

Karin Kempf



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Kilmichael

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County Cork

P12 RF82

An Board Pleanála

64 Marlborough Street

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30th May 2022

Ref: ABP-307939-20 Application for Substitute Consent for the Cleanrath Wind farm development, County Cork

In the townlands of: Reananerree, Cloontycarthy, Cleanrath North, Derrineanig, Cleanrath South, Milmorane Coombilane , Rathgaskig, Augeries, Gorteenakilla, Carrignadoura, Gurteenowen, Gurteenflugh, Lyrenageeha and Lackabaun.

Applicant: Cleanrath Windfarm Ltd., Lissarda Industrial Estate, Lissarda, Co. Cork. Company director Mr. Michael Murnane

Dear Sir or Madam

I am writing concerning the application for substitute consent for the Cleanrath Wind farm development, County Cork, Ref: ABP-307939-20.

1. Consideration of Exceptional Circumstances

I have a few concerns regarding this application for substitute consent. I have read the letter from Jimmy Green, the planner at MKO many times and I have failed to see any exceptional circumstances for this development except that they went ahead with this development while the appeals process instigated by local residents was still to be decided, in effect dismissing any local concerns, to grant permission now makes a mockery of our court system and the appeals process that the local community has adhered to.

To now grant this permission opens up a loophole that should not be there and will be used again and again to circumvent the spirit of the planning laws against the wishes and best interests of the local people.

2. Whether the ability to carry out an EIA or AA and to provide for public participation in such assessments has been substantially impaired

He talks of the public consultations, but the only public meeting about this was held in Ballyvourney, many miles from the development in fact two valleys away rather than in the village hall in the local village of Inchigeelah. This single meeting in 2015 was the only communication with the public. Ever.

3. Whether the regularisation of the development would circumvent the purpose and objectives of the EIA Directive or the Habitats Directive

I notice also that his letter says that this is the first development by this particular firm, but the local area has now seen numerous wind farm developments each with a differently named company, but all emanating from the same source. This is NOT a single site, but it is one part of a larger portfolio of development by interconnected companies.

This seems to me just a way for one big company to circumvent the role of the planning authorities by offering up each small development to the planning process piece meal rather in its true entirety and has no regard for the need and wishes of the local population nor the environment.

4. The likely significant effect on the environment or adverse effect on the integrity of a European Site resulting from the carrying out or continuation of the development.

I also have concerns over the environmental impact of these turbines in this location. We might never see the hen harriers return. This range of mountains has been identified as ideal hen harrier habitat.

Their assessment of the effect on bats is flawed as it was not carried out over a long enough time frame to be of much worth (this needs to be completed over a longer time span to consider the changing needs of bats during the year. (When breeding or when the young are prevalent) I have read the environmental impact assessments for Carrigarierk Windfarm, Carrigarierk2, Carrigdangan substation, Shehymore, Barnedivane and Cleanrath. They are all from the same developer and in the same area. Each one is almost identical, and it worries me that this is not being completed in a way that is truly accurate for each development. They are almost identical copies of each other and as such do not reflect the true situation at each unique site and it's cumulative impact.

5. Whether the applicant has or could reasonably have had a believe that the development was not unauthorised

Klaus Balz and Hanna Heubach were granted leave to apply to the Supreme Court to challenge the original planning decision. The Supreme Court (Supreme Court Appeal Nr. 167/18) decided to uphold the appeal by the local couple who had challenged the decision due to a failure to assess the impact of noise pollution from the project. The question of noise is a central issue in this case. The turbines are currently in 'Sleep Mode' by order of the Supreme Court.

Cleanrath windfarm was constructed despite being subject of a Supreme Court appeal. In general terms the developer chose to gamble, took a chance, continued with construction of the windfarm knowing there was a Supreme Court case pending against him. The developer lost the case. This is an unauthorised development.

To sum up, this development has sought to circumvent the planning process by first assuming that the local's appeal is irrelevant and then taking it for granted

that ABP will give them the permission they now need after the Supreme Court decision and against the wishes of the local people who live here and are affected by this development. That their role in this process is of no concern to the developer. Public trust in the validity of this process will be eroded.

The developer has not sufficiently declared exceptional circumstances apart from that they simply went ahead and proceeded with the development whilst the case was being appealed in court. The remedial EIARs and NIS are a stipulated requirement under the terms of the amendment to the Planning and Development and Residential Tenancies Bill 2000. The developer has not submitted any adequate reasons why the development should be granted substitute consent.

I respectfully ask An Bord Pleanála to refuse substitute consent for this development.

Yours sincerely


Karin Kempf

