

Niamh Thornton

From: Appeals2
Sent: Tuesday 8 September 2020 12:23
To: Niamh Thornton
Subject: FW: Observation Cleanrath windfarm Ref ABP 307 939 - 20
Attachments: Observation Cleanrath_ABP30793920.pdf

From: Karin Kempf [mailto:karinkempf999@gmail.com]
Sent: Sunday 6 September 2020 20:21
To: Appeals2 <appeals@pleanala.ie>
Subject: Observation Cleanrath windfarm Ref ABP 307 939 - 20

Dear Sir or Madam

please find attached my observation on substitute consent for the Cleanrath windfarm.

Please be so good and confirm receipt and validity of this submission.

Thank you, yours

sincerely

Karin Kempf

Karin Kempf

Carrigdangan

Inchigeelah

Macroom

County Cork

P12 RF82

An Bord Pleanála

64 Marlborough Street

Rotunda

Dublin 1

DO1 V902

6th September 2020

Ref: Planning application Nr. ABP-307 939-20

Substitute consent application for the Cleanrath windfarm in the townlands of:
Reananerree, Cloontycarthy, Cleanrath North, Derrineanig, Cleanrath South, Milmorane
Coombilane , Rathgaskig, Augeries, Gorteenakilla, Carrignadoura, Gurteenowen,
Gurteenflugh, Lyrenageeha and Lackabaun, Co. Cork

Applicant: Cleanrath Windfarm Ltd. Company director Mr. Michael Murnane

Dear Sir/Madam

I would like to submit following on-line observation on this planning application. I respectfully ask that substitute consent is refused. No fee is enclosed as none is required in this instance.

Non-technical summary Introduction:

'This application seeks substitute consent for 25-year operational life from the date of commissioning of the entire wind farm.'

Overview of the Cleanrath wind farm development:

The development permitted development under the decision to grant permission made in May 2017 (under ref. no. PL 04.246742) comprised: Up to Eleven no. turbines with a maximum ground to blade tip height of up to 150m.'

Personal comment

What is the developer's definition of 'the entire windfarm'? The number of turbines referred to throughout the documentation varies. At times it refers to 9 turbines at other times it mentions 11 turbines.

It looks to me that substitute consent for the Cleanrath windfarm appears to be for all 11 turbines and not just for the 9 turbines erected so far. The developer should clarify this and state clearly that if substitute consent is granted whether he intends to erect 2 more turbines.

Klaus Balz and Hanna Heubach were granted leave to apply to the Supreme Court to challenge the original planning decision. The Supreme Court 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 turbines are currently in 'Sleep Mode' by order of the Supreme Court.

Cleanrath windfarm was constructed last year 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 the developer. The developer lost the case. Why should the developer be rewarded when he lost the case? The turbines should be dismantled and removed.

Section 177C(2)(b) of the Planning and Development Act 2000 (as amended) provides that an application for substitute consent may be made where *"the applicant is of the opinion that exceptional circumstances exist such that it may be appropriate to permit the regularisation of the development by permitting an application for substitute consent."*

These are no exceptional circumstances. Is it even within the law for An Bord Pleanála to grant 'substitute consent' in this case?

<https://www.irishtimes.com/business/construction/supreme-court-rules-substitute-consent-inconsistent-with-eu-environmental-law-1.4293618>

The judge noted the 2006 European Court judgment found that widespread accessibility of retention planning permission here, even for developments which were obligated to, but did not have an EIA, was not consistent with the EIA Directive. The Oireachtas revised the

law to conform with the directive by including the creation of the concept of "substitute consent".

The judge stated these appeals raised significant matters of EU law, including whether the State's response was adequate in upholding the requirements of the EIA Directive. He found the substitute consent provisions do not sufficiently implement the EIA Directive considering various decisions of the European Court.

'The essential elements required for an application for leave for substitute consent, including the development at issue required an EIA, could not fairly be exceptional and were rather "quite general and quite broad", he stated (https://www.courts.ie/acc/alfresco/80f2cbbf-4f1e-4065-8ca3-f8c14308035b/2020_IESC_39.pdf/pdf#view=fitH)

Section 177D(2) of the Act provides that "In considering whether exceptional circumstances exist the Board shall have regard to the following matters:

(c) whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired;"

Niamh Thornton <n.thornton@pleanala.ie>
to me ▾

Thu, 20 Aug, 12:44 ☆ ↩ Reply

Dear Ms Kempf,

I have been asked by An Bord Pleanála to respond to your email received 19th August, 2020.

Please be advised that the documentation relating to ABP-307939-20 is available on our website at [www.pleanala](http://www.pleanala.ie) by following the link below;

<http://www.pleanala.ie/casenum/307939.htm>

Please also be advised that the period of 5 weeks to lodge observations on the application commenced on 14th August, 2020.

Kind regards,
Niamh Thornton

www.pleanala.ie - /publicaccess/EIAR-NIS/307939/

[\[To Parent Directory\]](#)

18/08/2020

15:35

<dir> [Cleanrath Wind Farm Substitute Consent Application](#)

As you can see from the above e-mail from ABP the public do not have the total of five weeks to write and submit an observation.

Any delay in making the EIS documentation available for public participation whilst the set period of 5 weeks for such participation is elapsing is a diminishment of that involvement and a diminution of the exceptional circumstances.

It is a matter of grave concern that:

- a) Leave to appeal for substitute consent was granted in the first instance and
- b) If substitute permission is granted this would set an unacceptable precedent.

Non-technical summary

Consideration of reasonable alternatives states:

'Early Decommissioning is considered the least environmentally sustainable option and leads to the potential for new/or additional environmental impacts'

In the same breath it is stated throughout the non-technical summary, that:

'Cleanrath wind farm development has not had any significant environmental impacts nor has it had any adverse effects on the integrity of any European site during either the construction or the operational phase up to the end of April 2020 or indeed in the period from May to August 2020 during which the development operated in Sleep Mode.'

'There is no potential for effects on any Nationally designated site (NHA,pNHA) to occur during any operational or decommissioning phase of the Cleanrath wind farm development'.

Non-technical summery

Material assets

*'During the 9 days of the turbine removal when smaller component parts will be removed using standard HGVs the impact will be slight and temporary.
During the 28 nights when the large components of wind turbine plant are removed from the site using extended articulated vehicles, the impact of the delivery vehicles on these days will be slight to moderate and will be temporary occurring on 28 nights*

only.'

Personal comment

According to the developer himself no potential for effect on any Nationally designated sites will occur during decommissioning phase of the development.

I respectfully ask the Board to refuse substitute consent and that the development should be dismantled and removed.

Opportunity for local employment

Conflicting to the claims of this application, there is virtually no employment advantage to the local area. Most of the jobs go the turbine manufacturers in Germany or Denmark operated remotely over the Internet and with just a few diggers, rock-breaker and crane driving jobs during construction work. Moreover, the windfarm once built will be either sold to, or operated to extract RESS/PPA subsidies from the public on behalf of a third country pension fund or hedge fund.

Population and Human Health

Non-technical summary states:

'There is currently no published credible scientific evidence to positively link wind turbines with adverse health effects. The main publications supporting the view that there is no evidence of any direct link between wind turbines and health are summarised in Chapter 5 of this EIAR'

'There is a total of 18 no. sensitive receptors located within 10 rotor diameters (1.17km) of the installed turbine locations. The closest residential property is located 613 metres from the nearest turbine location therefore a 4 times turbine tip height setback distance of 600m from each turbine to occupied dwellings. This a measure outlined in the 2019 Draft Revised Wind Energy Guidelines and has been achieved should these guidelines come into force while the Cleanrath wind farm development is in the planning system.'

'The assessment found that of the 14 properties predicted to exceed the daily threshold for shadow flicker, 7 properties had a clear line of sight between the turbine and the relevant section of the dwelling with no obstruction and therefore may require the mitigation strategy to be implemented.'

Personal comment

For these people it is not a matter of living near a windfarm, but in one.

Numerous studies by well qualified scientists have been undertaken concerning infrasound.

This developer is well aware that people have been forced to abandon their homes due to the negative and detrimental effects living near a turbine had on their health and wellbeing. More than once developers have paid compensation to families who were forced to leave their homes. The first example concerns this developer.

[www.thejournal.ie > high-court-siblings-settle-wind-farm-action-5021...](#) ▼

Three children receive €225,000 settlement over alleged ...

Feb 25, 2020 - THREE SIBLINGS WHO claimed their family had to abandon their home due to illnesses allegedly caused by a nearby windfarm have secured €225,000 as a settlement of their High Court damages claims. ... They also denied that noise, shadow flicker and vibration from the windfarm had intruded onto the family's farm.

[www.farmersjournal.ie > wind-company-admits-nuisance-damage-to-...](#) ▼

Wind company admits nuisance damage to neighbours 05 ...

Jan 5, 2017 - High Court to determine compensation for seven families in April hearing. ... claim that the wind farm caused them nuisance as a result of excessive noise. The wind company is Enercon Wind Farm Services Ireland Ltd and it ...

Ireland is part of the EU and we need to follow the precedence of other EU members who have considerably more experience with installing windfarms.

The state of Bavaria has a distance rule that states that windfarms need to be 10 times the distance of the tip height of a wind turbine from the nearest dwelling. This rule has brought new wind farm projects to a near standstill in the state, which is Germany's largest by landmass.

Currently, wind farms in Poland must be located at least ten times the height of the turbines from nearest communities.

Surely Ireland should take note of these recent advancements and seek to protect its citizens and its natural resources.

There are three main issues:

- The distance of the turbines from the nearest domestic dwelling
- The noise pollution from the turbines including infrasound
- shadow flicker, which can have a serious psychological impact

Infrasound: A Growing Liability for Wind Power

(<https://www.masterresource.org/wind-power-health-effects/infrasound-growing-liability-windpower/>)

By Sherri Lange -- May 29, 2019

More than just audible sound, grinding, whomping, blade pass whooshes, an ever-present hum, industrial wind turbines have a silent, below audible impact. It is not like a day contamination/harm at work where people can go home at night for relief. With industrial wind projects literally engulfing homes and rural areas, there is little or no escape.

Wind turbines appear to be at the apex of producing human discomfort, annoyance, and harm. Infrasound and low-frequency noise (ILFN) harm because of impacts unique to this concoction of noise.

More than just audible sound, grinding, whomping, blade pass whooshes, an ever-present hum, industrial wind turbines have a silent, below audible impact. It is not like a day contamination/harm at work where people can go home at night for relief. With industrial wind projects literally engulfing homes and rural areas, there is little or no escape.

We have known for a long time how far the subaudible impacts really do travel, before attenuating. Now, there is even more evidence from Finland and Germany.

A recent interview by Birgit Hermes with top scholars and medical researchers, as transcribed and published on Stop These Things, AU, adds even more to our understanding of the power and "stretch" of ILFN and pulsation. In this interview, Dr. Christian Vahl, states: "Whether we hear it or not, every form of energy has physical effects, and infrasound is particularly dangerous, because we don't hear it."

Wind-turbine victims are fully aware that their living spaces act as sound capture chambers, echoes of the sound signatures bouncing and vibrating within the homes or passing through to the other side or through various presumed barriers. They do not discredit that the particular chaos of wind turbine "noise" is causing havoc, "Insomnia, heart problems, perception disorders, dizziness. These are just a few of the disease symptoms that can be caused by infrasound."

Wind developers and promoters sometimes offer trees and new windows as barriers, or suggest ear plugs and improved window coverings. They sometimes insist that the "noise" is no louder than a bowl of cheerios with milk, or crickets. They also cling vigorously to protestations of ample safety through local regulations of audible noise.

But these differ, some from 40 dBA (averaged) daytime limits, some at 50. It is typical to hear industry references to the sounds that are as quiet as "refrigerator noise," or even the hum of a library.

These suggestions, explanations, and attendant regulations are crude and inaccurate attempt to minimize the true impacts of low frequency, amplitude modulation, and Infra Sound. (For our purposes, we will use IS, or Infrasound as the general descriptor.)

The description of the impacts as "torture," is repeated across the world. It is generally accepted that between 10 percent and 30 percent of persons have a reported and accurate response to ILFN.

The industry covers its weak regulatory no-harm assessments with a \$2.1 million dollar study from Canada (the Health Canada Wind Turbine Study, effectively rebutted here), and the Massachusetts Impact Study. Curt Devlin refers to the junk science reporting within “an unholy alliance between the wind industry and the Governor’s office.” (Massachusetts, Wind Turbine Health Impact Study 2012.) He calls it a prime example of “public deception.”

But evidence of wind noise harms accrue. A recent Finnish assessment, scientifically valid and reproducible, found that infrasound (IS) only began to really attenuate after 15-20 km.

The pilot study does not show any significant reduction in damage caused by infrasound until over 15 kilometres from wind farms

The pilot study carried out in Satakunta and Northern Ostrobothnia in Finland shows that the damage caused by infrasound from wind power plants will only decrease significantly more than 15 kilometres away from wind turbines. The study was carried out by the Finnish Association for Environmental Health (SYTe) in the spring 2016.

– It has been noticed from experience that after the construction of wind power plants, usually within a few months, people in the surrounding area have begun to get a wide range of symptoms, says Markku Mehtätalo, Chairman of the Finnish Association for Environmental Health.

This research is confirmed by the Max Plank Institute (my emphasis) a prior study whose findings exposed this same distance reach of the signature and imprint of ILFN related to industrial wind.

“Meanwhile, there seems to be a growing consensus that humans are indeed receptive to IS and that exposure to low-frequency sounds (including sounds in the IS frequency spectrum) can give rise to high levels of annoyance and distress [20]. However, IS also came under suspicion of promoting the formation of several full-blown medical symptoms ranging from sleep disturbances, headache and dizziness, over tinnitus and hyperacusis, to panic attacks and depression, which have been reported to occur more frequently in people living close to wind parks...”

The study concludes that it is a first of its kind.

“The results of the present study can be summed up in the following way: Prolonged IS (Infrasound) exposure near the participants’ individual hearing threshold led to higher local connectivity in three distinct brain areas—rSTG, ACC and rAmyg—, while no such effect was observed for stimulation above the hearing threshold. Our data also shows that near-threshold IS was associated with connectivity changes on the network level, emphasizing the role of the rAmyg in IS processing. To our knowledge, this study is the first to demonstrate that near-threshold IS does not only produces physiological effects, but that the neural response involves the activation of brain areas, which are important for auditory processing but also for emotional and autonomic control. These findings thus allow us to reflect on how (sub)-liminal IS could give rise to a number of physiological as well as psychological health issues, which until now have only been loosely attributed to noise exposure in the low- and very low-frequency spectrum.”

[\[PDF\] ... Industrial Wind Turbines, Infrasound and \(V AD\) Authors:-
Professor Mariana Alves-Pereira, School of Health Sciences \(ERISA\),
Lusofona University, Portugal ...](#)

[NC Branco - business.senedd.wales](#)

... risk extends to a greater distance than would have been expected from previous studies ...
Department of Environmental Sciences & Engineering, New University of Lisbon, Portugal Nuno
Castelo ... In March 2007, for the first time, the Portuguese National Center for Occupational ...

[PDF] Low frequency noise-induced pathology: Contributions provided by the Portuguese wind turbine case

NAAC Branco, M Alves-Pereira, AJFM Pimenta... - 2015 - fr.friends-against-wind.org

... 20adquirida%20da%20articulaçao %20interfalangica%20distal%20em%20poldros.pdf [17]

Supreme Court of Justice of Portugal ... 2209/08.oTBTVD.L1.S1, 30 May 2013 (In Portuguese) ... Affairs of the State of Massachusetts, USA: Wind turbine health impact study: Report of an ...

Atrial fibrosis and decreased connexin 43 in rat hearts after exposure to high-intensity infrasound

A Lousinha, G Pereira, G Borrecho, J Brito... - Experimental and ..., 2020 - Elsevier

... Bennett, 2015), this study shares data and resources with a larger study of the ... Body (ORBEA) of Abel Salazar Biomedical Sciences Institute, University of Porto (Portugal), under the ... for Experimental and Scientific Purposes (2010/63/EU) and with the Portuguese legislation for ...

Non-technical summery

Energy and Climate Change Targets

'The Sustainable Energy Authority of Ireland (SEAI)'s National Energy Projections 2019 (May 2019), acknowledges the significant increase in renewable energy share in Ireland over the past number of years. Notwithstanding, current progress is still below the required 16% target, and compared to other European countries, Ireland was 26th out of the EU-28 for progress towards overall 2020 renewable energy target. As Ireland will likely miss its 2020 targets, the continued decarbonisation of the energy network remains an essential component of this strategy in the context of 2030 and 2050 targets. Relevant to the Cleanrath Wind Farm development, the CAP details the Plan's views on renewable energy generation: "It is important that we decarbonise the electricity that we consume by harnessing our significant renewable energy resources by doing this we will also become less dependent on imported fossil fuels.'

Personal comment

In 2018 renewable sources produced 33.3% of our electricity, which shows that Ireland already produces a large amount of energy by wind power. [HTTps://www.seai.ie/data-andinsights/seai-statistics/key-statistics/renewables/](https://www.seai.ie/data-andinsights/seai-statistics/key-statistics/renewables/)

EirGrid report (17.3.2020):

"Nearly half of all electricity consumed in Ireland has come from wind farms in the first two months of this year. Wind accounted for 49% of electricity demand during the period, with February 2020 proving to be record-breaking month with 56% of demand met by wind energy. This is the highest monthly total since records began; beating the previous record of 47% set in February 2019. The figure for January 2020 was 41%. The figures are an indication that Ireland is on track to meet its target of 40% of electricity demand to be met by renewable sources by the end of 2020." (my emphasis)

<http://www.eirgridgroup.com/newsroom/record-wind-levels-feb-20/>

Aviation safety lights

Light pollution

Here in West Cork the aviation lights have caused a lot of people problems with light pollution. These aviation safety lights in other EU countries, i.e. Germany (of turbines with more than 100m hub height) will be controlled, as from July 2021, by a system that will automatically turn the lights on and off as they are required. I hope this system will be part of the planning decision to make windfarms less intrusive to our local environment. There is currently one system (Lanthan Safe Sky) that has passed the test and has received the respective certificate.

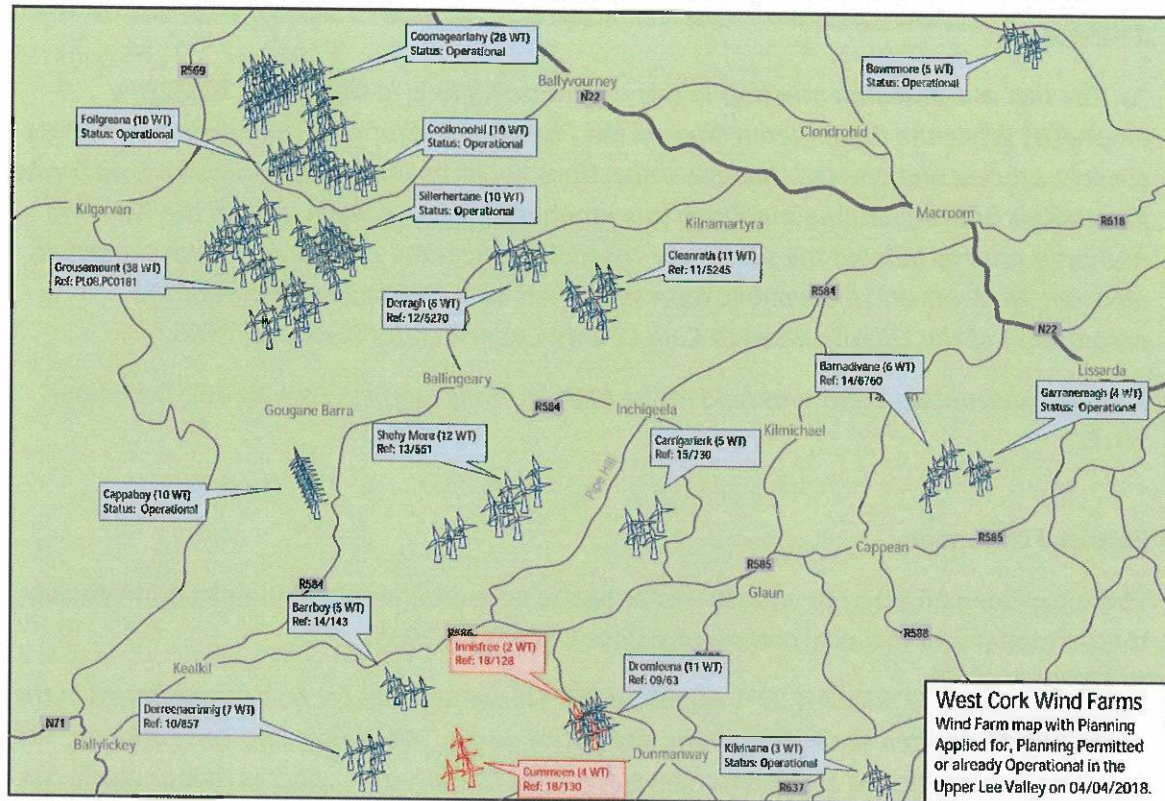
Industrialization on the Upper Lee Valley

Non-technical summary:

'Due to the non-industrial nature of the Cleanrath wind farm development and the general character of the surrounding environment, air quality sampling was deemed to be unnecessary for this EIAR.'

Personal comment:

The area covered by the numerous windfarms must rival that of industrial zones such as little island. The turbines should not be considered as discrete objects but rather a collective entity that span a large geographical range (see map below) and are visible from great distances. The classification of these developments as "non-industrial" needs to be reassessed.



Even more windfarms in this area in the planning.

Effect on property value

What can be stated with complete confidence is all the aforementioned will not add value to any of the aforementioned properties. Joe Noonan is a Cork-based solicitor who specialises in environmental law. He has represented several people who have brought legal actions over difficulties with wind farms. He says:

"There is a well-known, documented, potential serious noise problem from badly sited wind turbines that has been found in several places around the country. What one would expect is an acknowledgment of that and a determination to face it and learn from the mistakes".

Scoping and Consultation

Non-technical summary states:

'...a full public information event was held in the Mills Inn, Ballyvourney, Cork on the 16th of December 2015). A Community Liaison Officer (CLO) was appointed to the project through construction and into the operational phase of the Cleanrath Wind Farm development. The CLO continues to engage with residents to provide information on the current status (my

emphasis) of the site and throughout the operational lifetime of the Cleanrath Wind Farm development.

'... The last pre-planning meeting in this regard being held in December 2015. (my emphasis) While the design team advised the Planning Authority of the pending substitute consent process and advised that site inspections could be facilitated as required, no further discussions or pre-planning meetings (my emphasis) were carried out with the Planning Authority prior to lodging the substitute consent application. Engagement with the public, adjacent residents and local public representatives was undertaken as part of the preparation of the EIS submitted to Cork County Council under PI Ref. 15/6966.

A public information event was held in the Mills In, Ballyvourney, Cork on 16th December 2015.'

Personal comment:

There has been no attempt whatsoever at public consultation or communication between the developer and the local community since December 2015.

Extract from THE CORKMAN 27th. August 2020 *'Village appeals for halt to windfarms in the area': 'We feel rotten since we saw the site notice go up.'* Klaus Balz told *The Corkman*. *'We feel the system is rigged in favour of developments like this as it appears that anybody can go ahead with a windfarm and then apply for retention.'*

The village of Inchigeelah is located approximately 2.5 kilometres to the south of the site of the Cleanrath wind farm development and the nearest town is Macroom, located approximately 12 kilometres.

Inchigeelah has a village hall, yet the developer chose to hold an information evening during 2015 in a pub that was a 30 minute, 20km drive away.

The Department of the Environment, Heritage and Local Government Planning Guidelines for Windfarm development states:

"The developer should work with the local community in the format of any future consultation to allow for the free flow of information between the community and the wind energy developer at all stages in the project. Consultation should be meaningful and should give the local community an opportunity to comment upon and to have an impact into the planning and design of the scheme.'

Telecommunications and Aviation

Non-technical summary

'Developers are advised to contact individual local and national broadcasters and mobile phone operators to inform them of proposals to develop wind farms. This consultation has

been carried out by MKO as part of the assessment of the Cleanrath wind farm development as summarised below; full details are provided in Section 2.4 of this EIAR.

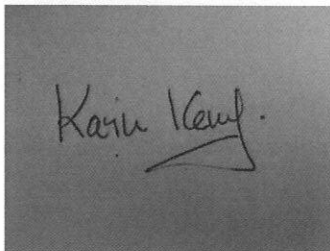
RTE Television Network Radio Telefís Éireann Transmission Network Ltd., now 2RN, responded by email on the 11th May 2020. Having previously reviewed the location of the Cleanrath windfarm development, 2rn noted the protocol agreement previously has not changed considering there has been a reduction of turbines and that the signed agreement still stands and can be found in Appendix 14-2. There were no responses received from any telephone or broadband operators.'

Personal comment

Residents, including myself, from Ballingeary and the surrounding areas (e.g. Johnstown, Inchigeelah) are experiencing difficulty with Television reception, notably RTE1, since the installation of local windfarms. The developer assured the community that this would not be an issue. However, my local community does not have RTE1. This has already happened and can be verified. Residents have payed for their TV license and the wind farm developments have deteriorated the TV signal. It is important that information can be transmitted to rural communities, particularly considering the pandemic.

I respectfully request An Bord Pleanála to refuse substitute consent.

Yours sincerely

A photograph of a handwritten signature in black ink on a light-colored surface. The signature reads 'Karin Kempf' with a stylized flourish at the end.

Karin Kempf

Shauna Kelly

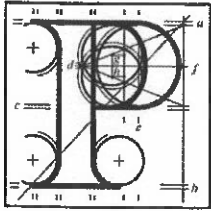
From: Karin Kempf <karinkempf999@gmail.com>
Sent: Sunday, September 13, 2020 10:17 AM
To: Appeals2
Subject: observation Cleanrath substate consent ABP 307939-20
Attachments: ABP e-mail observation.docx

Follow Up Flag: Follow up
Flag Status: Completed

Please find submission for above application.

Yours

Karin Kempf



An
Bord
Pleanála

Observation on a Planning Appeal: Form

Your details

1. Observer's details (person making the observation)

Your full details:

(a) Name

Karin Kempf

(b) Address

Carrigdangan
Inchigeelah
Macroom
County Cork P12 RF82

Agent's details

2. Agent's details

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

You (the observer) 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 application you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) Planning authority

(for example: Ballytown City Council)

Cork County Council

(b) An Bord Pleanála appeal case number (if available)

(for example: ABP-300000-19)

ABP-307939-20

(c) Planning authority register reference number

(for example: 18/0123)

Click or tap here to enter text.

(d) Location of proposed development

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

Inchigeelah county cork

Observation details

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

Karin Kempf

Carrigdangan
Inchigeelah
Macroon
County Cork
P12 RF82

An Bord Pleanála
64 Marlborough Street
Rotunda
Dublin 1
DO1 V902

6th September 2020

Ref: Planning application Nr. ABP-307 939-20

Substitute consent application for the Cleanrath windfarm in the townlands of: Reananerree, Cloontycarthy, Cleanrath North, Derrineanig, Cleanrath South, Milmorane Coombilane, Rathgaskig, Augeries, Gorteenakilla, Carrignadoura, Gurteenowen, Gurteenflugh, Lyrenageeha and Lackabaun, Co. Cork

Applicant: Cleanrath Windfarm Ltd. Company director Mr. Michael Murnane

Dear Sir/Madam

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Overview of the Cleanrath wind farm development:

The development permitted development under the decision to grant permission made in May 2017 (under ref. no. PL 04.246742) comprised: Up to Eleven no. turbines with a maximum ground to blade tip height of up to 150m.'

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

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The judge stated these appeals raised significant matters of EU law, including whether the State's response was adequate in upholding the requirements of the EIA Directive. He found the substitute consent provisions do not sufficiently implement the EIA Directive considering various decisions of the European Court.

"The essential elements required for an application for leave for substitute consent, including the development at issue required an EIA, could not fairly be exceptional and were rather "quite general and quite broad", he stated (https://www.courts.ie/acc/alfresco/80f2cbbf-4f1e-4065-8ca3-f8c14308035b/2020_IESC_39.pdf/pdf#view=fitH)

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

Section 177D(2) of the Act provides that "In considering whether exceptional circumstances exist the Board shall have regard to the following matters:

(c) whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired;"

Niamh Thornton <n.thornton@pleanala.ie>
to me ▾

Thu, 20 Aug, 12:44 ☆ ↩ Reply

Dear Ms Kempf,

I have been asked by An Bord Pleanála to respond to your email received 19th August, 2020.

Please be advised that the documentation relating to ABP-307939-20 is available on our website at [www.pleanala](http://www.pleanala.ie) by following the link below;

<http://www.pleanala.ie/casenum/307939.htm>

Please also be advised that the period of 5 weeks to lodge observations on the application commenced on 14th August, 2020.

Kind regards,
Niamh Thornton

www.pleanala.ie - /publicaccess/EIAR-NIS/307939/

[To Parent Directory]

18/08/2020 15:35 <dir> [Cleanrath Wind Farm Substitute Consent Application](#)

As you can see from the above e-mail from ABP the public do not have the total of five weeks to write and submit an observation.

Any delay in making the EIS documentation available for public participation whilst the set period of 5 weeks for such participation is elapsing is a diminishment of that involvement and a diminution of the exceptional circumstances.

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

It is a matter of grave concern that:

- a) Leave to appeal for substitute consent was granted in the first instance and
- b) If substitute permission is granted this would set an unacceptable precedent.

Non-technical summary

Consideration of reasonable alternatives states:

'Early Decommissioning is considered the least environmentally sustainable option and leads to the potential for new/or additional environmental impacts'

In the same breath it is stated throughout the non-technical summary, that:

'Cleanrath wind farm development has not had any significant environmental impacts nor has it had any adverse effects on the integrity of any European site during either the construction or the operational phase up to the end of April 2020 or indeed in the period from May to August 2020 during which the development operated in Sleep Mode.'

'There is no potential for effects on any Nationally designated site (NHA,pNHA) to occur during an operational or decommissioning phase of the Cleanrath wind farm development'.

Non-technical summary

Material assets

'During the 9 days of the turbine removal when smaller component parts will be removed using standard HGVs the impact will be slight and temporary.

During the 28 nights when the large components of wind turbine plant are removed from the site using extended articulated vehicles, the impact of the delivery vehicles on these days will be slight to moderate and will be temporary occurring on 28 nights only.'

Personal comment

According to the developer himself no potential for effect on any Nationally designated sites will occur during decommissioning phase of the development.

I respectfully ask the Board to refuse substitute consent and that the development should be dismantled and removed.

Opportunity for local employment

Conflicting to the claims of this application, there is virtually no employment advantage to the local area. Most of the jobs go to the turbine manufacturers in Germany or Denmark operated

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

remotely over the Internet and with just a few diggers, rock-breaker and crane driving jobs during construction work. Moreover, the windfarm once built will be either sold to, or operated to extract RESS/PPA subsidies from the public on behalf of a third country pension fund or hedge fund.

Population and Human Health

Non-technical summary states:

'There is currently no published credible scientific evidence to positively link wind turbines with adverse health effects. The main publications supporting the view that there is no evidence of any direct link between wind turbines and health are summarised in Chapter 5 of this EIAR'

'There is a total of 18 no. sensitive receptors located within 10 rotor diameters (1.17km) of the installed turbine locations. The closest residential property is located 613 metres from the nearest turbine location therefore a 4 times turbine tip height setback distance of 600m from each turbine to occupied dwellings. This a measure outlined in the 2019 Draft Revised Wind Energy Guidelines and has been achieved should these guidelines come into force while the Cleanrath wind farm development is in the planning system.'

'The assessment found that of the 14 properties predicted to exceed the daily threshold for shadow flicker, 7 properties had a clear line of sight between the turbine and the relevant section of the dwelling with no obstruction and therefore may require the mitigation strategy to be implemented.'

Personal comment

For these people it is not a matter of living near a windfarm, but in one.

Numerous studies by well qualified scientists have been undertaken concerning infrasound.

This developer is well aware that people have been forced to abandon their homes due to the negative and detrimental effects living near a turbine had on their health and wellbeing. More than once developers have paid compensation to families who were forced to leave their homes. The first example concerns this developer.

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

[www.thejournal.ie › high-court-siblings-settle-wind-farm-action-5021...](http://www.thejournal.ie/high-court-siblings-settle-wind-farm-action-5021...) ▼

Three children receive €225,000 settlement over alleged ...

Feb 25, 2020 - THREE SIBLINGS WHO claimed their family had to abandon their home due to illnesses allegedly caused by a nearby **windfarm** have secured €225,000 as a settlement of their High Court **damages** claims. ... They also denied that **noise**, shadow flicker and vibration from the **windfarm** had intruded onto the family's **farm**.

[www.farmersjournal.ie › wind-company-admits-nuisance-damage-to-...](http://www.farmersjournal.ie/wind-company-admits-nuisance-damage-to-...) ▼

Wind company admits nuisance damage to neighbours 05 ...

Jan 5, 2017 - High Court to determine **compensation** for seven families in April hearing. ... claim that the **wind farm** caused them nuisance as a result of excessive **noise**. The wind company is Enercon **Wind Farm Services Ireland Ltd** and it ...

Ireland is part of the EU and we need to follow the precedence of other EU members who have considerably more experience with installing windfarms.

The state of Bavaria has a distance rule that states that windfarms need to be 10 times the distance of the tip height of a wind turbine from the nearest dwelling. This rule has brought new wind farm projects to a near standstill in the state, which is Germany's largest by landmass. Currently, wind farms in Poland must be located at least ten times the height of the turbines from nearest communities.

Surely Ireland should take note of these recent advancements and seek to protect its citizens and its natural resources.

There are three main issues:

- The distance of the turbines from the nearest domestic dwelling
- The noise pollution from the turbines including infrasound
- shadow flicker, which can have a serious psychological impact

Infrasound: A Growing Liability for Wind Power

(<https://www.masterresource.org/wind-power-health-effects/infrasound-growing-liability-windpower/>)

By Sherri Lange -- May 29, 2019

More than just audible sound, grinding, whomping, blade pass whooshes, an ever-present hum, industrial wind turbines have a silent, below audible impact. It is not like a day contamination/harm at work where people can go home at night for relief. With industrial wind projects literally engulfing homes and rural areas, there is little or no escape.

Wind turbines appear to be at the apex of producing human discomfort, annoyance, and harm. Infrasound and low-frequency noise (ILFN) harm because of impacts unique to this concoction of noise.

More than just audible sound, grinding, whomping, blade pass whooshes, an ever-present hum, industrial wind turbines have a silent, below audible impact. It is not like a day contamination/harm at work where people can go home at night for relief. With industrial wind projects literally engulfing homes and rural areas, there is little or no escape.

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

We have known for a long time how far the subaudible impacts really do travel, before attenuating. Now, there is even more evidence from Finland and Germany.

A recent interview by Birgit Hermes with top scholars and medical researchers, as transcribed and published on Stop These Things, AU, adds even more to our understanding of the power and “stretch” of ILFN and pulsation. In this interview, Dr. Christian Vahl, states: “Whether we hear it or not, every form of energy has physical effects, and infrasound is particularly dangerous, because we don’t hear it.”

Wind-turbine victims are fully aware that their living spaces act as sound capture chambers, echoes of the sound signatures bouncing and vibrating within the homes or passing through to the other side or through various presumed barriers. They do not discredit that the particular chaos of wind turbine “noise” is causing havoc, “Insomnia, heart problems, perception disorders, dizziness. These are just a few of the disease symptoms that can be caused by infrasound.”

Wind developers and promoters sometimes offer trees and new windows as barriers, or suggest ear plugs and improved window coverings. They sometimes insist that the “noise” is no louder than a bowl of cheerios with milk, or crickets. They also cling vigorously to protestations of ample safety through local regulations of audible noise.

But these differ, some from 40 dBA (averaged) daytime limits, some at 50. It is typical to hear industry references to the sounds that are as quiet as “refrigerator noise,” or even the hum of a library.

These suggestions, explanations, and attendant regulations are crude and inaccurate attempt to minimize the true impacts of low frequency, amplitude modulation, and Infra Sound. (For our purposes, we will use IS, or Infrasound as the general descriptor.)

The description of the impacts as “torture,” is repeated across the world. It is generally accepted that between 10 percent and 30 percent of persons have a reported and accurate response to ILFN. The industry covers its weak regulatory no-harm assessments with a \$2.1 million dollar study from Canada (the Health Canada Wind Turbine Study, effectively rebutted here), and the Massachusetts Impact Study. Curt Devlin refers to the junk science reporting within “an unholy alliance between the wind industry and the Governor’s office.” (Massachusetts, Wind Turbine Health Impact Study 2012.) He calls it a prime example of “public deception.”

But evidence of wind noise harms accrue. A recent Finnish assessment, scientifically valid and reproducible found that infrasound (IS) only began to really attenuate after 15-20 km.

The pilot study does not show any significant reduction in damage caused by infrasound until over 15 kilometres from wind farms

The pilot study carried out in Satakunta and Northern Ostrobothnia in Finland shows that the damage caused by infrasound from wind power plants will only decrease significantly more than 15 kilometres away from wind turbines. The study was carried out by the Finnish Association for Environmental Health (SYTe) in the spring 2016.

– It has been noticed from experience that after the construction of wind power plants, usually within a few months, people in the surrounding area have begun to get a wide range of symptoms, says Markku Mehtätalo, Chairman of the Finnish Association for Environmental Health.

This research is confirmed by the Max Plank Institute (my emphasis) a prior study whose findings exposed this same distance reach of the signature and imprint of ILFN related to industrial wind.

“Meanwhile, there seems to be a growing consensus that humans are indeed receptive to IS and that exposure to low-frequency sounds (including sounds in the IS frequency spectrum) can give rise to high levels of annoyance and distress [20]. However, IS also came under suspicion of promoting the formation of several full-blown medical symptoms ranging from sleep disturbances, headache and dizziness, over tinnitus and hyperacusis, to panic attacks and depression, which have been reported to occur more frequently in people living close to wind parks...”

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

The study concludes that it is a first of its kind.

"The results of the present study can be summed up in the following way: Prolonged IS (Infrasound) exposure near the participants' individual hearing threshold led to higher local connectivity in three distinct brain areas—rSTG, ACC and rAmyg—, while no such effect was observed for stimulation above the hearing threshold. Our data also shows that near-threshold IS was associated with connectivity changes on the network level, emphasizing the role of the rAmyg in IS processing. To our knowledge, this study is the first to demonstrate that near-threshold IS does not only produces physiological effects, but that the neural response involves the activation of brain areas, which are important for auditory processing but also for emotional and autonomic control. These findings thus allow us to reflect on how (sub)-liminal IS could give rise to a number of physiological as well as psychological health issues, which until now have only been loosely attributed to noise exposure in the low- and very low-frequency spectrum."

[\[PDF\] ... Industrial Wind Turbines, Infrasound and \(VAD\) Authors:-Professor Mariana Alves-Pereira, School of Health Sciences \(ERISA\), Lusofona University, Portugal ...](#)

[NC Branco - business.senedd.wales](#)

... risk extends to a greater distance than would have been expected from previous studies ... Department of Environmental Sciences & Engineering, New University of Lisbon, Portugal Nuno Castelo ... In March 2007, for the first time, the Portuguese National Center for Occupational ...

[\[PDF\] Low frequency noise-induced pathology: Contributions provided by the Portuguese wind turbine case](#)

[NAAC Branco, M Alves-Pereira, AJFM Pimenta... - 2015 - fr.friends-against-wind.org](#)

... 20adquirida%20da%20articalação%20interfalangica%20distal%20em%20poldros.pdf [17] Supreme Court of Justice of Portugal ... 2209/08.oTBTVD.L1.S1, 30 May 2013 (In Portuguese) ... Affairs of the State of Massachusetts, USA: Wind turbine health impact study: Report of an ...

[Atrial fibrosis and decreased connexin 43 in rat hearts after exposure to high-intensity infrasound](#)

[A Lousinha, G Pereira, G Borrecho, J Brito... - Experimental and ..., 2020 - Elsevier](#)

... Bennett, 2015), this study shares data and resources with a larger study of the ... Body (ORBEA) of Abel Salazar Biomedical Sciences Institute, University of Porto (Portugal), under the ... for Experimental and Scientific Purposes (2010/63/EU) and with the Portuguese legislation for ...

Non-technical summary Energy and Climate Change Targets

'The Sustainable Energy Authority of Ireland (SEAI)'s National Energy Projections 2019 (May 2019), acknowledges the significant increase in renewable energy share in Ireland over the past number of years. Notwithstanding, current progress is still below the required 16% target, and compared to other European countries, Ireland was 26th out of the EU-28 for progress towards overall 2020 renewable energy target. A Ireland will likely miss its 2020 targets, the continued decarbonisation of the energy network remains an essential component of this strategy in the context of 2030 and 2050 targets. Relevant to the Cleanrath

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

Wind Farm development, the CAP details the Plan's views on renewable energy generation: "It is important that we decarbonise the electricity that we consume by harnessing our significant renewable energy resources by doing this we will also become less dependent on imported fossil fuels."

Personal comment

In 2018 renewable sources produced 33.3% of our electricity, which shows that Ireland already produces a large amount of energy by wind power. <https://www.seai.ie/data-andinsights/seai-statistics/key-statistics/renewables/>

EirGrid report (17.3.2020):

"Nearly half of all electricity consumed in Ireland has come from wind farms in the first two months of this year. Wind accounted for 49% of electricity demand during the period, with February 2020 proving to be record-breaking month with 56% of demand met by wind energy. This is the highest monthly total since records began; beating the previous record of 47% set in February 2019. The figure for January 2020 was 41%. The figures are an indication that Ireland is on track to meet its target of 40% of electricity demand to be met by renewable sources by the end of 2020." (my emphasis)

<http://www.eirgridgroup.com/newsroom/record-wind-levels-feb-20/>

Aviation safety lights

Light pollution

Here in West Cork the aviation lights have caused a lot of people problems with light pollution. These aviation safety lights in other EU countries, i.e. Germany (of turbines with more than 100m hub height) will be controlled, as from July 2021, by a system that will automatically turn the light on and off as they are required. I hope this system will be part of the planning decision to make windfarms less intrusive to our local environment. There is currently one system (Lanthan Safe Sky) that has passed the test and has received the respective certificate.

Industrialization on the Upper Lee Valley

Non-technical summary:

'Due to the non-industrial nature of the Cleanrath wind farm development and the general character of the surrounding environment, air quality sampling was deemed to be unnecessary for this EIAR.'

Personal comment:

The area covered by the numerous windfarms must rival that of industrial zones such as little island. The turbines should not be considered as discrete objects but rather a collective entity that span a large geographical range (see map below) and are visible from great distances. The classification of these developments as "non-industrial" needs to be reassessed.

-
- The map displays the following wind farms and their details:
- Follgrane (10 WT)**: Status: Operational
 - Coomagearlach (28 WT)**: Status: Operational
 - Coolknoohill (10 WT)**: Status: Operational
 - Sillierhortane (10 WT)**: Status: Operational
 - Bawnmore (5 WT)**: Status: Operational
 - Grousemount (38 WT)**: Ref: PLO8.P00181
 - Derragh (6 WT)**: Ref: 12/5270
 - Cleanrath (11 WT)**: Ref: 11/5245
 - Barnachivane (6 WT)**: Ref: 14/6760
 - Garranereagh (4 WT)**: Status: Operational
 - Cappahoy (10 WT)**: Status: Operational
 - Shutty Moor (12 WT)**: Ref: 13/551
 - Carrigrohk (5 WT)**: Ref: 15/730
 - Barrboy (5 WT)**: Ref: 14/143
 - Innisfree (2 WT)**: Ref: 18/128
 - Dromloens (11 WT)**: Ref: 09/63
 - Doonacrossing (7 WT)**: Ref: 10/857
 - Cummeen (4 WT)**: Ref: 12/130
 - Kilnane (3 WT)**: Status: Operational
- West Cork Wind Farms**
Wind Farm map with Planning Applied for, Planning Permitted or already Operational in the Upper Lee Valley on 04/04/2018.

Effect on property value

Scoping and Consultation

'...a full public information event was held in the Mills Inn, Ballyvourney, Cork on the 16th of December 2015). A Community Liaison Officer (CLO) was appointed to the project through construction and into the operational phase of the Cleanrath Wind Farm development. **The CLO continues to engage with residents to provide information on the current status** (my emphasis) of the site and throughout the operational lifetime of the Cleanrath Wind Farm development.

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

'... The last pre-planning meeting in this regard being held in December 2015. (my emphasis) While the design team advised the Planning Authority of the pending substitute consent process and advised that site inspections could be facilitated as required, no further discussions or pre-planning meetings (my emphasis) were carried out with the Planning Authority prior to lodging the substitute consent application. Engagement with the public, adjacent residents and local public representatives was undertaken as part of the preparation of the EIS submitted to Cork County Council under PI Ref. 15/6966.

A public information event was held in the Mills In, Ballyvourney, Cork on 16th December 2015.'

Personal comment:

There has been no attempt whatsoever at public consultation or communication between the developer and the local community since December 2015.

Extract from THE CORKMAN 27th. August 2020 'Village appeals for halt to windfarms in the area':
'We feel rotten since we saw the site notice go up.' Klaus Balz told The Corkman. *'We feel the system is rigged in favour of developments like this as it appears that anybody can go ahead with windfarm and then apply for retention.'*

The village of Inchigeelah is located approximately 2.5 kilometres to the south of the site of the Cleanrath wind farm development and the nearest town is Macroom, located approximately 12 kilometres.

Inchigeelah has a village hall, yet the developer chose to hold an information evening during 2015 in a pub that was a 30 minute, 20km drive away.

The Department of the Environment, Heritage and Local Government Planning Guidelines for Windfarm development states:

"The developer should work with the local community in the format of any future consultation to allow for the free flow of information between the community and the wind energy developer at all stages in the project. Consultation should be meaningful and should give the local community an opportunity to comment upon and to have an impact into the planning and design of the scheme.

Telecommunications and Aviation

Non-technical summary

'Developers are advised to contact individual local and national broadcasters and mobile phone operators to inform them of proposals to develop wind farms. This consultation has been carried out by MKO as part of the assessment of the Cleanrath wind farm development as summarised below; full details are provided in Section 2.4 of this EIAR.

RTE Television Network Radio Telefís Éireann Transmission Network Ltd., now 2RN, responded by email on the 11th May 2020. Having previously reviewed the location of the Cleanrath windfarm development, 2rn noted the protocol agreement previously has not changed considering there has been a reduction of turbines and that the signed agreement still stands and can be found in Appendix 14-2. There were no responses received from any telephone or broadband operators.'

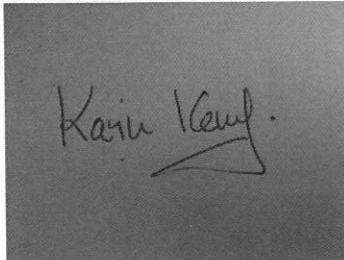
Personal comment

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

Residents, including myself, from Ballingeary and the surrounding areas (e.g. Johnstown, Inchigeelah) are experiencing difficulty with Television reception, notably RTE1, since the installation of local windfarms. The developer assured the community that this would not be an issue. However, my local community does not have RTE1. This has already happened and can be verified. Residents have payed for their TV license and the wind farm developments have deteriorated the TV signal. It is important that information can be transmitted to rural communities, particularly considering the pandemic.

I respectfully request An Bord Pleanála to refuse substitute consent.

Yours sincerely

A black and white photograph of a handwritten signature in cursive script, which reads "Karin Kempf". The signature is written on a dark, rectangular piece of paper or card.

Karin Kempf

Supporting material

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

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

Fee

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

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

