

An Bord Pleanála,
64 Marlborough Street
Dublin D01 V902.

AN BORD PLEANÁLA	
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31 AUG 2020	
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Time: _____	By: Reg. Post

Beaulnamelly,
Derrybrien,
Loughrea,
Co Galway

H 62 R 286

27th August 2020

**Notice of objection to the Derrybrien Windfarm Substitute Consent
Application by the ESB PL07 308019**

A Chara,

As a member of the local community we should be involved in the public consultation process in respect of the EIA, which would be a preliminary step in the Planning Application under the 2010 Act, for Substitute Consent, we are disappointed that a Planning Application has been made this month. No public consultation process has taken place and indeed the Supreme Court decision 9/19, 42/19 and 43/19 clearly determines that there is no legal basis for the carrying on of the Substitute Consent Application in the Irish Planning process at this time.

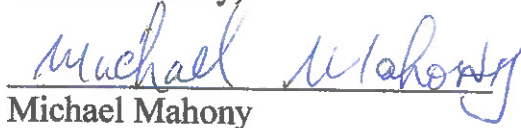
Specifically see extract from Supreme Court case 9/19, 42/19 and 43/19 below.

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;

As you will be aware there are ongoing fines payable by Ireland in respect of the failure to regularise the situation of the Derrybrien Windfarm arising from the decision of the European Court of Justice in relation to these matters.

I look forward to a favourable response from you as a matter of urgency.

Yours sincerely,


Michael Mahony