

An
Bord
Pleanála

Planning Appeal Form

LDG- 023944-20

30 JAN 2020

Fee: € 220 Type: cheque

Time: - By: Reg. Post.

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Liam Lenihan

(b) Address

Glenduff, Ashford, Ballagh, Co. Limerick

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not applicable

(b) Agent's address

Not applicable

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) **Planning authority**

(for example: Ballytown City Council)

Limerick City and County Council

(b) **Planning authority register reference number**

(for example: 18/0123)

EC58/19

(c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Glenduff, Ashford, Ballagh, Co. Limerick

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

On a date or dates between 21 and 28 February 2019, a roadside line of mature trees, marked in attached maps/aerial photographs (Attachment 1), and illustrated in attached photographs (Attachment 2), was cut down during development works for Mauricetown Wind-farm (ABP planning reference PL13.240910 (LCCC ref. 12/379)). This tree-line was directly across a minor road from my (appellants) property, and formed a visual and noise screen for turbine T6 of the permitted wind-farm (see Attachment 3), estimated to be 670m from my (appellants) private residence. This tree-line was within an exclusion zone marked on map ASHF d003.7.12 (Attachment 4) (also maps ASHF d003.7.2 & ASHF d011.8) accompanying the planning application.

- Condition 1 of the grant of planning permission states that the “development shall be carried out and completed in accordance with the plans and particulars lodged with the application and Environmental Impact Statement, as amended by the further plans and particulars received by An Bord Pleanála on the 31st day July 2012, except where otherwise may be required in order to comply with the following conditions.” The only other relevant condition is Condition 4: “All mitigation and management proposals contained in the Environmental Impact Statement and subsequent revisions submitted to the planning authority and An Bord Pleanála shall be implemented in full.”

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- Section 2.8.4 of the Environmental Impact Statement (EIS, May 2012), accompanying the planning application (Attachment 5), states that the access road “will require the removal of existing field hedgerows to make available the necessary space for abnormal loads to traverse the corner”; this is clearly north of the tree-line and the removal of the tree-line was not anticipated in the EIS.
- The removal of the tree-line was not necessary for the electricity cable, as this was laid on my (appellants) side of the road, and the Ecological Impact Assessment (April 2012, p.20, Attachment 6) states that: “There will be no loss of semi-natural habitat associated with the grid connection ...”.
- The Ecological Impact Assessment (EcIA, April 2012, p.23, Attachment 7) specifically states that the “most sensitive and ecologically valuable habitats on site (scrub and woodland) are avoided” by the access track, and the ECIA makes no mention of the mature tree line in habitats affected by the development. No bat survey of the treeline was carried out for the EcIA, indicating that its removal was not contemplated.
- In An Bord Pleanála Inspector’s Report (PL13.240910) (p. 16), the Inspector, when considering visual impact on houses on the R515, states: “Those within Glenduff will be mostly shielded from views by trees between the road and the windfarm.” This indicates that the

AN BORD PLEANÁLA

24 FEB 2020

LTR DATED _____ FROM _____
LDG- _____

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AN BORD PLEANÁLA

30 JAN 2020

LTR DATED _____ FROM _____
LDG- _____
ABP- _____

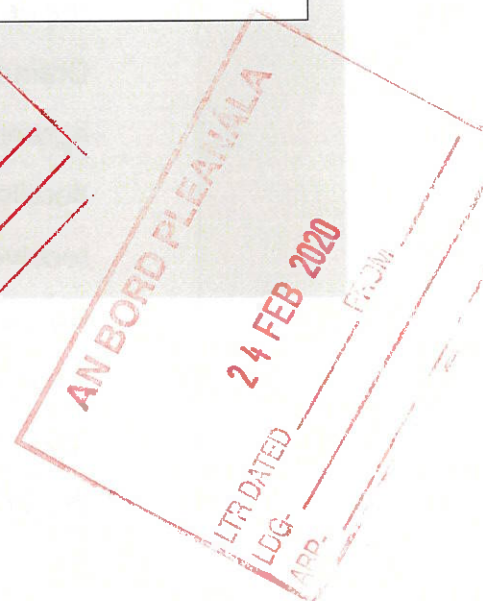
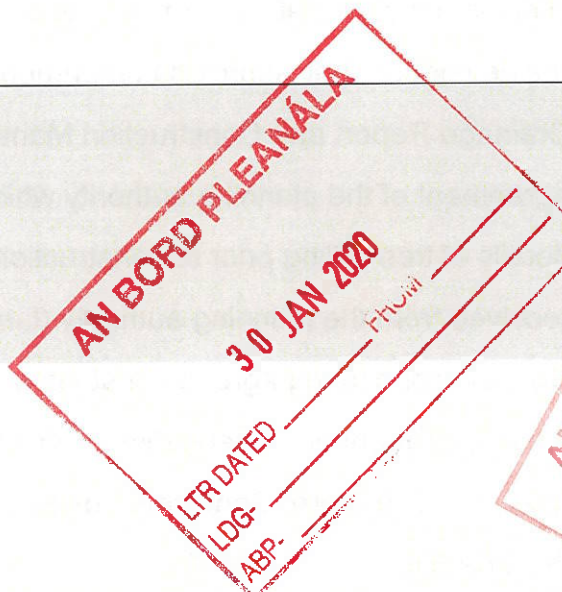
Inspector's interpretation of the planning application was that trees would be retained where possible, at least within the exclusion zone.

- Removal of a tree-line is not envisaged in the EIS, where only 2.5 ha of "improved agricultural grassland" is stated to be directly impacted (Table 7.9, p. 20, EIS, April 2012). The EIS concludes that: "The impact of direct habitat loss resulting from the proposed wind-farm is a near certain impact deemed to be of an imperceptible negative significance." This level of significance would not be the conclusion in the case of a mature oak/beech/sycamore tree-line.
- In Subsection 6.4 of the landscape and visual assessment of the EIS, it is stated that: "Special care will be taken to preserve any features, which contribute to the landscape character of the study sites [i.e. the development area]." (Attachment 8).
- Condition 5 states that: "Prior to the commencement of development, the developer shall submit a comprehensive Construction Stage Drainage Report and Construction Management Plan for the written agreement of the planning authority which shall include ... (b) full details of tree-felling prior to construction ..." From the documents received from the planning authority (Limerick City and County Council) concerning agreed construction details (Attachment 9), there is no mention of tree-felling within the exclusion zone referred to above. Therefore, Condition 5 does not appear to permit felling of this tree-line.

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- It is my understanding that the Forest Service has not recorded a felling licence for the trees in the tree-line mentioned above. The argument that this was a matter for the Forest Service and not a planning matter is not supported, therefore.

The second part of the Section 5 Declaration by Limerick City and County Council (Attachment 10), which states that the tree-line removal was development permitted under grant of planning PL13.240910 is disputed on the above grounds. It is my opinion that it is unauthorised development which requires full re-instatement of the tree-line.

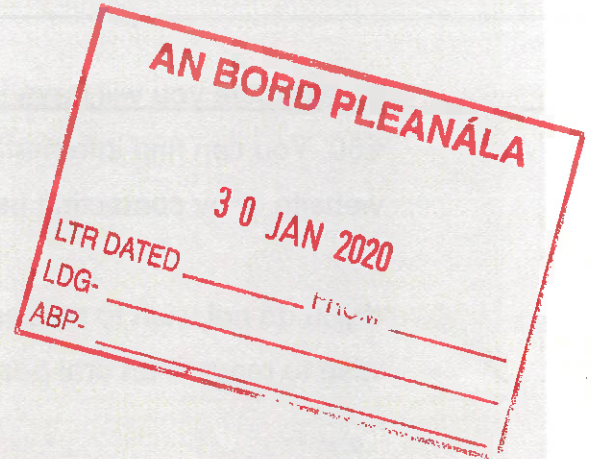


Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

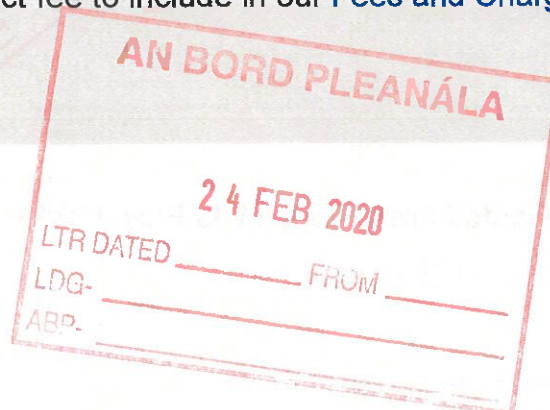


Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct **fee** is included with your appeal. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.



Oral hearing request

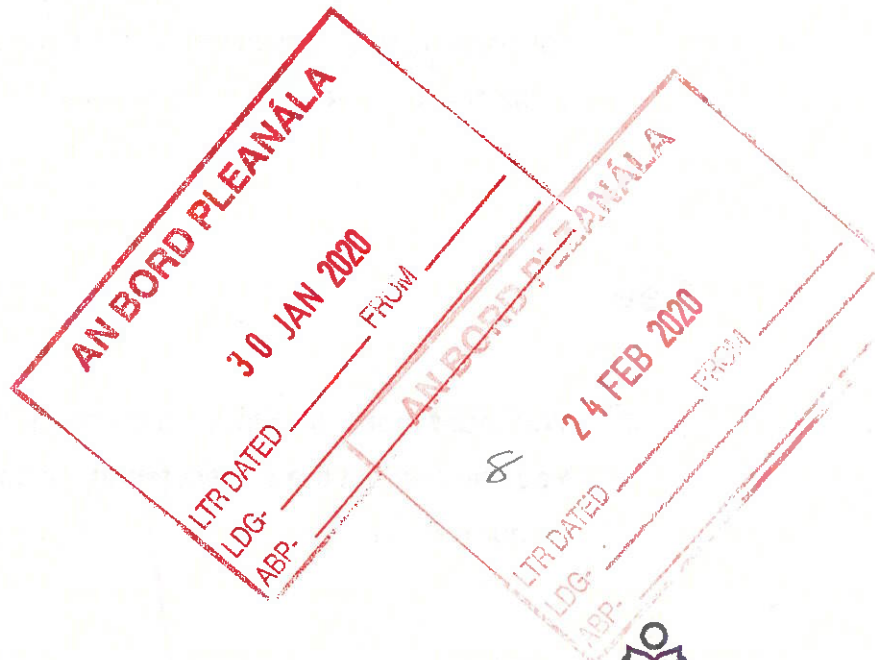
9. If you wish to **request the Board to hold an oral hearing** on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing



NALA has awarded this document its Plain English Mark

Last updated: April 2019.

