

**Planning observation by:** Tara Laubach  
**Address:** Tooreen,  
Dunmanway, Co.  
Cork,  
P47 EF10

**Date:** 4th 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, Lyrenageeha 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.

<b>AN BORD PLEANÁLA</b>	
LDG-	_____
ABP-	_____
<b>09 SEP 2020</b>	
Fee: €	_____ Type. _____
Time: _____	By: <i>Post</i> <i>gt</i>

Dear Sir/Madam,

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

Observations on the proposed project:

1. 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 affects that they were forcing upon those who live closest to the windmills.

‘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.’ (EIAR non technical summary, xiii) Why was it necessary to take it to the high court and then the supreme court? Surely the laws and regulations should be set in place in order to protect citizens rights instead of forcing them to pay vast amounts of money and personal energy in order to just have their voices heard.

2. 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>

3. Shadow flicker has not been fairly assessed. Apparently if the houses within close proximity to the windmills are found to exceed the daily threshold for flashing lights coming through your window in the middle of the countryside, in the home you have worked hard to create for you and your family, mitigation measures will be taken. ‘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.’ (EIAR non technical summary, xiii) This ‘mitigation strategy’ appears to involve obliteration of the view, and its enjoyment, either from



inside people's homes or from the garden. Perhaps the residents living in these homes bought these houses and moved in there because they treasured the views, and didn't plan on having shrubbery forcefully planted in the way in order to mitigate a visual threat.

'In the event of an occurrence of shadow flicker exceeding guideline threshold values of 30 minutes per day at residential receptor locations, mitigation options will be discussed with the affected homeowner, including: Cleanrath Wind Farm Environmental Impact Assessment Report EIAR-D1 – 2020.07.02 – 191223-a 5-43 Installation of appropriate window blinds in the affected rooms of the residence; Planting of screening vegetation; Other site-specific measures which might be agreeable to the affected party and may lead to the desired mitigation.' (5.9.2.7 EIAR)

4. Decrease in property value: The claim that the construction of wind farms does not lower the property value of the house is misguided and completely false.

'Although there have been no empirical studies carried out in Ireland on the impacts of wind farms on property prices, the literature described above demonstrates that at an international level, wind farms have not impacted property values in the local areas.' (EIAR non technical summary, xiii)

It is a proven and largely known fact that the close proximity of windmills devalues houses. 'The estimates indicate that the asking price for properties whose view was strongly affected by the construction of wind turbines decreased by about 10–17%.' (The impact of wind farm visibility on property values: A spatial difference-in-differences analysis, Yasin Sunak, February 2016, Energy Economics 55, Abstract)

[https://www.researchgate.net/publication/292950535\\_The\\_impact\\_of\\_wind\\_farm\\_visibility\\_on\\_property\\_values\\_A\\_spatial\\_difference-in-differences\\_analysis](https://www.researchgate.net/publication/292950535_The_impact_of_wind_farm_visibility_on_property_values_A_spatial_difference-in-differences_analysis)

It also makes houses a lot more difficult to sell, as most people do not want to buy a house near a wind farm.

5. 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)

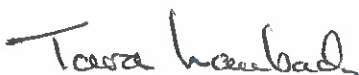
[https://www.researchgate.net/publication/330185553\\_Habitat\\_use\\_of\\_flying\\_subadult\\_White-tailed\\_Eagles\\_Haliaeetus\\_albicilla\\_implications\\_for\\_land\\_use\\_and\\_wind\\_power\\_plant\\_planning](https://www.researchgate.net/publication/330185553_Habitat_use_of_flying_subadult_White-tailed_Eagles_Haliaeetus_albicilla_implications_for_land_use_and_wind_power_plant_planning)

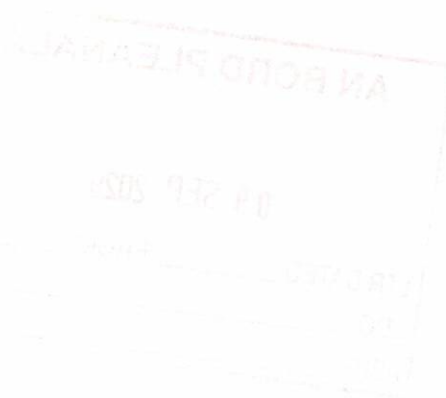
It is clear on the Biodiversity Ireland website that there have been a large cluster of sightings in close proximity to the Cleanrath area. This indicates the possibility of the sea eagles choosing to fly further inland in order to forage from the boggy areas such as that which is directly next to the 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.

Yours sincerely,

Tara Laubach





A white tailed 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.

White tailed eagles are known to be vulnerable to collision mortality. (Habitat use of flying subadult White-tailed

Bogs or peatlands are known to be suitable foraging areas for white tailed eagles. It and 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 albicollis): implications for land use and wind power plant planning. Hannu Tikkamäki, Fabio Balotari-Chieba, Toni Laaksonen, Veli-Matti Pakanen & Seppo Kytkönen Omsi Fennica 95: 137-150, 2018, P.146)

It is clear on the Biodiversity Ireland website that there have been a large cluster of sightings in close proximity to the Cleenagh 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.

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