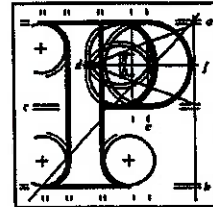


**Our Case Number: ABP-309770-21**



**An  
Bord  
Pleanála**

Rona Beverly Bate  
Bogside View  
Lower Coole  
Coole  
Via Mullingar  
Co. Westmeath

**Date: 28 February 2023**

**Re:** Proposed development of up to 15 wind turbines with a tip height of up to 175 metres and laying of approximately 26km of underground electricity cabling to facilitate the connection to the national grid, and all associated site development works  
Townlands of Camagh, Carlanstown, Coole, Clonrobert, Clonsura, Doon, Monkstown, Mullagh, Newcastle and other townlands, Co. Westmeath

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. The Board notes the withdrawal your observation of 23rd February, 2023 and replacement with your observation of 24th February, 2023.

The Board will revert to you in due course in respect of this matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of Westmeath County Council and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Tell  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

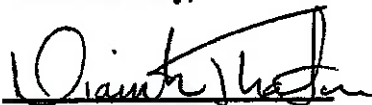
Tel  
LoCall  
Fax  
Website  
Email

(01) 858 8100  
1800 275 175  
(01) 872 2684  
[www.pleanala.ie](http://www.pleanala.ie)  
[bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maolbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

Yours faithfully,



Niamh Thornton  
Executive Officer  
Direct Line: 01-8737247

PA09

Tell  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
LoCall  
Fax  
Website  
Email

(01) 858 8100  
1800 275 175  
(01) 872 2684  
[www.pleanala.ie](http://www.pleanala.ie)  
[bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

## Niamh Thornton

---

**From:** SIDS  
**Sent:** Friday 24 February 2023 15:37  
**To:** Niamh Thornton  
**Subject:** FW: Coole Wind Farm  
**Attachments:** coole wind farm final Thursday.docx

---

**From:** Beverley Bate <[REDACTED]>  
**Sent:** Friday 24 February 2023 14:18  
**To:** SIDS <sids@pleanala.ie>  
**Subject:** Coole Wind Farm

Dear Sir or Madam,

I sent in my submission for Coole wind farm yesterday and have since made changes to it. Please may I change the submission to this one. Thankyou in advance.

Kind regards,

Beverley Bate

To:

SID Further Information  
Planning Dept 17 February 2023  
An Bord Pleanála  
64 Marlborough St  
Dublin 1

SENT BY EMAIL TO [sids@pleanala.ie](mailto:sids@pleanala.ie)

My name and address is Rona Beverley Bate and my address is Bogside View, Lower Coole, Coole, Via Mullingar, County Westmeath. I made a submission to all previous applications on this wind farm.

Dear Sir or Madame,

I Rona Beverley Bate of Bogside View, Lower Coole, Coole, County Westmeath wish to make an observation on the further information supplied in relation to  
Case reference: PA25M.309770:

Locations are: Townlands of Camagh, Carlanstown, Coole, Clonrobert, Clonsura, Doon, Monkstown, Mullagh, Newcastle and other townlands, Co. Westmeath.

Proposed development of up to 15 wind turbines with a tip height of up to 175 metres and laying of approximately 26 km of underground electricity cabling to facilitate the connection to the national grid, and all associated site development works.

Developer is Coole Wind Farms Limited.

No fee is required. Contact person is myself.  
Planning authority is Board Pleanála as an SID, the site is in the local planning area of Westmeath Co. Co.

- 
- 1) The 2021 Regulations specifically state that the written permission of all landowners are required for this application to be valid. In my mian submission I pointed out several land registry folios which were not even on the route of the cables but are stipulated in the application. Others which were on the route were not stipulated. Your inspector will need to examine the situation on the ground and each landowner along the road of the connecting cables to the national grid and ensure that written permission is supplied. In Ireland and the UK the land under the road belongs to the owner of the land adjacent to the road. I see no such permission for this application. The high court has already ruled in North East Pylon Pressure Group -v- An Bord Pleanála that the consent of all landowners is required. In

addition to the 2021 Regulations, the court ruled that without such permission the applicant is merely an interloper.

I have spoken with two land owners who own land on both sides of the road but refused to give consent for this project. They are 1) Kevin Brady who owns land each side of the R395 and 2) Joan Gunning, Lower Coole who owns land each side of the Coole Granard Road R396. The developer cannot therefore move the cables to the opposite side to another consenting landowner.

- 2) The government plans for energy including wind energy include the National Renewable Energy Action Plan and Project 2040. These are plans or programmes under the Directive 2001/42/EC, the Strategic Environment Assessment Directive (SEA). The Directive follows from Ireland's signing of the Aarhus Convention. In a case taken by Friends of the Irish Environment the government claimed in its defence that its plans for renewable energy are budgetary only and that it has no plans to build anything. Seven Judges of the Irish Supreme Court ruled that this should be referred to the European Court of Justice. This case is now before that the court allocated the number C-727/22. It can be viewed on a search on line of CJEU find a case page and insert the number 727/22 in the search bar. This case was instituted after closing date for submissions for original application and is therefore relevant to this submission.

[CURIA - List of results \(europa.eu\)](#)

<https://curia.europa.eu/juris/showPdf.jsf?text=&docid=269727&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=2414806>

Should the application plaintiff in this case win, it will mean that all existing wind farms built since the Directive became operative in Ireland in 2004 must have their planning consent annulled. That would not be sustainable development as required by the Planning and Development Act 2000. I recommend that no decision be made on this application or the further information supplied until the result of that case is known. In course the Advocate general will give an opinion and the court will rule on it. Their decision is binding in Ireland.

An SEA would involve compilation of an Environmental Report with public participation. There is none in existence. The EIA in this application is therefore invalid.

- 3) The Belgian equivalent of Irish Wind Energy Guidelines 2006 were tested by a group opposing a 5 turbine wind farm in Belgium. The case went all the way to the Grand Chamber of the CJEU being allocated reference No. C - 24/19. The competent authority claimed the Belgian circular (the equivalent of the Irish Guidelines) is not a plan or programme when issued by an authoritative source.

The court ruled that such a circular is a plan or programme requiring an SEA.

The court then ruled that these guidelines were not assessed under the SEA Directive and that any planning consents granted on foot of them were invalid and must be annulled.

The Belgian government then asked the court what the position was with wind farms installed already with such invalid guidelines? The court ruled that that consent must be annulled. It ruled that the timing of annulment and removing of the windfarm can be delayed if the electricity is required until a replacement is found and only then for a reasonable period of time.

This ruling can be found by searching the CJEU with reference C-24/19.  
[CURIA - Documents \(europa.eu\)](#)

The binding ruling is in bold print at the end 1. 2. and 3.

- 4) The Board granted a wind farm application at Gougane Barra in Cork and one at North Kildare recently in defiance of this ruling. It was included in judicial reviews and the Board was forced to concede and allow them to be quashed. If this application is granted I will be forced to take a judicial review under rule 84 of the rules of the superior courts.

**5) Lough Kinale and Derragh Lough.**

The further information supplied does not appear to have properly dealt with the Special area of conservation of Lough Kinale and Derragh Lough (Darragh Lough).

The site inspector must visit both lakes and in particular Derragh Lough. Any objective assessment can only conclude that the wind farm proposed will seriously interfere with the nesting areas and flight paths. I take recreational walk at Derragh Lough which is up a long laneway. I have seen swans, wild ducks, wild geese, herons fly in from all directions including the area of this project. I have seen Hen Harriers in the area.

**Summary.**

I know several civil actions for the nuisance caused by wind farms were successful and The 2006 Guidelines are inadequate. The draft 2019 guidelines were never enacted and their use will render the EIA for this project invalid. The SEA sets the framework for future planning consent for the EIA, there are no valid guidelines in existence. There has to be an Environmental Report and there is none. If the state claims the 2006 Guidelines were done before the implementation of the SEA Directive on 21st July, 2004, then such guidelines would only be valid until that date.

**The Board must deal with each of my points under Article 6 of the EIA Directive 2011/91 EC as amended by the 2014 Directive and it must give reasons where it does not agree.**

**This application must therefore be refused outright.**

**Yours faithfully.**

**Roma Beverley Bate.**

## **Niamh Thornton**

---

**From:** SIDS  
**Sent:** Thursday 23 February 2023 15:07  
**To:** Niamh Thornton  
**Subject:** FW: coole windfarm  
**Attachments:** submission february 24th 2023.docx

---

**From:** Beverley Bate <[REDACTED]>  
**Sent:** Thursday 23 February 2023 14:12  
**To:** SIDS <sids@pleanala.ie>  
**Subject:** coole windfarm

Dear Sir or Madam,

Attached is my submission for Coole Wind farm.

Kind regards,

Beverley Bate