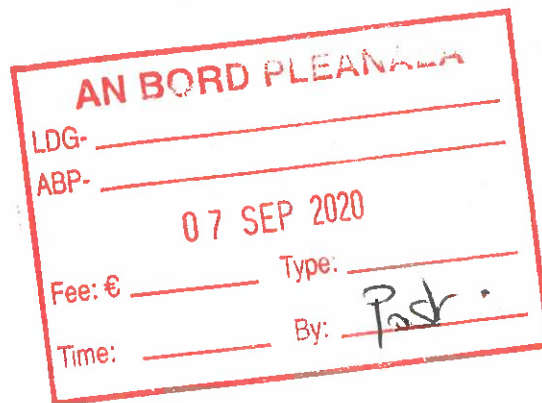


An Bord Pleanála,  
64, Marlborough St.  
DUBLIN 1.



Tony Miller  
Tooreen,  
Dunmanway,  
Co. Cork.

3 September, 2020.

REF: CLEANRATH WINDFARM LTD. PL.04.307939.

Dear Sir/Madam,

I would like to make the following submission in connection with the application for substitute consent made by Cleanrath Windfarm Ltd, ref: PL.04307939.

Firstly, this country has been criticised recently by the European Court of Justice and the Supreme Court for the ease with which substitute consent and retention planning have been granted up to now. In this case, the developer, Cleanrath Windfarm Ltd, knowingly constructed the windfarm while the approval granted to it was awaiting a Supreme Court judgment. They should have waited for the court's decision but chose instead to go ahead, regardless. If ABP now goes ahead and gives retrospective permission, this will be seen as a green light to other developers to ignore due process and just build anyway. These turbines should be dismantled and the land restored before any more decisions are made on it. The developer cannot show that there are any 'exceptional circumstances' to justify the granting of substitute consent. He took a gamble and it should not pay off.

One important issue that arose in the court case was that ABP did not address the specific concerns of the local residents, especially in connection with the latest information concerning the effects of noise on those living close to windfarms. Instead only a general reference was made to the 2006 Windfarm Guidelines. These are recognised as being hopelessly out of date and new proposed guidelines are now in the process of being finalised. The Department's preferred options are now known and have been published for public consultation. It is these guidelines which ABP should now take into account to inform their decision. For example, the



home of Klaus and Hannah Heubach, who brought the court case, is now within the 4.5 times tip height exclusion zone preferred by the government. The same is probably true of the new preferred noise limits. This can also probably be applied to other dwellings near the windfarm.

I would also ask that the Bord looks again at the effects that this windfarm will have on the nearby Geargh SAC and Lough Allue (p)NHA. Ireland has recently been criticised by the EU for failing to properly protect its SAC's and the Bord now has a chance to remedy this situation. The heavy rain and floods of the recent weeks has shown the stress being put on the drainage systems while this windfarm impacts on the Rivers Lee and Toon catchment areas.

Similarly, the impact of this windfarm on the bio-diversity of the area should be looked at again. The Upper Lee Valley is an important area for many protected and endangered bird species, including Hen Harriers, white-tailed sea eagles, buzzards and migrating winter fowl. Raptors are seen as especially vulnerable to being killed by turbines in their areas.

Please take my submission into account while making your decision, and please remember that putting up the turbines and ignoring the Supreme Court was a gamble made by the developers and they should not be allowed to profit from it,

Yours Sincerely,

Tony Meller

