

Derrybrien East,  
Loughrea,  
Co Galway

An Bord Pleanála,  
64 Marlborough Street  
Dublin D01 V902.

14<sup>th</sup> September 2020

**Objection to the Derrybrien Windfarm Substitute Consent Application by the  
ESB PL07 308019**

Dear Sir / Madam,

I write to you as a local farmer affected by the landslide in 2003 and I submit my objection to the application by the ESB for Substitute Consent.

Also this application is invalid following from the Supreme Court decision 9/19, 42/19 and 43/19 which clearly determines that there is no legal basis for the carrying on of the Substitute Consent Application in the Irish Planning process.

See extract from Supreme Court case 9/19, 42/19 and 43/19 below.

*That on Issue One, for the reasons therein stated, I would hold that section 177C(2)(a) and its corresponding provision, section 177D(1)(a) are inconsistent with the EIA Directive as interpreted by the Court of Justice, in that they fail to provide adequately for the exceptionality test as demanded by that court;*

*On Issue Two, I would likewise hold that given the structure of s. 177, the failure to make provision for public participation at the leave application stage for substitute consent is inconsistent with the public participation rights conferred by and outlined in the EIA Directive;*

I look forward to a reply from you.

Yours sincerely,

  
Michael Gallagher

