An Bord Pleanála PAX07.323761

Cloonoo Wind Farm Submission

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Planning submission submitted by:

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Submission

1. Introduction

1.1 Wild Ireland Defence CLG pursue the objectives of education, advocacy, and activism of all types in the protection, conservation, preservation and defence of the natural environment and the species that habituate it. WID make this submission as an observer in order to ensure that the planning application is progressed in accordance with environmental and planning and development laws

1.2 This WID observation is relating to a Strategic Infrastructural Development application reference 323761 which is described on the An Bord Pleanála case page / portal as follows;

Construction of wind energy development and all associated works.

1.3 This submission identifies a number of issues in relation to peat slippage assessment, Hydrological modeling of the site and contributing catchments, lack of assessment under the Water Framework Directive, lack of assessment of embodied carbon of the development, Impact on the NATURA2000 Network, data deficiencies in the NIS and AAS reports and lack of legal cumulative assessments in the EIA and AA.

1.4 Below are laid out the reasons and considerations for this submission. This submission is made by Wild Irish Defence CLG due to omissions with regards to impacts to protected species and habitats under the Habitats and Birds Directives, and water bodies under the Water Framework Directive. The submission requests further information and clarification with regards to the Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) in order for The Commission to complete robust EIA and AA assessments. The current application has omissions that prevent the AA and EIA assessment being complete, precise, allowing definitive findings and conclusions of no significant impact on NATURA2000 sites based on scientific evidence.

1.5 Planning & Environmental consultant, Sabrina Joyce-Kemper, has reviewed the application and has prepared the below brief summary of issues in relation to same, which WID endorse for our submission. Ms. Joyce-Kemper has an Advanced Diploma in Planning and Environmental Law from the Honorable Society of Kings Inns.

2. Issues with application form and administrative issues.

2.1 The site development works appear to include grid connection works to public road (s), (fig 2.2 of the planning report). If there are any public roads that works will take place on or across (eg cables run under) Section 22(2)(g)(ii) of the Planning and Development Act(s) 2001 to present applies. This section states the following;

(ii) in the case of a proposed development, or part of a proposed development, that is in, on, over or under a public road, written confirmation that the proposed development concerned is

to be undertaken by a statutory undertaker having a right or interest to provide services in connection with the proposed development, or

2.2 A statutory undertaker is any public utility body, including railway, canal navigation body, airport or harbour authority, gas, electricity, telecommunications service provider or an entity providing services connected with or carrying out works for the purpose of the activities of that public undertaking.

2.3 It is questionable in law if the applicant is considered a statutory undertaker as provided for in the Planning and Development Act(s) 2001 to present, If this written confirmation was required and was not submitted this potentially invalidates the application. There is no reference to this requirement in the application form. The applicant should be asked to comment or provide this consent by way of further information.

2.4 The Planning and development acts 2000 to present at Section 22(g) its states: *A planning application referred to in sub-articles (1) and (1A)* ***shall*** *be accompanied by – (g) where the applicant is not the legal owner of the land or structure concerned – (i) the written consent of the owner to make the application* (emphasis added).

3. Collateral attack on County Development Plan.

3.1 The Planning Report openly asserts that "if County Galway is to reach an installed capacity of 1,350MW… areas outside of the 'Acceptable in Principle' (AIP) and 'Open to Consideration' (OTC) will need to be considered and developed for wind energy" (Planning Report, p.7). This amounts to a direct and impermissible collateral attack on the statutory Galway County Development Plan 2022–2028 and its Local Authority Renewable Energy Strategy (LARES), which designate the subject lands as 'Generally to be Discouraged' for wind energy development.

3.2 The proper time for the applicant to challenge or dispute the adequacy, rationale, or spatial extent of the AIP/OTC zonings was during the plan-making process under Part II of the Planning and Development Act 2000, when submissions could be made to the planning authority and the OPR. If the applicant did make submissions and remained dissatisfied with the plan as adopted, the only lawful remedy was to initiate judicial review of the Development Plan within the strict statutory time limits.

3.3 Having failed to take either course, the applicant is now precluded from inviting An Coimisiún Pleanála to disregard or "correct" the democratically adopted zoning framework through the vehicle of a planning application. To do so would be contrary to well-established principles prohibiting collateral attacks on statutory instruments and development plans, and would undermine the plan-led system expressly mandated by the Planning and Development Act 2000.

3.4 The Commission is therefore legally bound to apply the Development Plan as adopted, including its wind energy zoning designations, and cannot entertain, through this application, what is in substance an attempt to re-open, re-write, or side-step the County Development Plan

outside the statutory review process. Any invitation to consider undesignated "Generally to be Discouraged" lands as substitute AIP/OTC lands is ultra vires, procedurally improper, and contrary to the principle of legal certainty.

3.5 The Planning Report accompanying the application engages on many levels engages in a sustained and impermissible collateral attack on the Galway County Development Plan 2022–2028 and its integrated Local Authority Renewable Energy Strategy ("LARES"). Rather than assessing the proposed development within the framework established by the democratically adopted plan, the applicant seeks to reopen and dispute the core zoning decisions made by the elected members.

3.6 If the applicant considered that the quantum of lands designated as "Acceptable in Principle" or "Open to Consideration" was inadequate, or that the application site had been wrongly zoned "Generally to be Discouraged", the correct and exclusive forum for raising such concerns was the statutory plan-making process. That process provided ample opportunity to make submissions, to present technical and policy-based evidence, and to advocate for alternative zoning outcomes. If dissatisfied with the final adopted plan, the applicant's only lawful remedy would have been to institute judicial review proceedings within the strict statutory time limits. Having chosen not to avail of those routes, the applicant is now legally precluded from attacking the validity, sufficiency or rationale of the Development Plan within the confines of a planning application.

3.6 Despite this, the Planning Report repeatedly asserts that the GTBD designation of the site is "unsubstantiated", that the LARES "fails to designate a sufficient quantum of land" for wind energy development, that the plan's technical assumptions "significantly overestimate" viable land, and that the entire wind energy zoning framework is inadequate to meet national targets. These statements are not simply contextual remarks; they are direct challenges to the policy choices of the elected authority. In substance, the applicant advances an alternative zoning scheme based on its own capacity modelling and 'MKO experience', and invites An Coimisiún Pleanála to adopt this private model in place of the statutory zoning adopted under law. This is precisely the form of collateral attack that Irish courts have long held to be impermissible.

3.7 This questionable approach is compounded by the applicant's suggestion that the Commission should effectively ignore zoning designations altogether and instead assess "every site… on its merits regardless of its wind energy classification". Such an approach would collapse the carefully structured hierarchy established in the Development Plan and render its zoning maps meaningless. The applicant also asserts that obligations under the Climate Action and Low Carbon Development Act 2015 "take precedence" over planning authority objectives, thereby implying that national climate policy overrides the statutory primacy of the Development Plan. The Planning and Development Act requires the Commission to have regard to national policy while acting in accordance with the Development Plan unless it expressly and lawfully decides to grant permission by way of material contravention. Nothing in the Climate Act displaces the statutory scheme or authorises the Commission to rewrite a Development Plan on climate grounds.

3.8 Underlying the Planning Report is a clear attempt to persuade the Commission either to disregard the adopted zoning or to reinterpret the GTBD category as if it were equivalent to AIP or OTC lands. This is not permitted. A Development Plan is a statutory instrumentcarrying legal force. Its validity cannot be questioned, disputed or undermined in the context of an application for permission. If the applicant believes the plan is irrational or inadequate, the law requires that challenge to be brought before the High Court. It cannot be smuggled into the planning process through assertions that the zoning is unclear, unreasonable or insufficient.

3.9 The Commission therefore must apply the Development Plan as adopted. It cannot lawfully entertain any invitation to substitute the applicant's capacity analysis for the Council's zoning strategy, or to revisit the assumptions and methodologies underpinning the LARES. To do so would amount to the Commission engaging in an unlawful de facto variation of the Development Plan, outside the statutory processes designed to protect public participation, environmental assessment and democratic oversight.

3.10 In summary, the applicant's Planning Report impermissibly disputes the validity, methodology and outcomes of the adopted Development Plan and seeks to replace the statutory zoning with privately prepared alternative analyses. This constitutes a clear collateral attack on the Development Plan and must be disregarded in its entirety. The proper forum for such grievances was during the plan-making process or by timely judicial review; it cannot lawfully be pursued through a planning application.

4. Carbon emission audit.

4.1 The carbon assessment presented for the Proposed Project is materially incomplete and methodologically constrained in a manner that significantly understates the true greenhouse-gas (GHG) footprint of the development. While the calculation tool used in Appendix 11-2 is derived from the Scottish peatland carbon calculator, the version deployed here is explicitly designed to quantify only on-site peatland and land-use emissions and a narrow subset of construction-related losses. It does not quantify the full life-cycle emissions that Ireland is legally obliged to account for under the Climate Action and Low Carbon Development Act 2015 (as amended), the EU Effort Sharing Regulation, RED III, Ireland's Climate Action Plan 2025, or the scientific approach mandated by the IPCC for life-cycle emissions of renewable infrastructure.

4.2 A central omission concerns the embodied carbon associated with mining, processing, manufacturing, transporting, and installing industrial-scale wind turbines. The Applicant's own Appendix 11-2 states that emissions from turbine manufacture, construction and decommissioning are simply "direct input" values, fixed at 6,073 t CO_2 per turbine for all scenarios.

4.3 No supporting evidence, supplier data sheets, environmental product declarations, or audited life-cycle assessments are provided to demonstrate the provenance, accuracy, or relevance of this figure. It is assumed rather than calculated. Critically, there is no assessment of upstream emissions generated by the extraction of bauxite for aluminium, iron ore for steel, rare-earth elements for generators (dyprosium, neodymium, praseodymium), nor the fuel-intensive global

shipping required to move these materials through multi-national supply chains. A modern 7 MW turbine contains hundreds of tonnes of steel, composites, copper, resins, and rare-earth magnets. The greenhouse-gas burden of producing these materials is substantial, yet the EIAR presents a single static number without any traceability. This alone renders the turbine-life figure unverifiable and therefore insufficient for EIA purposes.

4.4 An equally material gap arises from the failure to quantify the emissions generated by the global logistics chain, including transoceanic shipping of components, specialised oversized road haulage, and the heavy-plant machinery required to move, lift and erect blades, tower sections and nacelles. Chapter 11 contains no reference to maritime shipping emission factors, diesel consumption for site mobilisation, nor the carbon cost of constructing or upgrading roads to allow the passage of 80-metre blades and multi-hundred-tonne loads. Appendix 11-2 simply contains a line for "turbine life" and attributes all supply-chain emissions to that unsubstantiated input value, which is methodologically inadequate for a project of national scale.

4.5 A further lacuna arises in relation to maintenance-phase emissions, which are ignored almost entirely. Industrial turbines require continuous lubrication with synthetic oils, greases, hydraulic fluids, and nitrogen systems, all of which have cradle-to-grave emissions profiles. The replacement, disposal and replenishment of tens of thousands of litres of lubricants over the 35-year operational life is not calculated. No assessment is made of the carbon cost of spare parts, replacement blades, generator components, transformer oils, or end-of-life disposal of hazardous materials including epoxy resins and GRP composites. Chapter 11 offers no quantification of these emissions or their cumulative impact over three decades of operation.

4.6 The EIAR also fails to properly quantify vegetation and soil-carbon losses beyond peat. In Appendix 11-2, the "loss of bog plants" is reduced to a simplistic calculation of "area where fixation is lost" multiplied by a default carbon accumulation rate. No empirical survey of the site's species composition, groundcover density, or current sequestration values is provided. No distinction is made between intact bog, degraded bog, heath, scrub, or mineral-soil habitats, each of which sequesters carbon at different rates. This reductionism leads to a systemic underestimation of the carbon lost through vegetation removal, drainage, compaction, heavy-plant disturbance and permanent habitat conversion. The EIAR repeatedly asserts that baseline values are "site-specific", yet the calculations rely almost exclusively on generic default parameters from Scottish guidance.

4.7 The most significant deficiency relates to carbon losses from peat soils, which dominate the overall emissions balance. Appendix 11-2 shows soil-organic-carbon losses ranging from 17,555 t CO_2 (expected) to a maximum of 94,267 t CO_2 . This extraordinary spread, over 76,000 tonnes, signals fundamental uncertainty in the model outputs. Instead of examining the source of this sensitivity, the EIAR simply averages these values into its payback calculation and proceeds to assert that the project delivers climate benefits.

4.8 No hydrological modelling is supplied to show how drainage ditches, turbine foundations, hard-standing areas and access tracks will alter water-table level, which is the dominant driver of peat

oxidation and carbon release. The calculator requires a number for water-table depth before and after development, yet the EIAR provides no monitoring data, no piezometer logs, and no justification for using the chosen values. This violates the requirement for "appropriate, accurate and verifiable" baseline data under the EIA Directive.

4.9 Furthermore, the EIAR claims carbon "savings" during the operational phase based solely on counterfactual displacement of fossil-fuel generation, using grid-mix and fossil-mix emission factors. These assume that every MWh generated by the wind farm displaces a corresponding MWh of fossil-fuel generation. However, no assessment is undertaken of curtailment, constraint, grid spill, capacity-market interactions, or the emissions associated with increased cycling of backup coal, gas or diesel plant. Appendix 11-2 even acknowledges the problem by listing "reduced thermal efficiency" of backup generation, yet the EIAR presents no Irish grid data to justify the 10% assumption used in the tool. In reality, increasing the penetration of non-synchronous generation can significantly increase emissions from ramping and cycling fossil-fuel plant. No such analysis is undertaken.

4.10 The EIAR also fails to assess the carbon consequences of constructing the project on a carbon-sequestering landscape, including the permanent conversion of land to turbine pads, access tracks and hard-standing areas. The "total area of land lost" is listed as 117,480 m² (11.7 ha) in Appendix 11-2, yet this appears to omit the full footprint of drainage influence, blasting, borrow-pit alternatives, crane pads, cabling corridors and ancillary infrastructure. Hydrological disturbance of bog systems can extend hundreds of metres from each drain; the calculator has instead assumed a simplistic 15-metre zone of influence with no field validation.

4.11 Finally, the EIAR does not comply with the IPCC requirement—reflected in EU law—that GHG accounting must include all material upstream and downstream emissions, not merely on-site peat losses. The Applicant's reliance on the Scottish peat calculator is not sufficient to demonstrate climate benefit, because that tool does not perform a life-cycle assessment. It quantifies only a subset of emissions, omitting the majority of embodied, supply-chain, transport and operational emissions. For a project whose payback period is calculated at over 146 years under certain grid-mix scenarios (Appendix 11-2: fossil-fuel mix counterfactual shows payback of 146.3 years max scenario), the EIAR's conclusion of climate benefit is unsupportable.

5. Lacunae and Deficits in the Natura Impact Statement (Birds and Habitats Directives)

5.1 The Natura Impact Statement prepared for the proposed development does not satisfy the legal standard required under Article 6(3) of the Habitats Directive. The CJEU requires that an Appropriate Assessment contain "complete, precise and definitive findings and conclusions" and "may not have lacunae or gaps," and that the competent authority may only grant consent where "no reasonable scientific doubt remains" as to the absence of adverse effects on site integrity. The NIS itself acknowledges these legal requirements at the outset, yet the assessment demonstrably fails to meet them in relation to both species and habitats, giving rise to substantial legal and scientific deficiencies.

5.2 A fundamental defect lies in the manner in which the NIS treats Special Conservation Interest

(SCI) bird species of the Lough Corrib SPA. The assessment repeatedly concludes that there is "no potential" for collision, displacement, or disturbance solely on the basis that the site lies outside the "core foraging range" of the relevant species. Examples include Gadwall, Shoveler, Pochard, Tufted Duck, Golden Plover, and multiple gull and tern species, each dismissed on the basis of distance alone . This reductionist approach does not meet the Birds Directive standard of species-specific analysis, nor does it reflect NPWS's explicit scoping request for full survey coverage of flight paths, daily and seasonal movements, roosting–foraging connections, nocturnal movements, and cumulative impacts on migratory routes. NPWS stated clearly that vantage point surveys must "allow an assessment of the importance of all the flight paths into, out of and between sites" and that cumulative impacts on bird migration day and night must be assessed.

5.3 The NIS does not provide this analysis. Instead, it asserts that because birds were not recorded within survey windows, they are not using the site, an inference that is scientifically unsound and in direct conflict with CJEU rulings requiring precaution where uncertainty persists.

5.4 The NIS similarly asserts that the SPA populations of multiple waterbird species do not utilise the site because the Proposed Wind Farm lies outside "core foraging ranges" derived from generic literature rather than from SPA-specific telemetry, ring-recovery data, long-term survey data, or NPWS conservation objective baselines. In several cases, the NIS concedes that hydrological connectivity exists between the wind farm and SPA and acknowledges the potential for deterioration of water quality affecting supporting wetlands and prey species, yet it provides no quantitative assessment of how sedimentation, hydrocarbon release, peat disturbance, or drainage-related hydrological changes could affect the wetland habitats that underpin the conservation status of SCI populations. This failure to consider supporting habitats, which form an integral part of the conservation objectives of the SPA, constitutes a material omission in breach of Article 6(3).

5.5 In relation to habitats within the Lough Corrib SAC, the NIS relies heavily on broad site descriptions without providing definitive conclusions on how the project may alter water quality, hydrology, or ecological processes within the SAC's extensive network of rivers, turloughs, bogs and wetlands. NPWS specifically required a "detailed hydrological assessment" of impacts on wetlands and watercourses supporting Natura 2000 sites, and noted that designated sites at a distance can be "intrinsically linked and supported by the surrounding habitats" via hydrological processes. However, the NIS does not supply such a detailed assessment. Critical parameters such as water-table fluctuations, drainage propagation, suspended-solid loading, peat stability, and the potential for pollutants to migrate through the shared groundwater body are not modelled in a way that meets the standard of "complete and precise" findings.

5.6 The assessment instead provides general descriptions of mitigation measures, but the CJEU has made clear that mitigation cannot substitute for a rigorous scientific evaluation of impacts. The Commission should comply with the assessment protocol regarding an interaction between the Water Framework Directive and the Habitats Directive and the approach to assessment to include a robust Water Framework Directive assessment and identification of Current status and obligation to restore under Article 4.

5.7 There are also significant omissions in relation to protected species. NPWS highlighted the likelihood of Marsh Fritillary, given the presence of extensive larval-foodplant habitat along the road network and peatland areas, and requested that Marsh Fritillary surveys be undertaken using standard methodology. The NIS does not provide evidence that such surveys were conducted. This omission constitutes a clear gap in the assessment of Annex II species and undermines the integrity of the NIS's conclusions for the Lough Corrib SAC.

5.8 Similarly, the treatment of otter does not meet the level of detail required by NPWS or the Habitats Directive. NPWS emphasised that otter habitat includes a minimum 10m riparian buffer along watercourses and requested detailed consideration of movements between waterways and waterbodies within the zone of influence. The NIS does not provide a complete analysis of how turbine-related drainage systems, watercourse crossings, construction works, or operational disturbance will affect riparian habitat continuity, sprainting sites, resting places, or connectivity across the hydrological network that feeds the SAC.

5.9 The NIS also contains significant deficiencies in cumulative assessment. NPWS required that cumulative impacts on bird migration routes and flight lines be assessed, both day and night, and that other wind farms and consented projects within the hydrological catchment be considered together. While the NIS includes a section on cumulative effects, it does not provide a scientific evaluation of how multiple wind farms within a shared landscape and hydrological sub-catchment may collectively increase collision risk, displacement, hydrogeological alteration, or water-quality pressures. Instead, cumulative impacts are dismissed without quantitative modelling or population-level analysis.

5.10 Taken together, these omissions mean that the NIS does not provide the "complete, precise and definitive findings" required by CJEU jurisprudence and acknowledged within its own methodology section. It fails to assess the full range of potential impacts on the conservation objectives of the Lough Corrib SAC and SPA, including effects on supporting habitats, hydrology, sensitive species, and cumulative pressures. Accordingly, reasonable scientific doubt remains as to the absence of adverse effects on site integrity, and the competent authority cannot lawfully rely on the NIS to conclude that the project will not adversely affect any European site.

6. Conclusion

For all of the reasons set out above, the application as presented is fundamentally deficient and cannot lawfully be granted. The applicant has engaged in an impermissible collateral attack on the adopted Development Plan and its LARES zoning framework, attempting to substitute its own capacity modelling for the democratically approved zoning designations without invoking the statutory material-contravention procedure. As confirmed in the Coolglass judgment, zoning remains legally binding, and any departure from it must occur only through the proper statutory process supported by clear, verifiable evidence. No such case has been made here.

The environmental documentation suffers from equally serious failures. The carbon assessment omits large categories of emissions that Ireland is legally obliged to account for, including embodied carbon in turbine manufacture, global supply-chain emissions, transport, construction-phase emissions, operational

materials, hydrological disturbance of peatlands, and the carbon-loss consequences of vegetation removal. These omissions materially undermine the credibility of the claimed climate benefits. Likewise, the Natura Impact Statement contains significant gaps in its assessment of SPA birds, Annex I habitats, Annex II species, hydrological connectivity, and cumulative impacts. It does not provide the "complete, precise and definitive findings" required under Article 6(3), and therefore leaves substantial scientific doubt as to the absence of adverse effects on the integrity of the Lough Corrib SPA and SAC.

In light of these extensive deficiencies across planning policy, climate assessment and Appropriate Assessment, the competent authority cannot lawfully conclude that the proposed development complies with the Planning and Development Act, the Climate Action and Low Carbon Development Act, Water Framework Directive, the EIA Directive or the Habitats Directive. The only legally robust outcome is either (i) refusal of permission, or (ii) the issuing of substantial and comprehensive Further Information requiring the applicant to address all identified data gaps, provide verifiable baseline evidence, and resubmit a complete assessment capable of withstanding the legal standards established in Irish and EU law.

Yours Sincerely

Elizabeth Davidson

on behalf of Wild Ireland Defence CLG.