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Co Cork

P12Y963

04/09/2020

The Secretary,

An Bord Pleanála,

64 Marlborough Street,

Dublin 1,

D01 V902

RE Substitute Consent Application PL04 .307939 Cleanrath Ltd

A Chara,

I wish to make the following comments and observations on the above referenced application.

### **General: THE PROCESS**

Cleanrath Ltd was granted leave to apply for Substitute Consent on 05/05/2020

See: <http://www.pleanala.ie/casenum/306272.htm>

On July 1<sup>st</sup> the Irish Times reported that the Supreme Court had ruled that substitute consent, a form of retention permission in Irish planning law, is inconsistent with the Environmental Impact Assessment (EIA) Directive.

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



**Observation:** If ABP grant the substitute consent it will potentially be in contravention of EU Law.

### **Non-Technical Summary**

I. Under the heading: National Planning Framework (2018), the applicants state:

*"In relation to energy production, the NPF emphasises that rural areas, such as the region of West Cork, have an important role to play in securing a sustainable renewable energy supply for the country, acknowledging that "rural areas have significantly contributed to the energy needs of the country and continue to do so"."*

**Observation:** In fact the NPF does NOT mention West Cork in this context, and also in the paragraph which follows underlined text, that NPF goes on to state:

*"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."*

II. Under the heading: Southern Regional Assembly Regional Spatial & Economic Strategy (2020) the applicants state:

*"The Southern Regional Assembly strongly supports renewable wind energy development such as the Cleanrath wind farm development in order to ensure a 'safe, secure and reliable supply of electricity' for the region."*

### **Observation**

In fact the RSES does not mention Cleanrath AT ALL and the underlined phrase in the document comes with the caveat

*"subject to appropriate environmental assessment and the planning process"*

III. Under the heading: Cork County Council Development Plan 2014 (as varied), the applicant states:

*"The Cleanrath Wind Farm development is located in an area designated as 'Open to Consideration' for wind energy development in the CCDP. The Plan states that this category has been applied to areas with some capacity to absorb wind*



*development, but which are sensitive enough to require a site-by-site appraisal to ascertain the suitability of the area for development.*

*The CCDP emphasises the significance of the County's landscape as a key green infrastructure asset due to its intrinsic value as places of natural beauty in addition to its importance with regard to recreation, tourism and other uses."*

#### **Observation**

Given the huge visual impact thus far of wind farm development in the area, with more planned it is hard to see how this application respects this "key green infrastructure asset"

**IV.** Under the heading: Consideration of Reasonable Alternatives the applicant states that putting the windfarm into operation is the most reasonable option, using environmental arguments as the primary justification.

#### **Observation**

The problem with this is that of precedent. This argument could justify the putting into service of ANY wind farm development constructed without planning permission. For this reason this argument cannot be accepted.

### **V Chapter 5 Population and Human Health**

#### **5.IWEA Interactions Opinion Poll on Wind Energy**

#### **Observation**

It is no surprise that a majority of people are in favour of renewable energy in general and of Wind Energy in particular. Residents in this area are not, in general, against wind energy per-se, as is witnessed by the number of Wind Turbines visible here.

What is at issue is the SITING and DENSITY of Wind farm developments in this locality. To most residents (even though they might generally favour renewable energy), "enough is enough". There is a general feeling that we are being persecuted by so many of these wind farm developments. The matter at issue is the Cleanrath wind farm and its location and implementation.

The fact that >370 people (mostly local) objected to the recent Curraglass application which would despoil the serenity of Gougane Barra, a local cultural GEM recognised as special since the 5<sup>th</sup> century shows the degree to which the local population feels assailed by this succession of applications, even though they might in principle favour Wind Energy.

### **VI 5.5 Health Impacts of Wind Farms**

#### **5.5.1 Health Impact Studies**



The applicant States:

*"There is currently no published credible scientific evidence to positively link wind turbines with adverse health effects"*

**Observation:**

Cleanrath Ltd is under the same directorship as the company "Green Energy Supply" (Michael Murnane) who in February 2020 settled an action in the high court for €225000 over the alleged health effects of living just over 700 metres from one of the company's Wind turbines. (In the Cleanrath case, the nearest property is 613 metres distant).

<https://www.independent.ie/irish-news/courts/children-who-were-made-ill-by-wind-farm-near-their-home-get-225000-38991415.html>

It is curious that such a large settlement should be made in the face of *"no published credible scientific evidence"*.

**VII 5.6 Property Values**

The applicant states: that there is no evidence that Wind farms have any influence on property values:

*"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. It is a reasonable assumption based on the available international literature, that the provision of a wind farm at this location would not impact on the property values in the area."*

**Observation**

A recent peer-reviewed paper from the London School of Economics

Gibbons, Stephen (2015) Gone with the wind: valuing the visual impacts of wind turbines through house prices. Journal of Environmental Economics and Management, 72. pp. 177-196. ISSN 0095-0696

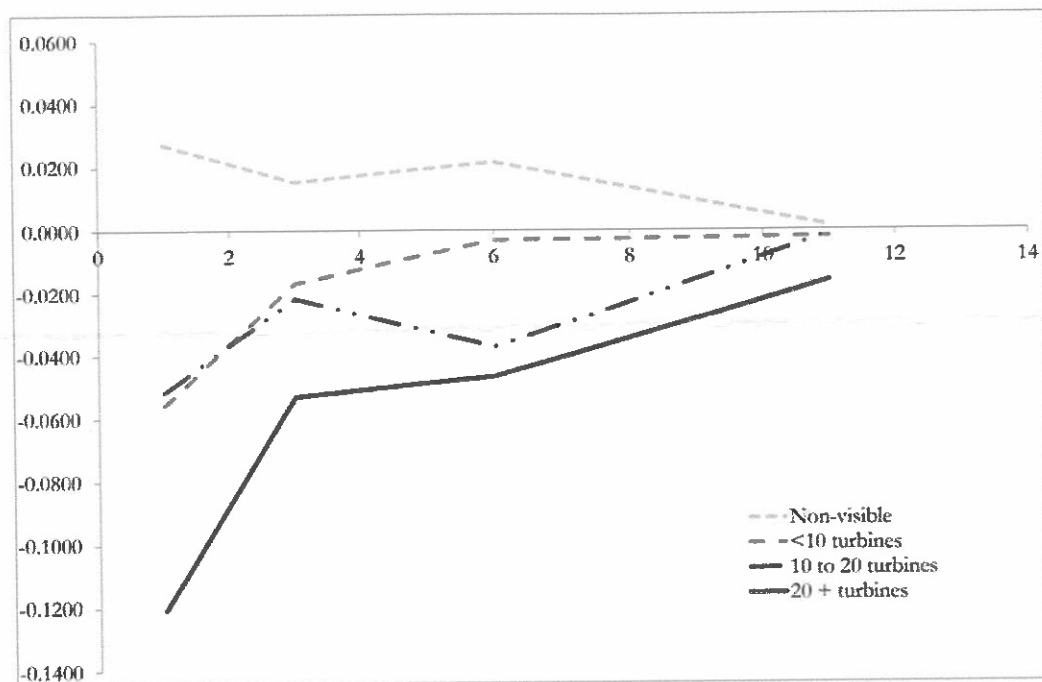
[http://eprints.lse.ac.uk/62880/1/\\_lse.ac.uk\\_storage\\_LIBRARY\\_Secondary\\_libfile\\_shared\\_repository\\_Content\\_Gibbons%2C%20S\\_Gone%20with%20wind\\_Gibbons\\_Gone%20with%20wind\\_2015.pdf](http://eprints.lse.ac.uk/62880/1/_lse.ac.uk_storage_LIBRARY_Secondary_libfile_shared_repository_Content_Gibbons%2C%20S_Gone%20with%20wind_Gibbons_Gone%20with%20wind_2015.pdf)

This paper reviews 38000 postcode-specific housing transactions in England and Wales over 12 years.





Figure 4: Comparison by visibility: Postcode fixed effects estimates; distance bands; controls include distance-band-by-year effects and visibility-by-quarter effects.



In this figure, the X axis represents distance of a dwelling from a wind farm in km and the y axis the change in value of property expressed in terms of fractional change (e.g. -0.12 represents a 12% reduction)

### VIII 5.9.1 'Do-Nothing' Scenario

The applicant states:

*"In general, the opportunity to generate local employment and investment would be lost should the project not proceed, and the local economy would continue to rely primarily on agriculture and commercial forestry as the main source of income. It is likely that the trends of population decline and rural deprivation that have been recorded within the Study Area would continue in the absence of investment"*

#### Observation:

Windfarm operation creates very few local jobs, in fact there would be MORE jobs created locally should the early decommissioning route be taken than the do nothing approach. Table 5.3 shows that there is NOT a "trend of population decline and rural deprivation within the Study Area".



## **IX 5.9.2.2 Employment and Investment**

### **Commercial Rates and Community Benefit Scheme**

#### **Observation**

That the windfarm will bring income in the form of community benefit contribution and taxes (and permanent employment for 3 people) is NOT a reason for giving approval.

These payments are now required by law. The fact that I will pay my income and property tax would not be considered as a reason to grant me permission to build a house. It simply means I am not proposing to break the law.

**Summary Comment:** The fact that, depending on the outcome of this application, this development will (or will not) contribute towards (or detract from) the government's targets on carbon reduction and its renewable energy strategy is NOT of itself a planning issue. However, the siting of an individual wind farm is a planning matter. This project is a private sector commercial venture designed to make profits and is NOT an environmental social enterprise or government program.

The fact that a 1000MW nuclear power station would make a HUGE contribution to carbon reduction is not an overwhelming PLANNING reason for granting it.

The fact that this development could be refused and thus require decommissioning at a cost should not of itself be a reason for NOT refusing it.

The reason we are where we are is not because of NIMBY-ism, or because people in this area are opposed to Wind Energy in general, or even Wind Energy in this area. It is that the community in this area feels assailed by and unengaged with decisions being made by those who will not have to be visually and aurally confronted daily by their consequences daily for the rest of their lives (as we will).

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Tim Twomey

<b>AN BORD PLEANÁLA</b>	
08 SEP 2020	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

