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Moneylea

Dunmanway

Co Cork

P47DD78

The Secretary
An Bord Pleanála

64 Marlborough Street
Dublin 1

D01 V902

Re Planning Reference: PL04 .307939

Applicant: Cleanrath Wind Farm Ltd.

Dear Sir/Madam,

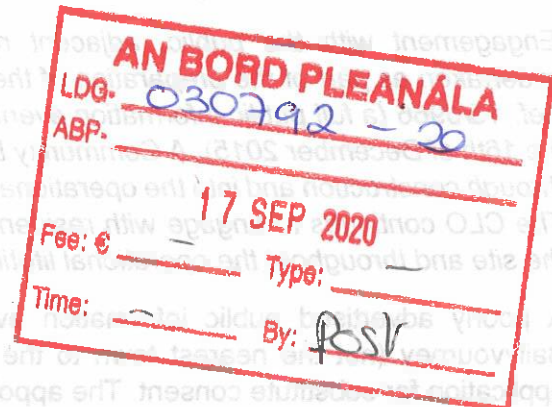
I wish to register the following observations on the planning applications for the above proposed project.

I chose to settle and bring up my family in this largely unspoilt scenic area over twenty years ago. I now find myself living between Shehy More and Carrigariern Wind Farms which are currently under construction. If I walk 500 yards to the top of our hill, the view of Lough Allua and the mountains beyond is now dominated by the 9 turbines of Cleanrath Windfarm and the 6 at Derragh. By day all these turbines are a dominant eyesore in an otherwise spectacular view and by night there is the constant glow from a mass high intensity red lights which can only be described as light pollution. I object to the construction of Cleanrath Windfarm in the landscape and believe An Bord Pleanála should refuse this application for substitute consent for the following reasons.

Legality of Substitute Consent Application
The recent supreme court judgement *An Taisce v An Bord Pleanála*, *An Taisce v An Bord Pleanála & Ors*, *Sweetman v An Bord Pleanála & Ors*, 1 July 2020 [2020 IESC 39] ruled that substitute consent applications are inconsistent with EU law and do not uphold the requirements of the Environmental Impact Assessment Directive (2014/52/EU).

In the light of this supreme court judgement, the Board surely cannot legally grant substitute consent for Cleanrath Windfarm and must reject this application.

It is grossly unfair that this developer should be rewarded for continuing with the construction of Cleanrath Windfarm when a supreme court case, which subsequently quashed the planning permission for the development, was pending *Balz and Heubach-v- An Bord Pleanála and Cork County Council, Cleanrath Windfarms Ltd.* [2019] IESC 90. The nine turbines which were



constructed at Cleanrath before the supreme court had ruled on the legality of their permission should be dismantled and removed and that the site should, as far as possible, be returned to its natural state.

Public Consultation

The Non-technical Summary in the EIAR states that

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

A poorly advertised public information evening which was held nearly 4 years ago in Ballyvourney (not the nearest town to the development) is hardly relevant to this current application for substitute consent. The appointment of a Community Liaison Officer seems to have been no more than a box ticking exercise and no details are given as to how the CLO 'continues to engage with residents to provide information on the current status of the site'. Most local residents and the wider community were only made aware of the application by virtue of the mandatory planning notice, which was shared on social media by residents themselves. There was initially some confusion among residents as to whether this was an application for yet another completely new wind farm in the area. If proper public consultation had indeed taken place, this confusion could not have happened.

Delay in the availability of the Application Documents to the Public

This application for substitute consent was lodged with An Bord Pleanála on the 14th August. However, none of the planning documents were made available to the public by An Bord Pleanála until 24th August, one week after the application was lodged. This was only after local residents and their representatives had repeatedly phoned and emailed An Bord Pleanála and Cork County Council to request the documents. How long would it have taken if they had not done this?

Members of the public have only five weeks to lodge an observation on this application with An Bord Pleanála and in this case the application documents were only available for four of these five weeks. This delay has compromised the ability of members of the public to effectively respond to the application. It took the board four and a half months to decide whether to grant leave to the developer to apply for substitute consent and yet the public are expected to digest and be advised upon the thousands of pages of documentation associated with this application in just four weeks.

While it may not be possible for the Board to extend the five-week statutory period, it is open to the Board to use its discretion to allow members of the public to have a further say in this matter. I therefore request that, once it has received the developer's responses to public objections, the Board should allow a further period of time for the public concerned to make further submissions on the application.

In relation to the supreme court judgement on Cleanrath Wind Farm on the 12th December 2019 and on behalf of the unanimous court Mr Justice O'Donnell remarked that:

"57. [...] It is a basic element of any decision-making affecting the public that relevant submissions should be addressed and an explanation given why they are not accepted, if indeed that is the case. This is fundamental not just to the law, but also to the trust which members of the public are required to have in decision making institutions if the individuals concerned, and the public more generally, are to be expected to accept decisions with which, in some cases, they may profoundly disagree, and with whose consequences they may have to live. [...]"

It is surely very important therefore that members of the public who will have to live with the consequences of this decision, are given ample opportunities to make informed submissions on this application.

Renewable Energy Targets

In their Non-Technical Summary MKO are keen to highlight the 'need' for Cleanrath Windfarm, referring to government targets on renewable energy. How convenient for the developers that the country 'needs' their Wind Farm. However, the need for renewable energy has to be balanced with the appropriateness of any project for the location where it is proposed and indeed its potential to reduce Ireland's CO2 emissions.

- Saying that renewable energy is automatically a good thing and therefore society must accept any renewable energy project is too simplistic.
- Dealing with CO2 emissions requires difficult political decisions rather than the promotion of new means of energy generation e.g. curbing air travel, efficient insulation of buildings, the subjecting of energy consumption to higher levels of VAT.
- Windfarms are being promoted without critical appraisal of their efficiency and costs. Wind technology is too unpredictable, intermittent and inefficient to be supported through planning for its minimal contribution to clean energy supply.
- By failing to develop other measures policy appears to promote the wind energy industry. The contribution from wind farms has been grossly exaggerated. At present 29 windfarms produce 161MW or 2.4% of Ireland's electricity generating capacity, although in practice this is more like 1.5%.

The National Planning Framework (2018) states:

'In meeting the challenge of transitioning to a low carbon economy, the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment and respecting the needs of people who live in rural areas.'

However the development of Cleanrath Wind Farm has not either protected the integrity of the environment nor respected the needs of people who live in the area. The large scale wind farm projects which have been allowed to go ahead in this part of West Cork, including Cleanrath, represent rampant profiteering on the part of a developer who has little or no regard for the local landscape, environment or communities. Government targets have to often been quoted to justify granting planning permission for inappropriate projects which should never have been allowed to go ahead.

Landscape and Visual

The county development plan includes the following objective:

ENV 2-9: It is a general objective to preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognised in the Landscape Strategy.

The nine 150m turbines of Cleanrath Wind Farm dominate the view from far and wide and are highly visible from Loch Allua, from the Shehy Mountains to the South of the development, from the village of Inchigeela and from many of the scenic routes, cycle and walking routes in the area. They intrude on many 'important views and prospects'.

A ZTV (Zone of Theoretical Visibility) map is included in the EIAR (Figure 13-1) which claims that 'full theoretical visibility of the 9 turbines is available across a relatively small proportion of the overall LVIA study area'. It goes on to state that:

Visibility (in theory) is concentrated within a 5 km radius of the study area, where there is visibility in the immediate vicinity of the site but there are also small pockets which have no visibility. Within 5-10 kilometres, intermittent visibility occurs to the south, east and west mainly, with areas of no visibility occurring to the north-west and north. Between 10 km and 20 km theoretical visibility decreases significantly, with very little visibility to the south and west.

This is an interpretation of the ZTV map which is at best questionable. I would argue that the ZTV map indicates that 7 to 9 of the turbines at Cleanrath can be seen from a shockingly high proportion of the area within a 10km radius of the windfarm and from an unacceptable proportion of the area within a 20km radius. There is only a very small proportion of the area within a 5km radius of the windfarm from which the windfarm is not visible. We would also point out that the ZTV map is hard to interpret as it is impossible to read place names or see important landmarks on it.

Theoretical visibility is one thing but people living in the area and visitors to it will tell you that in reality the wind farm is highly visible for miles around. It towers over the village of Inchigeela, dominates much of the view from Loch Allua and the surrounding area. It can be clearly seen from the Gearagh and dominates the view from several important scenic routes despite the developers claims to the contrary. The photomontages included in the EIAR seem to have been carefully chosen to disguise the true impact of the windfarm on the landscape of the area.

Red Aviation Lights

The Cleanrath Windfarm site and the surrounding area is exceptionally quiet and very dark during the night. The value of dark skies is recognised internationally and has recently been recognised in Ireland for example with the Kerry International Dark-Sky Reserve. Very bright red lights have been installed on the top of each turbine tower at Cleanrath and nearby windfarms, to warn oncoming aircraft of their presence. There were no equivalent lights in the area previously. The lights by design are very bright and can be seen from very far away. The turbines at Cleanrath and those at Derragh and Shehy More create a sea of red lights in the previously dark night skies which can only be described as light pollution. It is a radical

intrusion into the night-time ambience of the area and is wholly destructive of dark sky characteristics.

In Germany, from July 2021 onwards it will be mandatory for wind turbines with more than 100m hub height to be equipped with a need-based light system which is activated by a transponder inside the plane. Lanthan Safe Sky have developed the required system which has received certification for this specific issue in Germany. It is not acceptable to keep polluting the night skies with these aviation lights when an alternative system is available.

Cumulative Impact

This beautiful area of West Cork has already been subjected to on onslaught of highly inappropriate large scale, industrial wind farm developments courtesy of various subsidiary companies of Enerco Energy. Wingleaf Ltd. is the latest in a long list of windfarm companies in this area with the same address (Lissarda, Macroom, Co Cork) and the same directors (Michael Murnane and David Murnane). This is very difficult for the local community and planning authorities to keep up with and seems to be designed to be deliberately misleading.

Subsidiaries of Enerco Energy Ltd. all with the same address and company directors are responsible for all the following existing and proposed Wind Farms, in the upper Lee Valley and encircling Lough Allua.

Wind Farm	Details	Status	Company Name
Derragh Wind Farm (12/5270)	6, 150m turbines	Operational	Framore Ltd.
Barnadivane Wind Farm (14/6760)	6, 131m turbines	Permission quashed by high court. Reverted to An Bord Pleanala	Barna Wind Energy Ltd
Barnadivane Substation (14/557)	Electricity Substation	Permission quashed by high court. Reverted to An Bord Pleanala	Aran Windfarm Ltd.
Cleanrath Wind Farm (15/6966)	11, 150m turbines	Permission quashed by supreme court. 9 turbines constructed. Application for substitute consent submitted to An Bord Pleanala	Cleanrath Wind Farm Ltd.
Shehy More Wind Farm (13/551) (Now Carrigdangan Wind Farm)	11, 131m turbines	Under Construction	Shehy More Wind Farm Ltd. (Now Barna Wind Energy Ltd.)

Carrigarierk Wind Farm (15/730) (Now Carrigdangan Wind Farm)	5, 140m turbines	Under Construction	Keel Energy Ltd (Now Barna Wind Energy Ltd.)
Carrigarierk Substation and Cable Route (17/431) (Now Carrigdangan Wind Farm)	Electricity substation	Under Construction	Keel Energy Ltd. (Now Barna Wind Energy Ltd.)
Windfarm at Pass of Keimaneigh (20/350)	7, 178m turbines and 4 battery storage units	Permission refused by Cork County Council	Wingleaf Ltd.

Enerco Energy and director Michael Murnane are engaged in the massive scale industrial development of a scenic part of West Cork. They are seemingly trying to pull the wool over the eyes of the planning authorities by pushing through many separate planning applications by supposedly different companies. If they had applied for all these windfarms together, they would surely not have had a hope of being granted permission. They do however seem to be able to keep adding more developments to the ones they already have despite the atrocious cumulative impact of them all on the area.

Local residents are forced to respond individually to each of these applications to protect their homes, their way of life and the precious landscape and environment of the area. This is at a cost of considerable time, money and stress to individuals, families and communities. In relation to wind farms near my home, I have personally submitted 8 observations to Cork County Council and 6 to An Bord Pleanala. I have been involved in 3 appeals and a judicial review.

Ornithology

The 'Ornithology' section in the developer's non-technical summary states that 'no significant effects as a result of the Cleanrath wind farm development are foreseen on key ornithological receptors of the study area at any stage of operation or decommissioning, either in isolation or cumulatively with other surrounding windfarms.'

In the nearby Glengarriff Nature Reserve and a breeding pair of white-tailed sea eagles which were part of the white-tailed sea eagle reintroduction project have successfully hatched a chick. These birds hunt over a wide area and eagles have been sighted in the mountains above Ballingeary and above Lough Allua. The massive swept area of the blades of these turbines will surely pose a serious threat to the precious sea eagles and other birds of prey known to be present in the area, such as buzzards and hen harriers. Have the White-tailed Sea Eagle Reintroduction Project or Glengarriff Nature Reserve been consulted about the potential impact of this development on eagles in the area particularly combined with the other nearby wind farms? There have been many previous incidents of sea eagles being caught in the blades of wind turbines and unsurprisingly research has shown that a higher the density of wind turbines in high quality habitat areas (such as the mountains surrounding Lough Allua) increases the likelihood of collision mortality.

<https://www.researchgate.net/publication/333395144> Wind turbines in high quality habitat cause disproportionate increases in collision mortality of the white-tailed eagle

However, the 'Ornithology' section of the EIAR completely fails to acknowledge the potential impact such huge turbines could have on this rare and protected species and other birds of prey in the area.

Local Water Courses

Cleanrath Wind Farm has a direct hydrological connection to the Gearagh SAC, Lough Allua pNHA and the Toon River valley pNHA. This is cumulative with the wind farms at Shehy More and Derragh. If the mitigation measures from one of these windfarms are inadequate there could be a serious impact on the river Lee, the Gearagh SAC and Lough Allua pNHA. But is important to consider the potentially devastating impact if the mitigation measures put in place at several or all of the windfarms in the River Lee catchment were to fail.

The presence of the endangered Fresh Water Pearl Mussel in the Toon River means that the developers must guarantee that no fine sediment from the site can enter local water courses under extreme weather conditions. It is our belief that the drainage mitigation measures at Cleanrath Windfarm cannot provide this guarantee. Mitigation measures described in the 2015 EIS were not specific to the site in question and did not take into account local conditions or rainfall figures or extreme weather events which have happened several times since the windfarm was constructed. There is no consideration of the several hundred litres of lubricating oil and hydraulic fluid located in the nacelle of each wind turbine at Cleanrath and no containment is provided for any leakage or fracture that may occur to prevent contamination of water courses.

The fact that environmental damage is likely to already have occurred as a result of the Cleanrath development is not a reason to grant substitute consent. As I have previously stated the developer should not be rewarded for pushing ahead with construction when the legality of the planning permission for the Wind Farm was due to be examined by the supreme court.

Impact on Local Residents

Adverse impacts on individuals, families and communities forced to live in the vicinity of Windfarms are many and include, loss of visual amenity, decreased property value and adverse health effects from noise and shadow flicker. Homeowners can find themselves unable to live in the vicinity of a windfarm but unable to sell their property. Residents living near to Cleanrath Windfarm have already found that the value of their property has significantly decreased.

The assessment has confirmed that the turbine noise levels associated with the Cleanrath wind farm development and existing wind farm development are within the best practice noise criteria curves derived from Irish guidance document 'Wind Energy Development Guidelines for Planning Authorities 2006. Therefore, it is not considered that a significant effect is associated with the Cleanrath wind farm development.

The Board are course aware that the 2006 Wind Energy Guidelines have been acknowledged by the government to be unfit for purpose and we have been waiting for the publication of the revised guidelines since 2013. Draft revised guidelines were published in 2019. It is therefore totally unacceptable for the board to sanction this development, in close proximity to people's homes, with reference to the 2006 guidelines

The developers of course, attempt to deny evidence of adverse health effects from living in close proximity to wind turbines. However, as the Board are aware there are a number of

international studies which have identified a range of serious of health consequences associated with turbine generated noise and from the inaudible infrasound and low frequency noise (ILFN) created by wind turbines. The Board's decision to ignore evidence that had been submitted to them in this regard lead to the 2019 supreme court judgement that the permission for Cleanrath Wind Farm should be quashed.

Despite their denial of adverse health impacts, another subsidiary of Enerco Energy, Green Energy Supply Ltd. (Director: Michael Murnane. Address: Lissarda, Macroom, Co Cork) recently made an out of court settlement of €250,000 to a family who had been forced to leave their home due to illnesses they say resulted from the proximity the Windfarm 700m from their home. Green Energy Supply did not admit liability but were obviously worried enough that they would be found liable to make an out of court settlement.

<https://www.irishtimes.com/business/energy-and-resources/siblings-who-became-ill-next-to-wind-farm-settle-case-1.4184636>

In relation to shadow flicker the NTS states that:

During the operational phase, of the 18 No. residential properties modelled; it is predicted that 16 properties may experience daily shadow flicker. Based on the 2006 DoEHLG guidelines, the daily threshold for shadow flicker is exceeded at these 14 properties. Based on the 2006 DoEHLG guidelines, the daily threshold for shadow flicker is exceeded at these 14 properties.

However, the draft revised wind energy guidelines are very clear that no properties should experience any shadow flicker.

'The planning authority or An Bord Pleanála should impose condition(s) to ensure that no existing dwelling or other affected property will experience shadow flicker as a result of the wind energy development subject of the planning application and the wind energy development shall be installed and operated in accordance with the shadow flicker study submitted to accompany the planning application, including any mitigation measures required.'

Why then do the developers conclude that it is still acceptable to subject 16 homes to shadow flicker. The mitigation measure proposed for the 14 properties that will be over the 2006 daily threshold include the planting of hedges and the installation of window blinds. How insulting that residents should be expected to block the sunshine from entering their homes and gardens to mitigate the effects of shadow flicker from the wind farm.

In view of all the above observations I ask that An Bord Pleanála refuse this application for substitute consent. This is an entirely inappropriate large scale industrial development in the heart of scenic West Cork which should never have been constructed while its permission was being challenged in the supreme court.

Yours Sincerely

Sarah Hodgkinson

