilometres. In actual fact I say that Leitrim County Council has produced data to establish that in the g encralvicinity of North Roscommon, North Leitrim and parts of Sligo consisting of the upland area of which we are speaking there has been no less than 59 landslides recorded. I say that it has been identified that a number of the landslides which have occurred have been directly attributed to displacement of peat and earthworks connected with the Windfarm industry . I beg to refer to Notification of Decision to refuse permission in respect of Windfarm at Letter and Greaghnadarragh and other townlands from Leitrim County Council under reference number 24/60008 which proposed devclopment is adjacent to this proposed development upon which marked with the letters **"GR1"** I have signed my name prior to the swearing hereof, and which refers therein to 59 No. recorded events within 5 kilometres of the subject site.

10. The construction of windfarms on peatlands is not a sustainable exercise. Not only will the drainage and digging up of peat release hundreds of years of stored carbon back into the atmosphere, the bog is lost forever as a carbon sink. Various bodies, including Bord Na Mona, have recognised their vital function in combatting climate change, due to their ability to sequester carbon from the atmosphere and store it, twice as effectively as any forest.

11. Accordingly, I say that in relation to the reasons given by An Bord Pleanála for refusal of this development that I say there is overwhelming evidence to support the fact that this area is entirely unsuitable by reason of the geology, the topography, and the hydrology of the area. It is also an area in which there is extremely high annual rainfall and I have no doubt that the analysis arrived at by An Bord Pleanála is absolutely correct in refusing this development for this reason alone.

12. I say that our group have considered the reasons of refusal by An Bord Pleanála particularly reason No. 1 setting out a total of 19 reasons as to why the proposed development will cause pollution of water bodies within and in the vicinity of the site and also reasons for refusal in respect of the inability and inadequacy of permanent retention of peat and other materials and that the mitigation measures inclusive of the proposed drainage system would be inadequate to ensure the protection of the environment. We are also firmly of the view that this development would present a significant risk of adverse environmental impact on the sensitive natural habitats of the site and of the wider area in which we reside and which myself and my group are all very intimately familiar with and we also believe that this would pose an unacceptable risk of pollution or water courses in the area and also a risk to the species which are dependent upon the habitat.

13. Blanket bog is most often described dismissively and incompletely in these applications and or appeal documents as cut over and degraded bog. This belies and omits the facts that the many bogs have totally re vegetated, are intact with all usual species of heather present.

There are only occasional 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 or 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.

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, as discussed below .

14. While other EU countries and the UK are making valiant efforts to restore, rehabilitate and even recreate their remaining bogs, heathlands and wetland, ours appear to be 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.
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 afforestation is now continuing through the targeting of these habitats for wind
turbine development.

15. With regard to the second reason for refusal by An Bord Pleanála that the Application and Appeal including the Natura Impact Statement namely that the Board cannot be satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of European Sites in the area. Again, our group solidly believe this to be the case particularly in light of reason No. 1 as found by the Board. I say that it is also the case that the area in which this proposed development is intended to be carried out is an area of upland blanket bog and whilst it does not presently have official recognised designation/protection, it is still afforded recognition under Regulation 27 of the Birds and Natural Habitats Regulations 2011 and also recognised under Article 10 of the Habitats Directive. Regulation 27 specifically provides that all Public Authorities have a responsibility to avoid the deterioration of Natural Habitats and Species protected under the Birds and Habitats Directive and to exercise their functions and statutory powers in compliance with the Directives requirements. Furthermore, Article 10 states that Member States shall endeavour where they consider it necessary in their land use, planning and development policy if possible and in particular with a view to improve to 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. In particular such features are those which by virtue of their linear and continuous structure such as rivers with their banks or their traditional system for marking field boundaries or their function as steppingstones (which is ponds and small water bodies) are essential for the migration dispersal and genetic exchange of wild species. In the context of this particular application and having regard to the fact that there is now a linear corridor of well over 100 Wind Turbines the impact of which would be greatly exacerbated by the presence of 10 Turbines of 170 metres in height. I believe that this will have a hugely negative impact on our area and for this reason the Application should be refused.

16. I say that in relation to the impacts on Annex 1 species being the third reason for refusal by An Bord Pleanála I can personally say that I have witnessed Whooper Swans in migration travelling over our property and over the mountain in general and they would be travelling North in the Spring and South in the Autumn. I say that I have frequently seen the Hen Harrier particularly during the breeding season over the past 10 years. I say that having regard to the vast proliferation and concentration of Wind Turbines in this area greatly to be increased as a result of this proposed development that I would have very serious concerns for high mortality of these protected birds and in particular of the sites ability to host breeding birds of these species during the breeding season.

17. 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 existence of the hen harrier species. It is clear that immediate action is required to save the species. The forestry and wind turbine industry in particular need to be cognisant of the implications of further declines in the Hen Harrier in terms of future liabilities under the Environmental Liabilities Directive.

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 designated SPA's; Special Protection Areas. * my emphasis.

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. The region is worthy of designation as an SPA for Hen Harrier as over 28 pairs have been recorded in the breeding season. I say and believe that a pair of Hen Harrier have been seen and recorded in the breeding season in Beigh townland and adjoining Garvagh Glebe and this Drumkeeran to Killavoggy area for the last two decades. They also occur breeding on the opposite side of the valley between this proposed development site and the side of Boleybrack Mountain SAC.

Loss of habitat;

It is accepted scientific knowledge and fact that loss of habitat is the number one cause and driver to extinction of a species. Hen Harriers as apex predators require a vast area of suitable terrain to nest and provision their young.

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

18. I say that as part of this proposed development, removal of a large area of industrial conifer plantations to accommodate the turbine bases, cranes hard stands and roads networks would be required and other lands of same area (55Ha) would be required to be similarly planted up. We were appalled to discover that as part of this pre-condition one of the three sites selected by Coillte was at Stranamart Townland in County Cavan in an area of known high Ecologically value. The site is in the hinterland of the Cavan Burren and Geopark region of west Cavan.

This site while is described in the Applicant's assessment and site description documents as 'three agricultural fields', it is in fact an area of prime EU annex habitats of heathland bog, species rich, unimproved acidic grasslands, all of high nature value, hosting significant amounts of heath mosaics with abundant Devilsbit Scabious, the host plant species for EU protected Marsh Fritillary Butterfly which occurs on similar habitat in the adjoining townlands; habitat for Irish Red Listed Macro-moth species Narrow-bordered Bee Hawkmoth, habitat too for Red listed Meadow Pipit, Skylark, Snipe, Kestrel and also foraging area for a nearby breeding pair of Hen Harrier. The site had/has the potential to host the Flora Protection Order species;

Small White Orchid, *Pseudo orchis albidia* which occurs in both adjoining townlands and for which the whole west Cavan area is noted for. Many forestry applications in this region have been refused for the existence of this nationally rare orchid species. This is known by the

forestry 'industry'. These along with a vast assemblage of heathland plant and invertebrate species has been lost, destroyed for conifer plantations.

19. I say that our group would be very concerned at the loss of this area of blanket bog combined with the existing large areas of bog peatlands and high nature value farmland which has been lost to industrial conifer plantations and the proximity and connectivity to the existing industrial Wind Turbine sites across the upland habitats ranging from Kilronan in Roscommon across Leitrim and on in to Cavan and Fermanagh all of which are internationally important and designated sites, and this will have a very detrimental effect on the habitats biodiversity and species of the area. I say that my group and I are fully supportive of the Statement of Opposition filed on behalf of An Bord Pleanála which we feel is providing such valued and necessary protection for ordinary people such as ourselves in Rural Ireland seeking to protect the community, the environment and all species inhabiting the area.

20. I say that our group is also concerned as to the health impacts on ourselves, living in close proximity to perhaps the most intensive concentration of wind turbines in Ireland in a small radius. As adverse health consequences are now an established issue regarding such developments we do have legitimate concerns in this regard.

21. I request that the reliefs sought in these proceedings be refused.

SWORN before me a Commissioner for Oaths
by the said **Graham Robertson**
who has been personally identified to me by
Gabriel A. Toolan, Solicitor
who is personally known to me and who has
certified to me his personal knowledge of
the Deponent on this 17th day of May 2024
at High Street, Ballinamore in the County
of Leitrim.

Gabriel A. Toolan

Commissioner for Oaths

PATRICK J. DOLAN
Ballinamore, Co. Leitrim
COMMISSIONER FOR OATHS

Graham Robertson

Filed on the day of May 2024 on behalf of the Second Notice Party by Walter P. Toolan & Sons, Solicitors, The Law Office, High Street, Ballinamore, Co. Leitrim. N41KV56