

PETER SWEETMAN

An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1

Observation RE PAX16.324258 - Mayo

REG.NO.	324358 – RED III application
DESCRIPTION	The proposed development consists of up to 16 no. wind turbines (Tirawley Wind Farm), including a 110kV sub-station on site, an energy storage system in the form of a battery array located within container units and all associated infrastructure
ADDRESS	Ballymurphy, Ballynaleck, Barnhill Lower, Barnhill Upper, Barroe, Billoos, Carn, Carrickanass, Carrowmore, Castlelackan Demesne, Castletown and others Co. Mayo.
APPLICIANT	Constant Energy Limited

1. I request that An Bord Pleanála carry out an Appropriate Assessment which would comply with the judgement in CJEU Case 258/11. *“The threshold any decision to grant permission must pass in this context is explained in paragraph 44 of CJEU Case 258/11;*

“So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.”

This is a strict standard, and the Planning Authority does not have legal jurisdiction to give permission if it is not met.

Also, the development must be assessed for compliance with interacting European Directives per the Court of Justice of the European Union opinion delivered on 26 March 2026 in Cases C-531/24 and C-895/24, An Taisce – The National Trust for Ireland and Others.

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62024CC0531>

Yours sincerely



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