

Observation of Anita Nolan

Response to Applicant's Responses to Third-Party Observations
An Coimisiún Pleanála
ACP Ref. 323761 – Cooloo Wind Farm

Introduction

I respectfully submit this response to the applicant's replies to third-party observations. The applicant has not removed the significant scientific uncertainty identified in my original submission. Instead, the responses rely upon mitigation, monitoring and future management rather than demonstrating beyond reasonable scientific doubt that significant adverse environmental effects can be avoided. This approach is inconsistent with the precautionary principle underpinning EU environmental law.

Biodiversity

The applicant has not demonstrated that permanent habitat loss, fragmentation and hydrological alteration can occur without significant adverse effects. Mature hedgerows and peatland habitats cannot be replaced by newly planted hedgerows within any meaningful ecological timeframe. Historic degradation does not justify further deterioration. The presence of Article 17 raised bog habitat requires a precautionary approach, not further disturbance.

Protected Species

The applicant has also failed to demonstrate that the proposed development will not adversely affect protected birds, bats, butterflies, flora and fauna that depend upon this interconnected peatland landscape. The loss and fragmentation of habitats, alteration of hydrology and removal of established ecological corridors create continuing uncertainty regarding impacts on protected species, including Annex I birds, bat species protected under the Habitats Directive and invertebrates associated with peatland habitats such as the Marsh Fritillary. The proposed mitigation measures remain largely predictive and depend upon future monitoring rather than demonstrating avoidance of impacts. In accordance with Article 6 of the Habitats Directive and the precautionary principle, permission should not be granted where reasonable scientific doubt remains regarding the protection of biodiversity and the integrity of these habitats.

Hydrology, Hydrogeology and Floating Road

I object to the proposed floating road through sensitive peatland. Despite being described as 'floating', it requires substantial peat excavation, ground preparation, drainage interventions and permanent alteration of the peatland hydrological regime. Reliance on peat management plans and monitoring represents mitigation after harm has been accepted rather than avoidance of harm at source. If the development cannot proceed without significant peat excavation and hydrological alteration, the floating road should be removed. If this is not possible, planning permission should be refused.

Consultant Credibility

I note that MKO and HES were also involved in environmental assessment work associated with the Meenbog Wind Farm, where a significant peat slide occurred during construction. While that event does not determine this application, it demonstrates that favourable predictive assessments and proposed mitigation measures may not reflect actual environmental outcomes in complex peatland environments. The Board should therefore apply heightened scrutiny and afford limited weight to assessments that rely heavily on mitigation and post-construction monitoring.

Wind Turbine Spacing

The applicant acknowledges departures from national Wind Energy Development Guideline spacing recommendations. The response focuses on operational modelling rather than environmental protection. Where recognised guidance is departed from, a higher evidential standard is required. That standard has not been met.

Conclusion

The proposal fails to satisfy Article 6 of the Habitats Directive, the Environmental Impact Assessment Directive and the precautionary principle under Article 191 TFEU. Significant scientific uncertainty remains regarding biodiversity, peatland integrity, hydrology, hydrogeology and turbine layout. I respectfully request that An Coimisiún Pleanála refuse permission for the proposed Cooloo Wind Farm under ACP Ref. 323761.

Yours faithfully,

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