



An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

26 May 2026

Reference: [PAX19.324161](#)

Applicant: Lemanaghan Wind Farm Designated Activity Company

Description: Proposed development of 15 no. wind turbines, a permanent 220kV on-site substation, and associated infrastructure.

Location: 3 kilometres (km) northeast of Ferbane and approximately 2.5km southwest of the village of Ballycumber in Co. Offaly.

A Cháirde,

Please see the following submission by **Friends of the Irish Environment** to An Coimisiún Pleanála on the proposed Lemanaghan Wind Farm.

Introduction

This submission addresses the adequacy of the Environmental Impact Assessment Report (EIAR) submitted in respect of the proposed Lemanaghan Wind Farm, with particular regard to the assessment of climate impacts on peatland. The issues raised concern the adequacy of the assessment framework and the information before the Coimisiún, rather than any opposition to renewable energy policy or outcomes. In particular, they relate to core

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elements of the Environmental Impact Assessment (EIA) process under Directive 85/337/EEC (as amended), including the specification of the baseline environment, the identification, description and assessment of likely significant effects, the identification and evaluation of reasonable alternatives, and the reliability of the modelling framework used to assess those effects.

Friends of the Irish Environment is an environmental non-governmental organisation with extensive experience in the application and enforcement of EU environmental law in Ireland, including litigation and regulatory engagement, which has addressed the compliance of large-scale peat extraction activities with EIA requirements. The issues raised in this submission arise directly in that context and concern the proper application of the Directive to peatland sites whose current condition reflects past activity undertaken without environmental assessment.

Article 2(1) of the Directive requires that projects likely to have significant effects on the environment are subject to an assessment of those effects before consent is given, and that the competent authority is in a position to take those effects into account in its decision-making. This requires that the assessment be carried out on the basis of a coherent and realistic description of the receiving environment, including its likely evolution in the absence of the proposed development, forming a meaningful “without development” scenario.

The receiving environment in this case is materially characterised by extensive industrial peat extraction activities undertaken without EIA, the environmental consequences of which remain evident at the site. In such circumstances, established case law, including the CJEU judgment in *Wells*, requires that competent authorities take appropriate account of those consequences and address the environmental harm arising from that failure. This informs the manner in which the baseline environment is defined for the purposes of a subsequent assessment. In addition, the legal obligations resulting from the EIA Directive in these circumstances, as set out in *Wells*, create duties for both Bord na Móna (BnM) and the Coimisiún and constrain their decision-making as regards the degraded peatlands.

Following the cessation by BnM of industrial peat extraction, FIE supports, in principle, the use of degraded peatlands for renewable energy generation. However, such development must incorporate rewetting to achieve the retention of carbon stocks and the recovery of carbon sequestration capacity. These processes form part of the reasonably foreseeable trajectory of environmental change in the absence of development and cannot be excluded from the baseline against which impacts are assessed.

In addition, the interaction between peatland rewetting and renewable energy development must be assessed in the context of wider environmental objectives, including the restoration of biodiversity and the achievement of good ecological status under the Water Framework Directive. While these objectives will generally be supported by rewetting, the potential for specific adverse effects, including on bird species and habitats, must be identified, described and assessed as part of the EIA process.

Different forms of renewable development give rise to materially different interactions with peatland hydrology and carbon dynamics. While wind energy is not excluded in principle, the Directive requires that reasonable alternatives be identified, described and assessed by reference to their environmental effects. The absence of a structured and comparative assessment of alternatives capable of operating under rewetted conditions raises a question as to whether the range of alternatives has been constrained by the assumptions underlying the assessment.

Having reviewed Chapter 11 (Climate) and Appendix 11-2 (Carbon Calculations), it is considered that the assessment proceeds on the basis of a degraded baseline scenario, in which ongoing emissions from drained peat are treated as a fixed environmental condition, and relies on an assumption-driven modelling approach whose outputs are sensitive to untested inputs. The comparison between the proposed development and the “without development” scenario does not, therefore, reflect the likely evolution of the receiving environment on a realistic or legally compliant basis.

These matters are not confined to questions of methodology or detail. They affect the fundamental comparison on which the climate assessment depends and raise a substantial question as to whether the Coimisiún is provided with a sufficiently reliable evidential basis upon which to identify, describe and assess the likely significant effects of the proposed development. In the absence of such a basis, and having regard to the obligation that environmental effects be assessed before consent is given, it is difficult to see how the Coimisiún could lawfully reach a reasoned conclusion on those effects in accordance with Article 8 of the Directive.

Baseline Scenario Used in the EIAR

The climate and carbon assessment presented in Chapter 11 and Appendix 11-2 relies on the Scottish Government / Macaulay Institute peatland carbon tool. That tool is structured to compare carbon losses arising from wind farm construction and operation with carbon savings attributed to electricity generation displacing fossil-fuel generation.

As applied in the EIAR, the assessment proceeds on the basis that, in the absence of the proposed development, the peatland would remain drained and degraded and would continue to emit greenhouse gases on an ongoing basis. Existing drainage conditions are assumed to persist, and these emissions are treated as the baseline environmental condition. All restoration inputs within the model have been set to zero.

This assumption is explicit in the configuration of the tool itself: where hydrology is not restored, carbon losses from drained peat are assumed to continue at full levels. In the present case, no restoration is assumed to occur in the absence of the development.

The baseline scenario embedded in the EIAR is therefore one of ongoing degradation and continued emissions. Avoidable emissions from drained peat are treated as a fixed condition against which the effects of the proposed development are assessed.

This approach does not reflect the current legal and policy context, in which degraded peatlands are subject to structured restoration. It instead relies on a constrained “do-nothing” scenario, which excludes the rewetting, hydrological recovery and ecological restoration forming part of the reasonably foreseeable evolution of the site.

In circumstances where the degraded condition of the peatland arises from activities undertaken without an EIA, the adoption of such a baseline raises a further issue. As identified in Wells, competent authorities are required to address and examine the consequences of such failures. The assumption that this condition may be carried forward as the baseline does not engage with that obligation.

In these circumstances, the baseline scenario applied in the EIAR does not provide a lawful or reliable foundation for the assessment of likely significant effects.

Why This Baseline Is Inappropriate

For the purposes of EIA, the baseline must describe both the current condition of the environment and its likely evolution in the absence of the proposed development.

The EIAR assumes that the degraded condition of the peatland, including permanent drainage and associated emissions, will persist indefinitely. That assumption is not justified. National policy and EU law identify drained peatlands as a significant source of emissions and establish a trajectory of rehabilitation and rewetting as part of climate mitigation and ecological recovery.

Against that background, continued emissions from drained peat cannot properly be treated as a fixed baseline condition. Rather, they represent an environmental state subject to reduction through restoration.

By excluding that trajectory, the EIAR normalises avoidable emissions and removes from consideration both:

- the emissions reductions associated with rewetting; and
- the opportunity cost of committing the site to long-term infrastructure incompatible with that trajectory.

This gives rise to a methodological error. The EIAR compares the proposed development against continued degradation, rather than against a realistic scenario in which emissions would decline. The assessment is thereby structured around offsetting emissions from an artificially degraded baseline, rather than evaluating net effects relative to a lawful restoration pathway.

In these circumstances, it is necessary, for the purposes of Environmental Impact Assessment, that the assessment reflects the likely evolution of the receiving environment. This must be undertaken having regard to restoration policy, the Climate Action Plan framework, the National Biodiversity Action Plan, and the obligations arising under section 15 of the Climate Action and Low Carbon Development Act 2015. Section 15 requires that the decision, insofar as practicable, be consistent with the State's climate objectives. Logically, this means that the assessment leading to the decision must be capable of being evaluated for such consistency.

A baseline which excludes the reasonably foreseeable trajectory (or trajectories) of peatland rewetting, hydrological recovery and associated emissions reductions, which is the only trajectory compatible with EIA law and with the Climate Act, does not provide such a basis. It instead embeds a static scenario of continued degradation, thereby constraining the ability of the competent authority to assess whether the proposed development is consistent with those climate and biodiversity objectives. In that context, the assessment must include consideration of the extent to which different development approaches may be compatible with, or may constrain, peatland restoration and rewetting, which form part of the reasonably foreseeable trajectory of environmental change at the site.

Once such a trajectory is taken as a comparator, the relevant question becomes whether the development increases emissions or forecloses restoration benefits. That assessment is not undertaken.

In these circumstances, the EIAR mischaracterises the evolution of the site and cannot support a lawful assessment of climate effects.

Restoration Treated as Optional, Not Baseline

The deficiencies in the baseline are reinforced by the manner in which peatland restoration is treated within the EIAR. Rather than forming part of the baseline, restoration is presented as discretionary mitigation dependent on optional model inputs. In this case, no such measures have been included.

As a result, the EIAR does not assess the environmental effects arising from the loss, delay or restriction of peatland restoration. In particular, it does not examine:

- the extent to which the proposed development may constrain or preclude rewetting;
- the continuation or intensification of drainage conditions associated with the project; or
- the loss of emissions reductions and ecological recovery that would otherwise occur.

These are integral elements of the assessment and cannot be excluded by defining continued degradation as the “without development” scenario.

The EIAR (3.2.3.2) explicitly relies on the existing illegally drained condition of the site as facilitating development, stating: “In the case of Bord na Móna lands, the existing on-site drainage is a facilitator to the project as surface water is already managed in accordance with the EPA-administered IPC licence.”

Appendix 2-4 of the EIAR includes the Draft Cutaway Bog Decommissioning Rehabilitation Plan 2024, which specifies that “The wind farm planning boundary overlaps the Lemanaghan Bog rehabilitation boundary and has been

mapped as a constraint in the rehabilitation plan.” We interpret this as meaning that a decision has been taken not to rewet the area of the proposed wind farm. We consider this approach to be illegal in the light of Wells.

In effect, the opportunity to restore peatland function is excluded at the outset. This results in environmental foreclosing, whereby avoidable emissions are normalised, and the prospect of recovery is deferred or precluded.

Technical Reliability of the Carbon Assessment

The conclusions presented in the EIAR are derived from an assumption-driven modelling tool, the outputs of which are sensitive to the configuration of key input parameters. The EIAR does not demonstrate that these inputs reflect site-specific conditions or provide systematic sensitivity testing. In those circumstances, the results cannot be treated as robust.

In particular, the modelling framework, as applied, is not capable of assessing the proposed development against a restoration-based baseline. By excluding rewetting, the assessment cannot evaluate net effects relative to a lawful trajectory of peatland recovery.

The calculation of emissions savings is also dependent on assumed electricity generation and displacement factors. The use of fixed carbon intensity values across the project lifetime, including reference to coal-based generation no longer present in the Irish electricity mix, risks materially overstating long-term emissions savings. Projected benefits are also directly dependent on assumed energy output, without testing of alternative scenarios.

Taken together, these features indicate that the assessment is structurally dependent on untested assumptions. It does not provide a sufficiently reliable basis for identifying or evaluating likely significant climate effects.

Failure to Assess Reasonable Alternatives

The EIA Directive requires that reasonable alternatives relevant to the proposed development and its environmental effects be identified, described and assessed, with reasons given for the option selected.

In the present case, the EIAR limits its assessment to variations in turbine layout and design. No alternative development types are evaluated, notwithstanding the sensitivity of the receiving environment and the central importance of peatland disturbance, hydrology and carbon loss.

The EIAR (3.2.4.2) does not properly assess solar photovoltaic development designed to operate on rewetted peatland. Its treatment is limited to high-level estimates of land area, implicitly treating area as the decisive variable and failing to examine materially different environmental effects of the profoundly different technologies of wind and solar generation

No substantive analysis is undertaken of an alternative which the EIAR itself implicitly recognises as feasible. This indicates that the identification of alternatives has been constrained by the framing of the assessment rather than informed by comparison of environmental outcomes.

Solar PV on Rewetted Peatland as a Reasonable Alternative

Solar photovoltaic generation is capable of serving the same project purpose as the proposed wind farm and can be deployed at scale on flat cutaway bog.

Solar arrays can operate with raised water tables, minimal ground loading and reduced peat excavation, allowing rewetting and ecological recovery to proceed. This represents a materially different interaction with peatland systems.

Having regard to the scale of the site, solar PV could reasonably be expected to deliver electricity generation of the same order of magnitude while maintaining peatland function. It therefore represents a reasonable alternative.

The EIAR appears to treat the proportion of land developed as the relevant comparator and does not address the differing environmental effects of the technologies.

Integration of Rewetting into the Project

The application proceeds on the basis that there is no obligation to maximise rewetting across the site. That assumption is not consistent with the applicable

legal framework. The obligation to address the environmental effects of development undertaken without EIA applies to the site as a whole and must inform the assessment.

Implications for the Coimisiún's Assessment

The Coimisiún is required, in accordance with Article 8 of the EIA Directive, to examine the environmental information and to reach a reasoned conclusion on the likely significant effects of the development.

Where the baseline scenario is incorrectly specified and the assessment is dependent on untested assumptions, the likely significant effects of the development are not identified, described and assessed against a reliable or legally compliant scenario.

In those circumstances, the Coimisiún is not in a position to:

- accurately identify the likely significant effects of the development on climate;
- assess the significance of those effects; or
- reach a reasoned conclusion on the basis of the information before it.

These matters go to the substance of the EIA. They affect the fundamental comparison on which the assessment depends and materially constrain the Coimisiún's ability to reach a lawful and reasoned conclusion.

Conclusion and Request

For the reasons set out above, the Environmental Impact Assessment Report does not adequately address:

- the specification of the baseline scenario for climate impacts on peatland;
- the identification and assessment of reasonable alternatives relevant to peatland restoration and land-use emissions; or
- the reliability of the carbon assessment on which conclusions regarding climate effects are based.

As a consequence, the likely significant effects of the proposed development have not been identified, described and assessed against a realistic or legally compliant scenario.

In these circumstances, it is submitted that An Bord Pleanála should require further information to address these deficiencies. In particular, such information should include:

- a baseline scenario which reflects the likely evolution of the receiving environment in the absence of development, including peatland rewetting, rehabilitation and associated emissions reductions;
- a structured assessment of solar photovoltaic development compatible with peatland rewetting as a reasonable alternative, evaluated by reference to its environmental effects; and
- a revised climate and carbon assessment which evaluates the net effects of the proposed development by reference to that baseline and which addresses the sensitivity of the results to key assumptions.

Only with such information can the likely significant effects of the proposed development be properly identified, described and assessed, and the Coimisiún placed in a position to carry out an Environmental Impact Assessment and to discharge its obligation to reach a reasoned conclusion. This assessment is also required to ensure that the decision be, insofar as practicable, consistent with the State's climate objectives under section 15 of the Climate Action and Low Carbon Development Act 2015.

At that point, we submit that a decision compatible with the EIA Directive and the obligations of the State in addressing sites where industrial peat extraction was carried out without EIA would involve achieving a substantial level of rewetting of the peatland and renewable energy development, which facilitates, achieves or at a minimum allows such rewetting.

Yours faithfully,

Tony Lowes, Director on behalf of **Friends of the Irish Environment**

Annex I

Friends of the Irish Environment CLG (FIE) is a non-governmental charity formed in 1997 by a group of environmental activists from across Ireland, with the company limited by guarantee established in 2001, towards the following goals:

- monitoring the full implementation of European law and assisting in its development,
- advocating for changes in the Irish planning laws,
- encouraging the implementation of the right to full public participation and access to justice,
- supporting individuals, local groups, and the wider public in understanding environmental issues, and
- seeking the proper implementation of environmental and planning laws to support sustainable communities, including pursuing concerns and cases in both the built and natural environments.

FIE has extensive experience in the application and enforcement of EU environmental law in Ireland, including litigation and regulatory engagement concerning large-scale peat extraction, Environmental Impact Assessment, and Appropriate Assessment. This work has included proceedings addressing the compliance of peat extraction activities with EU environmental law and has contributed to the scrutiny of long-standing regulatory practices in that sector.

In recent years, FIE has taken legal action to hold the Irish Government accountable for meeting national and international commitments to reducing carbon emissions, including the "Climate Case Ireland" on the adequacy of the Government's Mitigation Plan. ^[1]

FIE has also been engaged in matters concerning the environmental effects of peat extraction and its relationship with downstream development, including the assessment of indirect and cumulative environmental effects under the EIA Directive. Through this work, FIE has contributed to the application of EIA principles to land-use emissions, peatland condition, and the relationship between extraction activities and associated infrastructure.

FIE conducts policy research, advocacy, and public awareness campaigns alongside litigation. As an independent and principled environmental advocate, FIE strives to be both challenging and cooperative, effective yet respectful. A commitment to fact-finding, truth-telling, integrity, and transparency drives FIE.

FIE has consistently emphasised the importance of peatlands as carbon stores and hydrological systems, and the role of restoration and rewetting in climate mitigation and ecological recovery, including in the context of environmental assessment and baseline definition.

FIE is a member of the Irish Environmental Network and the European Environmental Bureau. ^[2, 3]

¹ <https://www.ejiltalk.org/the-supreme-court-of-irelands-decision-in-friends-of-the-irish-environment-v-government-of-ireland-climate-case-ireland>

² <https://ien.ie>

³ <https://eeb.org>