Derrybrien,
Loughrea,
Co Galway



An Bord Pleanala,
64 Marlborough Street,
Dublin 1
D01 V902

22st September 2020

**Notice of objection to the Derrybrien Windfarm Substitute Consent Application by the ESB PL07 308019**

A Chara,
I wish to formally lodge my objection to the granting of planning permission to the application by a subsidiary of the ESB, Gort Windfarms Limited for Substitute Consent application to An Bord Pleanala Ref No PL07 30819.

My objection is grounded on the fact that the fundamental principal of an Environmental Impact Assessment is that if you get it wrong as in this case you have to take down, remove the development and put the mountain back to the way it was before it was damaged.
Not alone should the Irish state be in compliance with Our EU Law but it must be seen to be in compliance with Our EU Law and Directives.

In Case C-216/18 delivered on 12 November 2019 European Commission V Ireland point 116 states that; (See appendix 1)
***116 "An environmental impact assessment, such as that provided for by Directive 85/337, is one of the fundamental environmental protection mechanisms in that it enables, as recalled in paragraph 73 above, the creation of pollution or nuisances to be prevented at source rather than subsequently trying to deal with their effects."***

**Invalid application**

The application by the ESB for Substitute Consent must be declared invalid and return the application to the applicant as the Supreme Court has declared on 1st July 2020 in case 9/19, 42/19 and 43/19 that;

***That on Issue One, for the reasons therein stated, I would hold that section 177C(2)(a) and its corresponding provision, section 177D(1)(a) are inconsistent***

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**That on Issue One, for the reasons therein stated, I would hold that section 177C(2)(a) and its corresponding provision, section 177D(1)(a) are inconsistent**

***with the EIA Directive as interpreted by the Court of Justice, in that they fail to provide adequately for the exceptionality test as demanded by that court;***
***ii. On Issue Two, I would likewise hold that given the structure of s. 177, the failure to make provision for public participation at the leave application stage for substitute consent is inconsistent with the public participation rights conferred by and outlined in the EIA Directive;***
***iii. By reason of my view on the above issues, it is not necessary to conclusively express an opinion on Issues Three and Four;***
***iv. Finally, as Issue Five, concerning standing, was not seriously pursued, it is not necessary to express any view thereon.***
***Accordingly, on Issues One and Two, I will grant appropriate declarations to reflect the conclusions so reached.***

This application for substitute consent is captured under this Supreme Court Judgement of the 1st July 2020 because in their application the ESB in the **Planning Report to Accompany Application to An Bord Pleanála for Substitute Consent**, on page 7 under

**Section 1.4.6. Exceptional Circumstances & the Derrybrien Wind Farm Project**

**Section 177D(2) of the 2000 Act sets out the factors that are to be considered by the Board in determining whether exceptional circumstances exist. These criteria apply to the determination reached by the Board in the context of an application for Leave to Apply for Substitute Consent under section 177C of the 2000 Act. It is submitted that the assessment of whether exceptional circumstances exist in this instance should also be carried out by reference to these criteria.**

It appears that the ESB has slipped in **"Leave to Apply for Substitute Consent"** into this application lodged on 21st August 2020 which is 7 weeks after the Supreme Court ruled that it was not in compliance with the EIA Directive.

This application for substitute consent is produced by the ESB who is the developer and who have endless resources at their disposal. The existence of this development is based on the creation of the Power Purchase Agreement PPA which resulted in an Alternative Energy Requirement contract process. The corporate group think throughout this process has resulted in a project been foisted into a fragile and totally unsuitable location.

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iii. By reason of my view on the above issues, it is not necessary to conclusively express an opinion on Issues Three and Four;

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Section 4.4.6. Exceptional Circumstances & the Derrybrien Wind Farm Project

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**No consultation with local Derrybrien residents**

The ESB has not consulted the local community in relation to this application. What they have done is notified the community on the eve of the application being lodged with An Bord Pleanala. There is a considerable difference between notification and consultation. It appears that the ESB did liaise with An Bord Pleanala, Galway County Council, the Environmental Protection Agency, Inland Fishries Ireland (Shannon Region) and Coillte but not the local community.

As a local resident the first and only communication that I received in relation to this application was an information sheet dropped in my letterbox by Door2door a leaflet distribution company on the morning of Thursday 06th August 2020. Also just for the record the fact that the ESB erected 17 site notice signs on Sunday 23rd August suggests that rather than sitting down around the table in proper consultations with local residents they preferred to engage in a public relations exercise at a distance.
A key part of the Environmental Impact Assessment should be consultation with local residents before finalising the Environmental Impact Statement. This did not take place. Why were the ESB afraid to involve the local community in this important process, what were they afraid of?

**The lack of consultation shows up a fundamental problem with this application in that it exemplifies the issue that the ESB had no interest in what we had to say and what issues were of real and deep concern to us as local residents.**

The very real risk here is that all Arms and Emanations of the state will collectively work together to grant this windfarm development substitute consent. Ireland will then have set a precedent that in effect "RETENTION PERMISSION" will be granted and this will send a clear message to all developers, state and private, that you can build anything anywhere and get away with it.
There is no higher authority other than the Superior Courts to appeal a decision that An Bord Planala make on this application.
Since the first planning application in relation to this windfarm was submitted in late 1997 which is almost 23 years ago the following IRISH MEMBER State Arms and Emanations have at various levels actively supported this windfarm project by making critical decisions in its favour and omitting and failing to take Competent Authority Actions and other actions against the State Emanation violators including but not limited to against the Irish Member State itself to both uphold Our EU Law and secure and ensure not only Enforcement and Application of Our

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EU Law, and Citizens rights, but to ensure the direct/indirect safety of citizens to prevent at source before environmental disaster strikes ;

- An Bord Pleanala
- Coillte,
- the ESB and
- their ESB subsidiaries (Hibernian Wind Power, ESBI, Gort Windfarms Ltd),
- the Department of Environment,
- Galway County Council,
- The Department of Agriculture,
- The Forestry Service ,
- the High Court and
- the Supreme Court.

There are just over 5,500 pages in the application documentation submitted by the ESB and it is impossible for any ordinary person to scrutinize and submit a comprehensive observation on this application to An Bord Pleanala within the timeframe allowed. We are being deliberately "snowed" with documentation and do not have the funding to pay for expert opinion on what has been submitted. In other words there is no "equality of arms" a bureaucratic fortress has been created and we have in effect been blocked out of this process. It is our understanding that as a result of a Supreme Court Judgement on 01st July 2020 Supreme Court Case Record No: 9/19, 42/19 and 43/19 the entire "Substitute Consent" procedure has been struck down as it does not comply with the requirements of the EIA Directive. However again we will have to pay for legal advice to clarify this and as to the extent and implications for us, the apparent emanation of the State applicant, and the State and for Our EU Law. Along with this the P & D 2010 amendment act is practically impossible for any ordinary person to navigate and understand. It consists of 17 subsections governed by procedures and strict timelines which I as an ordinary citizen find it very difficult if not impossible to understand.

In the 16 areas of assessment in the Remedial Environmental Impact Assessment Report attached to the application, areas such as population, biodiversity, hydrology etc the ESB has overwhelmingly concluded that there **are no significant adverse impacts.**

However the 2015 National Survey of Hen Harrier in Ireland by the National Parks and Wildlife Service the Hen Harrier population in the Slieve Aughtie Special Protection Area has shown a dramatic loss of almost 50% since 2005. According to the 2016 census the people population of Derrybrien has fallen from 144 people

in 1996 down to 105 in 2016. We now have a community and an environment on the knife edge of survival.

**The site notice on the face of it is not factually correct and is misleading.**

The site notice states that;
***"Item(3)- ancillary works carried out includes :tree felling"***
It is factually wrong to describe tree felling in the context of this substitute consent application as **"ancillary"**. What took place was **"Deforestation of 263 hectares"** of trees which required a felling licence from the Department of Agriculture and The Forest Service along with planning permission and an Environmental Impact Assessment.
The fact is that the windfarm could not have been built without first removing the trees on the site.
An Bord Pleanala must declare this substitute consent application as invalid on this point as there is an attempt by the ESB to circumvent EU law and Directives by minimising the significance and scale of the deforestation.

Also Galway County Council neglected to include any reference to deforestation in their details when instructing the ESB under Section 177B to apply for substitute consent.

On page 13 of the;
*Planning Report to Accompany Application to An Bord Pleanála for Substitute Consent Document No.: QS-000280-01-R460-003-000*

It states that;
***"The scope of the application pack, the content of the notices and the number and format of the documents submitted has been pre-agreed with An Bord Pleanála in advance of this submission being made – see email confirmation attached to the Application Form".***
Also on page 16 it states that;
***"Separately – Gort Windfarms Ltd. liaised with officials in An Bord Pleanála in respect of content of notices, drawing schedules and document formats."***

On page 21 it states that;
***"Tree felling - c.220 Ha of forestry were felled to facilitate the construction of the wind farm. Operational requirements necessitated the licensed felling of an additional c.47 Ha of forestry between 2016 and 2018."***

Details of email correspondence between ESB and An Bord Pleanala;

*From: Helen OKeeffe [mailto:helen.okeeffe@esb.ie]*
*Sent: Thursday 30 July 2020 21:25 To: Muiriosa Cassells*

*Subject: Substitute Consent Application: Derrybrien Wind Farm, Co. Galway*
*Importance: High Dear Muiriosa,*

*Further to receipt of a Notice from Galway County Council issued under Section 177B of the Planning and Development Act, 2000 (as amended) [attached as Attachment 1] Gort Windfarms Ltd. is are in the final stages of compiling the application documents in relation to a Substitute Consent application for the Derrybrien Wind Farm Project in County Galway. I will be acting as Agent for Gort Windfarms Limited on this application.*
*In advance of the submission, I wish to please confirm the following with the Board*
*1.* ***Wording of the Public Notices***
*I attach a draft Site Notice and Newspaper Ad Attachments 2 and 3. You will note I have left a space for a register reference number pending clarification whether ABP will assigne a reference number for this file in advance of the submission being made.*
***Can you please confirm that the wording of the notices is to the satisfaction of the Board?***

*O'Keeffe. Helen (Engineering and Major Projects)*
*From: Muiriosa Cassells Sent: Monday 10 August 2020 18:22*
*To: O'Keeffe. Helen (Engineering and Major Projects) Cc: Mary Holohan Subject: RE: Substitute Consent Application: Derrybrien Wind Farm, Co. Galway*
*Hi Helen*
*As discussed. The notices and documentation seem satisfactory and will be further reviewed when application received by the Inspectorate.*
*Regards*

*Muiriosa Cassells*

This is a very serious issue in that according to the details above An Bord Pleanala has been involved in agreeing the details of the site notice that is factually incorrect and misleading to the public.
The substitute consent application must be declared invalid and this information must be conveyed immediately to the European Commission.

Details of email correspondence between ESB and An Bord Pleanala:

From: Helen O'Keeffe [mailto:hel.n.okeeffe@esb.ie]
Sent: Thursday 30 July 2020 21:25 To: Maurissa Cassells

Subject: Substitute Consent Application: Derrybrien Wind Farm, Co. Galway
Importance: High Dear Maurissa,

Further to receipt of a Notice from Galway County Council issued under Section 177B of the Planning and Development Act, 2000 (as amended) [attached as Attachment 1] Gort Windfarms Ltd. is are in the final stages of compiling the application documents in relation to a Substitute Consent application for the Derrybrien Wind Farm Project in County Galway. I will be acting as Agent for Gort Windfarms Limited on this application.
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On the site notice it states that;
*"The application relates to development which comprises or is for the purpose of an activity requiring a waste licence".*
Again the site notice is deficient as it does not explain what exactly the type of waste that is been referred to on the notice.

In the;
*Planning Report to Accompany Application to An Bord Pleanála for Substitute Consent Document No.: QS-000280-01-R460-003-000*
On page 11it is stated that;
*"It is the intention of the Applicant to secure, in due course, all other consents to regularise the status of this development, including Waste Licences if and where applicable."*

This is totally unacceptable. The ESB are making a substitute consent application and at the same time withholding an application for a Waste Licence and other unknown **"consents".**
**What type of "Waste" are they referring to and what are"all other consents".**

**We are deeply concerned that the ESB are not been open and transparent in this application and are slipping in other consents without proper and clear information.**

**This application must be rejected by An Bord Pleanala on the basis of lack of proper and clear information on the face of the site notice or indeed in the application reports themselves.**

The ESB are well aware of the absolute importance of the deforestation as it is specifically referred to in the;
*Remedial Natura Impact Statement (rNIS)*
On page 29 it states that;
*4.2.5.2 Construction phase: circa June 2003-March 2006*
*The following characters of the Project construction phase are noted as part of this assessment:*

- *Site clearance and the felling of approximately 222 ha of commercial conifer plantation*

On page 30 it states that;

*Construction works on site commenced in June 2003 with tree felling operations which were undertaken by a contractor on behalf of Coillte. Civil engineering works commenced in July 2003 with road construction and excavations at turbine locations. The works were stopped on 16th October 2003 due to a peat slide on site*

Page 30 states that;

*Turbulence felling*
*In order to optimise productivity of the wind farm, Coillte agreed to undertake offsite phased tree felling (46.2 ha in total) under felling licence immediately to the west of the wind farm site in 2016, 2017 and 2018. It is noted that these areas had been scheduled for felling in 2015 as part of Coillte's normal tree felling programme and that the felled areas were replanted. Specific requirements relating to hen harrier were set out in the licence.* ***Felling was to be spread out over three years and no operations were allowed during the hen harrier breeding season (1st April to 15th August inclusive) without express permission****.*
*Operations were to adhere to the Forest Service document - "Procedures regarding disturbance operations and hen harrier SPAs".*

**Deforestation of 263 ha without planning permission or EIA**

The Department of Agriculture, Forestry Service, granted in May of 2003 a felling licence for the clear felling of 263 ha of coniferous trees at a blanket bog hill side without planning permission and carrying out an EIA, despite the fact that the EIA Directive had been long before that date amended to include the clear felling of forestry (97/11 EC) of the 3rd March, 1997 and the Irish interpretation of that amendment is that when more than 70 ha of coniferous plantation are intended to be clear felled, an EIA is mandatory! By not carrying out an EIA prior to granting the felling licence, the Forestry Service violated European Law in force, here the EIA Directive as amended.

The European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999 came into force on the 1st May, 1999.
These regulations added the following as subject to an Environmental Impact Assessment:-
1. Agriculture, silviculture and aquaculture.

(b)(iii) deforestation for the purpose of conversion to another type of land use, where the area to be de-forested would be greater than 10 HA of natural woodland or 70 HA of conifer forest.
These regulations came into force on the 1st May, 1999.

In CJEU Case C-215/06 the court ruled that;
*107 It is not disputed, first, that the competent authorities gave their approval to the change in the type of wind turbines originally planned without requiring an environmental impact assessment in conformity with Directive 85/337 as amended and, secondly, that the consent given for the third phase of construction was also not accompanied by such an assessment.* ***In addition, such an assessment did not precede the deforestation authorised in May 2003, contrary to the requirements of the Irish legislation.***

108 *However, point 3(i) of Annex II to Directive 85/337 as amended refers to installations for the harnessing of wind power for energy production (wind farms) and point 13 of that annex refers to any change or extension of projects listed in Annex II, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment.*

109 *In addition, the relevant selection criteria in Annex III to Directive 85/337 as amended, which are applicable to the projects listed in Annex II and are referred to in Article 4(3) of that directive, include the risk of accidents having regard inter alia to the technologies used.* ***Noteworthy among those criteria is the environmental sensitivity of the geographical area, which must be considered having regard, inter alia, to 'the absorption capacity of the natural environment', paying particular attention to mountain and forest areas.***

110 *Since the installation of 25 new turbines, the construction of new service roadways and the change in the type of wind turbines initially authorised, which was intended to increase the production of electricity, are projects which are referred to in Annex II to Directive 85/337 as amended and which were likely, having regard to the specific features of the site noted in paragraph 102 of this judgment and the criteria referred to in the preceding paragraph of this judgment, to have significant effects on the environment, they should, before being authorised, have been subject to a requirement for development consent and to an assessment of their effects on the environment, in conformity with the conditions laid down in Articles 5 to 10 of Directive 85/337 as amended.*

111 ***Consequently, by failing to take all measures necessary to ensure that the grant of the amending consents and the consent relating to the third phase of construction of the wind farm was preceded by such an assessment, and by merely attaching to the applications for consent environmental impact statements which did not satisfy those requirements, Ireland has failed to fulfil its obligations under Directive 85/337 as amended.***

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**111 Consequently, by failing to take all measures necessary to ensure that the grant of the amending consents and the consent relating to the third phase of construction of the wind farm was preceded by such an assessment, and by merely attaching to the applications for consent environmental impact statements which did not satisfy those requirements, Ireland has failed to fulfil its obligations under Directive 85/337 as amended.**

112 ***It follows from the foregoing that, by failing to take all measures necessary to ensure that the development consents given for, and the execution of, wind farm developments and associated works at Derrybrien, County Galway, were preceded by an assessment with regard to their environmental effects, in accordance with Articles 5 to 10 of Directive 85/337 either before or after amendment by Directive 97/11, Ireland has failed to fulfil its obligations under Articles 2, 4 and 5 to 10 of that directive.***

In THE SUPREME COURT appeal
(Appeal No 51/2009) Denham C.J. O'Donnell J. McKechnie J. Clarke J. Laffoy J. In the matter of the Planning and Development Act 2000 as amended and in the matter of s. 160 of the Planning and Development Act 2000 Between/ Derrybrien Development Society Limited Applicant/Appellant and Saorgus Energy Limited, Coillte Teoranta, and Gort Windfarms Limited Respondents Judgment of the Court delivered on the 16th day of October, 2015, by Denham C.J. 1. This is an appeal by Derrybrien Development Society Limited, the applicant/appellant, referred to as "the appellant" from the judgment and order of the High Court (Dunne J.) dated the 3rd June, 2005 and the 10th June, 2005, respectively, wherein the learned High Court judge refused to restrain the respondents, their servants and agents, from deforesting lands owned by Coillte Teoranta. Motion 2. The appellant had brought a motion to the High Court seeking an order:- (i) Pursuant to inter alia s. 160(1)(a) of the Planning and Development Act, 2000, restraining the respondents their servants or agents from continuing the aforesaid unauthorised development. (ii) A final order pursuant to s. 160(1)(b) and s. 160(2) of the Planning and Development Act, 2000, directing restoration of the respondent's lands to their condition prior to the commencement of the unauthorised development inclusive of the re-planting of trees in the affected areas and the restoration of the pre-existing drainage channels. The motion was refused by the High Court but stayed for twenty one days in the event of a notice of appeal within that time, and it was stated that if there was an appeal that execution of the costs order be stayed pending the determination of an appeal. 3. The first named respondent is referred to as "Saorgus", the second named respondent is referred to as "Coillte", and the third named respondent is referred to as "the wind farm". The three respondents are referred to collectively as "the respondents".

*68.* ***For clarity, it should be noted that the Court is prepared to approach this appeal on the assumption that the planning permissions did not cover or extend fully to the deforestation.***

112. It follows from the foregoing that, by failing to take all measures necessary to ensure that the development consents given for, and the execution of, wind farm developments and associated works at Derrybrien, County Galway, were preceded by an assessment with regard to their environmental effects, in accordance with Articles 5 to 10 of Directive 85/337 either before or after amendment by Directive 97/11, Ireland has failed to fulfil its obligations under Articles 2, 4 and 5 to 10 of that directive.

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68. For clarity, it should be noted that the Court is prepared to approach this appeal on the assumption that the planning permissions did not cover or extend fully to the deforestation.

*69. It also should be noted that, while the papers in this appeal are extensive, they do not provide a clear picture of the situation under appeal.*
*70. A decision is required on the appellant's appeal, which has been brought by the appellant after the decision of the European Court of Justice in The Commission v. Ireland Case C- 215/06 E.C.R. 1-4911.*
*71. In the context of this appeal, in all the circumstances of the appeal, the Court is satisfied that it is appropriate to exercise its discretion under s. 160 and to refuse the remedy sought in the motion.*
*72. Consequently, for the reasons set out in this judgment, in all the circumstances, the Court exercises a discretion under s. 160 and would refuse the motion, and dismiss the appeal.*

For some inexplicable reason the Supreme Court in 2015 refused the motion even though they did accept the fact that ***"the planning permission did not cover of extend fully to the deforestation".***
However four years later in 2019 the CJEU imposed a fine of €5 million euro and €15,000 per day until a proper Environmental Impact Assessment was carried out on this very same development. As of the date on this letter the fine stands at just over €9.7 million which is a colossal waste of public money and which nobody has taken any responsibility for.

The Supreme Court in Appeal No 51/2009 failed to apply either law or justice and instead decided to use its own discretion to dismiss our legitimate appeal. It was and is a shameful derelic violation of the Duties and Obligations and Power and Authority duty and responsibility by the Supreme Court not to uphold Our EU laws Directives and Treaties. (incl. Our CFREU ) It is imperative that the polluter pays principle is invoked and that all damage done by the windfarm developers is **OBVIATED** and not MITIGATED. This inter alia must be considered an option in any EIA and particular given Pt. 116 in Our CJEU Judgement Case C- 261/18 of November 2019.

**The fact remain that No planning permission and No EIA were produced for deforestation of 263 ha in direct contravention of Irish and EU law.**
Therefore An Bord Planala cannot legally grant Substitute Consent to an unauthorised development.

## Application under Section 177B is legally flawed

This planning application was initiated under Section 177B and it refers in particular to the notice been served by the planning authority in relation to developments in its administrative area " **for which permission was granted".**

*Application to apply for substitute consent where notice served by planning authority.*
*177B.—(1) Where a planning authority becomes aware in relation to a development in its administrative area* ***for which permission was granted*** *by the planning authority or the Board, and for which—*
*(a) an environmental impact assessment,*
*(b) a determination in relation to whether an environmental impact assessment is required, or*
*(c) an appropriate assessment, was or is required, that a final judgment of a court of competent jurisdiction in the State or the Court of Justice of the European Union has been made that the permission was in breach of law, invalid or otherwise defective in a material respect because of— (i) any matter contained in or omitted from the application for permission including omission of an environmental impact statement or a Natura impact statement or both of those statements, as the case may be, or inadequacy of an environmental impact statement or a Natura impact statement or both of those statements, as the case may be, or (ii) any error of fact or law or procedural error, it shall give a notice in writing to the person who carried out the development or the owner or occupier of the land as appropriate.*

**The issue here is that there was no grant of permission for the deforestation therefore it cannot be legally assessed or adjudicated on under Section 177B.**

In particular see point 68 of the Supreme Court Judgement (Appeal No 51/2009)

68**. For clarity, it should be noted that the Court is prepared to approach this appeal on the assumption that the planning permissions did not cover or extend fully to the deforestation.**

## Arms and Emanations of the State supported this windfarm project

Since the first planning application in relation to this windfarm was submitted in late 1997 which is almost 23 years ago the following IRISH MEMBER State Arms and Emanations have at various levels actively supported this windfarm project by

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- An Bord Pleanala
- Coillte,
- the ESB and
- their ESB subsidiaries (Hibernian Wind Power, ESBI, Gort Windfarms Ltd),
- the Department of Environment,
- Galway County Council,
- The Department of Agriculture,
- The Forestry Service ,
- the High Court and
- the Supreme Court.

On the other hand the following have taken difficult and correct decisions in questioning this windfarm project; DG Environment and its officials, the Courts of Justice of the European Union CJEU and one conscientious planner in Galway County Council (Niamh Kennedy). Her foresight in refusing planning for planning application No 00/4581 was based on fact and intuition.

See below extracts from planning report for file 00/4581

*PLANNING REPORT*

***File Ref. No. 00/4581***

***Applicant Saorgus Energy Ltd.***

***Road Status County and Forestry Roads***

*Townland Toormacnevin, Bohaboy, Derrybrien, Derrybrien North*

***Description Permission for extension to***

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**Applicant Sorgus Energy Ltd.**

**Road Status County and Forestry Roads**

**Description Permission for extension to**

***Site Notice Derrybrien Windfarm consists of 25 wind turbines, Service roadways, transformer compounds and anemometer mast***

***REPORT:***

***Location*** *The site of the proposal is located in the townlands of Toormacnevin, Bohaboy and Derrybrien north, north of Derrybrien village in the Slieve Aughty Mountains in south Galway, in an area zoned high scenic amenity (category 2) in the Co. Development Plan.*

*Site* ***The site is located in an area of approx. 100 hectares in size. The site itself is a high and very broad ridge and forms some of the highest ground in south Galway. The site is accessed via a miner county road known as the "Black Road" and by forestry roads closer to the North. The site is covered by blanket bog and forestry plantation.***

*Proposal* *Permission has previously been granted for 46 turbines. Permission is now been sought for an additional 25 turbines. These are to be located near the centre of the array of 46 turbines. In addtion permission is sought to increase the hub height of the 46 turbines already granted to 60m and to increase the blade length of these turbines to 30m in order to correspond with the turbines of the extension. The previous hub height was 45-50m centre 44-47 metre rotor diameter (Caheranearl) and Derrybrien. Another recently granted windfarm in the area of Sonnagh Old have a hub height of 45m and a blade diameter of 45m. The proposal is for a significant increase in size and height from that previously granted (71 turbines overall). The windfarm will have an overhead connection to the 110KV electricity line some 6 miles west of the site. This connection has full planning permission and will have quite significant visual effects.*

*E.I.S.*

*An EIS has been submitted with the application which is not of very good quality is poor in detail and is very positive. In relation to adverse effects and mitigation a lot of statement and such as " the quarry will be a temporary feature and after use will be reinstated as far as this is possible " Information such as this is very sketchy and is left very open. Visual impact assessment submitted is very poor and EIS does not address the cumulative effect of all the wind farms granted in the area but which have not yet been built . It may be better to see what the visual effect would be when one had been built and operational before considering*

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*further applications in the area (if all the turbines which have been granted permission were built there will be (71+10+48) =129 overall.*

*Visual Impact*

*Very poorly addressed cumulative impact not addressed ( see above). Photomontage was not used adequately assessed Zone of visual influence is poor, survey methods poor.*

***Noise***

*Nearest turbine will be 1500 metres from the nearest occupied dwelling well outside recommended specifications. Only turbines which have passed an examination by international certification. Developers undertake to eliminate any noise that occurs due to malfunctions.*

***T V Signal Interferance***

*Scattering effects cannot be ruled out. Such problems are generally associated with metal or carbon fibre blades and not to the same extent with blades made from fibreglass which are proposed in this case. A detailed study is to be carried out before construction to study the existing TV signal quality in the area so any minor degradation can be assessed after construction. If any problem occur the problem will be corrected at the developers expense.*

***Other possible effects on humans.***

*Access Roads*

*A more detailed study should have been undertaken in relation to this aspect especially in relation to traffic management and improvement of existing roads. Most adverse effect will occur during construction period. Other possible problems include hazard from blade disintegration but it is unlikely that the public would be present at the windfarm in such weather conditions and the separation of the windfarm from the nearest dwelling.*

***Fallen ice***

*Wind farm will be closed to all visitors during such conditions and warning signs will be displayed.*

***Shadow flicker*** *Turbines in this site will not cause a shadow to fall in nearby houses under any position of the sun at any time of year.*

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***Flashing*** *Largely eliminated metal blade coatings (what about icy and stormy conditions)*

*Counter Rotation* ***Clustering of turbines in an exposed position makes this effect unlikely to occur.***

***Decommissioning***
*Developer undertakes to reinstate the site to its original condition (as far as this is possible) (another worrying statement that seems to keep appearing).*

***Ecological Effects***

***This aspect of the project is very poorly addressed by the EIS and is very sketchy. Possible soil erosion during construction of access tracks has not been properly addressed (tracks should be aligned where possible along the slopes or contours and potential polluting turbines and potential control measures have not been adequately addressed such possible polluting materials entering forestry drains and perhaps affecting water quality further downstream of the site. Mitigation measures are very poorly addressed in relation to maintenance of habitat integrity and the reduction and prevention of water pollution during construction. It is a possibility that hen harriers would nest here (pereginne falcons). The significance of the birds not mentioned in the EIS. Both of these species are located in ANNEX 1 of the EU Birds Directive (Council Directive 79/409/EC and is therefore of high conservation value. A survey for hen harrier should be carried out at the appropriate season (April to mid June). A site visit was mentioned in the EIS but no details have been given in relation to survey methodology and data collection. No sources of information other than park ranger is mentioned. Effects during construction and operational phase are not adequately dealt with. No scientific evidence has been submitted to back up sketchy comments.***

***Archaeology*** *An archaeologist will be employed on site to monitor the development.*

*Effects on rock and soil* ***Most effects will be during the construction stage. Material for road construction will be extracted from a quarry within the site for which planning already exists.***

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***Air and Climate.*** *Effects on air quality are positive and effects on global local climate would also be positive due to reduction in fossil fuels.*

***Combined Effects*** *visual and noise will interact to a certain extent for those who work close to the site.*

*Flight Paths*

*No details submitted in relation to consultation with the IAA, IMES, DOD.*

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*A detailed inspection was carried out in association with the Gort planner and also a visit to the site by the environment section. Site was viewed also from surrounding roads in the Loughrea, Gort and Peterswell areas. It is considered by the Planning Authority that the EIS and overall EIA is very poor. The proposal would constitute over development and concentration on the site and increasing the hub height and blade length will exacerbate the visual impact. In view of the fact that the windfarm that has been granted has not yet been built and we have not had the opportunity yet to see what the visual impact of this will be and also the other 2 windfarms which have been granted in the area. If all were built there would be 129 overall and would be of different heights. The cumulative visual impact of all these would need to be assessed (photomontages would help) in context and the different sites and there varying heights. A better and more acceptable proposal would be to build what is already being granted and see what the visual impact is before considering another application for an extension and height increase. An application like this also needs to be viewed in the context of other windfarms in the area that have already been granted and their combined effects.*

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*Planning control policy in relation to windfarm development is outlined in chapter 7.2.13 objective No 13. Windfarm development and states "The Planning authority will require that windfarms will apply with the D.O.E guidelines particularly the policy statement at subsection 3.2(pg.5) and also the main considerations set out in section 4 eg Visual amenity, Noise, Electromagnetic Interference and environment factors.*

*The land at present is zoned high scenic amenity (category 2) and so for a number of the applications received by the planning authority for windfarms have been in the Slieve Aughty mountains none of which have have yet been built. It cannot be seen as sustainable to continue to grant continuously in this area considering none of of these have actually been built. Until some have been built it will be difficult to assess the true impact in this sensitive landscape. The developers have made no observations as to why they need to increase height and blade length beyond what has already been granted.*

*There have been a number of objections from residents in the area in relation to the proposed windfarm.*
*The Irish Aviation Authority also requires some further information in relation to the windfarm if it is to be approved by PA.*
*Road design section has no objection to the proposal. The EIS has been carried out mostly by the developer himself and not much use has been made of independent experts in their own fields.*

***Recommendation – Refusal***
***The proposed development in view of permission already granted under ref no 97/3652 for 23 turbines and 97/3470 for 23 turbines (46 in total) would constitute over development and would result in an unacceptable density of development on this upland area. Furthermore by reason of its scale and height if would exacerbate the visual impact of the development in the landscape which is designated as category 2 high scenic amenity in the county development plan chapter 9.2.1 and map no 16 c. The proposed development would therefore be contrary to the proper planning and development in the area.***

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Also it is incredible and deeply unfair that local residents are expected to risk and pay many tens of thousands of euro's from their own pockets to employ solicitors and expert opinion to analyze, challenge and question many of the flawed self serving conclusions reached in the ESB's application.

## Annex 1, Special Protection Area Designations

Issues such as flora, fauna, SPA, forestry, water, bog, landslide risk, quarries, drainage and the implications on the flooding in the Gort area must be assessed properly and independently.

In the:
*Derrybrien Wind Farm Project Remedial Natura Impact Statement (rNIS)*
*Electricity Supply Board (ESB)*

*5.9 Consideration of findings The rNIS has considered the likely significant effects of the Derrybrien Wind Farm Project, if any; that have occurred, that are occurring or can reasonably be expected to occur in the future; that would adversely affect the integrity of any European site(s). Two European sites were identified at screening stage as having the potential to have been or to be significantly affected as a result of the Project. The assessment undertaken in the rNIS has been informed by project-specific field surveys and specialist reporting with reference to the ecological communities and habitats potentially affected by the Project, in order to provide a scientific basis for evaluations.* ***The removal of conifer planation as part of the project construction has created approximately 255 ha of suitable open upland foraging habitat for hen harrier in the Slieve Aughty Mountains SPA. As plantation forest maturation has been quoted as being partly responsible for the regional decreases in breeding hen harriers, the alteration of mature forestry to open habitat has the potential to have significant positive effects on the hen harrier population within the Slieve Aughty Mountains SPA. The assessment has shown that there is no evidence that the construction phase of the Project and the operational phase to date, have***

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***adversely affected the integrity of the SPA. With the implementation of mitigation measures it is anticipated that the Project will not result in any future direct, indirect or cumulative adverse effects on the Slieve Aughty Mountains SPA during the continued operation and decommissioning of the wind farm and associated infrastructure. The effects of the Project, in particular the peat slide, on Lough Cutra SPA were assessed and the findings were that the Project did not adversely affect the integrity of the site. The continued operation and decommissioning of the Project will also not affect the integrity of the SPA. It is therefore concluded, that the Project with the implementation of the prescribed mitigation measures will not give rise to significant impacts, either individually or in combination with other plans and projects, in a manner which adversely affects the integrity of any European site(s).***

The extract above is quite incredible in that we are told by the ESB that there is no significant impact on the SPA. 450,000 cubic meters of bog flowed down the local river killing 50,000 fish and ended up in the Lough Cutra SPA. The Hen Harrier population in the Slieve Aughties is down approximately 75% since 2005. 39km of drains dug into blanket bog. Is this alone not enough evidence that enormous damage has been done to the SPA?

The extract below is from European Commission's website ;
https://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm

**In practice**

Often migratory, wild bird species can only be protected by cooperating across borders. Urban sprawl and transport networks have fragmented and reduced their habitats, intensive agriculture, forestry, fisheries and the use of pesticides have diminished their food supplies, and hunting needed to be regulated in order not to damage populations. Concerned with their decline, Member States unanimously adopted the Directive 79/409/EEC in April 1979. It is the oldest piece of EU legislation on the environment and one of its cornerstones. Amended in 2009, it became the Directive 2009/147/EC.

**Habitat loss and degradation are the most serious threats to the conservation of wild birds. The Directive therefore places great emphasis on the protection of habitats for endangered and migratory species.** It establishes a network of Special Protection Areas (SPAs) including all the most suitable territories for these species. Since 1994, all SPAs are included in the Natura 2000 ecological network, set up under the Habitats Directive 92/43/EEC.

As a local resident I am not aware of any instance of persecution or poisoning of Hen Harriers in the Slieve Aughty SPA area. In fact a Hen Harrier Project was

adversely affected the integrity of the SPA. With the implementation of mitigation measures it is anticipated that the Project will not result in any future direct, indirect or cumulative adverse effects on the Slieve Aughty Mountains SPA during the continued operation and decommissioning of the wind farm and associated infrastructure. The effects of the Project, in particular the peat slide, on Lough Cutra SPA were assessed and the findings were that the Project did not adversely affect the integrity of the site. The continued operation and decommissioning of the Project will also not affect the integrity of the SPA. It is therefore concluded, that the Project with the implementation of the prescribed mitigation measures will not give rise to significant impacts, either individually or in combination with other plans and projects, in a manner which adversely affects the integrity of any European site(s).

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Often migratory, wild bird species can only be protected by cooperating across borders. Urban sprawl and transport networks have fragmented and reduced their habitats, intensive agriculture, forestry, fisheries and the use of pesticides have diminished their food supplies, and hunting needed to be regulated in order not to damage populations. Concerned with their decline, Member States unanimously adopted the Directive 79/409/EEC in April 1979. It is the oldest piece of EU legislation on the environment and one of its cornerstones. Amended in 2009, it became the Directive 2009/147/EC.

**Habitat loss and degradation are the most serious threats to the conservation of wild birds. The Directive therefore places great emphasis on the protection of habitats for endangered and migratory species.** It establishes a network of Special Protection Areas (SPAs) including all the most suitable territories for these species. Since 1994, all SPAs are included in the Natura 2000 ecological network, set up under the Habitats Directive 92/43/EEC.

As a local resident I am not aware of any instance of persecution or poisoning of Hen Harriers in the Slieve Aughty SPA area. In fact a Hen Harrier Project was

launched in 2017. The Project is an EIP (European Innovation Partnership) Locally Led Scheme and is funded by the Department of Agriculture, Food and the Marine as part of Ireland's Rural Development Programme 2014-2020. As far as I am aware the majority of farmers in the area have willingly and enthusiastically joined the scheme. Many see the conservation of the habitat suitable for the Hen Harriers as part and parcel of their farming practices. In fact if the Hen Harrier population in this area were to reduce more or be wiped out it would be an unforgivable indictment on our society. It would be quite obscene that on the one hand local people have joined with the state in conserving the Hen Harriers while other entities are engaged in the destruction of the Hen Harriers habitat.

In the EA that accompanied application no 97/3470 the developers state that the:

***Effects on Ecological Quality (birds and other fauna)***
***"Existing environment***
***The bird species noted on the site visit include Meadow Pipet [sic], Skylark and Snipe. These are common on bogs and wetlands. Other species possibly frequenting the site include Merlin, Hen Harrier, Woodcock and Red Grouse. Merlin habituate open moorland and can nest in conifer plantations. Hen Harrier are found in similar habitats which have young forestry plantations. Woodcock can be found in forestry plantations and are not uncommon throughout country. Red Grouse, although currently scarce in the locality, can be found in open moorland with good Ling Heather growth".***

Of some significance is the fact that Duchas officials under the National Parks and Wildlife service wrote to Galway County Council in March 1998 and to An Bord Pleanala in September 2001clearly highlighting the fact that the EIS were seriously deficient in its providing information regarding the impacts on flora, fauna, soil and water. See attached copies appendix 2. Both correspondence referred in particular to the impact on the Hen Harrier and Merlin population in the area. The planning authorities cannot say that they were not aware of their obligations and legal duty to protect the habitat for the Hen Harriers and Merlin. Their legal duty were enshrined in law under the Wildlife Act 1996 and under Annex 5 of the EU Habitats Directive and Annex 1 of the Birds Directive (Council Directive 79/409/EEC on the conservation of wild birds).

Also of significance is the fact that Galway County Council refused planning permission for 00/4581 which was overturned in an appeal to An Bord Pleanala. In her report the An Bord Pleanala inspector clearly identified the importance of

the Hen Harriers and the fact that the Slieve Aughties were a stronghold at that time. She states that;

***"In view of the importance of this general area for the Hen Harrier and the paucity of information available regarding the impact of windfarms on this species,I would concur with Duchas in relation to the value of surveys. However, in I also agreed with the applicant (Saorgus Energy Ltd) who states that surveys undertaken during periods of disturbance may be considered invalid"*** and ***"The applicant intends to commence development as soon as possible. I am of the opinion that the Board could require that a series of surveys to be undertaken, possibly commencing in Spring / Summer 2002. I would submit that the attachment of such a condition would also be reasonable for the following reasons; (i) the Slieve Aughty Mountains have been identified as a stronghold for the Hen Harriers following a survey undertaken in 1998/1999 (ii) the inter-relationship between Hen Harriers and windfarms is not well understood and it may be that the relationship is not one of conflict (iii) it is desirable that further research be undertaken of operational windfarms in the area where Hen Harriers are known to exist. I consider that such information would add to decision making in future years and that it is not unreasonable that windfarm operators be required to support this research."***

The grant of planning permission for this site by An Bord Pleanala under PL. 07 122803 attaches 13 conditions. Condition no 8 states that;

***The developer shall retain the services of a suitably qualified and experienced bird specialist to undertake appropriate surveys of this site for the Hen Harriers. Details of the surveys to be undertaken shall be agreed in writing with the planning authority prior to commencement of the development.***
***Reason: To ensure that the developer contributes towards knowledge of the local Hen Harrier population and of the impact of the windfarms on the species".***

The decision and approach above raises a number of fundamental difficulties. First of all it appears that the grant of permission by An Bord Pleanala and the subsequent surveys of the Hen Harriers were an experiment that has gone horribly wrong.

Second of all the inspector "***agreed with the applicant (Saorgus Energy Ltd) who states that surveys undertaken during periods of disturbance may be considered invalid*** " and yet recommends granting permission for a development to start and then carry out surveys after saying earlier that "***surveys undertaken during periods of disturbance may be considered invalid*** "

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What was the point and purpose of conducting surveys after granting permission other than for experimental and novelty value?????

Thirdly of grave concern is the fact that as of July 2003 when construction commenced no survey had been received by Galway County Council regarding Hen Harrier population or habitat.

Fourth is the fact that the 2015 National Survey of Hen Harrier in Ireland by the National Parks and Wildlife Service the population in the Slieve Aughties has shown a dramatic loss of almost 50% since 2005.
Even more alarming is the fact that recently the Hen Harrier Project Annual Report Year 3; May 2019 – April 2020 stated that:

***"The Slieve Aughty Mountains straddles the Galway and Clare border and is the 2nd largest SPA in the network. This SPA supported 27 territorial pairs of breeding Hen Harrier in 2005, however since then the population has undergone catastrophic decline. There were just six confirmed territories recorded during surveys in 2019 and one possible territorial pair, which marks a 75% drop in numbers over the last 15 years. Four of the six confirmed pairs were successful in fledging a total of seven young. In spite of the continued decline in the number of breeding pairs the number of young birds fledged shows an increase over previous years."***

In their decision An Bord Planala failed to adhere to;
Directive 85/337/EEC before amendment by Directive 97/11
2 Article 2(1),(2) and (3), first subparagraph, of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40) provided:
'1. Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue inter alia, of their nature, size or location are made subject to an assessment with regard to their effects.

***In 2007, as a requirement under the EU Birds Directive, Ireland designated six sites as SPAs based on their national importance for breeding hen harriers (see www.npws.ie/protected-sites); (i) the Slieve Bloom Mountains SPA (Site code: 4160); (ii) the Stack's to Mullaghareirk Mountains, West Lim erick Hills and Mount Eagle SPA (Site code: 4161); (iii) the Mullaghanish to Musheramore Mountains SPA(Site code: 4162); (iv) the Slievefelim to Silvermines Mountains SPA (Site code: 4165); (v) Slieve Beagh SPA (Site***

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*code: 4167); and (vi) the Slieve Aughty Mountains SPA (Site code: 4168). Between 2005 and 2010, the numbers of hen harriers within these SPAs varied regionally, with three SPAs declining and three increasing over this period, although overall numbers declined by 18.1% since the 2005 survey (Ruddock et al., 2012). Ruddock et al., (2012) suggested that limited breeding resources may be impacting hen harrier populations in Ireland. The proximate or distal causes of the regional declines include potentially contributing factors such as over-winter survival rates (O'Donoghue, 2011), habitat suitability/change particularly of afforested areas (Wilson et al., 2012), predation, persecution, reduction in food supply, development (e.g. windfarms, O'Donoghue et al., 2011) and various disturbance factors e.g. peatcutting, burning etc (Ruddock et al., 2012).*

*Despite continued good coverage, an acute decline was recorded in the Slieve Aughty range, where the population was also observed to decline since 2005. In 2015 the recorded population was less than half of that recorded in 2005, and further substantial declines were observed since 2010. Some squares to the south of the Aughties did however show an increase in 2015 (Figure 10) which may be explained by redistribution.*

*In terms of population losses, the most significant reduction within the SPA network since 2010 was recorded in the Slieve Aughty SPA with an overall reduction of nine breeding pairs since the 2010 survey.*

*The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA complex and the Slieve Aughty Mountains SPA, similar to 2010 surveys (Ruddock et al., 2012), have both declined since 2005. There are also a relatively large number of wind turbines recorded in these two SPA s (n = 153 & 77 respectively; Appendices 4 - 9) and further analysis of any spatial associations and/or avoidance of windfarms by hen harriers would be desirable. The pairs found in both these SPAs largely nest in afforested or scrub sites and the Stack's complex has the lowest proportional usable forest age structure of all SPAs (Appendices 4 – 9) indicating that forest demographics may be a driver in this area.*

*Following the ad hoc recording of pressures and directly recorded threats in 2010 (Ruddock et al., 2012), it was desirable to collect data more systematically during the 2015 survey. In particular Ruddock et al., (2012) identified several factors considered as direct 'disturbance' at known hen harrier*

***sites which included turf cutting, windfarms, power-lines, roads, vehicles, burning, human disturbance, agricultural activity, cattle (i.e. trampling), forestry operations, forest maturation, predation, scrub clearance, shooting and recreational activity.***

In a National Survey of breeding Hen Harriers Circus cyaneus in Ireland 1998 – 2000 the population of Hen Harriers were stated to be 15 – 23 pairs.
In the 2015 report it is stated that the Hen Harrier population in 2005 as 24 – 27 pairs, population in 2010 as 15 – 23, population in 2015 as 8 – 14 pairs which is a 48.1% decrease from 2005 to 2015.

It has been reported locally that people are employed to travel within the windfarm site accompanied with specially trained dog/s searching for birds that may be killed or injured by the windturbines. If this is true a report should be published by the windfarm owners giving details of who is carrying out the survey and the results of what they found.

**Site conditions in 1998**

In the documentation attached to this substitute consent application the ESB has identified 1998 as the "baseline" environment.
The critical issue here is on what basis was permission granted in 1998 and 2001. Right throughout the application and indeed the planning reports there are references made to the damage that was already caused to the site by forestry.

So what should a substitute consent application decide on now?

Will An Bord Pleanala put themselves back to 1998 and 2001 and say that this area of blanket bog with some as deep as 6 meters mainly covered in forestry can be further damaged and destroyed by a massive industrial development?
There is the real live issue of cumulative effect. This blanket bog area was acting as a sponge retaining water and reducing the run off of water from the Slieve Aughty mountains down to the Gort lowlands. We would suggest that rather than granting permission Galway County Council and An Bord Pleanala should have refused permission on the basis that foisting another damaging and destructive development on top of an already damaged area was irresponsible and wreckless in

the extreme. The entire development decisions smack of the worst type of **"corporate group think".**

**Galway County Development Plan 1997**

Scenic Amenity Areas

The Slieve Aughty Mountains were classified within the Galway County Development Plan as being Category 2: High Scenic Amenity Areas (HSAAs). These scenic amenity areas are described as exhibiting a significant degree of visual and aesthetic interest. The development control objectives for such areas are:

***"To restrict development which would detract from the amenity value of the zoned areas [indicated in the relevant maps] where such development would be visually inappropriate and out of character, or could not be satisfactorily blended into its surroundings (Galway County Council 1997)".***

This designation applies to the Slieve Aughty Mountains as a whole. It would therefore be important to consider the full scale of impacts likely to arise from the wind farm development and judge whether there is the potential for such impacts to detract from the amenity value of the designated areas. Given that the visual impact of a wind farm on a landscape is one of the most commonly-cited reasons for objection to such development, it might be expected that a detailed analysis of visual impacts and sighting lines would need to be undertaken to determine whether the development would be visually inappropriate.

Less obvious, however, is the potential for significant impacts on freshwater systems within the EIA study area, given the identified instability of the peat matrix at Cashlaundrumlahan. Release of significant amounts of peat into these watercourses and lakes may, for example, result in a reduced amenity value for fishing and other water-based activities.

While there were no designations on the site in relation to any ecological, archaeological or geological features of interest at the time of the planning application there was a designation of **"High Scenic Amenity Area"**on these and surround lands by the Galway County Council which are the Local planning Authority. This related to the County Development Plan for the County of Galway 1997 – 2002.

Under section 9.3.2 Commercial, Industrial and Community Facilities Development of the 1997 – 2002 County Development Plan for the County of Galway it is stated that;

***"The Planning Authority will permit Commercial, Industrial or Community Facilities development which would not be out of character with, and can be***

***satisfactorily assimilated into the landscape. Such development shall include only development which is essential to the overall socio-economic development of the area, and which has no alternative location which would be acceptable to the Planning Authority."***

It is somewhat amazing that a Planning Authority ignored and dismissed its own designation of the Slieve Aughty (Derrybrien) region. The facts are that a total of 71 windturbines 73 metres high could not be assimilated into the landscape, were of no socio- economic benefit to the area and as far as we are aware were not subject to scrutiny as to any alternative location.

**Galway County Development Plan Wind Energy Strategy 2015 – 2021**

**NP– Not Normally Permissible Areas.**
Areas generally not suitable for wind farm development due to their overall sensitivity and constraints arising from landscape, ecological, recreational, settlement, infrastructural and/or cultural and built heritage resources, based on strategic level assessment. Wind farm developments in these areas will be discouraged, unless project level HDA and EIA can demonstrate to the satisfaction of the planning authority that environmental and other impacts can be successfully avoided, minimised and/or mitigated.

The Slieve Aughty/ Derrybrien area is currently under this designation of Not Normally Permissible Areas.
It is abundantly clear from all that has happened since 2003 that environmental and other impacts were not successfully avoided.

**In the Windfarms & Blanket Peat By Lindsey & Bragg report November 2005 it states that;** (See appendix 3)

*7.3.1 Mandatory EIA, 'salami-slicing' and the Planning Process Planning and Environmental Policy, Statutory EARequirements, Designations and Requirements In EPA Guidelines (1995), an EIS is not necessary for electrical generation projects of less than 300MW. This project clearly lies outside of these limits and an EIS is therefore not automatically required. However, Saorgus Energy has provided such a statement in the interests of public awareness of the low level of impact of this and similar wind energy projects. Environmental Impact Statements were provided for the first of the three proposals and for the third.*
*As discussed (section 1.4), there was no legal requirement to undertake EIA for the scale of wind farm development proposed at Derrybrien, either as individual*

*proposals or as a single large development until the EU's Directive 97/11/EC was transposed into Irish law as Statutory Instrument No. 93/1999. The applications submitted in January 1998 were therefore correct in saying that there was no statutory requirement for EIA. However, although it was submitted in October 2000, the Environmental Assessment for the application to construct the final 25 turbines also maintained that there is no legal requirement for EIA. This is wrong: S.I. No. 93/1999 came into force on 1 May 1999. There is no reference in the Inspector's Report that finally awarded planning permission (on appeal – PL 07 122803, 25 October 2001) to this mistaken understanding about the EIA threshold although reference is made to the fact that supplementary environmental information had been requested. The legal status of the EA produced for the final proposal is thus somewhat ambiguous and it remains the case that the second proposal was not supported by any explicit environmental statement at all and, except for a few rather generalised references in the EA for phase three, appears not to have been assessed at all. This raises an important issue of planning procedure. Together, the three proposals represent, in the words of the developer, 'one of the largest wind farms in Europe'. It is difficult to reconcile good planning practice with such a substantial development not having been subject in its entirety to Environmental Impact Assesment or with parts of the development not having been subject to any form of assessment. The European Commission's review of EIA implementation within Member States (European Commission 2003) identifies the tendency of developers to 'salami-slice' large developments by breaking them into several smaller proposals either to evade thresholds for mandatory EIA or to make the full impact of a large development appear much smaller by introducing it in stages. The anomalous planning situation at Derrybrien would seem to be an example of the problems that result from not adequately controlling such 'salami slicing'.*

For the purpose of convenience the various development consents will be identified as follows **Phase 1 (97/3470) ; Phase 2 (97/3652) ; Phase 3 (00/4581)** which was later the subject of a new planning application **(02/3560)** seeking changes of turbines to850kw, 26 m blade length, 47 m hub height.

**Power line consent (99/2377)**

Saorgus Energy did lodge two planning applications in December 1997. However on inspection by the planning authority they were both deemed to be invalid due to the lack of a proper map not accompanying the application. Saorgus Energy lodged two new planning applications on the 23rd January 1998 which were

For the purpose of convenience the various development consents will be identified as follows **Phase 1 (97/3470) ; Phase 2 (97/3652) ; Phase 3 (00/4558)** which was later the subject of a new planning application **(02/3540)** seeking clearance of turbines to 850kw, 26 m blade length, 47 m hub height.

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accompanied by one EIS. These applications were granted planning permission on 12th March 1998
The Environmental Impact Statement provided for Phase 1 and 2 were very similar in layout and content to the Environmental Assessment which accompanied the planning application for Phase 3. A clear similarity can be observed on page 8 of EIS for phase 1 and 2 and page 14 of ES for phase 3.
Both read as follows;
*Structure of this Environmental Assessment/Impact Statement*
*This EA /EIS have been structured according to guidelines published by the Environmental Protection Agency (1995). This document outlines both the subjects to be covered and the approach to be taken in dealing with them. These procedures have been followed in the preparation of this EA / EIS. All likely effects are considered in terms of:*

1. *Existing conditions*
2. *Potential or likely effects*
3. *Proposals for mitigation of these effects*

The developers were aware of the necessity for an Environmental Impact Statement for this huge industrial development from the outset. It should be also pointed out that contrary to what the developer's state on pages 13 and 14 of EA (phase 3) an Environmental Assessment was required. This became a legal requirement on 1st May 1999 under S.I. No. 93/1999.

The enormous scale of the development as proposed in 1997/98 could most certainly be subject of an Environmental Impact Assessment under Directive 85/337/EEC. In Annex II of the Directive which became a legal requirement on 1st of October 1996 under S.I. No. 101 of 1996
*"land reclamation for purposes of conversion to another type of land use" the "extraction of peat" the "extraction of minerals other than metalliferous and energy-producing minerals, such as marble, sand, gravel, shale, salt, phosphates and potash and "Industrial installations for carrying gas, steam and hot water, transmit ion of electrical energy by overhead cables..*

As stated in the EA for phase 1 and 2 under the heading of;

*Effects on rocks and soil*
*The predicted impacts of the proposed project*
*The only impacts on the soil and bedrock of the site will be in the construction stage. The foundations for each turbine will entail the excavation of approximately 175 cubic metres of material comprising bedrock and overlying peat. For 23*

*turbines this will total approximately 23,000 cubic metres of material. Rock material will all be used in road construction and peat will be made available to local operators for turf production. Any further material needed for road construction will be extracted from the north east corner of the site by opening a small quarry (Figure 17). It is envisaged that most of the material needed for road making will be sourced from the excavation of turbine bases and that only a small proportion will need to be sourced from the quarry.* ***The shale bedrock and peat*** *are abundant rock and soil types and the impacts on the resource are minimal.*

*The construction of turbine foundations and access roads is a necessity for this project. The use of the spoil in turf production and road construction will ensure that unsightly heaps of rubble does not have an adverse impact on the appearance of the site.*

Please note that the comments above are for phase 1 and 2 a total of 46 turbines. Approximately 10 km of new roads was required to be constructed for phase 1 and 2. Most if not all of this material was quarried from three quarries on the windfarm site. One from the location as identified in figure 17 and another much larger quarry adjacent to Turbine 65 which is on the phase 3 site and which was never identified at and stage throughout the planning process. Absolutely none of the peat excavated was used for turf production. In fact local people and visitors were discouraged from entering the turbary area by Security Guards. Names and registration details of vehicles were recorded at check points. Such actions were in stark contrast to those stated in the EA.

In the Report Windfarms and Blanket Peat by Richard Lindsay and Olivia Bragg in;

Section 6. 3. 6.
The Slieve Aughty Mountains were classified within the Galway County Development Plan as being Category 2: High Scenic Amenity Areas (HSAAs). These scenic amenity areas are described as exhibiting a significant degree of visual and aesthetic interest. The development control objectives for such areas are:
***To restrict development which would detract from the amenity value of the zoned areas [indicated in the relevant maps] where such development would be visually inappropriate and out of character, or could not be satisfactorily blended into its surroundings (Galway County Council 1997).***

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Summary of Chapter 6
1 The assessment of possible impacts is based on a considerable range of expertise and experienced, drawn from a wide range of sources, including the UK, Switzerland, Denmark and the Falkland Islands.
2 Examples are given of various possible methods that can help in the assessment of indirect, cumulative and interactive impacts resulting from the development.
3 A geographical boundary for the EIA is defined, based on the various issues raised in the scoping and impact assessment process.
4 The EIA boundary contains or adjoins five SACs, four SPAs, two Ramsar Sites and a reference river for the Water Framework Directive.
5 The Convention on Biological Diversity (CBD) commits the Government of Ireland to the precautionary principle, as well as to biodiversity action planning that seeks to protect and improve water quality in rivers and lakes.
6 Galway County Council's Development Plan identifies the need to consider possible environmental impacts within the Slieve Aughty Mountains HSAA.

7.5.4 The critical nature of hydrology
*The major botanical impact of the siting of a wind farm in this area is the loss of habitat in the vicinity of the turbines. Owing to the already highly disturbed nature of the forested area, this ecological impact would not be significant.*

Again, the reports consider the site in a compartmentalised rather than an integrated way. Excavations for 71 turbine towers do certainly represent wholesale vegetation destruction (and catotelm removal) but it is not the only, or even the major, likely impact on the bog ecosystem. The excavations, the long-term effects of the forestry on the peat and the impact of the roads should each be considered in

terms of their particular effects on ecology and hydrology. The cumulative effect of these should then be considered on the ecosystem as a whole. It is important to recognise that intimate hydrological linkages maintain a functioning habitat complex that extends beyond the boundary of the proposal.

*. . . The planting of forestry on site has already allowed significant drainage and this would not be significantly increased by the construction of a wind farm. Compared to current forestry, the construction of a wind farm would involve minimal impacts on botanical quality and with time the absence of forestry will allow the regeneration of a representative blanket bog flora.*

While this recognises that the peatland system has been affected by long-established forest plantations, no consideration is given to the detailed nature of the changes or their implications. Once again, there is no evidence of a review of the literature describing the long-term effects of forestry on peat and no systematic attempt to establish the condition of the peat soils beneath the plantations. There is no recognition that the wind farm would compound the effect of afforestation and give rise to a cumulative impact. Instead, the implication is that, in some way, it replaces the impact of the forestry with something more environmentally benign. This is not so (section 4.2). It is one of the ironies of this case that the site was chosen in part because it was assumed that afforested blanket bog would have little wildlife interest and that the ecological impact of the development would be limited. It is true that removal of forest from areas of deep peat can provide opportunities for peatland restoration – major EU LIFE projects have in recent years assisted in achieving just this in parts of the UK and Ireland – but there is a world of difference between removing trees and blocking drainage system to encourage Sphagnum-rich communities to redevelop and removing trees to introduce industrial-scale development with significant additional construction and drainage works. In the first case, removal is associated with a reversion to more natural conditions, in the second, the removal of trees is a precursor to a new pattern of disruption applied over an existing pattern of disturbance.

*The construction of this project would also impact on the quality of the blanket bog plants species present if it resulted in significantly increased drainage in the area. However, two features of wind farm construction have a bearing on this possibility:*
*a) If peat is more than 2m deep it is more economical to construct a floating road over the surface of the bog than it is to excavate the peat down to bedrock. Floating roads tend to subside in time to the level of the surrounding peat. This means that no channels then exist to enhance the local drainage. Probing the peat*

*at Derrybrien has revealed that this is economically the best option for new roads on site. Other roads will be located by pre-existing drains. Therefore road construction will not result in significantly enhanced drainage and consequent degradation of the ecological quality of the site.*

Although the motivation for creating floating roads is clearly financial rather than ecological, it is presented as a solution to an acknowledged environmental problem.

**Load factor of only 24.3% in 2018**

According to the 2018 accounts for Gort Windfarms Ltd the highly controversial wind farm had a **load factor of 24.3% in 2018, 24% in 2017 and 23.2% in 2016.** The full site capacity is the total possible electricity that a windfarm could produce if each turbine was producing at full output. Load factor is a percentage of the full site capacity that was produced in a particular interval. See appendix 2.
The fact that this windfarm is only producing less than a quarter of its full stated output is shocking and is a major factor in the decision making process.
If any other production facility was only capable of producing **24.3%** of its stated output it would be shut down immediately. Because this is a windfarm the powers that be are turning a blind eye and a deaf ear to this revelation of incompetence.

**Subtle but important references through the planning application**

The ESB has littered the application with subtle words and references which creates a narrative that things happened but overall very little damage was done. Also there are get out clauses and phrases planted carefully within text that allows them at a later stage justify their actions. One prime example of this is in the report on "Alternatives! They state that:
*"The main alternatives are considered in detail. The assessment concludes that the 'Continued Operation and later decommissioning' option – **the option being proposed at this time,** is the most preferable alternative overall except in relation to shadow flicker, air and climate".*

From our past experience we feel that the inclusion of **at this time** is important as it allows the ESB at any stage in the future to come back and say that we have reassessed the situation in relation to the windfarm and we are now of the view that we will for example "Repower" the windfarm. There is a very real possibility that this application may be used as a stepping stone to justify future applications.

## Drainage

*Remedial Environmental Impact Assessment Report Chapter 2-Project Description*

*Drainage: (a) Improvement works were undertaken on the 27km (approx.) of pre-existing drainage within wind farm site and (b) 12km (approx.) of new drainage channels were constructed.*
This is a total of 39km of drains in total on a fragile bog ecosystem!!!

In the;
*Substitute Consent Application Volume 2 Environmental Documents Section 8 rEIAR Non Technical Summary*
On page 52;

*Section 4.8.2.1 Flood risk assessment*
*The change in land use in some areas from pre-construction "Greenfield" to gravel and concrete (with associated drainage efficiency) was, along with tree felling and improvements to the drainage network, responsible for any increase in downstream flood flows. Overall it is considered that the Project has increased the flood runoff rate over its former forestry and turbary uses from a high runoff category to a very high runoff category. The assessment of the effect of drainage associated with the wind farm showed a minor local increase in mean annual flood flows leaving the wind farm site. This flow increase is not significant in respect of the downstream receiving watercourses and as such did not result in any significant increase in flood risk or changes to river / stream channel morphology. Similarly, at a broader regional scale, where downstream floodplains to the west would be more sensitive to any increased flood risk, it was concluded that any increases in flood peaks and volumes would be imperceptible.*

Once again the ESB has attempted to create the narrative that the drainage of some 1200 acres of blanked bog is insignificant and volume would be imperceptible. The entire catchment area of the Slieve Aughties receive a very high level of rainfall annually and this flows into a unique limestone area with fragile underground systems. It is not logical to put forward the argument that the massive drainage programme in this area had little or no impact. The cumulitave effect of this windfarm development and other large scale drainage has most definitely increased the volume and speed of the water flowing from the Slieve Aughties into the Gort lowlands.

In the report Windfarms & Blanket Peat Lindsay Bragg report in *Chapter 9 The geotechnical reports* it states that;

Drainage will also result in a substantial amount of carbon release from the oxidised peat. If the whole amount of peat within the Derrybrien site were to be so oxidised, it would equal the amount of CO 2emissions likely to be avoided by 20 years of energy generation from wind power at Derrybrien, thereby cancelling out this benefit. The whole peat volume is unlikely to be lost in 20 years, but if the CO2 emissions involved in construction, maintenance and decommissioning of the site are included, the figures look increasingly unattractive.

In Chapter 7 of the Lindsay Bragg report it states that;
7.5.4 The critical nature of hydrology
*"The major botanical impact of the siting of a wind farm in this area is the loss of habitat in the vicinity of the turbines. Owing to the already highly disturbed nature of the forested area, this ecological impact would not be significant."(Saorgus EA)*

Again, the reports consider the site in a compartmentalised rather than an integrated way. Excavations for 71 turbine towers do certainly represent wholesale vegetation destruction (and catotelm removal) but it is not the only, or even the major, likely impact on the bog ecosystem. The excavations, the long-term effects of the forestry on the peat and the impact of the roads should each be considered in terms of their particular effects on ecology and hydrology. The cumulative effect of these should then be considered on the ecosystem as a whole. It is important to recognise that intimate hydrological linkages maintain a functioning habitat complex that extends beyond the boundary of the proposal.

*"...The planting of forestry on site has already allowed significant drainage and this would not be significantly increased by the construction of a wind farm. Compared to current forestry, the construction of a wind farm would involve minimal impacts on botanical quality and with time the absence of forestry will allow the regeneration of a representative blanket bog flora." (Saorgus EA)*

While this recognises that the peatland system has been affected by long-established forest plantations, no consideration is given to the detailed nature of the changes or their implications. Once again, there is no evidence of a review of the literature describing the long-term effects of forestry on peat and no systematic attempt to establish the condition of the peat soils beneath the plantations. There is no recognition that the wind farm would compound the effect of afforestation and give rise to a cumulative impact. Instead, the implication is that, in some way, it

replaces the impact of the forestry with something more environmentally benign. This is not so (section 4.2).
It is one of the ironies of this case that the site was chosen in part because it was assumed that afforested blanket bog would have little wildlife interest and that the ecological impact of the development would be limited. It is true that removal of forest from areas of deep peat can provide opportunities for peatland restoration – major EU LIFE projects have in recent years assisted in achieving just this in parts of the UK and Ireland – but there is a world of difference between removing trees and blocking drainage system to encourage Sphagnum-rich communities to redevelop and removing trees to introduce industrial-scale development with significant additional construction and drainage works. In the first case, removal is associated with a reversion to more natural conditions, in the second, the removal of trees is a precursor to a new pattern of disruption applied over an existing pattern of disturbance.

*"The construction of this project would also impact on the quality of the blanket bog plants species present if it resulted in significantly increased drainage in the area. However, two features of wind farm construction have a bearing on this possibility:*
*a) If peat is more than 2m deep it is more economical to construct a floating road over the surface of the bog than it is to excavate the peat down to bedrock. Floating roads tend to subside in time to the level of the surrounding peat. This means that no channels then exist to enhance the local drainage. Probing the peat at Derrybrien has revealed that this is economically the best option for new roads on site. Other roads will be located by pre-existing drains. Therefore road construction will not result in significantly enhanced drainage and consequent degradation of the ecological quality of the site." (Saorgus EA)*

Although the motivation for creating floating roads is clearly financial rather than ecological, it is presented as a solution to an acknowledged environmental problem. As discussed (section 2.3), peat can be regarded for many purposes as a liquid – which is why developers talk of 'floating' roads. It was made clear (section 5.1) that such roads (and railway lines) do not merely sink to the level of the surrounding peat but continue sinking for the simple reason that, for a floating road to be maintained in a functioning state, it requires as much drainage as an excavated road.
Discussion with site representatives made it clear that managers were already talking of the need for comprehensive drainage of the road network despite assurances in the reports that no additional drainage would be required. The developers now recognise that it is simply not realistic to propose undrained

floating roads. The original assertion that 'road construction will not result in significantly enhanced drainage and consequent degradation of the ecological quality of the site' reveals a lack of understanding of peatland eco-hydrology and the necessary on-site practice.
Nor is there any reference to the extensive literature of road construction. There is also a significant body of literature on the physical properties of peat and its behaviour under differing forms of stress but none of it is cited in the reports either. Given what was to happen, this is a major failing. It is unfortunate that, while both reports acknowledge that 'the integrity of the blanket bog itself has been badly affected by drainage channels', no connection is made between this and a possible instability of the peat. The evidence was there but the reports failed to recognise its significance whereas even the briefest review of the published literature would have alerted the developers to potentially significant issues on the basis of what they themselves had already recorded.

*"b) Construction of turbine bases consists essentially of excavating a hole of approximately 15x15m down to competent bedrock and constructing the turbine base within this . . . The process does not result in long-term drainage of the surrounding peat." (Saorgus EA)*

Although acknowledging that habitat will be lost when turbine bases are constructed, the reports justify this by stating that it has already been damaged by forestry activities. Forestry has essentially a surface impact with much of the catotelm remaining undisturbed (section 3.2.1). With a turbine excavation, the entire acrotelm and catotelm are removed. If the peat is three metres deep, this will have taken around 3,000 years to accumulate and, as explained (section 5.2.2), it cannot be restored just by dumping new peat into the hole. Compared to forestry plantation, this is long-term damage.
Clearly of more concern is the possibility that the excavations might be thought to cause drainage from the surrounding peat and assurances are given that this will not happen – but they are not accompanied by any evidence. Given the issues associated with turbine-base construction, it is worth examining the reports more closely on this.
Their argument focuses on the relatively small footprint of the turbine bases and suggests that, although an area will suffer absolute loss, it only involves a hole 15 metres x 15 metres (i.e. 225 m2) with the volume of material to be removed described as 175 m3 of bedrock and overlying peat (equal
to a concrete pad 15 metre square and approximately 0.8 metres thick. In reality, these figures give litle indication of the area required: they do not allow for the need for hard-standing for construction and maintenance machinery and they imply

that a vertical-sided hole will be excavated whereas the side must be dug at or about the normal angle of repose for potentially unstable material. If the excavation is in deep peat, the margins of the excavation extend significantly further outwards (fig 5.3). In short, the total area of direct impact necessary for a securely installed turbine base with maintenance access is substantially larger is discussed in the reports. Plate 7.1 reveals the full extent of the impact of turbine-base. Material removed from the excavations for the turbine bases (arisings) was reportedly heaped onto adjoining bog surface even when the excavation lay on a slope. In some cases, the peat mounds had failed and collapsed downslope (e.g. T34) while, in others, the underlying peat was showing signs of failure in the form of cracking, slumping or swelling. In the light of these, construction practices were altered and the arisings were spread out into much thinner layers across the surrounding bog surface, creating large areas of bare peat. As a result, the area of bog impacted by turbine installation is increased many times and these areas of sloping ground are now predisposed to erosion (section 4.1)

T67, showing the base-can, the overburden burying its plinth and the exposed peat faces on the excavation sides. The area of peat removal is clearly much greater than the 15 metres x 15 metres claimed.
Cracks in the catotelm peat are highlighted by arrows.
T34. The excavation is the pale surface on the right surrounded by orange netting. The excavation area is slightly smaller than that for T67. The grey material spreading down to the forestry in the distance is peat that had been excavated and piled up on the bog surface. It had subsequently either collapsed and flowed or had been deliberately spread to avoid further possibilities of instability, depending on who was describing it.
While this was all very largely predictable, at least in principle if not in total extent, the picture does not give a sense of the extent of semi-direct impacts if the extensive areas of bare peat were to initiate an erosion complex.
Not only is the area directly impacted by the excavations much larger than the reports suggest, there is also an issue of indirect impacts resulting from drainage – despite the statement that the 'process does not result in long-term drainage of the surrounding peat'.
Under 'Effects on water' below, the reports recognise that turbine bases will fill with water and it is proposed that this be dealt with either by pumping it out or by displacing it with a backfill of hardcore and concrete. If it is pumped out, then the exposed peat faces will dry out – at several of the turbine
excavations where pumping or drainage has been used, the resulting wall of catotelm peat has already become severely disrupted, is riven with cracks and is clearly undergoing oxidative change (plate 7.1).

The alternative solution, backfilling the excavation with hard core, is also inadequate as the picture shows. This backfill provides weight for the turbine base and hard-standing for machinery but it does not seem to be necessary to fill the excavation to the level of the cut peat faces.
Backfill, excavations on slopes and peat drainage have already been discussed (section 5.2.2) – the evidence of on-site practice confirms that the excavations will result in long-term drainage of the peat.
Not only do the approaches proposed for water management around turbine bases conflict with the practice at other (non-peat) wind farms, where adequate drainage is considered paramount to maintaining the functionality of the bases (sections 5.2.3 and 5.2.4) but the on-site practices are very different from their descriptions in the reports. Not only is it evident that substantial drainage has already been created to maintain a low water table in the excavations (plate 7.2) but geotechnical consultants have recommended that permanent drainage needs to be installed at all the excavations. This is being implemented through a series of ditches and culverts linked to a network of site drains.
The claim that 'the process does not result in long-term drainage of the surrounding peat' is supported neither by any of the principles of peatland hydrology nor by evidence of on-site practice.
Measures to lessen impacts
Ecological impacts will be minimised by siting turbines predominantly in areas currently forested.
*"Construction of roads will be carried out so as to minimise damage to undisturbed blanket bog habitat of which there is little in the site itself." (Saorgus EA)*

Blanket peat has a long history of instability, particularly when disrupted by human activity (section 5). Ironically, in an effort to reduce damage to upland blanket bog habitat, the development has been sited in an area where the bog is already highly disrupted and potentially unstable as a result of long established forestry activities. It is, of course, correct that the reports should be concerned about, and propose ways of preventing, harm to undamaged blanket bog. However, just as with the administration of a dangerous medicine, if a proposal to minimise environmental impact poses its own significant risks, these should be acknowledged, measured, discussed and minimised. The adoption of solutions in a state of ignorance without following rigorous control procedures is likely to do more harm than good. Neither report acknowledges that the proposed 'measures to lessen impacts' pose any problems or dangers of their own.

Lindsey Bragg report states that;

*Both reports recommend 'robust' site drainage to stabilise the site sufficiently for work to continue. Given the tendency of drainage to concentrate water flows and the attendant dangers should the drainage system fail, it is not clear that it will produce the desired result in, say, storm conditions. As reported, the slide involved drained peat and occurred during dry weather. Intensive drainage will result in the continued release of CO2. If it causes major degradation of the peat through, for example, erosion, then the CO2 release could continue long after the site has been decommissioned. It is also likely to result in increased sedimentation in the freshwater systems that arise in, or are fed by, the watershed. This is likely to have a significant impact on the quality of these systems, some of which are candidate SAC sites under EU legislation.*

*It was also an opportunity to consider wider questions relating to the geographical scope of the EIA because Cashlaundrumlahan forms the watershed summit for several river catchment systems. Impacts in the headwaters of these systems may have significant implications for conditions further downstream. It would have been reasonable to expect some acknowledgement of the watershed/catchment concept and its potential implications.*
*In addition, and clearly resulting from the lack of any proper scoping exercise, no review is provided of the potential for impact on a number of freshwater statutory conservation sites or sites of high conservation value. Had the literature concerning peatland stability been reviewed, it would*
*have been obvious that there was a possibility of impacts to freshwater systems and that the potential effects of these impacts would need to be considered even if they were limited to increased sediment loading resulting directly from peatland drainage and erosion.*
*There are several SACs and SPAs and populations of several more Habitats Directive Annex I or Annex II species within the potential impact catchment (section 7.3). The SPA and Ramsar sites have been in place for some years and could have been so identified and SAC designation was ongoing*
*during the planning phases of this development. Although the list of Habitats Directive sites for lamprey (all three recorded species are listed under Annex II of the Directive) was not identified until 2001 (Kelly & King 2001), the possibility that Lough Cutra, with its strong population of brook lamprey (Lampetra planeri), might well emerge as a candidate site was not identified.*
*The lower section of the Owendalulleegh River has been recognised as a reference site for high quality waters for the purposes of the Water Framework Directive, which came into force in December 2000. Some reference to the implications of this Directive could have been expected in the Environmental Assessment that*

*accompanied the planning application submitted in October 2000, given that full implementation of the Directive would be completed within the lifetime of the development.*

**Alternatives**

The issue of identifying alternatives is very important. In this current situation the ESB refer to their view of alternatives in the;

Remedial Environmental Impact Assessment Report Chapter 3 – Alternatives

3.1.3 Objectives of Derrybrien Wind Farm Project
The objectives of the project are stated in Chapter 2, Section 2.2.1 and are:
Objective 1: To continue to operate the Derrybrien wind farm project to circa 2040 contributing to renewable electricity input to the national grid.
Objective 2: To contribute to and continue to meet the EU and Ireland's stated policy and legally binding targets with respect to Renewable Energy Generation and displacement of fossil fuel energy production.
Objective 3: To contribute to and continue to meet the renewable wind energy targets set in the County Galway Wind Energy Strategy (WES) which was originally developed in 2011 to meet a target of 500 MW to be installed in Co. Galway by 2017.

3.4 Alternatives Considered

There is no termination date attached to the planning permissions granted for the development of the Derrybrien Wind Farm and associated ancillary development.
The identification of reasonable alternatives has taken this into account.
The relevant alternatives considered in relation to this application are therefore:

- Do-Nothing,
- Continued operation and later decommissioning,
- Alternative Renewable Energy Projects on site,
- Decommissioning and remediation alternatives for the wind farm site.

In this "Alternatives" section the ESB has created a self serving narrative.
A number of issues arise.

Where did 2040 as a decommissioning date come out of?

We are very suspicious of 2040 as a decommissioning date and that it may be invented to justify the continuation of the windfarm development.
Can the ESB identify any document that previously referred to 2040 as a decommissioning date?
According to the Gort Windfarms Limited Annual Report and Financial Statements for the year ended 31 December 2018
*"The company has an operating lease arrangement in respect of land with 10 years remaining"* (See appendix 4)

According to the Gort Windfarms Limited Annual Report and Financial Statements for the year ended 31 December 2008
*"The company has land lease commitments of €400,000 per annum, ending in 2028."* (See appendix 5)

If one was to assume that the end date for the lease is 2028, the windfarm is only producing approximately 24% of its capacity, the fact that it is built on a EU designated Special Protection Area, is reputed to be contributing to the flooding in the Gort area and with the massive disturbance of bog through the landslide and construction works one could easily come to the logical conclusion that the windfarm should be taken down, removed and the environment repaired in so far as it is possible.

We have been unable to find any reference in the 5,500 plus pages submitted by the ESB to an alternative such as removing the industrial windfarm, closing the 39 km of drains, rewetting the site and planting part of the site with suitable trees while leaving other areas to re wild naturally.
While the windfarm is in existence it will be a monument to bad planning decisions, inappropriate construction, state indifference to EU Law and a complete disregard for environmental protection.
In the event of a Judicial Review I will be relying on EU Law and in particular EC 430/10 for Lawfully applicable as per Our EU Law.

## Barrages

*Remedial Natura Impact Statement (rNIS)*

*4.2.2.3 Peat slide and associated works*
*Measures undertaken in response to the peat slide included the rebuilding of short sections of floating road within the wind farm site at two locations in the*

*vicinity of T68 and T23-T70 (which also acted as barrages) and the installation of eight barrages (four boulder and four earthen) along and downslope of the route of the slidebetween the wind farm and downstream of Flaggy Bridge.*
*Of the eight barrages originally built, two (Barrages 1 and 2) are located upstream of Black Road Bridge and now act as Coillte access tracks, two (Barrages3 and 4) are within a tributary of the Owendalulleegh River and four are no longer in place.*
*Peat from the peat slide which had accumulated on adjacent landand peat excavated for the construction of Barrages 2 and 3 was placed in three peat repositories, one immediately upslope of the Black Road Bridge and two between Black Road Bridge and Flaggy Bridge. The location of the peat slide and works associated with the peat slide are mainly located within the townlands of Derrybrien North. Some minor works are located in the townland of Derrybrien East.*

There are numerous references throughout the application for substitute consent to barrages. The fact is the barrages were erected at a time of deep crises when the volume of bog and debris was out of control. The ESB had to be seen to be doing something to stop the sludge reaching the river system and Lough Cutra. The locations of the barrages to a large extent coincided with the route of the powerline and were more of a public relations exercise at a time of crisis than anything else. As mentioned in the report they were mainly constructed with huge boulders which were extremely pours by nature. From my observations of them at the time most of the liquefied peat washed through them and continued to wash into Lough Cutra and as mentioned in the application eventually washed into Kinvarra bay. The attempts to build the earthen barrages were futile and much of this material was actually washed away and ended up in the river system.

## COMMUNITY BENEFIT FUND

In the Remedial Environmental Impact Assessment Report Non-Technical Summary (NTS) reference has been made to community benefit fund.

*Derrybrien wind farm provides €59,500 per year helping the Derrybrien wind farm communities to become more sustainable through the support of positive local initiatives and activities including the Derrybrien Development Society,*

*Remedial Environmental Impact Assessment Report Chapter 4 -Population and Human Health*

*Table 4-8 Community Benefit Recipient Groups*

- *30th Galway Abbey Duniry Scout Group*
- *Abbey Community Development Association*
- *Ballinakill community development*
- *Ballinakill N.S. Board of Management*
- *Davitts Camogie Club*
- *Derrybrien Development Society*
- *East Galway Family History Society*
- *Friends of Woodville Walled Garden*
- *Hope It Rains / Ciotóg Teo. (a Galway 2020 Flagship Project)*
- *Irish Red Grouse Association*
- *Leitrim National School*
- *Mighty Oaks Arch Club*
- *Portumna Portumna Golf Club*
- *Shannonside Community Group*
- *St Columba's NS Parents Association Committee*
- *St Thomas GAA Club*
- *Tommy Larkins GAA Club*
- *Woodford Historical Group*
- *Woodford Playground Committee*
- *Derryoober National School (Loughrea)*
- *Ballyturin National School (Gort)*
- *St. Brendan's Community Nursing Unit (Loughrea)*
- *Killeenadeema Development Committee*

*The effect of the Community Benefit Fund to date has been positive, locally significant and of medium term.*

According to information submitted with this substitute consent application the ESB has established a Windfarm Community Fund. We presume that this fund is a tax write off and if it was not distributed in this manner it would be paid to revenue in tax. In 2016 an annual fund of €59,500 was established and it is administered by SECAD and is available to community and voluntary groups in the general South Galway area. We calculate that approximately €238,000 has been distributed to groups who are no doubt deserving of funds but have little or indeed no direct negative impact from the windfarm development.
Many of the groups that the windfarm has funded have no direct connection to Derrybrien . It is a scandal that a fund is been handed over to groups and areas that

have not suffered damage and disturbance. This approach by the ESB of spreading the money widely and thinly smacks of buying silence and compliance in as wide an area as possible. It smack of taking 30 pieces of silver and not taking a stand on saying no to severe environmental damage and irrelevance and disregard for Our EU law by the Arms and Emanations of the state.

What should have been done were actions similar to another power generating facility who fund directly the immediate local development group/s and no other groups outside the community area.
The funding structure should have been implemented along the lines of the Renewable Energy Support Scheme (RESS1), Community Aspects of RESS1.
A strict outer limit of 5km from the windfarm should have applied to distribution of the fund. We note that the ESB fund is created on the basis of €1,000 per Mw however the RESS 1 fund is based on €2,000 per Mw. Also the area of distribution in the RESS 1 is 1-2Km whereas the ESB in Derrybrien are funding a number of projects up to and in excess of 20km. The fund as administered appears to be more of a public relations exercise of buying silence rather than any real effort at undoing the damage of the last 20 years on our fragile community.

According to the planning application information Galway County Council received almost €393,613 in rates from the windfarm in 2020. From past experience we do not have confidence that Galway County Council will take an independent and unbiased view on decisions in relation to this windfarm development?

## This Windfarm Project subject of two CJEU judgements

Few if any developments has been the subject of two Court of Justice of the European Union cases. This windfarm has the unique distinction of this record. In 2008 the Court of Justice of the European Union delivered a judgement in Case C-215/06 which found that Ireland failed to implement the Environmental Impact Directive 85/337 properly.
'by failing to adopt all measures necessary to ensure that:

- projects which are within the scope of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment either before or after amendment by Council Directive 97/11/EC of 3 March 1997 are, before they are executed in whole or in part, first, considered with regard to the need for an environmental impact assessment and, secondly, where those projects are likely to have significant

effects on the environment by virtue of their nature, size or location, that they are made subject to an assessment with regard to their effects in accordance with Articles 5 to 10 of Directive 85/337, and

- the development consents given for, and the execution of, wind farm developments and associated works at Derrybrien, County Galway,were preceded by an assessment with regard to their environmental effects, in accordance with Articles 5 to 10 of Directive 85/337 either before or afteamendment by Directive 97/11, Ireland has failed to fulfil its obligations under Articles 2, 4 and 5 to 10 of that directive'

In the second case which Judgement delivered on 12th November 2019 Case C - 261/18 Ireland was once again before the CJEU in relation to this windfarm with the following declaration;

127 According to settled case-law, the imposition of a penalty payment is, in principle, justified only in so far as the failure to comply with an earlier judgment of the Court continues up to the time of the Court's examination of the facts (judgment of 14 November 2018, Commission v Greece, C-93/17, EU:C:2018:903, paragraph 108 and the case-law cited).
128 In the present case, it is not in dispute that, as noted, in particular in paragraphs 118 and 119 above, Ireland has still not carried out an environmental impact assessment of the wind farm in the context of a procedure for regularising the consents at issue, granted in breach of the obligation to carry out a prior environmental impact assessment laid down in Directive 85/337. As at the date on which the facts were examined by it, the Court does not have any information that would show that there has been any change to that situation.
129 In the light of the foregoing, it must be held that the failure to fulfil obligations of which Ireland stands criticised continued up until the Court's examination of the facts in the present case.
130 In those circumstances, the Court considers that an order imposing a penalty payment on Ireland is an appropriate financial means by which to induce it to take the measures necessary to bring to an end the failure to fulfil obligations established and to ensure full compliance with the judgment of 3 July 2008, Commission v Ireland (C-215/06, EU:C:2008:380).
131 As regards the calculation of the amount of the penalty payment, according to settled case-law, the penalty payment must be decided upon according to the degree of persuasion needed in order for the Member State which has failed to comply with a judgment establishing a breach of obligations to alter its conduct and bring to an end the infringement established. In exercising its discretion in the matter, it is for the Court to set the penalty payment so that it is

both appropriate to the circumstances and proportionate to the infringement established and the ability to pay of the Member State concerned (judgment of 14 November 2018, Commission v Greece, C-93/17, EU:C:2018:903, paragraphs 117 and 118).

132 The Commission's proposals regarding the amount of the penalty payment cannot bind the Court and are merely a useful point of reference. The Court must remain free to set the penalty payment to be imposed in an amount and in a form t hat itconsiders appropriate for the purposes of inducing the Member State concerned to bring to an end its failure to comply with its obligations arising under EU law(see, to that effect, judgment of 14 November 2018, Commission v Greece, C-93/17, EU:C:2018:903, paragraph 119).

133 For the purposes of determining the amount of a penalty payment, the basic criteria which must be taken into consideration in order to ensure that that payment has coercive effect and that EU law is applied uniformly and effectively are, in principle, the seriousness of the infringement, its duration and the ability to pay of the Member State in question. In applying those criteria, regard must be had, in particular, to the effects on public and private interests of the failure to comply and to how urgent it is for the Member State concerned to be induced to fulfil its obligations (judgment of 14 November 2018, Commission v Greece, C-93/17, EU:C:2018:903, paragraph 120).

134 In the present case, having regard to all the legal and factual circumstances
culminating in the breach of obligations established and the considerations set out in paragraphs 115 to 124 above, the Court considers it appropriate to impose a penalty payment of EUR 15 000 per day.

135 Ireland must, therefore be ordered to pay the Commission a periodic penalty payment of EUR 15 000 per day of delay of implementing the measures necessary in order to comply with the judgment of 3 July 2008, Commission v Ireland(C-215/06, EU:C:2008:380) from the date of delivery of the present judgment until the date of compliance with that judgment of 3 July 2008.

Costs

136 Under Article 138(1) of the Rules of Procedure of the Court, the unsuccessful
party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings. Since the Commission has applied for costs and Ireland has been unsuccessful, the latter must be ordered to pay the costs.

On those grounds, the Court (Grand Chamber) hereby:

1. Declares that, by failing to take all measures necessary to comply with the judgment of 3 July 2008, Commission v Ireland (C-215/06,

EU:C:2008:380), Ireland has failed to fulfil its obligations under Article 260(1) TFEU;
2. Orders Ireland to pay the European Commission a lump sum in the amount of EUR 5 000 000;
3. Orders Ireland to pay the Commission a periodic penalty payment of EUR 15 000 per day from the date of delivery of the present judgment until the date of compliance with the judgment of 3 July 2008, Commission v Ireland (C-215/06, EU:C:2008:380);

**Other Court cases and convictions**

On the 14th March 2008 Mr Justice Declan Budd delivered a judgement in relation to this windfarm in which he Derrybrien Development Society took a High Court challenge to the manner in which Galway County Council extended planning permissions for the erection of a wind farm on a mountain in the area.

In a judgment strongly critical of the council's "plethora of mistakes" in handling the planning issues, Mr Justice Declan Budd found the council breached the planning acts and applied the wrong criteria when assessing applications by Gort Windfarms Ltd (GWL) for extensions of the duration of planning permissions.

Consequently, it had acted outside its powers in granting the extensions.

He said the council had failed to apply the crucial test - whether the development had not been completed within the terms of existing permissions due to circumstances - the bogslide of October 28th, 2003 - outside the control of GWL. GWL had failed to provide the necessary information on this issue to the council and, had it done so, the council's decision was likely to have been very different, he said. This was because there was "a substantial body of evidence" which "overwhelmingly suggested" that the peat slip and bog slide was caused by the actions and omissions of GWL, its servants or agents for whom it was responsible under the planning code, he said.

There was a strong consensus in expert reports that the operations of GWL disrupted the stability of the blanket bog on the top and side of Mount Cashlaundrumlahan in the Slieve Aughty mountains near Derrybrien, he noted.

The reports also found GWL had ignored the "eminently foreseeable" risk of destabilisation and bog slide and ensuing delay in completing the wind farm development. Galway County Council had acted on the wrong criteria and irrationally in extending the permissions for the development, he ruled.

A "plethora of mistakes" seemed to have occurred "to the point of embarrassment" in this case, including there being no managerial decisions as required by statute and no record of relevant entries in the planning register.

He added that it was "hard to credit" claims by GWL that it could not have anticipated the 2003 bogslide. This claim was contrary to a consensus in expert reports about effects of the deposit of 400 tonnes of material excavated from the wind turbines "on jelly-like blanket bog".

The leaving of material on unstable blanket bog was a "recipe for disaster" as it was a trigger for a bog flow down the mountain, through the fields and into rivers, with ensuing environmental damage.

One "could only wonder" why appropriate technical expertise was not obtained at an earlier stage by the developer and obvious safety measures and proper construction methods instituted.

The judge was giving his reserved judgment on proceedings brought last July by Derrybrien Development Society challenging the manner in which planning extensions were granted by the council in March 2005 relating to two wind farms of 23 wind turbines being developed by GWL.

The construction of the wind farm is complete and the judge yesterday adjourned the making of final orders in the case until next month, to allow the sides to consider his findings.

If he overturns the permissions, or makes declarations in accordance with his findings that the extensions of the permissions were not in accordance with the terms of the planning acts, retention permission may have to be sought.

(Mary Carolan © 2008 The Irish Times)

In October 2004, ESBI Engineering LTD and Ascon were prosecuted by Galway County Council for allowing polluted materials to enter a river following the landslide in October 2003.

A number of court cases were successfully taken by local land owners against the windfarm developers in relation to damage to property resulting from the landslide.

## CO2 Emissions

The total volume of peat excavation for the turbines, crane hardstandings, substation and quarries is approximately 185,000m3. About a further 450,000m3 of peat was displaced in the peat slide at the site in October 2003. If it is assumed that 100% ofthe combined volume of excavated peat is lost due to decomposition

on exposure, which is very conservative (i.e. there is still approximately 200,000m3 of disturbed peat within the slide rea), then this is equivalent to releasing 127,000 tonnes of CO2into the atmosphere. □ In terms of recent national statistics for CO2emissions in Ireland, 127 kt CO2is ≈0.2% of the total annual emissions (60,750 kt-CO2) in 2017 (SEAI, 2020) and ≈0.6% of our total annual emissions related to energy (21,265 kt-CO2).

Therefore, the impact of the project on carbon storage is relatively Low and would be compensated by the net carbon gain over the design life of the windfarm.

Without going into great details some of the headline figures that give you a scale of the project on this Special Protection Area and a blanket bog site of 1,200 acres are;

- 70 windturbines
- 450,000 cubic meters of bog slipped in the landslide
- 185,000 cubic meters excavated from compound, turbine bases etc
- 50,000 fish killed as a result of the landslide
- Deforestation of 263Ha without planning permission or EIA
- 17.5 Km of roadways
- 39Km of drains
- 3 quarries
- 7,880 cubic meters of concrete used
- 232,000 cubic meters blasted and excavated from the quarries
- 22.5 Km of underground cable
- 7.8 Km of overhead power lines
- 4 barrages consisting of approximately 3,500 cubic metres of rocks & stone

We cannot accept and will not accept the self-serving assertion that there are; **are no significant adverse impacts** from the windfarm development.

**Non Compliance with planning conditions**

Description of how pre-disaster 2003 construction work breached conditions of planning permissions. Note that deforestation started in June 2003 and construction work started in July 2003.

Planning consent 97/3470 and 97/3652 are similar. Planning consent relate to 00/4581 which was later superseded by 02/3560.

The following outline lack of compliance with planning conditions relating to; **97/3470 and 97/3652.**

Please refer to attached letter from Mr Liam Gavin, Senior Engineer, Planning & Economic Development, Galway County Council sent to Ms. Mary Nolan, Hibernian Wind Power, 27 Lower Fitzwilliam Street, Dublin 2, dated 11th September 2003.

- **Condition No 3** Details of disposal of excavated rock and soil to be submitted and agreed with the planning authority prior to commencement of work on the site. **Agreement reached between developer and Galway County Council on 11th September 2003 provided burrow pits are rehabilitated on completion of excavations.**

- **Condition No 5** Details of facilities to be installed at the developer's expense to ensure that radio or television transmission in the area are not interfered with by the development. **Noted and agreed with on 11th September 2003 provided protocol from RTE is submitted later. Agreement reached on 24th November 2003**

- **Condition No 6** Before development commences details of aeronautical requirements shall be agreed in writing with the planning authority. **Agreed with the planning authority on 11th September 2003.**

- **Condition No 7** Cash deposit or bond or other security to secure the satisfactory reinstatement of the site upon cessation of the project to be lodged with Galway County Council prior to commencement of work. **Agreement reached on 24th November 2003.**

- **Condition No 8** Details of road network to be used by construction and by long term traffic shall be submitted and agreed with the planning authority prior to commencement of development. **Agreement reached on 24th November 2003.**

- **Condition No 9** Before development commences on the site the developer shall submit to the planning authority for written agreement detailed

proposals for the control of silt-laden discharges from the site arising from construction activities. **Agreement reached on 24th November 2003.**

- **Condition 10 (b)** Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works. **Agreement reached on 11th September 2003.**

- **Condition No 12** Prior to the commencement of the development the developer shall lodge a cash deposit or a bond or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site. **Agreement reached on 24th November 2003.**

- **Condition No 13** Turbines other than the two types specified in the planning application documentation (tubular tower design) shall not be used, except with the prior written agreement with the planning authority. **Agreement reached on 11th September 2003.**

The following outline lack of compliance with planning conditions relating to; **02/3560**

- **Condition No 4(b)** Prior to commencement of development, the developer shall submit and have written agreement from the planning authority in respect of the site layout plan to scale 1: 5000 showing the location of structures referred to in (a) above and access roads/tracks **Agreed on 11th September 2003**

- **Condition No 4(c)** Prior to commencement of development, the developer shall submit and have written agreement from the planning authority in respect of, scaled drawings of proposed turbines. **Agreed on 11th September 2003.**

- **Condition No 4(d)** Prior to commencement of development, the developer shall submit and have written agreement from the planning authority in respect of details of site boundary, if any. **Agreed on 24th November 2003.**

- **Condition No 5** Details of disposal of excavated rock and soil to be submitted and agreed with the planning authority prior to commencement of work on the site. **Agreed on 11th September 2003.**

- **Condition No 7** Details of facilities to be installed at the developer's expense to ensure that radio or television transmission in the area are not interfered with by the development. **Noted and agreed with on 11th September 2003 provided protocol from RTE is submitted later. Agreement reached on 24th November 2003**

- **Condition No 9** The developer shall retain the services of a suitably qualified and experienced bird specialist to undertake appropriate surveys of this site for the Hen Harrier. Details of the surveys to be undertaken shall be agreed in writing with the planning authority prior to commencement of development. **Proposals to retain the services of B.E.S. to undertake the Hen Harrier survey is noted and accepted on 11th September 2003. The Planning Authority awaits a copy of the findings.**

- **Condition No 10** Cash deposit or bond or other security to secure the satisfactory reinstatement of the site upon cessation of the project to be lodged with Galway County Council prior to commencement of work. **Agreement reached on 24th November 2003.**

- **Condition No 11** Details of road network to be used by construction and by long term traffic shall be submitted and agreed with the planning authority prior to commencement of development. **Agreement reached on 24th November 2003.**

- **Condition No 12** Before development commences on the site the developer shall submit to the planning authority for written agreement detailed proposals for the control of silt-laden discharges from the site arising from construction activities. **Agreement reached on 24th November 2003.**

- **Condition No 13** Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works. **Agreement reached on 11th September 2003.**

- **Condition No 5** Details of disposal of excavated rock and soil to be submitted and agreed with the planning authority prior to commencement of work on the site. **Agreed on 11th September 2003.**

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- **Condition No 13** Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works. **Agreement reached on 11th September 2003**

- **Condition No 14** Prior to the commencement of the development the developer shall lodge a cash deposit or a bond or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site. **Agreement reached on 24th November 2003.**

**Please note that the main quarry in operation was not identified at any time through the planning process.**

There is no point in having EU Directive and Treaties if their Law is neither accessible nor enforced, additionally, its EU citizens are unable to participate in implementation of these same Directives and Treaties or worse still as citizen we are been deliberately and systematically locked out even before we go to Court, and where Justice Delayed - over 20 years so far here – is justice denied. We must ensure that the integrity of the EU Laws, Directives and Treaties are upheld. **"When the integrity of the system is compromised we have no system".**

The credibility and integrity of Ireland as a State is in sharp focus in this decision. The decision makers must apply the fundamental principles of environmental protection and compliance with our EU laws and treaties and in particular the spirit and detail of Directive 85/337/EEC where there was a legal obligation on Ireland to carry out an environmental impact assessment before consent for, and construction of the windfarm development. This did not take place therefore you must refuse permission for this windfarm development.

As part of this submission I am formally requesting an Oral Hearing on this Substitute Consent application

I look forward to a favourable response from you in due course.

Yours sincerely,

Martin Collins

MARTIN COLLINS.

Contact [redacted]
Phone [redacted]