

Case Reference: ACP-323761-25

Re: Cooloo Wind Farm Strategic Infrastructure Development – Reply to Applicant's Response to Submissions

Dear Commission,

I refer to the applicant's response to submissions and confine this reply to the matters raised in my original observations concerning the Battery Energy Storage System (BESS), the split application approach, emergency response, insurance, evacuation risk, contamination risk, and cumulative effects.

The applicant has still not addressed the central procedural defect. The EIAR assesses the BESS as an integral element of the proposed development, yet the applicant now states that the BESS does not form part of the planning application presently before the Commission. This creates an inconsistency between the development assessed and the development for which consent is sought. The Commission cannot properly rely on the environmental assessment of infrastructure that is expressly excluded from the application while treating the current application as complete.

The applicant has also failed to provide adequate site-specific evidence addressing the principal risks associated with the BESS. No thermal runaway modelling, toxic gas dispersal modelling, evacuation radius assessment, receptor mapping, or evidence of coordinated emergency response planning has been identified in the material before the Commission that would enable it to conclude that the risks have been adequately identified, assessed, and can be effectively managed. The absence of this modelling is not a theoretical concern: a lithium battery incident at Claregalway, County Galway, on 30 January 2025 required the evacuation of 1,700 schoolchildren and a multi-day, multi-agency emergency response, demonstrating consequence levels well beyond what the applicant's generic assessment contemplates. Generic references to industry guidance, generic electricity incident procedures, or statements that consultation will occur at a later stage do not constitute a decision-ready assessment.

The same deficiency arises in relation to insurance and liability. No evidence has been identified in the material before the Commission demonstrating that the identified BESS risks, including thermal runaway, firewater contamination, third-party injury, property damage, and environmental contamination, are subject to appropriate and enforceable insurance arrangements proportionate to the risks identified. Nor has the applicant provided any hydrogeological assessment of the contamination pathway that firewater from a thermal runaway event would follow, including whether groundwater or private wells in the vicinity are at risk.

The applicant's split treatment of the BESS also raises a concern that the cumulative effects assessment may be incomplete or difficult to verify, because the EIAR discusses the BESS alongside the wider project while the BESS is said not to form part of the application presently before the Commission. Cumulative effects assessment is a core requirement of the EIA process and cannot properly be undertaken where the development assessed differs from the development for which consent is sought.

The applicant further relies upon consultant reports and proposed mitigation measures as demonstrating that the impacts are acceptable. However, reliance on consultant reports does not

relieve the Commission of its statutory obligation to make an informed and independent decision. Before granting consent, the Commission must be satisfied that the evidence before it is complete, site-specific, internally consistent, and sufficient to support the conclusions reached.

Similarly, where mitigation measures or planning conditions are relied upon, the Commission must be satisfied that they are precise, enforceable, capable of implementation, and supported by an appropriate evidential basis. A proposal that matters can be “agreed” at a later stage or implemented if required is not equivalent to demonstrating that the necessary protections already exist and can be relied upon at the time consent is granted.

The Irish planning system requires decisions to be based on complete environmental information available before consent is granted. It does not permit unresolved environmental risks to be deferred to future processes. Where the BESS is relied upon within the EIAR as forming part of the overall development, it should be assessed as part of the development for which consent is sought. Conversely, if the applicant maintains that the BESS is not part of this application, it should not simultaneously be relied upon to support the environmental assessment, cumulative effects assessment, or justification of the proposal currently before the Commission.

Accordingly, the applicant's response to submissions does not remedy the deficiencies identified in my original observations. In the absence of a complete and site-specific assessment of the BESS, together with verified emergency response arrangements, evidence of enforceable mitigation measures, appropriate insurance arrangements, and a legally coherent description of the development for which consent is sought, the Commission cannot be satisfied that it possesses sufficient environmental information to determine the application in accordance with its statutory obligations.

Yours faithfully,

Diarmuid Flaherty

Parkacurry

Monivea

Co. Galway