

Submission to An Bord Pleanála

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Planning Reference: PAX07.323699

Re: Proposed Shancloon Wind Farm, Co. Galway – Objection Based on Policy Deficiencies in EIAR Chapter 4 “Policy”

Introduction

I wish to object to the proposed Shancloon Wind Farm on the basis that Chapter 4 (Policy) of the Environmental Impact Assessment Report (EIAR) provides an incomplete and unbalanced policy assessment.

The chapter focuses narrowly on climate and renewable energy targets while omitting or underrepresenting several critical policy frameworks and government commitments concerning peatland protection, biodiversity restoration, and hydrological safeguarding.

These omissions are specially significant in relation to the assessment of biodiversity and habitat conservation. The assessment area of the EIAR, comprises substantial areas of degraded raised bog, cutover peat, and habitats hydrologically connected to Cloonbar Bog and Lough Corrib SAC. Such locations are explicitly recognised under national and European law as *sensitive carbon and biodiversity assets* requiring protection and, where possible, restoration.

Given Ireland’s obligations under the EU Biodiversity Strategy for 2030, the National Biodiversity Action Plan 2023–2030, and the National Peatlands Strategy 2015–2030, these omissions are not a minor oversight but a substantive failure in the consideration of relevant policy. The following submission outlines eight principal deficiencies in Chapter 4 of the submitted EIAR, supported by reference to relevant ecological evidence contained in Chapter 9 (Biodiversity) of the submitted EIAR.

1. Failure to Consider the National Peatlands Strategy (2015–2030)

The National Peatlands Strategy (Department of Arts, Heritage and the Gaeltacht, 2015) provides Ireland’s overarching framework for the conservation, restoration, and sustainable management of peatlands.

It establishes three core objectives:

1. To protect and restore raised bogs and blanket bogs as important carbon stores and biodiversity habitats;
2. To ensure future peatland use is sustainable and compatible with environmental protection;
3. To promote rewetting and rehabilitation of degraded peatlands as part of Ireland's climate response.

Chapter 9 (Biodiversity) of the submitted EIAR confirms that the wind farm footprint includes degraded raised bog still capable of regeneration—a habitat type listed under *Annex I of the EU Habitats Directive* as “Degraded raised bogs still capable of natural regeneration (Habitat Code 7120).”

Despite this, Chapter 4 (Policy) makes no reference to the National Peatlands Strategy or its explicit presumption against development that may damage the hydrological function or regeneration potential of peat soils. The EIAR leans heavily on the “overriding public interest” provision under Council Regulation (EU) 2024/223 to justify accelerated permitting of renewables, without weighing this against Ireland's parallel legal obligation to protect and restore peatlands.

This selective interpretation of policy undermines the integrity of the EIAR. Ireland's National Peatlands Strategy recognises peatland restoration is a central pillar of Ireland's transition to a low-carbon, climate-resilient economy. Omitting peatland restoration within the Policy consideration prevents a balanced appraisal of whether the proposed wind farm genuinely contributes to Ireland's climate goals when built on a carbon-rich peat substrate that would emit stored greenhouse gases if disturbed.

The failure to assess the project against the National Peatlands Strategy represents a clear policy omission and a material deficiency of the report.

2. Omission of the National Biodiversity Action Plan 2023–2030

The National Biodiversity Action Plan (NBAP) 2023–2030, published by the Department of Housing, Local Government and Heritage in January 2024, is Ireland's statutory roadmap for halting and reversing biodiversity loss. It sets five strategic objectives, including:

- **Objective 1** - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- **Objective 2** - Meet Urgent Conservation and Restoration Needs
- **Objective 3** - Secure Nature's Contribution to People
- **Objective 4** - Enhance the Evidence Base for Action on Biodiversity
- **Objective 5** - Strengthen Ireland's Contribution to International Biodiversity Initiatives

Crucially, the NBAP introduces a new duty on public authorities to move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting, and investment in blue-green infrastructure.

Chapter 9 of the EIAR explicitly cites the NBAP as informing the valuation of ecological receptors and the design of mitigation measures. However, Chapter 4 (Policy)—which should be the primary section linking national environmental policy to the justification for the proposed project, makes no reference to it.

This omission is particularly serious because the NBAP now has a statutory footing through the Wildlife (Amendment) Act 2023, which requires all public bodies, including An Bord Pleanála, to have regard to the Plan's objectives. A compliant policy assessment must therefore evaluate whether the project results in *net loss* or *net gain* of biodiversity. No such analysis is presented.

Given that the site includes active and regenerating peatland habitat and supports protected species such as Otter, Bat, Badger, Salmon, Lampreys and Eels failure to consider the NBAP is inconsistent with current national environmental governance and renders the policy appraisal incomplete.

3. No Reference to the EU Biodiversity Strategy for 2030 or Peatland Restoration Targets

The EU Biodiversity Strategy for 2030, adopted by the European Commission in May 2020, is a central component of the European Green Deal. It commits Member States to:

- Legally binding targets to protect at least 30% of EU land and sea;
- Restore at least 30% of degraded ecosystems, prioritising peatlands, wetlands, and grasslands;
- Implement nature-based solutions to climate adaptation and mitigation.

Given the project's peatland location, this strategy is directly relevant. Chapter 9 identifies hydrological links between the site and Cloonbar Bog and notes that parts of the project area comprise cutover bog and wet grassland mosaics that function as transitional habitats capable of ecological recovery.

Despite this, Chapter 4 (Policy) does not reference the EU Biodiversity Strategy or assess how the project aligns with EU restoration goals. Instead, it selectively references the EU Renewable Energy Directives (RED II and RED III) and RePowerEU Plan (2022) to justify renewable expansion, without considering the balancing obligations under biodiversity law.

This imbalance is contrary to Article 11 of the Treaty on the Functioning of the European Union (TFEU), requiring that environmental protection objectives be integrated into all European Union policies, including in this case energy. By omitting this integration, Chapter 4 effectively treats biodiversity as secondary to energy policy, undermining the holistic intent of EU policy in relation to Climate Change and Green Transition.

4. Lack of Integration with Water and Hydrological Policy

Chapter 9 (Biodiversity) and associated hydrological assessments highlight the hydrological connectivity between the development site, Rostaff Turlough pNHA, and Lough Corrib SAC. Both are water-dependent ecosystems protected under the EU Water Framework Directive (2000/60/EC) and Ireland's River Basin Management Plan (RBMP) 2022–2027.

The Water Framework Directive (2000/60/EC) requires Member States to prevent deterioration of the ecological status of all surface and groundwater bodies and to restore those that are degraded to "good ecological status." The RBMP 2022–2027, titled "*The Water Action Plan for Ireland*", explicitly identifies peatland rewetting and catchment restoration as measures contributing to these objectives.

Despite this, Chapter 4 does not reference the Water Framework Directive, the RBMP, or the European Communities (Water Policy) Regulations. The absence of these policies is particularly concerning given the Inland Fisheries Ireland (IFI) consultation response raised specific concerns about sedimentation, soil instability, and peat drainage impacts on downstream salmonid waters. Compounding this omission is the high ground water vulnerability of the area, karstic bedrock and the presence of tributaries of the Corrib (a special area of conservation) in the development area.

Ignoring this policy context means Chapter 4 fails to demonstrate compliance with key hydrological protection objectives, potentially contravening Section 177AE of the Planning and Development Act 2000 (as amended), which requires full consideration of environmental objectives under EU law.

5. Absence of Wildlife and Protected Species Policy

Chapter 9 provides detailed surveys for otter, badger, bats, lampreys, Slamon and other aquatic species, many of which are listed under Annex IV of the EU Habitats Directive (92/43/EEC) and protected domestically under the Wildlife Acts. These frameworks prohibit deliberate disturbance, destruction of breeding sites, or deterioration of habitats for protected species.

However, Chapter 4 (Policy) makes no reference to the Habitats Directive, Birds Directive or the Flora (Protection) Order 2022, nor to relevant national guidance such as:

- Bat Mitigation Guidelines for Ireland (NPWS)
- Guidance on Wind Energy Developments and EU Nature Legislation (European Commission, 2020)

The omission of these documents fails to connect the ecological findings in Chapter 9 with the overarching policy and legislative framework that governs species protection. The policy chapter thus narrowly focuses on planning instruments, without addressing the binding environmental legislation underpinning them.

Such an oversight is material. An Bord Pleanála, as a competent authority in planning decisions, must ensure compliance with the Habitats and Birds Directives in its decision-making. The EIAR's policy chapter provides no assurance that the project meets these requirements, particularly where turbine locations and access routes intersect known bat commuting corridors and otter foraging areas as identified in Chapter 9.

6. Out-of-Date Local Policy References and absence of relevant policy objectives

Chapter 4 relies extensively on the Mayo Renewable Energy Strategy 2011–2020, which expired five years ago and has not been replaced by an updated strategy. This is an outdated reference that no longer reflects current planning policy.

Conversely, the Galway County Development Plan 2022–2028 (GCDP) (which is highly relevant to the site under consideration) contains several policy objectives that are entirely absent from Chapter 4.

- To protect and enhance the natural heritage and biodiversity of the county, including habitats and species of local, national, and international importance.
- To support peatland restoration and rewetting as a natural carbon sink and climate adaptation measure.
- To ensure that renewable energy developments do not negatively affect sensitive landscapes or ecological networks.

By omitting these current and applicable policies, Chapter 4 gives an inaccurate picture of local planning context, overemphasising outdated renewable energy policy at the expense of modern biodiversity and climate adaptation objectives.

7. Lack of Alignment with the Precautionary Principle and Environmental Governance Standards

The EPA Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (2022) and the CIEEM Guidelines for Ecological Impact Assessment (2018, updated 2024) both require the application of the precautionary principle where there is scientific uncertainty about potential ecological effects.

However, Chapter 4 (Policy) does not reference the precautionary principle at all. Instead, it presents a deterministic interpretation of renewable energy policy, assuming that wind energy developments are inherently beneficial regardless of local environmental risk.

This approach conflicts with both EU environmental law and Irish environmental governance standards, including:

- **Article 191(2) of the Treaty on the Functioning of the European Union**, which enshrines the precautionary principle;

By ignoring it, Chapter 4 fails to demonstrate compliance with core principles of sustainable development and environmental due diligence expected of an EIAR under the Planning and Development Regulations 2001 (as amended).

8. Overall Policy Imbalance and Misrepresentation

Chapter 4 (Policy) presents an unbalanced and selective account of relevant policies. It devotes extensive space to European renewable energy directives (RED II, RED III, RePowerEU, and the European Green Deal) but omits equally binding commitments to biodiversity restoration, peatland protection, and water quality preservation.

This imbalance gives the impression that Ireland's energy policy exists in isolation from environmental policy, when in fact they are designed to be integrated.

The Climate Action and Low Carbon Development (Amendment) Act 2021 explicitly links climate mitigation and biodiversity protection, requiring that climate plans support and enhance biodiversity and ecosystem services.

Yet, this interdependence is entirely absent from Chapter 4.

By prioritising policy references that support the project while excluding those that constrain it, the EIAR fails to provide an objective assessment of policy compliance.

This omission constitutes a material deficiency of the EIAR which is required to outline the relevant environmental policies and plans and an assessment of how the proposed development aligns with them.

Request to An Bord Pleanála

In light of the above, I respectfully request that An Bord Pleanála:

1. **Find Chapter 4 of the EIAR deficient** for failing to consider all relevant national and EU policies concerning peatland, biodiversity, and hydrology;
2. **Require the applicant** to submit a revised and comprehensive Policy Chapter that includes assessment against:
 - o *The National Peatlands Strategy 2015–2030;*
 - o *The National Biodiversity Action Plan 2023–2030;*
 - o *The EU Biodiversity Strategy for 2030;*
 - o *The Water Framework Directive 2000/60/EC and River Basin Management Plan 2022–2027;*
 - o *The Wildlife Acts 1976–2023 and Habitats Directive 92/43/EEC;*
 - o *The Galway County Development Plan 2022–2028.*
3. **Refuse planning permission** for the proposed development unless and until it can be demonstrated that the project will not compromise peatland restoration, biodiversity protection, or water quality objectives set out in these policies.

Conclusion

Ireland's pathway to a low-carbon future must align with its legal and moral duty to protect biodiversity and restore degraded ecosystems. Wind energy plays an essential role in reducing emissions, but it cannot justify the degradation of peatlands that store vast amounts of carbon and sustain rare and protected animal and plant species.

The proposed Shancloon Wind Farm, as currently assessed, represents a one-dimensional approach to climate policy, promoting renewable generation while disregarding the equally binding environmental policies designed to safeguard our natural heritage.

For these reasons, I object to the proposed development and urge An Bord Pleanála to require a more balanced, policy-compliant assessment before any consent is granted.