An Coimisiún Pleanála

Direction
CD-022595-26
ACP-323761-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/10/2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, as indicated in the draft Order hereunder.

Planning Commissioner: Tom Rabbette **Date:** 30/10/2026

DRAFT ORDER

Reasons and Considerations

The Commission made its decision consistent with:

(a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

In performing its functions in relation to the making of its decision, the Commission had regard to:

- European legislation, including of particular relevance:
  - The relevant provisions of EU Directive 2011/92/EU as amended by Directive 2014/52/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
  - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
  - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025)
  - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
  - Directive 2000/60/EC (The Water Framework Directive), and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.

- National planning and related policy, including:
  - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the National Planning Framework First Revision (2025) and National Policy Objective 70.
  - Wind Energy Guidelines: Guidelines for Planning Authorities 2006 and the draft guidelines published in 2019.
  - The objectives and targets of the National Biodiversity Action Plan 2023-2030.

- Regional and local planning policy, including:
    - Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2030;
    - Galway County Development Plan 2022-2028.
- Other relevant national policy and guidance documents.
- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites.
- The entirety of the documentation submitted by the applicant in support of the proposed development, including the Environmental Impact Assessment Report, the Natura Impact Statement and the response to submissions made in February 2026,
- The submissions and observations made in connection with the planning application.
- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment, as well as the external specialist consultant report on hydrogeology for the Commission relating to the same.

Appropriate Assessment: Stage 1:

In accordance with section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in the AA screening, it is not possible to exclude the possibility that the proposed development alone would result in having significant effects on Lough Corrib Special Area of Conservation (Site Code: 000297); River Suck Callows Special Protection Area (Site Code:

004097) and Lough Corrib Special Protection Area (Site Code: 004042) in view of the sites conservation objectives. It is therefore determined that an Appropriate Assessment of the proposed development is required on the basis of the possible effects of the proposed development 'alone'. Further assessment in-combination with other plans and projects is therefore not required at screening stage.

Appropriate Assessment: Stage 2:

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lough Corrib Special Area of Conservation (Site Code: 000297), River Suck Callows Special Protection Area (Site Code: 004097) and Lough Corrib Special Protection Area (Site Code: 004042) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of section 177U of the Planning and Development Act, 2000, (as amended) was required.

Following an examination, analysis and evaluation of the Natura Impact Statement, all associated material submitted, response to submissions, and taking into account submissions by prescribed bodies and observers and the report of specialist consultant on hydrogeology, it is considered:

- With respect to River Suck Callows Special Protection Area (Site Code: 004097), that adverse effects on site integrity can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.
- With respect to Lough Corrib Special Protection Area (Site Code: 004042), that adverse effects on site integrity can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.
- With respect to the Lough Corrib Special Area of Conservation (Site Code: 000297), that adverse effects on the site integrity of Lough Corrib Special Area of Conservation (Site Code: 000297) cannot be excluded in view of the conservation objectives of this site and that reasonable scientific doubt

remains as to the absence of such effects. This conclusion is based on the following:

- Insufficient information submitted to rule out pollution risk via groundwater pathways to sensitive surface water and groundwater receptors. Efficacy of mitigation measures cannot be verified.
- Insufficient evidence in the design and mitigation of surface water management that groundwater related risks have been accounted for.
- Insufficient evidence in the design and mitigation of works proposed within stream channels at watercourse crossings.
- Insufficient evidence has been presented on the impact from floating tracks on water flow and retention within peat habitat adjacent to water courses, and the potential increased generation of Dissolved Organic Carbon (DOC) in runoff.
- Insufficient evidence to demonstrate that the characteristics and strength of in situ peat adjacent to water courses can support the floating access tracks in terms of peat stability risks.

Environmental Impact Assessment

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, notwithstanding the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, the proposed development would be likely to have significant effects on the environment, by itself and in combination with other plans and projects in the vicinity, and that such effects would not be acceptable.

Reasoned Conclusions on the Significant Effects

The Commission considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population & Human Health**: There is the potential for temporary indirect significant negative effects during the construction phase by way of water supply.
- **Biodiversity:** There is a potential for significant effects on internationally important aquatic habitats and species as a result of works at watercourse crossings and increased peat groundwater flows and drainage. There is the potential for significant direct and indirect effects from the construction of floated access tracks on raised bog (Annex 1 habitat) and to the disruption of groundwater flow feeding the groundwater dependent terrestrial ecosystem. Active raised bog is a priority habitat listed on Annex I of the EU Habitats Directive, it has been concluded that on the basis of the information submitted there is insufficient evidence to support a robust independent appraisal of the conservation value of the raised bog habitat and the likely implications of the proposed development for peatland ecology and bog restoration.
- **Ornithology:** There is the potential for significant collision risk effects on the wintering Golden Plover at a national scale. Efficacy of mitigation measures cannot be verified.
- **Land, Soil & Water:** There is a potential for significant effects on surface water and groundwater quality to arise during the construction and operational phases. There is insufficient information submitted to demonstrate the characteristics and strength of in situ deeper peat to support the floating access tracks. There is insufficient information submitted to rule out groundwater pathways between the subject site, the proposed development and sensitive groundwater. Efficacy of mitigation measures cannot be verified.
- **Noise & Climate:** There is potential for significant operational noise effects on a sensitive receptor located in proximity to proposed turbine five and which has not been identified in the Environmental Impact Assessment Report. Potential for significant cumulative positive effect, due to the displacement of carbon dioxide from the atmosphere arising from fossil fuel energy production.

- **Landscape & Visual:** The placement of significant structures within the local landscape will, within three kilometres of the proposed turbines, result in significant landscape effects and in significant visual effects on a small number of residential receptors where primary and open views towards the proposed turbines will be experienced.
- **Material Assets:** potential for short term significant negative effects on the road network during the days of turbine foundation concrete pours.

Conclusions on Proper Planning and Sustainable Development and Recommended Reason for Refusal of Planning Permission:

The Commission, in performing its functions in a manner consistent with the applicable climate objectives as set out in Section 15 of the Climate Action and Low Carbon Development Act, 2015, as amended, considers that while the principle of a renewable energy development on this subject site is supported by National, Regional and local policy there are specific and significant technical information deficits and difficulties with the assessments undertaken in respect of the proposed development. In this particular circumstance;

1. The proposed development includes the construction of floated access track across an area of uncut raised bog, which will result in the loss of, and the disruption to, groundwater flow feeding the groundwater dependent terrestrial ecosystem. Having regard to uncut raised bog being a priority habitat listed on Annex I of the EU Habitats Directive, and the limitations of the investigations and assessment carried out on hydrogeological conditions and the value of ecological habitat pertaining on subject site and on the adjoining land, the Commission is not satisfied that the applicant has demonstrated that the proposed development would not result in a significant loss of, or have a significant adverse effect on Cooloo Bog and on peatland ecology and restoration. The proposed development would, therefore, be contrary to objectives of the National Biodiversity Action Plan 2023-2030, the policy objectives of the Galway County Development Plan 2022-2028, specifically WTWF1 and NHB1, and contrary to the proper planning and sustainable development of the area.

2. Having regard to the sensitivity of the surface water and groundwater receptors at a local and regional setting, and the potential pathways between the subject site and the proposed development to these receptors, and the deficit in evidence based information submitted on the connectivity to the karst below, the characteristic of the peat within the subject site and the inconsistencies in the description of the proposed development, the Commission is not satisfied that the application has adequately identified, evaluated and mitigated that the proposed development would not result in unacceptable impact on surface water and groundwater pollution risks. The proposed development would, therefore, be contrary to the objectives of the Galway County Development Plan 2022-2028, specifically policy objective WS7, and contrary to the proper planning and sustainable development of the area.

3. Having regard to information provided, and in particular the location of the prosed development within waterbodies under the Water Framework Directive, which status are 'good', and which are also designated as a 'protected area' and as a Natura 2000 Site, the Lough Corrib Special Area of Conservation (Site Code: 000297), and which therefore are protected by statutory objectives, the Commission is not satisfied that the proposed development is consistent with achieving those environmental objectives. The proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

4. Having regard to the information provided with the application, including the Natura Impact Statement, the Commission considers that reasonable scientific doubt remains as to the implications for the proposed development

on site integrity for the Lough Corrib Special Area of Conservation (Site Code: 000297) specifically, it is considered that adverse effects on water-dependent species of qualifying interests from water degradation cannot be excluded beyond reasonable scientific doubt in view of the conservation objectives to restore or maintain favourable conservation condition. The Commission cannot be satisfied beyond reasonable scientific doubt that the proposed development, individually, would not adversely affect the integrity of Lough Corrib Special Area of Conservation (Site Code: 000297) in view of the sites conservation objectives and qualifying interests.

The Commission is satisfied that a refusal of permission as indicated above is consistent with its obligations under section 15(1)(a) and (d) of the Climate Action and Low Carbon Development Act 2015, as amended.

Note: The Commission noted the Inspector's concerns in relation to the potential for significant collision risk effects on the wintering golden plover at a national scale and concerns in relation to the efficacy of proposed associated mitigation measures. The Commission concurred with the Inspector's concerns in this regard and considered that the matter required further investigation. However, given the statutory limitations on the decision-making period for the type of application concerned and also given the substantive reasons for refusal as indicated above, the Commission decided not to pursue this matter any further in this instance.