

AN BORD PLEANÁLA
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Planning observation by: Paul Lynch
Address: Tuairín Leathard
 Ballingeary
 Macroom
 Co Cork.

Date: 6th September 2020
Planning Reference No.: PL04 .307939.
Applicant: Cleanrath Wind Farm Ltd
Description: The project which is the subject of the application for substitute consent comprises a 9 turbine wind farm and associated works including the grid connection used to export electricity to the national grid and access works into the site to accommodate delivery of turbine components.
Location: Townlands of Reananerree, Cloontycarthy, Cleanrath North, Derrineanig, Cleanrath South, Milmorane, Coombilane, Rathgaskig, Augeris, Gorteenakilla, Carrignadoura, Gurteenowen, Gurteenflugh, Lyrenagecha and Lackabaun, Co. Cork
Date of Application: 12 August 2020
Submission Closing Date: 17 September 2020
Planning Authority: The Secretary,
 An Bord Pleanála,
 64 Marlborough Street,
 Dublin 1,
 D01 V902.

To whom it concerns

I wish to register the following observations on the planning application for the above proposed project.

Observations on the proposed project:

1. Energy use, security of supply and climate change

Wind power can cut into gas use in electricity generation, but as a third class power source (variable and unpredictable) there are limits to how much can be absorbed by the grid. Earlier this year a record was broken when wind power accounted for 60% electricity use overnight. Excess wind-generated electricity that could not be put on the transmission system was exported to Great Britain via interconnector links to Scotland and Wales.

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

Making sacrifices for our own energy security is one thing but as the wind projects are almost entirely privately owned and as the limits of the Irish Grid is being reached to absorb wind power, it is more becoming increasingly a sacrifice only to enrich wealthy developers and their investors. Indeed because wind power and the burning of gas for electricity production go hand in hand, without radical change to the electricity-on-demand system we live in, domestic consumption of wind power will only meaningfully be able to increase if overall electricity use increases. This will of course also need an increase in a first class base load, ie fossil gas, and all of the human and environmental costs of the making and using of the gadgets and machines that use this power. In the context of anthropomorphic global warming, we should be slashing fossil greenhouse gas emissions from every sector of energy use. We primarily have fossil gas as our base load - and need the flexibility that only gas currently gives in quickly being able to ramp up and down power output to balance the variable wind contribution. This marriage of wind power usability to gas means that any reductions in gas use meaningful in the context of tackling climate change can only be achieved by decreasing overall electricity production and consumption. This scenario - a progressive reduction in overall energy consumption, would make the existing wind capacity more and more redundant in a domestic context when it is windy and further capacity planned even more so.

2. Although this application was originally rejected by Cork County Council, and subsequently by the Supreme Court, Cleanrath Wind Farm Ltd are still applying for substitute consent. 'By way of introduction, it is sufficient to state that, in May 2017, An Bord Pleanála granted permission (on appeal from a decision made by Cork County Council) for a wind energy development comprising 11 no. turbines and associated works (including substation and all grid connection works) at the site of the Cleanrath wind farm development (ABP Ref. PL04.246742) (hereafter referred to as the 2017 Permission). An Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) was completed by the Board as part of its consideration of the appeal.' (EIAR non technical summary, ii)

Under what legal framework was An Bord Pleanála's appeal accepted? Surely this downplays the role of Cork County Council in the decision making process, thus indicating that the community's opinions are not being heard, through the only existing route they have, being the writing of observations (unless you can somehow afford to pay upwards of about €100,000 toward high/supreme court fees). Klaus Balz and Hannah Heubach subsequently won their court case in the supreme court, expending substantial personal and financial efforts just to fight for a fair outcome. <https://www.irishexaminer.com/news/arid-30970057.html>

Perhaps Cleanrath Windfarm Energy Ltd could have considered the 46 observations that were initially sent in to Cork County Council, instead of ignoring them. Perhaps they could have considered the adverse effects that they were forcing upon those who live closest to the windmills.

...the wind projects are almost entirely privately owned and as the limits of the grid is being reached to absorb wind power, it is more becoming increasingly a sacrifice only to enable wealthy developers and their investors. Indeed because wind power and the burning of gas for electricity production go hand in hand without radical change to the electricity-on-demand system we live in, domestic consumption of wind power will only marginally be able to increase if overall electricity use increases. This will of course also need an increase in a first class base load, be fossil gas, and all of the human and environmental costs of the making and using of the gadgets and machines that use this power. In the context of anthropomorphic global warming, we should be slashing fossil greenhouse gas emissions from every sector of energy use. We primarily have fossil gas as our base load - and need the flexibility that only gas currently gives in quickly being able to ramp up and down power output to balance the variable wind contribution. This mixture of wind power usability to gas means that any reductions in gas use meaningful in the context of tackling climate change can only be achieved by decreasing overall electricity production and consumption. This scenario - a progressive reduction in overall energy consumption, would make the existing wind capacity more and more redundant in a domestic context when it is windy and further capacity planned even more so.

2. Although this application was originally rejected by Cork County Council and subsequently by the Supreme Court, Cleanness Wind Farm Ltd are still applying for planning consent. By way of introduction it is sufficient to state that in May 2017, An Bord Pleanála granted permission (an appeal from a decision made by Cork County Council) for a wind energy development comprising 11 turbines and associated works (including substation and all grid connection works) at the site of the Cleanness Wind Farm development (ABP Ref. PL04.146712) (hereinafter referred to as the 2017 Permission). An Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) was completed by the Board as part of its consideration of the appeal. (EIA & non technical summary). ii) Under what legal framework was An Bord Pleanála's appeal accepted? Surely this depends on the role of Cork County Council in the decision making process, thus indicating that the community's opinions are not being heard, though the only existing laws they have, being the writing of observations unless you can somehow afford to pay upwards of about £100,000 towards the High Supreme Court fees. Keith Bait and Hannah Heubach subsequently won their case in the Supreme Court, expending substantial personal and financial efforts just to fight for a fair outcome. The High Court was asked to set aside the High Court's decision. Perhaps Cleanness Windfarm Project Ltd could have considered the 40 consent actions that were initially sent to Cork County Council instead of ignoring them. Perhaps they could have considered the adverse effects that they were facing upon those who live closest to the windmills.

3. The legitimacy of the “exceptional circumstances” upon which the Board granted Cleanrath leave to apply for substitute consent are questionable. A recent supreme court judgement ruled that substitute consent applications are inconsistent with EU law and do not uphold the requirements of the EIA (Environmental Impact Assessment) directive. ‘He found the substitute consent provisions do not sufficiently implement the EIA Directive in light of various decisions of the ECJ. The essential elements required for an application for leave for substitute consent, including the development at issue required an EIA, could not fairly be described as being exceptional and were rather “quite general and quite broad”, he said.’

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

4. The White tailed sea eagle is rare due to about a hundred years of systematic persecution by human activities and was driven to an endangered or extinct status in many countries (It became extinct in Ireland in 1901). It has been reintroduced in Ireland in 2007. According to the supplied environmental impact assessment, there is no danger posed to the white tailed eagle due to a minimum of sightings in the surrounding area. ‘White-tailed Eagle have been reintroduced to Ireland between 2007 and 2011 in Killarney Co. Kerry. There are an estimated 12 active territories of white-tailed eagle in the country, as well as several unpaired individuals. There was a single observation of this species between February 2015 and May 2020. The bird was recorded c. 7km from Cleanrath wind farm development. The development site was not found to be of significance to the species.’ (Chapter 7, p. 56 EIAR) Birds are endangered to a higher degree than already known and proven, by wind turbines. <https://www.smithsonianmag.com/smart-news/how-many-birds-do-wind-turbines-really-kill-180948154/>

A white tailed sea eagle was killed by a wind turbine in Kilgarvan in 2011, due to the severing of a leg caused by the blades. This area had been designated as suitable for wind turbines.

<https://www.irishtimes.com/news/rare-sea-eagle-killed-by-wind-turbine-1.562592#:~:text=A%20WHITE%20TAILED%20sea%20eagle,the%20Kerry%20county%20development%20plan>

Bogs or peatlands are known to be suitable foraging areas for white tailed eagles. ‘Land areas also offer water bodies and bogs as potential foraging areas.’ The issue is that the white tailed eagle does not appear to change its flight patterns in response to unprecedented objects such as wind turbines. ‘However, the eagles still failed to show any sign of behavioural in-flight changes, making them more vulnerable to collision mortality.’ (Habitat use of flying subadult White-tailed Eagles (*Haliaeetus albicilla*): implications for land use and wind power plant planning. Hannu Tikkanen*, Fabio Balotari-Chiebao, Toni Laaksonen, Veli-Matti Pakanen & Seppo Rytönen *Ornis Fennica* 95: 137–150. 2018. P.146)

https://www.researchgate.net/publication/330185553_Habitat_use_of_flying_subadult_White-tailed_Eagles_Haliaeetus_albicilla_implications_for_land_use_and_wind_power_plant_planning

It is clear on the Biodiversity Ireland website that there have been a large cluster of sightings in close proximity to the Cleanrath area. This indicates the possibility of the sea eagles choosing to fly further inland in order to forage from the boggy areas such as that which is directly next to the wind turbines. These risks have not been duly considered in the application.

In view of the observations above I request that An Bord Pleanála refuse permission for this application for substitute consent.

Is mise le meas,
Paul Lynch



