An Coimisiún Pleanála
Case 324290

Lissinagroagh Wind Farm
Objection Submission

Photo of hillside windfarm by Colin C Murphy on Unsplash

Planning submission submitted by:
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Submission

1. Introduction

1.1 This submission is made in respect of the application for permission for the proposed Lissinagroagh Wind Farm. The submission is made by Claudia Sweeney who lives locally in proximity to the proposed development and is a member of Save Dough Mountain[1]. I welcome the opportunity to make this submission in relation to the proposed Lissinagroagh Wind Farm development. As a resident of the local area I have an interest in the protection of the local environment, water resources, biodiversity and the sustainable development of the surrounding landscape. This submission is made as an objection in the interests of ensuring that the proposed development is assessed fully and lawfully in accordance with European Union and Irish planning and environmental legislation.

1.2 While I support the transition to renewable energy, the acceleration of renewable energy development must remain fully consistent with the requirements of European Union and Irish environmental law. The streamlined consenting procedures introduced under RED III do not displace or reduce the obligation to carry out robust environmental assessment or to ensure compliance with the Habitats Directive, Birds Directive, Environmental Impact Assessment Directive, Water Framework Directive and all other applicable statutory requirements.

1.3 I have sought independent assistance in reviewing the extensive planning and environmental documentation accompanying this application. Accordingly, Sections 2 onwards of this submission have been researched and prepared by Sabrina Joyce-Kemper, Planning and Environmental Consultant, who holds an Advanced Diploma in Planning and Environmental Law from the Honorable Society of King's Inns.

1.4 Ms Joyce-Kemper has undertaken a review of the Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS), Planning Statement and supporting technical documentation, Water Framework Directive assessment report, together with the relevant provisions of European Union and Irish planning and environmental legislation. The relevant issues raised and conclusions expressed within Sections 2 onwards represent her independent assessment of the application documentation. Having considered that assessment in full, and having reviewed the sections prepared by Ms. Joyce-Kemper, I confirm I agree with and endorse the contents of Sections 2 onwards, and respectfully adopts them as forming part of this submission to An Coimisiún Pleanála.

1.5 This submission identifies a number of significant concerns regarding compliance with the Leitrim County Development Plan, the adequacy of the environmental assessment, the protection of peatlands and Annex I habitats, impacts on protected species, cumulative environmental effects, and the reliance on measures that are either insufficiently assessed or proposed to be developed after consent has been granted.

[1] https://www.facebook.com/p/Save-Dough-Mountain-100077518555377/

1.6 These submissions identify those matters that require further information before a lawful decision can be made and those matters that represent fundamental conflicts with statutory requirements and therefore warrant refusal of permission. The purpose of this submission is to assist the competent authority in ensuring that any decision on the application is based upon complete, scientifically robust and legally compliant environmental assessment.

1.7 The issues raised are intended to be constructive and proportionate. Where identified deficiencies can lawfully be addressed through the submission of further information, this is requested. Where the proposal is fundamentally inconsistent with applicable legislation or planning policy, refusal of permission is respectfully requested.

2. Principal planning and environmental concerns.

2.1 Having reviewed the application documentation, including the Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) and accompanying technical reports, a number of significant planning, environmental and legal issues arise which require careful consideration before a lawful decision can be made.

2.2 While the proposed development would contribute towards Ireland's renewable energy objectives, renewable energy developments remain subject to the full requirements of planning and environmental legislation. Compliance with the Habitats Directive, Birds Directive, Environmental Impact Assessment Directive, Water Framework Directive and the Planning and Development Act cannot be presumed and must instead be demonstrated through complete, robust and scientifically reliable assessment. The principal issues identified within this submission. Include:

2.2.1 Compliance with the Leitrim County Development Plan and associated planning policies.
2.2.2 Protection of European sites, Annex I habitats and protected species under the Habitats and Birds Directives.
2.2.3 The adequacy of the Appropriate Assessment and Natura Impact Statement.
2.2.4 The adequacy of the Environmental Impact Assessment, including the assessment of peatlands, borrow pits, construction activities, forestry removal, embodied carbon, operational impacts and decommissioning.
2.2.5 Protection of peatlands, hydrology and water quality, including compliance with the Water Framework Directive.
2.2.6 The adequacy of cumulative impact assessment, including cumulative impacts on peatland integrity, hydrology, protected species and existing and proposed wind energy developments.
2.2.7 The adequacy of ecological surveys and the reliance on mitigation, biodiversity enhancement or post-consent measures.
2.2.8 Deficiencies in the assessment of ancillary infrastructure including bridges, watercourse crossings, borrow pits, turbine delivery routes, grid connection infrastructure and

permanent access arrangements.

2.2.9 Compliance with transboundary consultation requirements having regard to the proximity of the development to Northern Ireland.

2.2.10 Other matters relating to public safety, environmental protection and the lawful implementation of the proposed development.

2.3 The following sections address each of these matters individually and identify whether the issue is capable of being addressed through the submission of further information or whether it represents a fundamental conflict with statutory requirements or planning policy.

3. Statutory and Policy Framework

3.1 The proposed development falls to be determined under the Planning and Development Act 2000 (as amended), including the provisions introduced by the Planning and Development (Strategic Infrastructure and Other Provisions) Act 2024 relating to Renewable Energy Development. While the RED III consenting process seeks to streamline the determination of renewable energy applications, it does not remove or diminish the substantive environmental obligations imposed by European Union and Irish law.

3.2 Accordingly, the proposed development must demonstrate compliance with, inter alia:

-The Planning and Development Act 2000 (as amended) and 2024 (as commenced and amended);
-The Environmental Impact Assessment Directive 2011/92/EU, as amended by Directive 2014/52/EU;
- The Habitats Directive (92/43/EEC);
- The Birds Directive (2009/147/EC);
- The Water Framework Directive (2000/60/EC);
- The Environmental Liability Directive (2004/35/EC), where applicable;
- The Environmental Objectives (Surface Waters) Regulations and Groundwater Regulations;
- The Renewable Energy Directive, as amended by Directive (EU) 2023/2413 (RED III); and
- The Leitrim County Development Plan and all associated planning guidance forming part of the statutory development plan.

3.3 The competent authority remains under a statutory obligation to ensure that any grant of permission is based upon complete, objective and scientifically robust environmental information. The accelerated consenting procedures introduced under RED III do not permit uncertainty regarding likely significant environmental effects to be deferred until after consent has been granted, nor do they displace the requirement to ensure compliance with applicable environmental legislation before development consent is issued.

3.4 Where the application documentation demonstrates compliance, no further action is required.

Where deficiencies or uncertainty remain, the competent authority must either seek the further information necessary to complete the statutory assessment or, where compliance cannot be demonstrated, refuse permission. The following sections assess the application against the relevant statutory requirements and the policies and objectives of the Leitrim County Development Plan.

4. Compliance with the Leitrim County Development Plan 2023–2029

4.1 The Leitrim County Development Plan 2023–2029 is the statutory planning framework for the County and forms the primary basis upon which this application falls to be determined. The Written Statement must be read together with the supporting documents that informed the adoption of the Development Plan, including the Renewable Energy Strategy, the Landscape and Visual Capacity Study for Wind Farms and Wind Turbines, the Strategic Environmental Assessment Environmental Report, the Appropriate Assessment Natura Impact Report, the Appropriate Assessment Conclusion Statement and the Regional Spatial and Economic Strategy objectives incorporated into the Plan. These documents form part of the evidence base upon which the policies and objectives of the Development Plan were prepared and adopted.

4.2 The following sections identify those policies and objectives that appear relevant to the proposed development. Each section quotes the relevant objective in full, identifies the aspect of the proposal giving rise to concern and assesses whether the application has demonstrated compliance with the adopted Development Plan.

4.3 Where the application departs from, or relies upon an interpretation of, a policy, objective or mapped constraint, the burden rests with the applicant to demonstrate why the proposal nonetheless complies with the Development Plan and the evidence upon which it was adopted. It is not for the competent authority or third parties to infer compliance or to identify alternative interpretations of the Development Plan that might support the proposal.

4.4 Similarly, where the application relies upon conclusions that differ from, or qualify, the environmental assessments underpinning the Development Plan, including the Strategic Environmental Assessment or Appropriate Assessment, it is incumbent upon the applicant to demonstrate why such conclusions remain consistent with the statutory planning framework.

4.5 Accordingly, the following sections focus on whether the application has adequately demonstrated compliance with the relevant Development Plan objectives. Where that compliance has not been demonstrated, further information should be requested where the matter is capable of remedy. Where the proposal gives rise to a clear and fundamental conflict with the Development Plan or its supporting statutory assessments, refusal of permission is respectfully requested.

4.6 Renewable Energy Strategy - Turbine locations outside the identified "available area" development plan objective. The Leitrim County Development Plan is supported by the

Leitrim Renewable Energy Strategy and the accompanying Landscape and Visual Capacity Study for Wind Farms and Wind Turbines, which identify those areas considered suitable for wind energy development following environmental, landscape and planning assessment. These documents form part of the statutory Development Plan and establish the spatial framework within which wind energy development is to be assessed.

4.7 The application acknowledges that two proposed wind turbines are located outside the mapped "Available Area" identified within the Renewable Energy Strategy. It is contended within the application that these turbine locations should nonetheless be regarded as compliant because the overall development is predominantly located within the mapped area and because the locations were selected following detailed environmental assessment.

4.8 However, the application has not demonstrated why those turbine locations satisfy the planning and environmental criteria upon which the Renewable Energy Strategy and Landscape and Visual Capacity Study were prepared. Nor has it identified the basis upon which the competent authority can conclude that development outside the mapped "Available Area" remains consistent with the adopted Development Plan.

4.9 The application instead appears to invite the competent authority to depart from the adopted spatial framework without identifying the evidence that informed the original mapping or demonstrating why the environmental and planning considerations underpinning that mapping no longer apply. In the absence of such assessment, compliance with the Renewable Energy Strategy has not been demonstrated.

4.10 Further information should be submitted identifying the planning, environmental and technical basis upon which the two turbine locations outside the mapped "Available Area" are considered consistent with the Renewable Energy Strategy and the Leitrim County Development Plan. Should the applicant be unable to demonstrate compliance with the adopted Development Plan, the competent authority should conclude that the proposal conflicts with the Renewable Energy Strategy and refuse permission.

4.11 Without identifying the planning, environmental and technical reasons that informed the Development Plan mapping, it is not possible to conclude that the proposed departure remains consistent with the adopted Renewable Energy Strategy. Compliance cannot be established simply by asserting that the final design is the result of project optimisation.

4.12 Where an application seeks to rely upon an interpretation of the Development Plan that differs from the adopted mapping, it should demonstrate, by reference to the evidence underpinning the Renewable Energy Strategy, why the proposal remains consistent with that strategy. That assessment has not been provided.

4.13 Further Information should be requested requiring the applicant to identify:

- the criteria that informed the exclusion of these lands from the mapped "Available Area"
- the evidence demonstrating that those criteria are satisfied in this instance;
- why the proposed turbine locations remain consistent with the Renewable Energy Strategy despite falling outside the adopted spatial framework.

In the absence of such information, compliance with the Development Plan has not been demonstrated.

4.14 **Failure to demonstrate consistency with the environmental assessments underpinning the development plan.** The Leitrim County Development Plan was adopted following Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Renewable Energy Strategy, Landscape and Visual Capacity Study and the policies and objectives contained within the Development Plan were informed by these statutory environmental assessments to ensure that renewable energy development could proceed without undermining environmental protection objectives.

4.15 The application frequently relies upon project-specific surveys and design optimisation / embedded mitigation to conclude that the proposed development is acceptable, including where aspects of the proposal extend beyond the spatial framework identified within the Renewable Energy Strategy. However, the application does not demonstrate how those conclusions remain consistent with the Strategic Environmental Assessment, Appropriate Assessment and Renewable Energy Strategy that informed the adoption of the Development Plan. Nor does it identify why the environmental constraints recognised during preparation of the Development Plan should now be afforded a different interpretation.

4.16 Where the application relies upon conclusions that differ from, qualify or depart from the environmental evidence underpinning the Development Plan (SEA, AA, FRA, WFD), the burden rests with the applicant to clearly identify the basis for doing so. Further Information should be requested requiring the applicant to demonstrate how the proposed development, including any departures from the Renewable Energy Strategy, remains consistent with the environmental assessments that informed the Development Plan.

4.17 **Failure to demonstrate compliance with the renewable energy strategy as a whole development plan context.** The Leitrim Renewable Energy Strategy is not confined to identifying areas suitable for wind energy development. It also identifies the environmental, landscape, ecological, hydrological and technical constraints that require consideration in determining whether a proposal is appropriate. The mapping forms only one component of the overall strategy.

4.18 The application largely focuses on explaining why the proposed development should be considered acceptable at individual locations. It does not undertake a systematic assessment demonstrating compliance with each of the relevant principles, constraints and assessment

criteria contained within the Renewable Energy Strategy of the CDP.

4.19 As a consequence, it is difficult to determine whether the proposal has been assessed against the complete strategy adopted by the Development Plan or only those elements considered favourable to the proposed layout. The burden rests with the applicant to demonstrate that the proposal complies with the Renewable Energy Strategy in its entirety, not just the sections that promote the development. Compliance should not be inferred.

4.20 The applicant should provide a schedule identifying every relevant objective, criterion and assessment contained within the Renewable Energy Strategy and demonstrate, by reference to the application documentation, how each has been addressed.

County Development Plan Objectives:

4.21 RE POL 3 – Assessment of reasonable alternatives: RE POL 3 states:

'To ensure environmental assessments for new energy developments should address reasonable alternatives for location. Where existing infrastructural assets such as substations, powerlines and roads already exist within proposed development areas, then such assets should be considered for sustainable use by the proposed development where the assets have capacity to absorb the new development.'

4.22 The application concludes that the proposed layout represents the preferred option following an iterative design process. However, the documentation does not clearly demonstrate that reasonable alternatives have been assessed at the level contemplated by RE POL 3.

4.23 In particular, the application does not demonstrate whether alternative turbine locations, including locations wholly within the mapped "Available Area", were examined or why these alternatives were discounted having regard to ecology, peat stability, hydrology, landscape, residential amenity and other environmental constraints.

4.24 Similarly, where reliance is placed upon existing infrastructure, the application does not provide a consolidated assessment demonstrating that existing substations, roads, grid infrastructure and other assets were evaluated and selected in accordance with RE POL 3.The application therefore identifies the preferred design but does not clearly demonstrate the process by which reasonable alternatives were identified, comparatively assessed and discounted.

4.25 The applicant has undertaken a detailed optimisation of the chosen site. However, the EIAR does not demonstrate that the chosen site itself represents the environmentally preferable alternative when compared with the other sites identified during the screening process, nor does it demonstrate that the remaining significant environmental effects could not reasonably

have been avoided through a different site, scale or configuration. The alternatives assessment therefore remains focused upon optimisation of a preferred commercial project rather than demonstrating, by reference to environmental considerations, why the chosen option represents the preferable environmental outcome. In the absence of this information, compliance with RE POL 3 has not been demonstrated.

4.26 Failure to demonstrate compliance with objective W1 and policy W1.1 development plan objective. The Leitrim Renewable Energy Strategy includes objective W1:

"*Promote appropriate wind energy development in Leitrim.*"

and

Policy W1.1: *"Proposals for on-shore wind farm developments will be determined in accordance with the Wind Energy Development Guidelines and County Development Plan policy framework."*

4.27 The Planning Statement repeatedly concludes that the proposed development is "appropriate" because it has been informed by detailed environmental assessment and project optimisation. However, the application does not provide a consolidated assessment demonstrating compliance with the complete County Development Plan policy framework. Instead, it identifies selected policies and provides a narrative explaining why the proposal is considered acceptable.

4.28 Objective W1 and Policy W1.1 require that wind farm proposals be determined in accordance with the Development Plan framework as a whole. The application therefore should demonstrate how each relevant policy, objective and assessment criterion has been addressed rather than relying upon broad statements of compliance.

4.29 Without such an assessment it is difficult to determine whether all relevant Development Plan policies have been considered or only those considered favourable to the proposed development. The applicant should be required to submit a Development Plan Compliance Schedule identifying each relevant policy and objective applicable to the proposed development together with the document, drawing or assessment relied upon to demonstrate compliance.

4.30 The Planning Statement includes tables identifying policies that are considered to support the proposed development. However, the application does not identify those Development Plan objectives that may impose constraints upon the development, require additional assessment or establish environmental safeguards. The absence of such an assessment makes it difficult to determine whether the proposal has been considered against the Development Plan as a whole. A lawful planning assessment requires consideration of the entire statutory planning framework rather than only those policies that support the proposed development.

4.31 Development plan objective RE POL 1 states:

"To encourage and facilitate the production of energy from renewable sources, such as from wind, solar, bioenergy, hydroelectricity, and geothermal, subject to compliance with proper planning and environmental considerations."

4.32 The applicant concludes that RE POL 1 is satisfied because the proposed development will be advanced through the planning process and is accompanied by an EIAR, Natura Impact Statement (NIS) and supporting environmental reports.

4.33 However, the submission of environmental documentation does not, of itself, demonstrate compliance with proper planning and environmental considerations. The purpose of the statutory assessment process is to determine whether the information submitted demonstrates that the proposed development complies with the relevant legislative and policy requirements.

4.34 Accordingly, reliance upon the existence of environmental reports cannot replace a demonstration that the conclusions reached within those reports are complete, scientifically robust and legally compliant. The following sections of this submission identify a number of instances where additional assessment, clarification or information appears necessary before compliance can be established.

4.35 The competent authority should assess compliance with RE POL 1 by reference to the quality, completeness and robustness of the environmental information submitted rather than the mere existence of supporting reports.

5. Habitats Directive and Birds Directive.

5.1 The proposed development is located outside the boundary of any designated European site. However, this does not remove the obligation to assess its potential effects on European sites, Annex I habitats, Annex II species, Annex IV species and Annex I bird species protected under the Habitats Directive and Birds Directive.

5.2 The application documents identify extensive peatland habitats, watercourses, forestry, upland habitats and breeding and foraging habitat used by a range of protected species. The proposal also includes significant land disturbance through turbine excavations, access roads, borrow pits, bridge and watercourse crossings, drainage works, forestry removal and associated infrastructure.

5.3 The assessment of effects under the Habitats Directive and Birds Directive is therefore not confined to designated sites. It must also consider habitats and species occurring outside designated European sites where they contribute to the conservation of protected habitats or species, provide ex situ breeding, feeding, roosting, commuting or dispersal habitat, or maintain

ecological connectivity with European sites.

The following sections identify those matters where the application has not demonstrated that potential impacts on protected habitats and species have been fully identified, assessed or avoided.

5.4 Importance of Hen Harrier conservation and the applicable legal framework.

The Hen Harrier (Circus cyaneus) is listed on Annex I of the Birds Directive (Directive 2009/147/EC) and is one of Ireland's most threatened breeding birds. The application itself recognises its protected status and identifies the species as being of European conservation importance with an unfavourable conservation status and a declining breeding population.

5.5 The Birds Directive requires Member States not only to avoid direct harm to individual birds but also to preserve, maintain and restore sufficient habitat to maintain populations at a level corresponding with ecological, scientific and cultural requirements. This obligation extends beyond designated Special Protection Areas with Article 4(4) of the Birds Directive governing protection of ex situ sites and includes maintaining the ecological conditions necessary for breeding, foraging, dispersal and long-term population recovery.

5.6 These obligations are reinforced by Article 6 of the Habitats Directive where a project is capable of affecting a Special Protection Area designated for Hen Harrier. Before consent can lawfully be granted, the competent authority must be satisfied, beyond reasonable scientific doubt, that the project will not adversely affect the integrity of the European site, having regard to its conservation objectives. Where scientific uncertainty remains, the precautionary principle requires that consent must be withheld.

5.7 The National Parks and Wildlife Service's report Hen Harrier Conservation and the Wind Energy Sector in Ireland[2] similarly emphasises that Ireland is under a legal obligation to prevent deterioration of Hen Harrier SPAs and may only authorise projects where there is clear scientific evidence that no adverse effect on site integrity will arise. The report further notes that the Court of Justice of the European Union has consistently held that where scientific doubt remains regarding the effects of a project, the precautionary principle must be applied.

5.8 The importance of these obligations is heightened by the continuing unfavourable conservation status of the species. The State-sponsored Hen Harrier Project[3] identifies habitat fragmentation, inappropriate afforestation, changing land management practices and wind energy development as significant pressures affecting the availability and quality of breeding and foraging habitat. It recognises that Hen Harriers require extensive areas of interconnected habitat and that fragmentation of suitable habitat can adversely affect breeding success and long-term population viability.

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5.9 Against that background, any proposal involving the permanent loss, degradation or functional displacement of Hen Harrier habitat must be supported by robust scientific evidence demonstrating that adverse effects have been avoided through effective mitigation. Measures intended to restore habitat or compensate for habitat losses cannot be relied upon to justify a conclusion of no adverse effect at the Appropriate Assessment stage. Any uncertainty as to the effectiveness, timing or delivery of those measures must be resolved before development consent can lawfully be granted.

5.10 The application confirms that Hen Harrier is a key ecological receptor and proposes a range of habitat management measures through an Outline Biodiversity Management Plan (OBMP). During pre-application consultation the applicant advised An Coimisiún Pleanála that the detailed farm plans had not been completed but stated that there was potential to achieve a habitat ratio of 1:5 habitat lost to habitat restored through drain blocking and other measures prescribed for Hen Harrier. The application also refers to these measures as "compensation measures".

5.10 The application does not clearly distinguish whether these measures are:
- avoidance measures;
- mitigation measures relied upon by the Natura Impact Statement to conclude no adverse effect on site integrity; or
- compensatory measures proposed to offset residual impacts.

5.11 This distinction is fundamental to the Appropriate Assessment process. If the conclusion of no adverse effect relies upon habitat measures that have not yet been designed, agreed or secured through the outstanding farm plans, it is not possible to assess their location, extent, implementation, timing or likely effectiveness. Equally, if these are compensatory measures, they cannot be relied upon to support a conclusion under Stage 2 Appropriate Assessment.

5.12 The Commission should require the applicant to submit:

- the final Biodiversity Management Plan;
- all completed farm plans relied upon by the OBMP;
- a schedule identifying every habitat measure and whether it constitutes avoidance, mitigation, restoration or compensation;the area of habitat to be permanently lost, temporarily disturbed and restored; and
- confirmation whether any measure is relied upon by the Natura Impact Statement to conclude no adverse effect on the integrity of any European site.

5.13 Because Hen Harrier is already in unfavourable conservation status, the burden on the applicant is not merely to demonstrate that the project will not cause extinction or significant decline. Rather, the applicant must demonstrate, on the basis of complete, precise and definitive

scientific findings, that the project will not undermine the conservation objectives for the species or prejudice the achievement of favourable conservation status. If the applicant cannot clearly demonstrate that the Appropriate Assessment conclusion is reached without reliance upon compensatory measures, permission should be refused.

5.14 **Bats:** The assessment identifies a significant bat resource and acknowledges unavoidable impacts. All Irish bat species are strictly protected under Annex IV of the Habitats Directive and Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations 2011. Unlike species protected solely through site designation, the strict protection regime applies wherever bats occur. Consequently, development consent may only be granted where the competent authority is satisfied that the proposal will not result in the deliberate killing, disturbance or destruction of breeding sites or resting places and that any necessary derogation satisfies the strict requirements of Article 16 of the Habitats Directive.

5.15 The Bat Assessment demonstrates that the proposed development supports a diverse and active bat assemblage rather than a site of limited ecological value. Seven bat species were recorded, including Common Pipistrelle, Soprano Pipistrelle, Leisler's Bat, Brown Long-eared Bat, Daubenton's Bat, Natterer's Bat and Whiskered Bat. Confirmed bat roosts were identified within the survey area together with potential tree roosts adjacent to proposed turbine locations. Bat activity was recorded at every proposed turbine location or in its immediate vicinity. The assessment further concludes that four turbines present a High Risk to bats and three additional turbines present a Medium Risk.

5.16 Of particular significance is the applicant's own conclusion that the proposed development will impact local bat populations, particularly Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat, all of which the assessment identifies as High Risk species in relation to wind farms. Rather than demonstrating that impacts have been avoided through project design, the assessment relies upon operational mitigation measures and post-construction monitoring in an attempt to reduce those impacts.

5.17 This raises a serious legal issue. The Appropriate Assessment and Environmental Impact Assessment processes require the likely effects of the project to be understood before consent is granted. Monitoring cannot retrospectively establish whether the project was capable of being lawfully authorised. Where monitoring is required to determine whether mitigation is actually effective, there necessarily remains scientific uncertainty regarding the true level of impact at the point the consent decision is made.

5.18 Furthermore, the report accepts that mitigation measures require "strict implementation" and recommends ongoing acoustic monitoring together with carcass searches, while also recognising that wind farm operation may need to be modified if monitoring demonstrates greater impacts than predicted. Such an approach effectively acknowledges that the significance of operational impacts is presently unknown and will only become apparent after turbines become

operational. This is inconsistent with the precautionary principle and with the requirement that the competent authority possess complete, precise and definitive scientific findings before reaching a conclusion of no adverse effect.

5.19 Finally, the report concludes that, without mitigation, the proposal is likely to have a moderate impact on local bat populations and only predicts a reduction to Low impact following implementation of operational mitigation. This demonstrates that the mitigation is not merely protective but is fundamental to rendering the project acceptable. Accordingly, the effectiveness of that mitigation must itself be established with scientific certainty before consent may lawfully be granted rather than assumed and verified through post-consent monitoring.

5.20 Failure to demonstrate avoidance of impacts on Bat roosts and flight corridors.

The Bat Assessment confirms the presence of a day roost for Soprano Pipistrelle within the application area, identifies additional confirmed bat roosts in the surrounding area and records Potential Bat Roosts (PBRs) in trees adjacent to Turbine 9. The assessment also records that bat activity was concentrated along woodland edges, treelines, forestry margins and other linear landscape features used for commuting and foraging.

5.21 Despite identifying these ecological constraints, the application does not clearly demonstrate that the turbine layout has been designed to avoid important bat commuting routes, roost catchments and foraging habitat. Instead, the assessment accepts that four turbines remain High Risk and three Medium Risk to bats, with operational mitigation proposed to reduce impacts after construction.

5.22 The strict protection afforded to bats under Article 12 of the Habitats Directive requires impacts to be avoided wherever possible through project design before reliance is placed upon operational mitigation. Where turbines remain in locations identified by the applicant's own assessment as presenting a High Risk to protected bats, the application should clearly demonstrate why those turbines cannot reasonably be relocated or omitted from the final layout.

5.23 The Commission should require the applicant to submit:

- a layout alternatives assessment demonstrating how avoidance of bat roosts, commuting corridors and key foraging habitat informed turbine siting;
- a plan identifying all confirmed roosts, Potential Bat Roosts, principal commuting corridors and high-activity areas in relation to every turbine; and
- a justification for retaining each turbine identified as High Risk or Medium Risk to bats.

5.24 If impacts on protected bat roosts and commuting corridors cannot be avoided through design,

the Commission are precluded from relying upon post-consent operational mitigation to remedy those deficiencies.

5.25 Reliance on operational curtailment and post-construction monitoring. The Bat Assessment concludes that, without mitigation, the proposed development would result in a Moderate impact on local bat populations, particularly Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat. The assessment predicts that these impacts can be reduced to Low through operational curtailment, together with post-construction acoustic monitoring and carcass surveys. It further recommends that operational mitigation be reviewed and modified if monitoring demonstrates greater impacts than predicted.

5.26 This approach demonstrates that the predicted effectiveness of the mitigation measures has not been established at the time the application is determined. Instead, the application proposes to monitor the effectiveness of the mitigation after the wind farm becomes operational and to modify operational controls if unacceptable impacts are subsequently identified.

5.27 The Appropriate Assessment and Environmental Impact Assessment processes require the likely effects of a project, and the effectiveness of any mitigation relied upon, to be established before development consent is granted. Post-consent monitoring may be used to verify predictions or confirm compliance but cannot be relied upon to establish whether mitigation will be effective in the first instance. Where operational mitigation requires future adjustment in response to monitoring results, scientific uncertainty necessarily remains regarding the residual impacts of the development.

5.28 The application has therefore not demonstrated that operational curtailment, acoustic monitoring and adaptive management will avoid the killing or disturbance of protected bats throughout the operational life of the development. The Commission should require the applicant to:

- provide the scientific evidence validating the proposed operational curtailment regime for the site-specific bat assemblage;
- demonstrate that the proposed mitigation will be effective before development commences rather than being validated through post-construction monitoring;
- identify the predicted annual mortality for each protected bat species both before and after mitigation; and
- demonstrate that the Appropriate Assessment and Environmental Impact Assessment conclusions do not depend upon the future modification of operational controls following monitoring.

5.29 If the effectiveness of the proposed mitigation cannot be demonstrated with scientific certainty prior to the grant of permission, the Commission should conclude that the environmental assessment remains incomplete and refuse permission.

5.30 **Failure to assess cumulative Bat mortality.** The EIAR identifies a number of existing, permitted and proposed wind farms within the wider study area, including Faughary, Carrickeeny, Tullynamoyle, Garvagh Glebe, Moneenatieve, Tullynahaw, Altagowlan, Acres Wind Farm and the proposed Croagh Wind Farm. These developments are acknowledged within the cumulative assessment. However, the Bat Assessment does not clearly quantify the cumulative mortality risk to protected bat species arising from the operation of these wind farms in combination with the proposed development.

5.31 The assessment predicts collision mortality for this development and proposes operational curtailment to reduce those impacts, but does not demonstrate how residual mortality from this proposal combines with mortality from existing and consented wind farms within the wider landscape. This is particularly relevant for highly mobile species such as Leisler's Bat and Common and Soprano Pipistrelle, which may utilise extensive foraging ranges and encounter multiple wind farm developments throughout their life cycle.

5.32 Without a quantified cumulative assessment it is not possible to determine whether the proposal, either individually or in combination with other wind energy developments, would adversely affect the conservation status of local or regional bat populations. **Figs 5.1** and **5.2** below are a visual representation of how to carry out a lawful cumulative impact assessment.

5.33 The Commission must require the applicant to submit a Cumulative Bat Impact Assessment which:

- identifies all operational, permitted and proposed wind farms within the cumulative study area;
- quantifies predicted annual collision mortality attributable to each development where data are available;
- assesses the cumulative collision risk for each protected bat species recorded within the application area;
- demonstrates that cumulative mortality will not adversely affect the conservation status of protected bat populations.

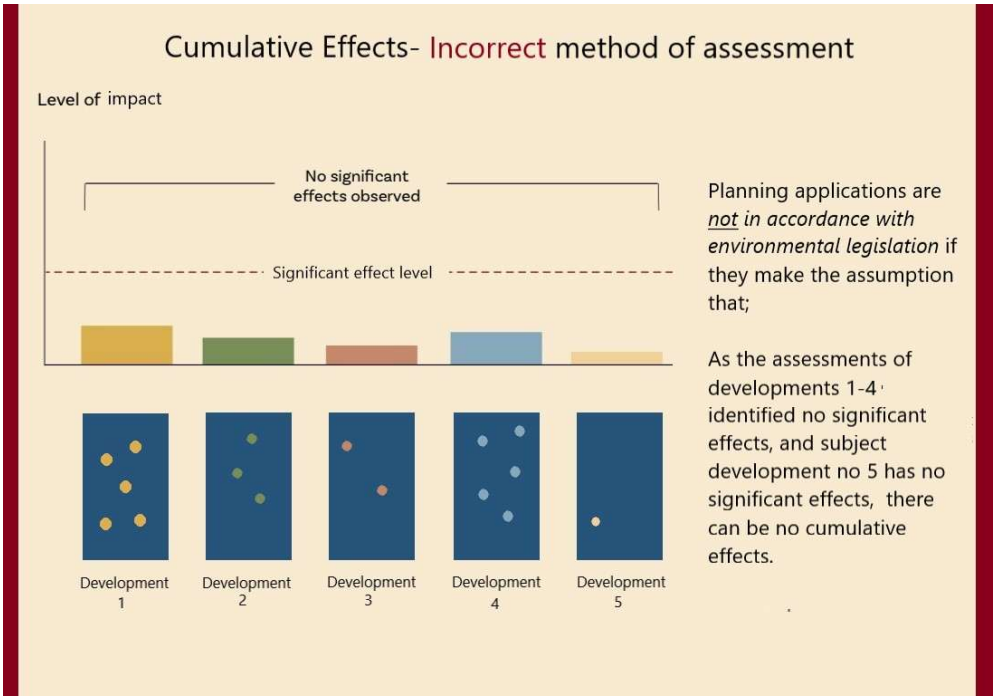


Figure 5 .1 above – Incorrect method of cumulative assessment

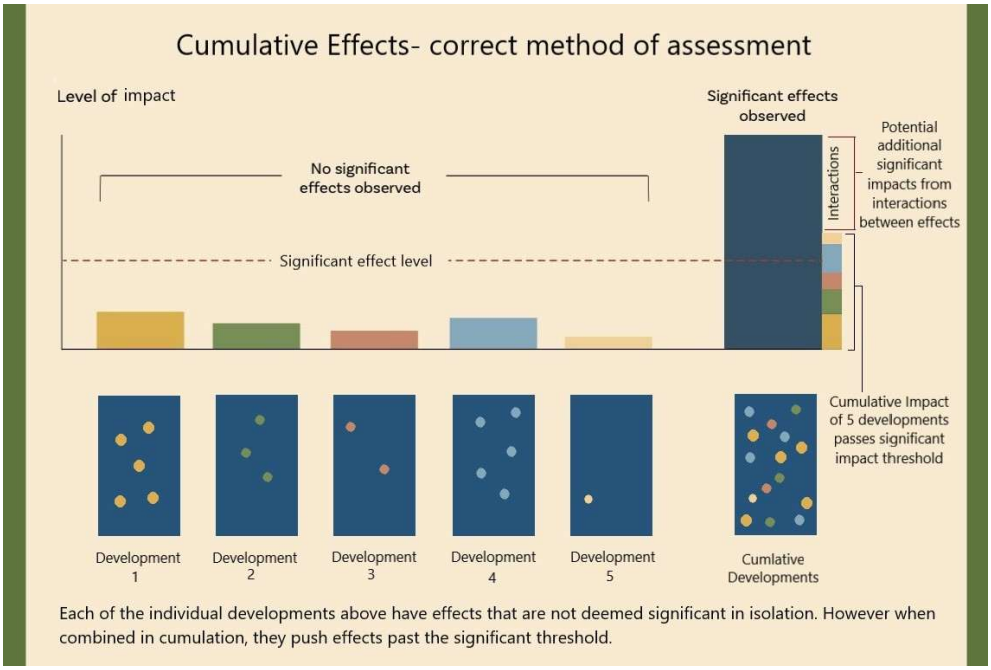


Figure 5.2 above – Correct method of cumulative assessment

5.34 **Survey coverage and temporal scope.** The Bat Assessment relies upon surveys undertaken over a limited number of survey seasons together with activity monitoring to characterise bat use of the site. However, the application acknowledges that bat activity varies significantly between years, seasons and weather conditions and that collision risk is greatest during specific

periods of the year.

5.35 The application does not demonstrate that the survey period captures inter-annual variation in bat activity or that the recorded activity levels represent a robust worst-case assessment for the operational life of the development. This is particularly relevant where the assessment identifies several turbines as High Risk and relies upon operational mitigation to reduce impacts.

5.36 Inadequate assessment of cumulative Impacts on protected Bat species. The Bat Assessment recognises that cumulative effects are an important consideration in accordance with the NaturScot (2021) guidance and identifies cumulative impacts from additional wind farm applications as part of the assessment. The guidance relied upon by the applicant specifically identifies cumulative effects, proximity to maternity roosts, key foraging areas, key flight lines and migration routes as matters requiring assessment.

5.37 However, the assessment does not quantify the cumulative operational mortality likely to arise from existing, permitted and proposed wind farms within the wider landscape. Nor does it assess whether the cumulative collision risk, habitat fragmentation and displacement effects could adversely affect the favourable conservation status of the seven protected bat species recorded within the study area.

5.38 This is particularly relevant where the applicant has identified four High Risk turbines, three Medium Risk turbines and acknowledges that the proposed development will impact Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat. The cumulative assessment should not be confined to identifying neighbouring wind farms but should evaluate the combined ecological consequences for protected bat populations over the operational life of all developments.

5.39 The commission must require the applicant to submit a revised cumulative bat assessment which;

- identifies all operational, permitted and proposed wind farms within the cumulative study area;
- quantifies cumulative predicted mortality where data are available;
- assesses cumulative effects on each protected bat species (and their conservation needs) recorded during the surveys;
- assesses cumulative impacts on commuting corridors, foraging habitat and connectivity; and
- demonstrates that the proposal, both individually and in combination with other developments, will not adversely affect the favourable conservation status of protected bat species.
- justify that the temporal scope of the bat surveys is sufficient to characterise worst-case bat activity;
- explain how inter-annual variability has been taken into account in the collision risk assessment; and

- demonstrate that the conclusions of the Bat Assessment remain valid under higher levels of bat activity than those recorded during the survey period.

5.40 **Reliance on future surveys and potential derogation licences.** The Bat Assessment recommends that Building 3, located in the vicinity of Turbine 9, be removed only after further pre-construction bat surveys have been completed. It further recommends additional pre-construction surveys of all identified Potential Bat Roosts (PBRs). The report expressly states that, if bat roosts are identified during those surveys, a Regulation 54 Derogation Licence will be required and that the necessary mitigation measures will depend upon the species and type of roost subsequently recorded.

5.41 Accordingly, the application does not establish the final baseline ecological conditions at the time consent is sought. Instead, it leaves open the possibility that additional bat roosts may be identified following the grant of permission, that the extent of impacts may change and that a derogation licence together with additional mitigation measures may subsequently become necessary.

5.42 The derogation decision has been deferred until after development consent. The application identifies the potential for impacts on strictly protected species and proposes that any necessary derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 will be addressed following the grant of planning permission.

5.43 This approach separates the decision to authorise development from the decision as to whether the deliberate disturbance, killing or destruction of breeding sites or resting places of strictly protected species may lawfully occur. The Commission are obliged to determine whether the statutory requirements governing strict species protection have been satisfied before development consent is granted.

5.44 Deferral prevents effective public participation. A derogation decision requires the competent authority to determine whether the strict statutory tests have been satisfied, including whether:

- there is no satisfactory alternative;
- the derogation is justified for one of the prescribed purposes; and
- the derogation will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status.

5.45 Those findings form an integral part of the environmental decision-making process where development is liable to affect strictly protected species. Where the substantive derogation decision is deferred until after planning permission has been granted, members of the public are deprived of the opportunity to make submissions on the evidence relied upon in support of those statutory tests during the planning process itself. The Commission are obliged to ensure that the assessment of any necessary derogation forms part of the development consent process so that the public may participate effectively before any decision is reached.

5.46 Effective Judicial Review requires the relevant decision to exist. The Irish courts have previously recognised, including in the Hellfire/Massey litigation, that where matters fundamental to the legality of a development are postponed until after consent, the effectiveness of judicial review may be compromised because the relevant decision does not yet exist at the time planning permission is granted.

5.47 That concern is reinforced by the recent judgment of the Court of Justice in Drumakilla and Others (Case C-58/24), which emphasises that national procedural rules must ensure the effective exercise of rights derived from EU environmental law and must not render judicial protection ineffective.

5.48 Where the decision on whether the Article 16 derogation criteria have been satisfied is postponed until after planning permission, the public is effectively required to challenge separate decisions at different stages despite the fact that they relate to the same environmental effects. The Commission shall determine the question of strict species protection before development consent is granted, thereby ensuring that any challenge to the lawfulness of the decision can address all relevant environmental matters within a single, effective review process.

5.49 Compliance with regulation 54 Must Be demonstrated before consent. The application has not demonstrated within the planning process that the statutory requirements governing any necessary derogation have been satisfied. Accordingly, the Commission cannot presently be satisfied that the proposed development complies with the strict protection regime established under the Habitats Directive and Regulation 54. If the Commission considers that a derogation is necessary, the applicant should first demonstrate compliance with each of the statutory requirements before development consent is granted. In the absence of that information, Further Information should be requested or, where the statutory requirements cannot be demonstrated, permission should be refused. Consents for a project cannot be split or segregated in such a manner that it avoids the proper consideration of the development impacts cumulatively.

5.50 The Appropriate Assessment and Environmental Impact Assessment should be undertaken on the basis of the ecological conditions that exist at the time the application is determined. Where further surveys have the potential to identify additional protected roosts requiring derogation, the Commission cannot be satisfied that the likely impacts of the development have been fully identified and assessed before development consent is granted.

5.51 The Commission must require the applicant to:

- complete all recommended pre-construction bat surveys prior to the determination of the application;

- identify all confirmed bat roosts and resting places that may be affected by the proposed development;
- confirm whether a Regulation 54 derogation licence will be required pre consent; and
- update the EIAR, NIS and Bat Assessment to assess the impacts of the final confirmed ecological baseline rather than relying upon future surveys.

5.52 If the requirement for a derogation licence cannot be determined until after planning permission has been granted, the ecological assessment remains incomplete and permission should be refused pending completion of the necessary surveys.

5.53 Collision risk assessment does not assess population-Level consequences. The Bat Assessment correctly identifies that wind farms may cause collision mortality, barotrauma, displacement, habitat severance and loss of roosts. It also states that the assessment should consider the effect on the species' population status if impacts are not mitigated.

5.54 Despite identifying these assessment criteria, the application does not quantify the predicted annual mortality for each protected bat species or demonstrate how those losses have been assessed against the conservation status of the affected populations. Instead, the assessment concludes that operational mitigation has the potential to reduce the residual impact from Moderate to Low.

5.55 Without a quantified assessment of predicted mortality and its implications for local and regional populations, the Commission cannot independently assess whether the proposed development is compatible with the strict protection afforded to Annex IV bat species. Require the applicant to provide:

-predicted annual collision mortality for each protected bat species;
-the assumptions and methodology used to derive those predictions;
-an assessment of the effect of predicted mortality on the favourable conservation status of each species; and
-confirmation that the Appropriate Assessment conclusions do not depend upon quantified assumptions regarding bat mortality.

5.56 European Otter (Lutra lutra). Confirmed European otter activity within the Grid Connection Route. European Otter is listed on Annex II and Annex IV of the Habitats Directive and is therefore protected both as a qualifying interest of designated European sites and as a strictly protected species throughout its natural range.

5.57 While no evidence of otter activity was recorded within the proposed wind farm site itself, the applicant confirms extensive evidence of otter activity along the proposed Grid Connection Route. European otter spraints and feeding remains were recorded at Aquatic Sites 14, 15, 17, 19, 21 and 22, including more than 25 spraints beneath the Shanvaus Bridge, four spraints along

the Bonet River at the proposed HDD Site 1, and further evidence at HDD Site 2. Aquatic Sites 15, 17, 19 and 22 are located within Lough Gill SAC, where European otter is a qualifying interest of the site.

5.58 The application therefore confirms that construction activities associated with the Grid Connection Route will occur within areas actively used by a protected Annex II and Annex IV species.

5.59 Insufficient assessment of construction impacts at HDD crossings. The proposed development includes two Horizontal Directional Drilling crossings beneath watercourses used by European otter together with associated launch and reception pits, temporary compounds, vegetation clearance and construction activities.

5.60 Although HDD avoids direct instream excavation, the application provides limited assessment of the potential disturbance arising from construction activity immediately adjacent to active otter territories, including prolonged noise, vibration, lighting, vegetation clearance and increased human activity associated with the HDD compounds.

5.61 The assessment also relies upon the absence of identified holts or resting places during surveys but does not demonstrate that the construction compounds, temporary access arrangements and associated works will avoid disturbance of commuting otters using these river corridors. The Commission must require the applicant to submit:

-detailed construction drawings for each HDD crossing;
-the location of all temporary compounds, launch pits, reception pits and access routes;
-a disturbance assessment specifically addressing European otter behaviour during the construction period; and
-confirmation that construction activities will not adversely affect otter commuting routes or the conservation objectives of Lough Gill SAC.

5.62 Aquatic ecology surveys should be completed before consent. The consultation response from Inland Fisheries Ireland advised that all watercourses receiving drainage from the development should be fully assessed for aquatic biodiversity, including fish populations, spawning habitat, riparian habitat, crayfish, lamprey and invertebrates. The response also recommended electrofishing surveys and detailed assessment of all affected watercourses.

5.63 Similarly, the Development Applications Unit highlighted the hydrological connections between the proposed development and Lough Gill SAC and Lough Melvin SAC and specifically identified European otter, Atlantic salmon, brook lamprey and white-clawed crayfish as sensitive qualifying interests requiring detailed assessment.

5.64 While the application references aquatic ecology surveys, it is not readily apparent that all

recommendations made during statutory consultation have been fully addressed for every affected watercourse, bridge crossing and HDD location. The Commission should require the applicant to demonstrate how each recommendation made by Inland Fisheries Ireland and the Development Applications Unit has been addressed within the final application and, where recommendations have not been implemented, provide a reasoned scientific justification.

6. Blanket Bog and Peatland Integrity

6.1 Blanket bog is one of Ireland's most important natural assets. Ireland supports one of the largest remaining areas of blanket bog in Europe and therefore bears a particular responsibility for its protection and restoration. Peatlands perform essential ecological functions including carbon sequestration, biodiversity conservation, hydrological regulation, flood attenuation and the maintenance of downstream water quality. These functions extend beyond individual habitat polygons and depend upon the integrity of the peatland ecosystem as a whole.

6.2 The European Union has, through the EU Biodiversity Strategy for 2030, the EU Peatland Strategy, the European Green Deal and ongoing infringement proceedings concerning peatland protection, recognised the urgent need to halt further peatland degradation and to restore damaged peatland ecosystems wherever possible. The direction of European environmental policy is therefore one of protection, restoration and reconnection, rather than permitting incremental deterioration of remaining peatland resources.

6.3 Against that policy background, the assessment of peatland impacts should not be limited to whether a particular area of peat is presently classified as degraded or modified. Nor should the assessment be confined to whether excavations are considered geotechnically stable. The principal question is whether the proposed development will maintain the ecological and hydrological integrity of the peatland ecosystem and avoid contributing to the continuing fragmentation of Ireland's (and Europe's) blanket bog resource.

6.4 The EIAR, Peat Stability Risk Assessment and associated technical reports contain extensive analysis of peat depth, slope stability and construction methodology. However, they appear to approach peatland primarily as an engineering constraint capable of being managed through excavation design, drainage measures and construction controls. Much less attention is given to the long-term ecological functioning of the peatland, the cumulative fragmentation of peatland habitats arising from successive wind farm developments, or the potential for indirect hydrological effects extending beyond the permanent development footprint.

6.5 This is of particular importance because peatlands function as hydrologically connected systems rather than isolated habitat parcels. Drainage associated with turbine foundations, borrow pits, access roads and other infrastructure may alter groundwater movement well beyond the immediate excavation through subsurface flow within the peat body. Consequently, the environmental effects of peatland disturbance cannot necessarily be confined to the mapped footprint of permanent habitat loss.

6.6 Similarly, the application places considerable emphasis upon the condition of individual peatland areas, distinguishing between habitats considered to be degraded and those considered to be of higher ecological quality. That distinction should not, of itself, determine whether further deterioration is environmentally acceptable. Peatlands that have experienced historical modification frequently retain important ecological, hydrological and carbon storage functions and may possess significant restoration potential where natural hydrology is reinstated. The burden rests upon the applicant to demonstrate why further fragmentation or deterioration of these habitats is compatible with the conservation objectives of the habitat type and with the wider objective of restoring Ireland's peatland resource.

6.7 The following sections identify a number of areas where the application does not appear to demonstrate, with sufficient scientific certainty, that peatland impacts have been avoided wherever reasonably possible, that the mitigation hierarchy has been properly applied, or that indirect and cumulative impacts upon peatland integrity have been fully assessed.

6.8 Peatlands must be assessed as functional ecosystems rather than isolated habitat parcels. The application assesses peatland principally by reference to the condition of individual habitat polygons and concludes that development may be acceptable where peatland is considered degraded or modified. This approach is overly simplistic and does not reflect the ecological functioning of blanket bog ecosystems.

6.9 Blanket bog is a hydrologically connected ecosystem. Its ecological integrity depends upon the maintenance of continuous peat formation, high water tables, intact hydrological processes and landscape connectivity. Localised excavation, drainage and infrastructure have the potential to alter groundwater movement and peat hydrology beyond the immediate construction footprint. Consequently, the ecological consequences of development cannot be confined to the area directly excavated.

6.10 The application does not adequately demonstrate that drainage associated with turbine foundations, access roads, borrow pits and associated infrastructure will not alter groundwater movement or lower water tables within adjoining peatland that is intended to remain unaffected. The Commission should require the applicant to demonstrate, through hydrogeological and peatland modelling supported by monitored field data, that construction drainage will not alter the hydrological functioning of peatlands beyond the immediate development footprint.

6.11 Peatland protection cannot be determined solely by current condition. The application places considerable emphasis on distinguishing between peatland considered to be in favourable condition and peatland described as degraded. However, the conservation value of peatland cannot be determined solely by its present condition.

6.12 Degraded peatlands frequently retain significant ecological, hydrological and carbon storage functions and, where hydrology is restored, may recover over time. International peatland restoration guidance[4] recognises that restoration begins with the protection of the remaining peat body and the re-establishment of natural hydrological processes rather than acceptance of continuing degradation. Accordingly, the fact that sections of blanket bog have experienced historical disturbance does not demonstrate that further permanent fragmentation or drainage is environmentally acceptable.

6.13 The burden rests upon the applicant to demonstrate why any further deterioration of this habitat is compatible with its long-term conservation rather than assuming that previous degradation justifies additional impacts.

6.14 Cumulative fragmentation of Ireland's peatlands has not been assessed. Ireland contains one of Europe's most significant peatland resources and supports internationally important areas of blanket bog. Peatlands perform critical functions for biodiversity conservation, carbon storage, water regulation and climate resilience. International policy now recognises that protecting remaining peatlands is significantly more effective than attempting to restore them after further degradation.

6.15 The assessment considers the impacts of this development largely in isolation. It does not assess the cumulative consequences arising from the continued concentration of wind energy development on Irish upland peatlands. While each individual development may affect only part of a peatland, the cumulative effect of repeated excavation, drainage, road construction and associated infrastructure is the progressive fragmentation of the national peatland resource.

6.16 The assessment therefore fails to examine whether this proposal contributes to a broader pattern of cumulative habitat loss and functional fragmentation across Ireland's blanket bog network. The Commission must require the applicant to submit a cumulative peatland assessment that:

-identifies existing, permitted and proposed wind farms affecting blanket bog within the region;
-assesses cumulative habitat fragmentation and hydrological alteration;
-evaluates cumulative losses of peatland ecosystem function; and demonstrates that the proposal is compatible with national peatland conservation objectives.

6.17 The hydrological zone of influence has not been adequately defined. The application describes drainage measures around turbine bases, access roads and associated infrastructure but does not adequately demonstrate the extent of their hydrological influence. Peatlands function as interconnected groundwater systems. Alterations to groundwater levels may extend well beyond the immediate footprint of construction through preferential flow paths, fractures and subsurface movement within the peat body.

4

The assessment does not clearly establish:

-the predicted lateral extent of groundwater drawdown from each excavation;
-the interaction between multiple drainage systems across the site;
-whether drainage effects overlap between turbines and access roads; or
-whether peatland located outside the permanent development footprint may experience indirect drying.

Without this information, it cannot be concluded that the impacts of the proposal are confined to the mapped areas of direct habitat loss. The Commission should require the applicant to submit a site-wide peatland hydrological model identifying the predicted zone of influence of all excavations, drainage infrastructure and permanent foundations together with validation against monitored groundwater data.

6.18 **The proposal Is inconsistent with the direction of international peatland policy.** International environmental policy has increasingly recognised that peatlands are globally significant ecosystems requiring conservation, rewetting and restoration. Recent international initiatives emphasise the urgent need to halt further peatland drainage, prevent additional degradation and restore hydrological function in previously damaged peatlands rather than permitting incremental losses.

6.19 The proposal would introduce permanent foundations, excavation, drainage infrastructure and associated engineering works into an extensive peatland landscape. While individual impacts may appear limited, they contribute to the continued fragmentation and deterioration of peatland ecosystems contrary to the broader objective of conserving intact peatland systems and restoring degraded peatlands wherever possible.

6.20 The applicant has not demonstrated why further fragmentation of this peatland resource is justified having regard to the increasing international recognition that peatlands should be protected as functioning ecosystems.

6.21 **The Peat Stability Risk Assessment** confirms that the site contains peat across substantial parts of the proposed development area, with peat depths recorded up to 4.5m in the north and 1.8m in the south. It further identifies that Turbine 1 and Borrow Pit 1 are within or extend into areas mapped as High landslide susceptibility, with a number of other turbines, hardstands and borrow pits extending into Moderately High susceptibility areas.

6.22 The assessment also acknowledges that excavation works can induce peat failures and that such failures may extend significantly beyond the excavation due to seepage forces caused by intentional or accidental drainage of peat.

6.23 However, the report does not appear to provide a site-wide hydrological model demonstrating how turbine excavations, borrow pits, access tracks, drainage systems, forestry felling and watercourse crossings will alter peat groundwater movement across the development area. The assessment therefore appears to treat peat stability primarily as a slope failure issue rather than assessing the wider hydrological integrity of the peatland ecosystem.

6.24 There is also an unsupported assumption that short-term excavation stability indicates acceptable peat stability. The report states that sidewall collapse or spalling occurred in only two of thirty-one trial pits where peat was present and concludes that peat excavations are likely to be stable in the short term. That does not demonstrate long-term stability, ecological stability, absence of delayed failures, or absence of hydrological drawdown beyond the development footprint.

6.25 The deterministic assessment relies on assumed characteristic peat parameters, including bulk weight, undrained shear strength, effective cohesion and friction angle. It also assumes the depth to the failure plane as the depth of peat and uses sensitivity analysis for varying water levels. However, the report does not demonstrate that these assumptions are supported by long-term site-specific groundwater monitoring or by modelling of combined drainage effects arising from all infrastructure across the site.

6.26 This is particularly important because the proposed development includes three borrow pits, extensive new and upgraded access tracks, temporary and permanent drainage and sediment control systems, and ten clear-span bridges with one culvert extension. Borrow pits are not merely temporary construction features; they are substantial excavations that may permanently alter groundwater gradients and peat hydrology. The Commission should require the applicant to submit:

-a site-wide peat hydrology model assessing groundwater movement before, during and after construction;
-a drawdown assessment for each turbine base, borrow pit, hardstand, access track and drainage feature;
-a specific assessment of Borrow Pit 1, Turbine 1 and all infrastructure within or extending into High or Moderately High landslide susceptibility areas;
-confirmation of the rainfall, groundwater and climate-change assumptions used in the deterministic assessment;
-a long-term operational phase assessment addressing the 35-year life of the development; and a revised assessment demonstrating that peatland hydrology outside the development footprint will not be indirectly drained or destabilised.

In the absence of this information, the Commission cannot be satisfied that the peat stability and peatland hydrological impacts of the proposed development have been fully assessed.

7. Borrow Pits

7.1 Borrow Pits are effectively permanent mineral extraction operations. The application proposes three borrow pits with a combined area of approximately 63,352 m². The application describes these as being for "temporary use during construction" but further states that they will subsequently be used for the storage of excavated material. Accordingly, the borrow pits are not temporary features that will be reinstated to their original condition following extraction. They will remain as permanent excavated landforms containing imported excavated material.

7.2 The description of the works as "borrow pits" does not alter the fact that they involve the permanent extraction of rock and soil, alteration of ground levels and permanent modification of the receiving environment. Their environmental effects should therefore be assessed by reference to their actual function rather than their description. The Commission should require the applicant to provide a detailed assessment of each borrow pit as a permanent excavation, including final landform profiles, restoration drawings, final material balance and long-term environmental effects.

7.3 The application states that excavated material will subsequently be placed within the borrow pits. However, it is not apparent that a comprehensive material balance has been provided demonstrating:

-the volume of rock to be extracted from each borrow pit;
-the volume of peat and spoil to be deposited;
-the origin of all imported excavated material;
-whether any material will leave the site as waste; and
-the final composition of each restored borrow pit.

7.4 Without a complete cut-and-fill balance, it is not possible to determine whether the borrow pits function solely as sources of construction aggregate or whether they also operate as permanent repositories for construction spoil. The Commission should require the applicant to submit a detailed material balance for each borrow pit identifying all excavated, imported, exported and permanently stored materials.

7.5 Hydrological and hydrogeological Effects of borrow pits. The borrow pits represent some of the largest excavations proposed within the development. Such excavations have the potential to permanently alter groundwater flow, intercept natural drainage pathways and modify peatland hydrology beyond the immediate excavation footprint.

7.6 While the Peat Stability Risk Assessment considers local slope stability, it is not apparent that the application provides a site-wide hydrogeological assessment demonstrating the long-term influence of the borrow pits on surrounding peatlands, groundwater movement and connected

watercourses. The Commission must require the applicant to submit a hydrogeological assessment for each borrow pit demonstrating that excavation and subsequent infilling will not adversely alter groundwater movement, peat hydrology or downstream water quality.

7.7 Restoration: The application states that excavated material will be stored within the borrow pits provides limited information regarding the long-term ecological condition of those areas following construction. It has not been demonstrated that the restored borrow pits will recreate the ecological, hydrological or carbon storage functions of the habitats removed during excavation. Simply placing excavated material within the pits does not demonstrate ecological restoration. The Commission must request that the applicant submit detailed restoration proposals demonstrating the anticipated post-construction habitat type, hydrological regime, vegetation establishment, monitoring programme and long-term ecological objectives for each borrow pit.

8. Watercourse Crossings.

8.1 The proposed development includes the construction of ten clear-span bridges together with the extension of one existing culvert to facilitate the internal access road network. These structures represent significant engineering works within sensitive upland catchments and have the potential to affect hydrology, geomorphology, sediment transport, fisheries, riparian habitat, protected species and downstream water quality.

8.2 Despite the scale of these works, the application does not provide a clear, consolidated assessment of each individual crossing (including in the Water Framework Directive assessment) Instead, the crossings are largely described collectively within the project description and construction methodology. Without individual assessment it is not possible to determine:

-the characteristics of each affected watercourse;
-whether works occur within fish spawning habitat;
-whether instream works are required;
-the extent of temporary or permanent channel modification;
-whether riparian vegetation will be removed;
-whether bridge abutments are located outside the bankfull channel; or
-whether ecological connectivity will be maintained during and after construction.

8.3 The Commission must request that the applicant submit a Watercourse Crossing Schedule, identifying every bridge and culvert crossing together with:

-Info on Section 50 consents from OPW;
-engineering drawings;
-construction methodology;
-affected waterbody;

-WFD status;
-fisheries assessment;
-riparian habitat assessment;
-protected species assessment;
-temporary works;
-permanent works; and
-proposed mitigation.

8.4 Clear span bridges do not eliminate environmental effects. The application describes ten structures as clear-span bridges. While clear-span bridges generally avoid direct obstruction of the channel, they do not eliminate environmental impacts. Construction of bridge abutments, temporary works, excavation, access roads, crane platforms, drainage infrastructure and associated earthworks may all affect channel morphology, sediment mobilisation, riparian habitats and aquatic ecology.

8.5 The application appears to assume that because bridges are clear-span, environmental impacts will be limited. That assumption has not been demonstrated for each crossing. The Commission should request the applicant to demonstrate for each bridge that:

-construction can be undertaken without instream works;
-sediment mobilisation has been assessed;
-channel morphology will remain unaltered;
-riparian habitat loss has been quantified; and
-ecological connectivity will be maintained throughout construction.

8.6 It should be noted that the culvert extension also requires separate assessment. Unlike the proposed bridges, one existing culvert is to be extended. Culverts are recognised as having the potential to impede fish passage, alter channel hydraulics, increase flow velocities, affect sediment transport and reduce ecological connectivity where not appropriately designed.

8.7 The application does not appear to contain a standalone assessment of the environmental effects associated with extending the existing culvert. The Commission should require the applicant to submit:

-detailed engineering drawings;
-hydraulic calculations;
-fish passage assessment;
-Water Framework Directive assessment;
-ecological assessment;

and confirmation that the extended culvert complies with Inland Fisheries Ireland guidance.

8.8 Temporary construction works have not been fully identified. The environmental effects associated with bridge construction are not confined to the permanent structures. Temporary

construction compounds, crane pads, haul routes, excavation areas, cofferdams (if required), drainage diversions, sediment controls and material storage may all have environmental effects exceeding those of the permanent bridge itself. The application does not clearly identify these temporary works for each crossing.The Commission should request the applicant to submit construction layout drawings for each crossing identifying all temporary works and demonstrating that they have been included within the EIAR, Natura Impact Statement and Water Framework Directive assessment.

8.9 **Interaction with protected species has not been fully demonstrated**. The affected watercourses have the potential to support, or provide commuting habitat for, European Otter, salmonids, lamprey, White-clawed Crayfish and other protected aquatic species. Although aquatic ecology has been assessed at project level, the application does not clearly demonstrate that each individual crossing has been assessed for species-specific impacts and construction timing requirements. The Commission should require the applicant to provide a crossing-by-crossing ecological assessment identifying:

-protected species present or likely to occur;
-breeding and migration periods;
-timing restrictions;
-construction methodology; and
-species-specific mitigation measures.

9. Permanent Drainage Infrastructure.

9.1 Permanent drainage has not been assessed as a permanent environmental effect. The proposed development includes permanent drainage associated with turbine foundations, access roads, crane hardstands, bridges, borrow pits and other infrastructure. While the application contains extensive discussion regarding construction drainage and sediment control, considerably less attention is given to the long-term environmental consequences of permanently altering the site's drainage regime.

9.2 Drainage is not just a construction activity. It represents a permanent modification of the hydrological functioning of the site and has the potential to alter groundwater movement, reduce peat moisture content, affect downstream flows and modify connected habitats throughout the operational life of the wind farm.

9.3 The application does not provide a consolidated assessment of the permanent drainage network or demonstrate that its long-term operation will not adversely affect surrounding peatland, watercourses or groundwater-dependent habitats. The Commission must require the applicant to submit a site-wide permanent drainage assessment identifying all permanent drainage infrastructure together with its long-term hydrological effects.

9.4 **Zone of Hydrological Influence** has not been demonstrated as the assessment largely considers drainage in the immediate vicinity of individual infrastructure elements. However, groundwater movement within peatlands cannot necessarily be confined to the footprint of individual excavations.

9.5 The application does not demonstrate the likely lateral extent of groundwater drawdown arising from permanent drainage or whether the zones of influence associated with individual turbines, access roads, borrow pits and bridge approaches may overlap to produce wider hydrological effects across the peatland. The commission must request that the applicant submit groundwater drawdown modelling demonstrating the predicted extent of hydrological influence associated with every permanent drainage feature and the cumulative interaction between those features. The WFD assessment must also be updated.

9.6 As identified earlier in this submission, Permanent Drainage may contribute to progressive peatland degradation. Peatland ecosystems depend upon the maintenance of consistently high water tables. Permanent drainage has the potential to alter peat moisture content beyond the immediate development footprint, leading to gradual drying, oxidation of peat, changes in vegetation communities and reduced peat-forming capacity.

9.7 The application does not demonstrate that permanent drainage will not contribute to progressive degradation of peatland habitats outside the areas directly occupied by infrastructure. The commission must request the applicant to demonstrate, using monitored groundwater data and predictive modelling, that permanent drainage will not reduce groundwater levels or adversely affect peatland hydrology beyond the permanent infrastructure footprint.

9.8 Long-Term monitoring cannot replace assessment. Should the applicant propose long-term groundwater monitoring as a means of confirming that drainage impacts are acceptable, such monitoring cannot substitute for the assessment required before development consent is granted. The environmental assessment should demonstrate, prior to consent, that permanent drainage will not adversely affect peatland hydrology or connected habitats. Post-construction monitoring may confirm predictions but cannot remedy uncertainty within the assessment itself. The Commission should ensure that the environmental assessment demonstrates the effectiveness of the proposed drainage design before permission is granted and should not rely upon post-consent monitoring to establish whether permanent hydrological impacts occur.

10. Forestry Removal.

10.1 Forestry removal has not been assessed as a separate environmental impact. The proposed development requires extensive forestry felling to facilitate turbine construction, access roads, crane hardstands, borrow pits, drainage infrastructure, grid connection works and operational safety buffers. Although forestry removal forms an integral part of the proposed development,

the application largely considers it as a preliminary enabling activity rather than as a significant environmental effect requiring separate assessment.

10.2 The removal of mature forestry has the potential to alter hydrology, slope stability, groundwater recharge, surface water runoff, wind exposure, habitat connectivity, carbon storage and local microclimate. These impacts arise from the removal of the forest itself and are additional to the impacts arising from the subsequent construction of the wind farm. The Commission must require the applicant to provide a standalone assessment of the environmental effects arising from forestry removal, separate from the impacts of the wind farm infrastructure itself.

10.3 Hydrological effects of forestry removal. Commercial forestry influences site hydrology through rainfall interception, evapotranspiration, root uptake and soil reinforcement. The removal of extensive forestry may substantially alter groundwater recharge, runoff characteristics and peat moisture conditions before construction of the wind farm has even commenced. Trees extract substantial water from the ground that could alter baseline hydrological regime.

10.4 The application does not clearly demonstrate how forestry removal has been incorporated into the peat stability assessment, hydrological assessment or Water Framework Directive assessment, nor does it assess the combined effects of forestry removal followed by permanent site drainage associated with the proposed development. The Commission must require the applicant to assess the cumulative hydrological effects arising from forestry felling together with permanent drainage and infrastructure construction. Information on timing and requirements for cumulative consents such as felling licences must be submitted.

10.4 Habitat Loss. The forestry provides habitat for a range of protected species, including breeding birds, bats and mammals. The application does not clearly distinguish between:

-habitat loss arising from forestry removal;
-habitat loss arising from permanent infrastructure;
-temporary construction disturbance; and
-operational disturbance associated with the wind farm.

These represent different / distinct environmental effects and should be assessed separately before their cumulative impacts are considered. The applicant should have to quantify habitat losses attributable solely to forestry removal and distinguish those impacts from the permanent habitat losses associated with the wind farm infrastructure.

10.5 Forestry removal may influence peat stability. The Peat Stability Risk Assessment acknowledges that excavation and drainage may alter peat stability. However, the assessment gives limited consideration to the influence of removing mature forestry prior to construction. Tree removal alters root reinforcement, evapotranspiration and groundwater conditions, each of which may influence the stability of peatland slopes and groundwater movement.

10.6 The interaction between forestry removal and subsequent excavation has not been clearly assessed. The Commission must require the applicant to demonstrate how forestry removal has been incorporated into the peat stability assessment and whether revised stability calculations are required to reflect post-felling site conditions.

10.7 Carbon assessment does not clearly account for forestry removal. The removal of commercial forestry represents an immediate loss of standing carbon together with changes in future carbon sequestration potential. It is not apparent that the application separately quantifies:

-carbon losses arising from forestry felling;
-emissions associated with timber removal;
-changes in future carbon sequestration;
-interaction with peat carbon losses; and
-the period required for the proposed development to achieve a net carbon benefit after accounting for those losses.

10.8 The Commission must comply with its obligations under the Climate Act of 2025 and require the applicant to provide a revised carbon assessment that separately quantifies the carbon consequences of forestry removal and demonstrates how those losses have been incorporated into the project's overall carbon balance.

11. Turbine Delivery Route

11.1 The Turbine Delivery Route (TDR) has not been assessed with sufficient site-specific detail. The proposed Turbine Delivery Route extends approximately 122 km from Killybegs, Co. Donegal to the proposed wind farm site and identifies 57 Points of Interest where accommodation works may be required to facilitate abnormal load delivery.

11.2 These works are certainly not incidental and are very much part of the development concerned. They may involve vegetation clearance, road widening, local strengthening of road edges, removal or alteration of street furniture, oversail areas, overrun areas and subsequent reinstatement. Each location may have different ecological, hydrological, landownership, traffic safety and environmental constraints. The application does not clearly demonstrate that each Point of Interest has been individually assessed for likely environmental effects. A route-wide assessment is not sufficient where site-specific works are proposed at 57 separate locations.

11.3 The Commission should require the applicant to submit a Turbine Delivery Route Works Schedule identifying, for each Point of Interest:

-exact works proposed;
-land ownership and consent;
-habitats affected;

-protected species risk;
-watercourse proximity;
-drainage implications;
-reinstatement details; and
-whether the works are temporary or permanent.

11.4. **Landowner Consent** and red line boundary clarity. The TDR includes accommodation works along public roads and, potentially, adjoining private lands. The application must clearly identify whether all works, oversail areas, overrun areas, vegetation removal and reinstatement areas are included within the application boundary and supported by necessary landowner consents. Where works occur outside the public road corridor or require access to private lands, the applicant must demonstrate that the statutory application requirements have been met. The Commission should request that the applicant submit a folio-based landownership schedule and map clearing idetifying the boundaries of each folio overlaid by red line boundary, for the entire TDR confirming landowner consent for every location where works or oversail/overrun accommodation that is required has been received.

11.5 Ecological effects of vegetation clearance along the TDR. The application refers to temporary vegetation management along the TDR but does not clearly quantify the extent, type or ecological value of vegetation to be removed at each location. Roadside vegetation may support nesting birds, bats, pollinators, mammals, commuting corridors and local biodiversity connectivity. The removal or repeated trimming of hedgerows and treelines cannot be treated as negligible without site-specific surveys, assessment and the potential need for temporal restrictions (March to August) as mitigation measures. The Commission must require the applicant provide a habitat and protected species assessment and map for each TDR accommodation location where vegetation clearance, trimming or removal is proposed.

11.6 Reinstatement has not been demonstrated. The application indicates that accommodation works will be temporary and subject to reinstatement. However, reinstatement is not the same as ecological restoration. The applicant has not demonstrated how hedgerows, treelines, verges, walls, drains or roadside habitats will be restored to their previous ecological and landscape function, nor the timeframe within which restoration would occur. Require the applicant to submit detailed reinstatement drawings and ecological restoration specifications for each TDR accommodation location.

11.7 Cumulative effects across the TDR. Each individual TDR accommodation point may appear minor when assessed in isolation. However, the cumulative effect of 57 separate interventions over 122 km may be significant, particularly where works affect hedgerows, treelines, roadside habitats, drainage features, watercourses or protected species corridors. The application has not demonstrated that the cumulative ecological and environmental effects of all TDR works have been assessed as a single connected element of the project. The Commission must require the

applicant to submit a cumulative assessment of all TDR accommodation works addressing biodiversity, hydrology, landscape, landownership, traffic safety and reinstatement.

12. Grid Connection Route

12.1 The Grid Connection Route (GCR) should be assessed as a significant element of the development. The proposed development includes approximately 32 km of 110 kV underground cable, extending from the proposed wind farm substation to the existing ESBN Srananagh Substation. Approximately 30.6 km is located within the public road corridor, while sections require works outside the public road corridor, including Horizontal Directional Drilling beneath the River Bonet and associated construction compounds on private lands.

12.2 The Grid Connection Route is a substantial element of the proposed development involving excavation, trenching, HDD crossings, temporary compounds, traffic management, drainage, vegetation clearance and reinstatement over a considerable distance. Yet despite its scale, much of the assessment considers the Grid Connection Route as an ancillary component rather than a major engineering project with its own environmental effects. Require the applicant to provide a consolidated environmental assessment of the entire Grid Connection Route, identifying all construction activities, temporary works and permanent environmental effects.

12.3 Cumulative Impacts: Throughout the application, reliance is repeatedly placed upon the conclusion that previous developments or previously assessed projects were individually found not to give rise to significant environmental effects and, therefore, cannot contribute to significant cumulative effects when considered alongside the proposed development. This is not the correct approach to cumulative assessment. The purpose of cumulative assessment under the Environmental Impact Assessment Directive, the Habitats Directive and the Water Framework Directive is to determine whether the **combined effect** of the proposed development together with existing, permitted and reasonably foreseeable projects may become significant, notwithstanding that each individual project, when assessed in isolation, may have been found to give rise to effects below the relevant significance threshold.

12.4 Environmental effects are additive and, in some cases, synergistic. The absence of significant effects from Project A does not demonstrate the absence of significant cumulative effects when Projects A, B, C and subsequent developments are considered together. The assessment must therefore evaluate the aggregate environmental pressure created by all relevant projects acting in combination, rather than relying upon previous conclusions reached for individual developments in isolation. I refer again to **Figs 5.1. and 5.2** for a visual representation of the legal cumulative impact test, which is to compare all measured impacts for all developments which may contribute to a finding of cumulative significant effect.

12.5 In the context of Appropriate Assessment, the question is whether the project, in combination with other plans or projects, can be excluded beyond reasonable scientific doubt as having an adverse effect on the integrity of a European site. Under the Environmental Impact Assessment

Directive, the question is whether the combined environmental effects of the project and other developments are likely to be significant. Under the Water Framework Directive, the question is whether the proposal, when added to existing pressures on the receiving waterbody, may contribute to deterioration in status or prejudice the achievement of the environmental objectives established for that waterbody. In each case, the assessment must consider the cumulative environmental burden created by the addition of the proposed development, not simply whether earlier projects were individually assessed as acceptable.

12.**6** **Landownership has not been clearly demonstrated.** The application confirms that sections of the Grid Connection Route, including the HDD crossings beneath the River Bonet, extend onto private lands. However, it is not readily apparent that the application includes a complete landownership schedule identifying every affected landholding, corresponding folio, landowner and the legal basis upon which the applicant proposes to undertake those works. Without this information the Commission cannot be satisfied that all lands required to facilitate the proposed development have been properly identified. The Commission must require the applicant to submit a comprehensive land referencing schedule for the Grid Connection Route identifying:

-every affected folio;
-every affected landowner;
-all lands outside the public road corridor;
-all temporary compounds;
-HDD launch and reception pits;
-temporary working areas; and
-confirmation that all lands are included within the application boundary.

12.7 Temporary construction areas have not been fully assessed. The environmental effects associated with the Grid Connection Route are not confined to the cable trench itself. Construction will require temporary compounds, material storage areas, plant movements, HDD compounds, launch pits, reception pits, haul routes and temporary access arrangements. These temporary works may represent a substantially larger footprint than the permanent cable corridor. The application does not clearly identify all temporary working areas or demonstrate that they have been fully assessed within the EIAR and Natura Impact Statement. The commission must require the applicant to submit construction layout drawings identifying every temporary working area associated with the Grid Connection Route together with an assessment of their environmental effects.

12.8 Horizontal Directional Drilling requires site-specific assessment. Theap plication proposes Horizontal Directional Drilling beneath the River Bonet at two locations. While HDD is often presented as reducing environmental impacts compared with open-cut trenching, it is not impact-free. The application should demonstrate, for each HDD crossing:

-the drilling profile;
-launch and reception pit locations;
-groundwater risks;
-frac-out contingency measures;
-drilling fluid management;
-hydrogeological assessment;
-construction compounds; and
-reinstatement proposals.

12.9 These matters are not readily apparent from the application docum entation.The Commission must require the applicant to submit a site-specific environmental assessment for each HDD crossing together with the detailed engineering drawings relied upon by the environmental assessments.

12.10 Future construction details should not be deferred. A number of elements of the Grid Connection Route appear to rely upon confirmation during the detailed design or pre-construction stage. If the GCR is not at detailed design stage and is indicative, is the application in fact and in law for an outline planning permission? The environmental assessment should be based upon the final design proposed for consent. And if elements of the project are still at outline stage then the whole application must be considered an outline permission as the elements cannot be segregated from each other.

12.11 Where the final construction methodology, working areas or engineering solution remain uncertain, the environmental effects cannot be fully assessed by the Commission or the public. The Commission should require the applicant to finalise all material elements of the Grid Connection Route before determining the application and should not defer fundamental aspects of the environmental assessment to the post-consent stage.

13. Road Safety.

13.1 Failure to undertake a Stage 2 Road Safety Audit. The proposed development includes the construction of seven permanent controlled access points onto the L61801 and L6184 Local Roads together with extensive abnormal load deliveries associated with the construction of the wind farm. These accesses are permanent elements of the development and will remain in place following completion of construction. They therefore represent permanent changes to the public road network rather than temporary construction arrangements.

13.2 The application includes a Stage 1 Road Safety Audit. However, it does not include a Stage 2 Road Safety Audit assessing the detailed design of the permanent accesses, visibility splays, horizontal and vertical alignment, stopping sight distance, junction geometry, roadside hazards and the interaction of permanent access arrangements with operational traffic.

13.3 Given the scale of the proposed development and the permanent alteration of the local road

network, the absence of a Stage 2 Road Safety Audit represents a significant and unacceptable omission. It is not possible for the Commission to conclude that the permanent accesses can operate safely in accordance with the Design Manual for Roads and Bridges (DMRB) and TII Road Safety Audit Standard GE-STY-01024 (or the applicable standard in force) without that assessment.

13.4 **TII Road Safety Audit requirements.** The application includes a Stage 1 Road Safety Audit, which the audit itself states is "limited to the proposed highway design of the proposed site accesses" and does not assess road safety issues associated with construction traffic or the operational management of abnormal loads. A Stage 1 Audit is intended only to identify potential road safety issues at the preliminary design stage and is not a substitute for the more detailed assessments required as the design progresses.

13.5 TII Road safety guidelines GE-STY-01027-02.pdf [5] State the following on page 25:

If a new access is required for the development, or the Traffic and Transport Assessment indicates that an existing access or junction needs improvements, or that pedestrian or cycle facilities need improvement, then a Road Safety Audit will be required. Many Road and Planning Authorities request a Road Safety Audit too late in the planning process to address fundamental safety issues. Once planning approval has been given it is difficult to require developers to make significant changes to schemes, especially if they are costly or reduce the amount of land available for development. It is important therefore that the Road Safety Audit process is built into the planning procedure of each authority so that audit reports and their responses can be given due consideration by the Planning Authority. The five stages of Road Safety Audit are summarised in Table 4/2. Whether all these stages are necessary depends on the size and impact of the development concerned.

13.6 The Transport Infrastructure Ireland Road Safety Audit Standard (GE-STY-01027-02) requires Road Safety Audits to be undertaken at defined stages of project development. For developments involving new accesses or alterations to the public road network, the standard provides for:

Table 4/2: Road Safety Audit Stages

Stage F:	Preplanning, concept stage
Stage 1:	Completion of preliminary design
Stage 2:	Completion of detailed design
Stage 3:	Completion of construction.
Stage 4:	Early operation.

[5] https://www.tiipublications.ie/library/GE-STY-01027-02.pdf

In the case of large developments a Stage F audit should be submitted during preplanning talks, and **Stage 1 and 2 audits as part of the planning application.** In the case of small developments a combined Stage 1/2 Road Safety Audit should be submitted as part of the planning application. In all cases the planning application should contain the report from at least one stage of Road Safety Audit. Any relevant Audit Report and Audit Response can then be considered by the Local Authority before planning permission is granted. (Emphasis added)

13.7 The proposed development introduces seven permanent site accesses, substantial alterations to the local road network and prolonged abnormal load deliveries involving oversized turbine components. These are not temporary construction arrangements but permanent changes to the public road network that require detailed engineering assessment.

13.8 The absence of a Stage 2 Road Safety Audit means the Commission has not been provided with an independent assessment of the detailed design of the permanent accesses, including junction geometry, visibility splays, stopping sight distances, roadside hazards, vulnerable road users, drainage, signage, road restraint systems and the interaction between abnormal load movements and the permanent highway layout.

13.9 Furthermore, the Stage 1 Road Safety Audit expressly excludes the assessment of construction traffic and abnormal load operations. Consequently, there is no independent road safety assessment of one of the most significant operational aspects of the development, namely the repeated transport of turbine blades, tower sections, nacelles and heavy lifting equipment over approximately 122 km of public road.

13.10 Accordingly, the application has not demonstrated compliance with the applicable TII Road Safety Audit requirements, and the environmental assessment remains incomplete in respect of the permanent highway works and abnormal load operations. The Commission should require the applicant to submit:

-a Stage 2 Road Safety Audit for each permanent site access and associated highway works;
-the Designer's Response to that audit;
-an independent Operational Road Safety Assessment addressing abnormal load deliveries and construction traffic; and
-any consequential amendments to the engineering design arising from those assessments.

13.11 In the absence of these assessments, the Commission cannot be satisfied that the permanent road infrastructure and abnormal load movements can operate safely or that the environmental effects of the highway works have been fully assessed. The Commission must request the applicant to submit a Stage 2 Road Safety Audit for each permanent site entrance together with the Designer's Response and any amended engineering drawings arising from that audit.

13.12 Operational Safety of Abnormal Load Deliveries. The proposed development will require repeated deliveries of abnormal loads, including turbine blades, tower sections, nacelles and heavy lifting equipment, over approximately 122 km of public road. While the application assesses the physical feasibility of transporting these components, it does not demonstrate that the abnormal load movements have been comprehensively assessed from an operational road safety perspective. In particular, the application does not clearly assess:

-simultaneous interaction with general traffic;
-cyclists, pedestrians and equestrians;
-school transport;
-emergency vehicle access;
-agricultural machinery;
-cumulative impacts arising from repeated abnormal load movements over an extended construction period; or
-the operational implications of escort vehicles, temporary road closures and traffic management.

13.13 Demonstrating that an abnormal load can physically negotiate a junction is not equivalent to demonstrating that it can do so safely. The Cimmission must require the applicant to submit a comprehensive Operational Road Safety Assessment addressing the abnormal load delivery programme, including swept path analysis, traffic management proposals, vulnerable road users, emergency access, cumulative delivery impacts and residual road safety risks.

13.14 Environmental effects of permanent accesses have not been individually assessed. Each of the seven permanent accesses constitutes a separate engineering intervention requiring excavation, drainage, visibility splays, vegetation clearance and permanent alteration of roadside boundaries. The application does not provide an individual environmental assessment for each permanent access identifying:

-habitat loss;
-hedgerow removal;
-drainage alterations;
-impacts on protected species;
-road runoff management;
-landscape effects; or
-cumulative impacts.

13.16 Instead, the accesses are largely described collectively. The Commission must require the applicant to submit an individual environmental assessment for each permanent access, including engineering drawings, ecological assessment, drainage proposals and road safety assessment and require the applicant to provide detailed visibility splay drawings for each permanent access together with an ecological assessment quantifying habitat loss and

demonstrating how the mitigation hierarchy has been applied to avoid or minimise vegetation removal.

13.17 Road safety is itself an environmental consideration within the planning process. It is not sufficient to demonstrate that turbine components can physically access the site; the applicant must demonstrate that the permanent road infrastructure and abnormal load movements can operate safely without creating unacceptable risks to road users throughout the construction period and beyond.

13.18 Impact on Stage 2 RSA on the application at large. It is respectfully submitted that a Construction Traffic Management Plan (CTMP) cannot be properly prepared, nor can its environmental and road safety implications be assessed, until the detailed highway design has first been independently audited through the appropriate stages of the Road Safety Audit process. The CTMP must be based upon the final accepted engineering design, including the permanent site accesses, visibility splays, carriageway modifications, drainage, junction layouts and any amendments arising from the Designer's Response to the Road Safety Audit. Until those matters have been finalised, any CTMP would necessarily be based on assumptions rather than the design that will ultimately be constructed.

13.19 This sequencing is of particular importance in the present application given the scale of the proposed abnormal load deliveries and the permanent alterations to the local road network. The Construction Traffic Management Plan should identify how the final audited highway design will operate safely during construction, including abnormal load movements, temporary traffic management, emergency access, vulnerable road users, agricultural traffic, school transport, contingency arrangements and community safety measures. Those matters cannot be properly assessed until the detailed road design has been independently audited and accepted.

13.20 Accordingly, it is respectfully submitted that the Commission cannot defer these assessments until after the grant of permission. The obligation rests with the competent authority, at the time it determines the application, to be satisfied that the proposed development can be constructed and operated safely and that all likely significant effects on the public road network have been fully assessed. In the absence of a Stage 2 Road Safety Audit based on the final engineering drawings, and a Construction Traffic Management Plan prepared from that audited design, the Commission does not have sufficient information to conclude that the road safety and construction traffic impacts of the proposed development have been comprehensively assessed. The appropriate course is therefore to require the submission of that information before determining the application.

14. Biodiversity Enhancement Areas

14.1 The Purpose and legal status of the biodiversity enhancement areas is unclear. The application proposes approximately 218.5 hectares of Biodiversity Enhancement Areas intended to provide nesting and foraging habitat for birds together with other ecological improvements. These lands appear to form an integral component of the ecological strategy for the proposed development.

However, the application does not clearly explain their legal purpose within the environmental assessment. It is not apparent whether these areas are intended to:

-avoid impacts;
-mitigate impacts;
-restore habitat;
-compensate for habitat losses;
-deliver biodiversity net gain; or
-provide wider environmental enhancement unrelated to the assessment of likely effects.

14.2 Each of these scenarios serves a fundamentally different purpose within the environmental assessment process and cannot be treated interchangeably. The Commission must require the applicant to identify the legal and ecological purpose of every Biodiversity Enhancement Area and specify whether it constitutes avoidance, mitigation, restoration, compensation or voluntary enhancement.

14.3 The Commission cannot assess areas that have not been fully defined. The application identifies the overall extent of the Biodiversity Enhancement Areas but does not clearly identify:

-the existing habitat;
-proposed habitat;
-ownership;
-management arrangements;
-duration of management;
-legal mechanism securing delivery;
-implementation timetable; or
-monitoring criteria.

14.4 Without this information neither the public nor the Commission can determine whether these areas are capable of delivering the ecological outcomes upon which the application relies. The Commission must require the applicant to submit detailed habitat plans and management prescriptions for every Biodiversity Enhancement Area.

14.5 Biodiversity Enhancement cannot remedy permanent habitat loss unless properly assessed. The proposal involves permanent habitat loss arising from turbines, hardstands, roads, borrow pits, drainage infrastructure and associated works. Where Biodiversity Enhancement Areas are relied upon to offset those losses, they become fundamental to the environmental assessment. The application does not demonstrate:

-habitat lost;
-habitat created;

-ecological equivalence;
-implementation timescale;
-temporal losses;
-likelihood of success.

14.6 Nor does it demonstrate that the proposed habitats will become fully functional before the habitats they replace are permanently lost. The Commission must require the applicant to submit a habitat accounting schedule identifying:

-every habitat permanently lost;
-every habitat restored;
-ecological functionality;
-implementation timing; and
-predicted timeframe to reach target condition.

14.7 Long-term delivery has not been secured. The operational life of the development is proposed to be approximately 35 years. The application does not clearly explain:

-who will own these lands;
-who will manage them;
-who will fund management;
-what happens if ownership changes;
-enforcement mechanisms;
-monitoring obligations.

14.8 Without legally enforceable long-term management arrangements, the ecological benefits cannot simply be assumed. The Commission must require the applicant to identify the legal mechanism securing the Biodiversity Enhancement Areas for the lifetime of the development and any necessary aftercare period.

14.9 Enhancement should not replace the mitigation hierarchy. The mitigation hierarchy requires impacts to be **avoided**; then **minimised**; then **restored**; and **compensated** only where legally permissible. The application should first demonstrate that habitat loss has been avoided wherever reasonably possible before reliance is placed upon extensive Biodiversity Enhancement Areas.

14.10 The Commission should therefore be satisfied that enhancement proposals are not being relied upon to justify impacts that could reasonably have been avoided through project design. The Commission must require the applicant to demonstrate how the mitigation hierarchy has been applied before any reliance is placed upon Biodiversity Enhancement Areas within the

environmental assessment.

15. Proposed operational life of the development.

15.1 The proposed 35-Year operational life is not supported by site-specific evidence. The application states that 35 years is considered to be the optimal operational life of the proposed development. However, no site-specific technical evidence has been provided demonstrating that the proposed turbines are capable of operating safely and efficiently for that period having regard to the environmental conditions at the site, anticipated fatigue loading, maintenance regime, replacement of major components and long-term structural performance.

15.2 Current industry guidance generally identifies an operational life of approximately 20 to 25 years for onshore wind turbines, with any extension beyond that period being dependent upon detailed engineering inspections, life-extension assessments, replacement of major components and continued maintenance. Operational life is therefore not fixed but depends upon the condition of the individual turbines and the environmental conditions to which they are exposed.

15.3 The application has not demonstrated why a 35-year operational life has been selected for this particular development or provided the engineering evidence upon which that conclusion is based. The Commission must require the applicant to submit the technical and engineering evidence supporting the proposed 35-year operational life, including manufacturer design assumptions, fatigue assessments, anticipated maintenance schedules, replacement of major components and any life-extension analysis relied upon.

15.4 The EIAR assesses the operational phase largely as a continuous 35-year period. However, operation beyond the conventional design life of onshore wind turbines commonly requires significant maintenance interventions, including replacement of blades, gearboxes, generators, transformers and other major components. Such works may require the reintroduction of heavy cranes, abnormal load deliveries, temporary compounds and construction activities comparable in scale to the original construction phase.

15.5 The application does not assess the environmental effects associated with these foreseeable interventions or explain how they have been taken into account within the Environmental Impact Assessment or Appropriate Assessment. Require the applicant to assess the environmental effects associated with anticipated major maintenance and component replacement during the proposed operational life of the development.

15.6 The proposed operational period should not be based upon aspiration or commercial expectation but upon robust scientific and engineering evidence. Where uncertainty exists regarding the realistic operational life of the proposed turbines, the precautionary approach requires that the duration of the operational phase be supported by objective evidence rather

than assumption. In the absence of a site-specific evidential basis demonstrating that a 35-year operational life is justified, the Commission should not simply accept that period as appropriate.

15.7 If the applicant cannot demonstrate, through objective engineering evidence, that a 35-year operational life is justified for this site and the proposed turbine model, the Commission should either require the submission of the necessary supporting evidence before determining the application; or limit the operational life of the development to a period supported by the available technical evidence, with any extension requiring a further assessment and planning consent.

15.8 The burden of proof rests with the applicant. If they seek a planning permission authorising operation for 35 years, they must produce the evidence that 35 years is justified. If they cannot, the Commission should not simply accept an unsupported assumption and should only grant permission for the period that is evidenced.

16. Water Framework Directive.

16.1 The applicants WFD Assessment relies upon mitigation rather than demonstrating compliance. The purpose of a Water Framework Directive assessment is to demonstrate, on the basis of objective scientific evidence, that the proposed development will not cause deterioration in the status of any surface water or groundwater body and will not compromise the achievement of the environmental objectives established under the Water Framework Directive.

16.2 Throughout the assessment, compliance is concluded on the basis that an extensive suite of mitigation measures will be implemented during construction and operation. While mitigation forms an important part of project design, the assessment does not always distinguish between the predicted impacts of the project itself and the residual impacts after mitigation has been assumed.

16.3 Accordingly, the Commission should be satisfied that each mitigation measure relied upon to demonstrate compliance with the Water Framework Directive is itself supported by sufficient scientific evidence demonstrating that it will be effective under the site-specific conditions encountered within the extensive peatland and upland catchments affected by the proposed development. The Commission must require the applicant to identify each mitigation measure relied upon to demonstrate Water Framework Directive compliance and provide the evidential basis demonstrating its effectiveness under the conditions encountered at the proposed development site.

16.4 The proposed development is located within an extensive peatland landscape where surface water, groundwater and peat hydrology function as an interconnected system. The assessment acknowledges the presence of perched groundwater, extensive drainage measures, peat excavation, borrow pits and numerous watercourse crossings. However, the assessment principally considers these effects at individual infrastructure locations rather than

demonstrating, through catchment-scale hydrogeological modelling or equivalent evidence, that drainage associated with turbine foundations, access roads and peat excavation will not alter groundwater movement beyond the immediate construction footprint.

16.5 This issue is of particular importance where drainage within one area of peat may modify groundwater levels and hydrological conditions within adjacent peat habitats or downstream water-dependent ecosystems. The Commission must require the applicant to demonstrate, through site-specific hydrogeological assessment, that permanent drainage associated with the proposed development will not alter groundwater levels or peat hydrology outside the defined construction footprint.

16.6 The Hydrology and Hydrogeology Chapter states that where quantitative site data gaps occur, the assessment relies upon publicly available datasets together with professional judgement, noting that typical gaps include sparse groundwater level measurements and absent water quality time series. It further states that conservative assumptions have been adopted where uncertainty exists.

16.7 While professional judgment forms part of every environmental assessment, it cannot substitute for site-specific evidence where the conclusions reached are dependent upon assumptions regarding groundwater behaviour, long-term hydrological conditions or future environmental performance. Under the AA regime which integrates with the WFD regime there can be no reasonable scientific doubt. The applicant should identify each conclusion within the Water Framework Directive assessment that relies principally upon professional judgment rather than measured site-specific data and explain why additional monitoring or investigation was not undertaken.

16.8 Long-term monitoring does not demonstrate present compliance. The assessment proposes monitoring and adaptive management throughout construction and operation. Monitoring is an important verification tool. However, monitoring undertaken after development has commenced cannot establish whether the Commission possessed sufficient scientific certainty at the time consent was granted.

16.9 Where monitoring is intended to establish whether mitigation is effective, it necessarily follows that uncertainty remains regarding future environmental performance. The Commission should request clarification whether post-consent monitoring is intended solely to verify predicted impacts or whether it is relied upon to determine whether mitigation measures are effective. If the latter, the applicant should explain how the Commission can conclude, at the time of its decision, that deterioration will not occur.

16.10 Karst Flow Assumptions. The Karst Assessment identifies approximately 73 potential karst features within 1 km of the site, including six within the proposed wind farm boundary, and acknowledges that several groundwater bodies underlying the site are karstified aquifers where

groundwater flow paths may extend for several kilometres and directions can be highly variable. The WFD assessment nevertheless concludes that groundwater impacts can be appropriately managed.

16.11 Given the acknowledged uncertainty associated with karst groundwater flow, the applicant should demonstrate that preferential flow pathways have been sufficiently characterised to exclude indirect effects on connected groundwater-dependent ecosystems and surface water bodies. The applicant should provide the evidential basis demonstrating that the mapped karst system has been sufficiently characterised to exclude preferential groundwater pathways beyond the immediate study area.

16.12 Quality Elements. The Water Framework Directive requires that all quality elements liable to be affected by a proposed development be assessed before consent is granted. While the applicant reproduces the classification elements applicable to ecological status, the substantive assessment principally concentrates upon sediment release, suspended solids, nutrients, hydromorphology and general water quality.

16.13 The proposed development involves extensive excavation within peatland, construction of turbine foundations, borrow pits, access roads, watercourse crossings, concrete works, fuel storage, blasting, heavy machinery and long-term operational infrastructure. These activities have the potential to affect a broader range of biological, hydromorphological and physico-chemical quality elements than those expressly assessed.

16.14 For example, while the report concludes that no deterioration will occur, it contains little project-specific assessment of how the development may influence:

-biological communities at waterbody level;
-fish populations and spawning habitat;
-benthic macroinvertebrates;
-aquatic macrophytes;
-phytobenthos;
-groundwater dependent ecosystems;
-hydrological regime during extreme rainfall events;
-hydromorphological functioning beyond immediate crossing locations.

16.15 Instead, these matters are largely inferred from general mitigation measures and existing water quality status. Accordingly, it is respectfully submitted that the assessment should clearly demonstrate, for each quality element capable of being affected, the scientific basis upon which deterioration has been excluded.

16.16 Existing Waterbody Pressures. The Water Framework Directive requires that developments be considered within the context of existing pressures affecting each water body. The assessment

identifies the ecological status of surrounding water bodies together with their limiting quality elements. However, the subsequent compliance assessment largely treats the proposed development in isolation.

16.17 Numerous receiving water bodies within the wider catchment already fail to achieve Good Ecological Status, while others remain At Risk or Under Review. Existing pressures include agriculture, forestry, drainage, wastewater and hydromorphological modification. The assessment does not adequately explain how additional pressures associated with the proposed development have been evaluated against those existing pressures to determine whether remaining ecological headroom exists before deterioration would occur.

16.18 Where water bodies are already failing to meet their environmental objectives, even relatively small additional pressures may become environmentally significant. Accordingly, the Commission cannot simply consider whether impacts appear individually minor but must also be satisfied that the cumulative pressure on already stressed water bodies has been robustly evaluated.

16.19 One aspect of the assessment that gives rise to concern is the repeated distinction between temporary and non-temporary effects. The report explains that biological, hydrological and morphological effects are only considered relevant where they persist for more than three years, while chemical effects are considered non-temporary after twelve months. However, the report does not provide a detailed scientific justification demonstrating why impacts associated with peat excavation, drainage installation, permanent access roads, turbine foundations, borrow pits and altered catchment hydrology can confidently be regarded as temporary.Many components of the proposed development constitute permanent modifications to the landscape. Accordingly, the assumption that associated hydrological changes will necessarily remain temporary should be supported by site-specific evidence rather than assumed.

16.20 **Climate Change** has not been fully integrated into the assessment. Although the assessment refers generally to climate change and future River Basin Management objectives, there is little evidence that projected climatic changes have been incorporated quantitatively into the assessment of future hydrology.Projected increases in rainfall intensity, prolonged winter saturation, summer droughts and more frequent storm events have the potential to alter:

-runoff rates;
-erosion potential;
-sediment transport;
-peat stability;
-drainage performance;
-pollutant mobilisation.

The assessment should therefore demonstrate that the proposed drainage and mitigation measures remain effective under reasonably foreseeable future climatic conditions rather than present-day averages alone.

16.21 Waterbody objectives are described rather than tested. The Water Framework Directive requires competent authorities to ensure that proposed developments do not compromise the achievement of the environmental objectives established for individual water bodies. The report provides a useful description of the current status and objectives for each affected water body. However, the compliance assessment itself remains largely qualitative.

16.22 The assessment generally concludes that deterioration will not occur but does not demonstrate, through a structured objective-by-objective analysis, why each statutory objective will continue to be achieved following construction and operation. For example, where a water body is currently Moderate Status because of biological limitations, the assessment should explain how the proposed development has been shown not to worsen those particular biological elements.

16.23 Without linking each conclusion directly to the statutory objectives applicable to each water body, it is difficult for the competent authority to verify compliance with Article 4 of the Water Framework Directive.

16.24 The report repeatedly concludes that impacts will not occur because mitigation will prevent them. However, relatively little consideration is given to the degree of scientific uncertainty associated with those predictions. This is particularly relevant in relation to peatland hydrology; karst groundwater flow; extreme rainfall events; cumulative forestry drainage; long-term effectiveness of settlement systems; sediment control during prolonged construction. The Water Framework Directive adopts a precautionary approach where scientific uncertainty remains.

16.25 Accordingly, where important conclusions rely upon assumptions rather than measured evidence, the assessment should identify those uncertainties explicitly and explain why they do not undermine confidence in the conclusion that deterioration can be excluded.

17. Permanent Meteorological Mast

17.1 The proposed development includes a permanent meteorological mast approximately 100 metres in height together with a lightning finial extending above the mast. The application identifies the physical characteristics of the mast but does not clearly explain its operational purpose throughout the lifetime of the development. In particular, it is unclear whether the mast functions solely for meteorological monitoring or whether it also forms part of the operational lightning protection strategy, turbine performance monitoring or other operational control systems. These different functions may give rise to different environmental effects and maintenance requirements. The Commission must require the applicant to clearly identify

the operational purpose of the permanent meteorological mast, including whether it forms part of the wind farm's lightning protection or operational control systems.

17.2 Guyed meteorological masts are recognised internationally as presenting collision risks to birds and bats because the supporting guy wires are significantly less visible than the mast itself. While the EIAR extensively assesses collision risk associated with the wind turbines, it does not clearly demonstrate that the meteorological mast has been assessed as an independent collision risk. This is particularly relevant given the importance of the site for Hen Harrier, Merlin, bats and other protected species identified elsewhere within the application. The Commission must require the applicant to submit a standalone collision risk assessment for the meteorological mast, including the guy wires, demonstrating that it will not materially increase collision risk for protected species.

17.3 Unlike construction impacts, the permanent meteorological mast will require inspection, maintenance and occasional repair throughout the operational life of the development. The application does not clearly identify, maintenance frequency; maintenance access; replacement of equipment; temporary lifting equipment; operational disturbance associated with maintenance activities. The Commission must require the applicant to identify the anticipated maintenance regime for the meteorological mast and assess the associated environmental effects.

17.4 Lightning protection assumptions. Where the meteorological mast forms part of the site's lightning protection strategy, the application should identify that function and assess any environmental risks and implications arising from that design. If it does not form part of the lightning protection system, the application should clearly confirm this. The applicant should clarify whether the meteorological mast performs any lightning interception or protection function within the proposed development and, if so, demonstrate that this has been incorporated into the environmental assessment.

18. Statutory Undertaker Requirements.

18.1 Responsibility for the proposed electrical infrastructure has not been clearly identified. The proposed development includes all associated underground electrical and communications cabling connecting the wind turbines to the proposed on-site substation together with the associated Grid Connection Route. It is not clear from the application whether all of these works comprise private electrical infrastructure to be constructed entirely by the applicant or whether any element forms part of the statutory electricity transmission or distribution network to be undertaken by the relevant statutory undertaker. This distinction is important because the environmental assessment must clearly identify every component of the proposed development together with the entity responsible for constructing and operating that infrastructure. The applicant should clearly identify:

-which electrical infrastructure will be constructed by the applicant;
-which infrastructure will be constructed by a statutory undertaker;
-the legal basis upon which each party proposes to undertake those works; and
-whether all such works have been included within the application and environmental assessment.

18.2 Works within public roads require clarification. The application propose extensive underground cabling associated with the development, including works located within the public road network. Where works are proposed in, on, over or under a public road, the Commission should be satisfied that the statutory requirements relating to those works have been complied with, including confirmation that any works requiring a statutory undertaker will be undertaken by the appropriate body having the necessary statutory powers. The application does not clearly identify the statutory undertaker, where applicable, nor explain the legal basis upon which such works will be undertaken. The Commission should require the applicant to clarify whether any element of the proposed cabling within the public road network is to be undertaken by, or on behalf of, a statutory undertaker and provide the appropriate written confirmation where required by the Planning and Development Regulations.

18.3 The project should be fully defined before consent is granted. The environmental assessment should identify all permanent infrastructure forming part of the proposed development together with the party responsible for its construction and operation. If elements of the electrical infrastructure are to be designed, authorised or constructed by another entity after permission has been granted, the Commission should be satisfied that those works have been fully assessed as part of the project now before it. The project should not be divided into separate components such that infrastructure necessary for the operation of the wind farm falls outside the scope of the present environmental assessment. The Commission must require the applicant to confirm that all electrical infrastructure necessary for the construction and operation of the proposed development has been fully assessed within the EIAR and Natura Impact Statement and that no element requiring separate statutory powers or approvals has been omitted from the assessment.

19. Transboundary Effects

19.1 The Screening out of transboundary consultation has not been adequately justified. The proposed development is located approximately 3 km from the Northern Ireland border. Given the scale of the proposed wind farm, its location within a sensitive upland environment and the extensive environmental receptors identified throughout the application, the potential for transboundary environmental effects requires careful assessment. The application concludes that transboundary consultation is unnecessary. However, this conclusion is not supported by a sufficiently detailed assessment of all potential transboundary pathways, including protected species, hydrology, peatland systems, landscape, noise and cumulative impacts.

19.2 The absence of significant transboundary effects should be demonstrated by objective scientific

evidence rather than asserted as a conclusion. The Commission must require the applicant to provide the evidential basis upon which transboundary consultation has been screened out, identifying each environmental receptor considered and the reasons why significant transboundary effects have been excluded.

19.3 The Natura Impact Statement records that Fermanagh and Omagh District Council expected that transboundary consultation would take place and indicated that it would reserve its comments until the full application documentation became available. This response is significant. It demonstrates that the adjoining planning authority considered that it could not reach an informed view without first reviewing the complete application and associated environmental documentation. Notwithstanding that response, the applicant subsequently concluded that transboundary consultation was unnecessary. The application does not explain why the expectation of the neighbouring planning authority has been displaced or provide a clear evidential basis demonstrating why formal transboundary consultation was no longer required. The Commission should explain how the response received from Fermanagh and Omagh District Council has been taken into account in any decision and, if transboundary consultation is not to be undertaken, identify the evidential basis upon which it is satisfied that consultation is unnecessary notwithstanding that response.

19.4 Protected species do not recognise administrative boundaries. The application identifies a range of highly mobile protected species including Hen Harrier, White-tailed Eagle, Merlin, Peregrine Falcon and bats. These species regularly move across administrative boundaries and cannot be assessed solely by reference to the State boundary. The application should therefore demonstrate that transboundary effects on shared populations, migration routes, breeding territories and foraging areas have been comprehensively assessed before concluding that consultation is unnecessary. The Commission must require the applicant to demonstrate that the transboundary assessment includes all protected species capable of utilising habitats on both sides of the border, together with any cumulative effects on those populations.

19.5 Northern Ireland and Ireland supports one of Europe's largest remaining peatland resources and has recognised obligations to protect and restore these habitats. The cumulative environmental effect arises not only from developments within the immediate landscape but from the repeated authorisation of wind energy developments on peatland nationally, each contributing incrementally to habitat fragmentation, drainage, carbon loss and the deterioration of peatland integrity. The application does not demonstrate that this wider cumulative context has been considered including with planning applications granted by DEFRA.

20. Source of construction materials and associated quarry operations.

20.1 The EIAR identifies a number of quarries and concrete suppliers expected to provide

construction materials for the proposed development. However, identifying potential suppliers does not demonstrate that those operations are lawfully authorised or possess sufficient permitted extraction capacity to supply the substantial quantities of aggregate, rock, fill and concrete required for the construction of the proposed wind farm. The application does not demonstrate that each proposed supplier:

-benefits from the necessary planning permission and quarry registration;
-operates within the scope of that permission;
-holds all necessary environmental licences and permits;
-has sufficient authorised reserves available; and
-can supply the proposed development without requiring additional extraction or operational intensification.

20.2 The Commission must require the applicant to identify every quarry and concrete supplier relied upon and provide confirmation that each operation is lawfully authorised and possesses sufficient permitted capacity to supply the proposed development. The Commission must also require the applicant to confirm the current planning and environmental compliance status of each identified supplier and identify any outstanding enforcement proceedings, licence reviews or regulatory non-compliances relevant to the proposed supply of materials.

20.3 The environmental assessment considers the impacts arising from construction of the proposed wind farm itself. However, the extraction, crushing, processing, concrete production and transportation of construction materials represent integral components of the project and may themselves give rise to environmental effects. The application does not demonstrate that the cumulative effects arising from increased quarry production, blasting, dust emissions, noise, traffic, water use, wastewater discharges and associated transport have been assessed.

20.4 Where the proposed development relies upon substantial quantities of imported aggregate, these effects form part of the overall environmental footprint of the project. The Commission must require the applicant to provide a cumulative assessment of the environmental effects associated with the extraction, processing and transport of construction materials required for the proposed development.

20.5 Transport of construction materials. The environmental assessment identifies construction traffic associated with the development but does not clearly distinguish between:
-turbine component deliveries;
-aggregate haulage;
-concrete deliveries;
-spoil movements; and
-borrow pit operations.

20.6 These movements may originate from different locations, follow different routes and give rise to

different environmental effects. The Commission must require the applicant to quantify the anticipated volume of aggregate and concrete transport associated with each supplier and incorporate those movements into the cumulative traffic assessment.

20.7 Embedded environmental effects. The environmental assessment principally addresses the environmental effects occurring within the application site. However, the production of construction materials represents a foreseeable and necessary consequence of the development. Where the project relies upon substantial quantities of quarried aggregate and concrete, the associated environmental effects should be recognised within the assessment of the overall project, particularly where increased production may be required specifically to facilitate the proposed development. The applicant should demonstrate that the embodied environmental effects associated with the sourcing of construction materials have been adequately considered within the Environmental Impact Assessment and cumulative assessment.

20.8 The applicant has identified these quarries as integral components of the proposed development. It is therefore for the applicant, not the Commission or members of the public, to demonstrate that those facilities are lawfully authorised, environmentally compliant and possess sufficient permitted capacity to supply the project. An Environmental Impact Assessment Appropriate Assesment / Water Framework Assessment should assess the environmental effects of the project as proposed, including the foreseeable extraction and processing of construction materials necessary to facilitate the development, rather than treating those activities as entirely separate from the project they are intended to serve.

21. Greenhouse gas assessment and whole-life carbon accounting.

21.1 The Assessment does not present a complete whole-life net carbon assessment. The Climate Chapter correctly recognises that the significance of greenhouse gas emissions should be assessed over the lifetime of the project and that the assessment should consider the project's net impact rather than simply identifying individual sources of emissions. It further states that significance should be based on whether the project contributes to reducing greenhouse gas emissions relative to an appropriate baseline. However, the assessment does not present a complete audited whole-life carbon balance identifying the overall net greenhouse gas emissions associated with the proposed development. Instead, emissions are considered in separate categories and a number of potentially relevant emission sources are scoped out or addressed qualitatively. The Commission must require the applicant to provide a complete cradle-to-grave greenhouse gas inventory identifying the total gross emissions, total avoided emissions and resulting net greenhouse gas emissions over the entire operational life of the proposed development.

21.2 The assessment acknowledges that the turbine manufacturer has not been selected and therefore relies upon Life Cycle Assessments prepared by manufacturers for different turbine

models and different projects. The EIAR accepts that these assessments are not project specific and that detailed emissions data cannot be extracted for incorporation into the greenhouse gas assessment. Instead, they are used qualitatively to support an assumed carbon payback period. Given the flexibility sought for turbine dimensions and the absence of a final turbine specification, there remains uncertainty regarding the actual embodied carbon associated with manufacture, transport, installation and eventual decommissioning. The Commission must require the applicant to provide a project-specific life cycle assessment based on the final turbine specification or, alternatively, assess the reasonable worst-case embodied carbon associated with the range of turbine options for which permission is sought.

21.3 The assessment scopes out a number of emission sources on the basis that each is expected to contribute only a small proportion of total greenhouse gas emissions, including operational maintenance, operational transport, waste management, water use and several decommissioning activities and quarry intensification also appears absent. While each category may be relatively small in isolation, the cumulative contribution of these sources over an operational period of several decades has not been quantified. The purpose of a whole-life carbon assessment is to account for all reasonably foreseeable emissions rather than excluding individual categories because they are considered comparatively minor. The Commission must require the applicant to quantify the cumulative greenhouse gas contribution of all life-cycle stages rather than relying upon qualitative assumptions that individual components are insignificant.

21.4 The principal climate benefit relied upon by the applicant is the displacement of fossil fuel electricity generation. However, the assessment does not clearly identify the methodology by which avoided emissions have been calculated over the proposed operational life, nor does it demonstrate how future changes to Ireland's electricity generation mix have been incorporated into those calculations. As the national electricity system continues to decarbonise, the carbon displacement associated with additional renewable generation may change significantly over time.

21.5 The Climate Assessment assumes that the proposed development will continue to generate electricity at broadly consistent levels throughout the proposed 35-year operational life. However, no assessment has been provided of energy yield degradation associated with turbine ageing, component wear, site conditions or declining aerodynamic performance. As energy yield declines over time, the quantity of greenhouse gas emissions displaced by the project will also reduce. Accordingly, the applicant should incorporate a realistic, evidence-based assessment of expected energy yield degradation into the whole-life carbon assessment so that the net greenhouse gas benefit of the project can be independently verified.

21.6 The Commission should require the applicant to identify the assumptions used to calculate avoided emissions throughout the operational life of the development and demonstrate that these assumptions remain valid under projected future electricity generation scenarios and include accurate energy yield degradation calculations.

21.7 The assessment concludes that the proposed development will have a significant beneficial climate effect. However, that conclusion is not supported by a clearly identified audited net greenhouse gas figure for the entire project lifecycle. Without a single net emissions figure, it is not possible for the Commission or members of the public to independently evaluate the conclusions reached or to meaningfully scrutinise the assessment against national climate obligations.

21.8 The Commission should require the applicant to provide a single audited net greenhouse gas emissions figure representing the complete life-cycle emissions of the proposed development, including construction, land-use change, peat disturbance, turbine manufacture, transport, operation, maintenance, decommissioning, recycling and avoided emissions, together with the methodology used to derive that figure.

21.9 The proposed development involves extensive excavation, drainage and permanent alteration of peatland. While the assessment includes land-use change within its methodology, it does not clearly identify the full quantity of greenhouse gas emissions attributable to peat oxidation, ongoing drainage effects and long-term loss of carbon sequestration capacity arising from permanent peatland modification. The Commission should require the applicant to provide a quantified assessment of greenhouse gas emissions associated with peat disturbance, including both immediate construction emissions and long-term emissions resulting from changes to peatland hydrology and carbon storage.

22. Decommissioning has not been sufficiently assessed.

22.1 The Decommissioning assessment is based upon assumptions rather than a defined project. The EIAR identifies decommissioning as part of the project lifecycle but provides only a high-level description of the anticipated works. The assessment assumes that much of the turbine infrastructure will be recycled and that reinforced concrete foundations will remain in situ. However, no detailed methodology has been provided demonstrating how the site will be restored following cessation of operations.

22.2 The Commission is therefore being asked to authorise a project without knowing the full extent of the permanent infrastructure that will remain within the landscape following decommissioning. The Commission must require the applicant to submit a detailed decommissioning strategy identifying all infrastructure to be removed, all infrastructure proposed to remain in situ and the environmental consequences of each approach.

22.3 Permanent retention of foundations has not been justified. The Climate Chapter indicates that reinforced concrete foundations are expected to remain in situ following decommissioning. These foundations represent permanent engineering structures extending into peat and underlying soils. The application does not demonstrate:

-why complete removal is not proposed;
-the environmental consequences of permanent retention;
-long-term effects on peatland restoration;
-long-term hydrological impacts; or
-whether permanent buried infrastructure is compatible with restoration objectives for the site.

22.4 The Commission must require the applicant to justify the permanent retention of turbine foundations or alternatively assess complete removal as a reasonable decommissioning scenario.

23. Restoration objectives have not been defined.

23.1 The application does not clearly identify the environmental condition to which the site will be restored following cessation of operations. In particular, it remains unclear whether restoration proposes:

-restoration of peatland;
-restoration of commercial forestry;
-restoration of agricultural land;
-natural regeneration; or
-another agreed end-use.

Without a defined restoration objective, it is not possible to assess whether the proposed decommissioning measures are adequate. The Commission must require the applicant to identify the intended post-decommissioning land use and demonstrate how the proposed restoration measures will achieve that outcome.

23.2 The operational life of the development extends over several decades. The application does not demonstrate that adequate financial provision will exist to ensure that decommissioning and environmental restoration can be completed irrespective of future ownership or financial circumstances. The Commission should require appropriate financial security to ensure that decommissioning and environmental restoration can be completed in full at the end of the operational life of the development.

23.3 The environmental assessments relies upon assumptions regarding future recycling rates, construction methods and restoration outcomes. Those assumptions may change significantly over the operational life of the development. Where decommissioning forms part of the project assessed within the EIAR NIS and WFDAR, the Commission should be satisfied that the principal decommissioning activities have themselves been sufficiently defined and assessed before consent is granted. The Commission must require the applicant to provide sufficient detail regarding decommissioning to enable its environmental effects to be assessed as part of the

current application rather than leaving those matters to be determined at the end of the project's operational life.

24. **Forestry removal and long-term land management.** The proposed development requires the permanent removal of commercial forestry to facilitate turbine bases, hardstands, access roads, borrow pits, drainage infrastructure and associated works. The assessment primarily considers forestry removal as an enabling construction activity. However, the clearance of extensive forestry represents a significant environmental impact in its own right, with potential consequences for hydrology, peat stability, carbon storage, habitat connectivity and protected species.

24.1 In particular, the application identifies Hen Harrier as a qualifying interest requiring extensive mitigation and acknowledges the presence of a significant bat resource within and around the site. Commercial forestry, while not a natural habitat, may provide important nesting, roosting, commuting and sheltering habitat for protected species. The assessment does not clearly demonstrate that the ecological consequences of forestry removal for these species have been fully assessed beyond the immediate construction footprint. The Commission must require the applicant to provide a consolidated assessment of the environmental effects arising from forestry removal, including impacts on hydrology, peatland function, carbon storage, habitat connectivity, Hen Harrier, bats and other protected species.

24.2 Forestry felling requires separate statutory consent. The proposed forestry clearance will require compliance with the statutory forestry consent regime, including the obtaining of any necessary felling licences and compliance with all environmental conditions attaching to those licences. The application does not clearly identify the extent of forestry requiring felling consent, the proposed sequencing of forestry operations or how those activities have been integrated into the Environmental Impact Assessment.

24.3 As forestry clearance forms an integral component of the proposed development, the Commission should be satisfied that the environmental effects of those works have been comprehensively assessed rather than deferred to subsequent licensing procedures. The Commission must require the applicant to identify all forestry requiring statutory felling consent and demonstrate that the environmental effects of those operations have been fully assessed within the EIAR and Natura Impact Statement.

24.4 Following forestry removal, vegetation will naturally regenerate throughout the operational life of the development. The application does not clearly explain how this regrowth will be managed over the proposed 35-year operational period. In particular, it is unclear whether vegetation control will rely upon repeated mechanical clearance, herbicide application, replanting restrictions or other long-term land management measures. These activities may themselves give rise to environmental effects, particularly within sensitive peatland habitats and areas utilised by protected species. The Commission must require the applicant to submit a long-

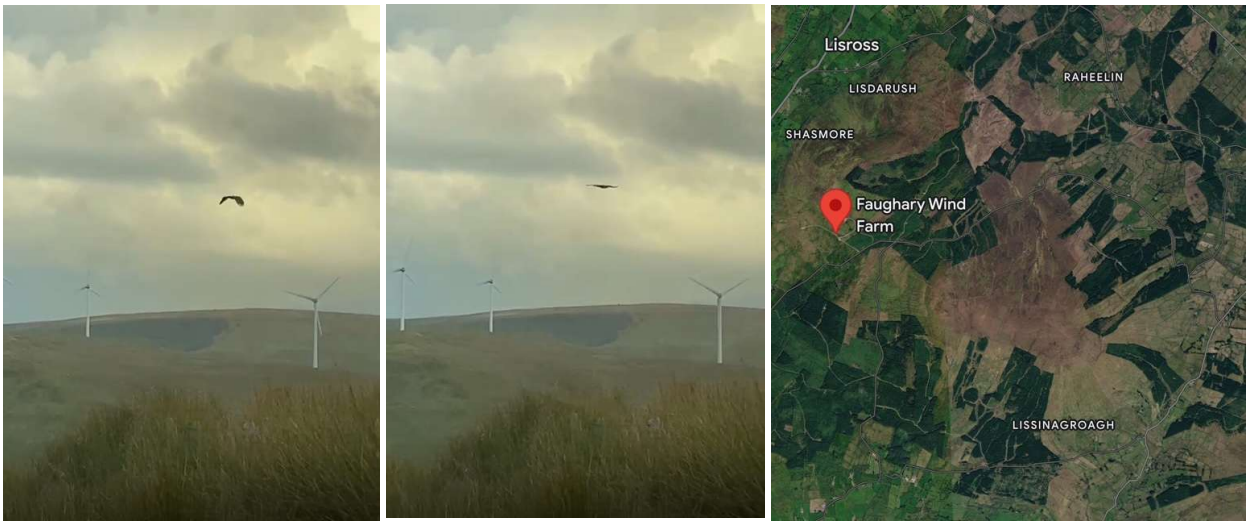
term vegetation management plan identifying the methods proposed to control vegetation regrowth, including any use of herbicides, frequency of maintenance, environmental safeguards and assessment of the associated environmental effects.

24.5 The application does not clearly identify the intended long-term land use following decommissioning of the proposed wind farm. It remains unclear whether areas cleared of forestry will:

-be replanted with commercial forestry;
-be restored to peatland;
-be managed for biodiversity;
-be returned to agricultural use; or
-be subject to another long-term restoration objective.

24.6 Without a clearly defined restoration strategy, the Commission cannot assess the long-term environmental consequences of permanently removing substantial areas of forestry. The Commission must require the applicant to submit a post-decommissioning restoration strategy identifying the intended future land use for all forestry removed as part of the development together with the measures necessary to achieve that restoration.

24.7 The proposed operational life of the development extends for approximately 35 years. The application does not identify the legal mechanism by which post-decommissioning restoration and any replanting or habitat restoration will be secured, nor does it identify the financial provision available to ensure that these obligations can be fulfilled regardless of future ownership or financial circumstances. The Commission should require the applicant to demonstrate how long-term restoration obligations will be secured, including the provision of an appropriate financial bond or equivalent security sufficient to ensure that forestry restoration, habitat restoration and all associated environmental reinstatement measures can be completed at the end of the operational life of the development.



Figures. 25.1 & 25.2 : Stills from Video footage of White Tailed Eagle with Faughary Wind Farm in the Background.

Figure 25.3: Proximity of Lissinagroagh Windfarm to Faughary Wind Farm.

25. White-tailed Eagle.

25.1 White-tailed eagle requires a stand-alone assessment. The application acknowledges records of White-tailed Eagle within the wider area. The applicant is correct and the species had been videoed flying next to the development lands at Faughary Wind Farm see figs. 25.1-25.3. White-tailed Eagles are highly mobile Annex I species capable of travelling considerable distances between breeding, foraging and roosting locations. The presence of even occasional individuals requires careful consideration where very large rotating structures are proposed. The assessment primarily focuses on regularly recorded species and breeding territories but does not provide a stand-alone assessment of the potential effects on White-tailed Eagle, including collision risk, displacement, cumulative effects or barrier effects. The Commission must require the applicant to provide a specific assessment of potential impacts on White-tailed Eagle, including flight behaviour, utilisation of the wider landscape and cumulative interaction with existing and proposed wind farms.

25.2 Cumulative Raptor Assessment. The application assesses individual species separately but does not clearly demonstrate how cumulative collision and displacement risks have been assessed for wide-ranging raptors utilising the broader landscape. Given the increasing number of operational and proposed wind farms within the region, the cumulative risk to large soaring birds should be assessed at the population level rather than by reference to the proposed development alone. The Commission must require the applicant to provide a cumulative assessment of collision and displacement risks for White-tailed Eagle and other large raptors across the wider regional landscape. This must include any and all windfarms that may impact hunting and migration routes.

26. Design Flexibility.

26.1 The application seeks permission for design flexibility permitting:

-turbine tip heights between 180 m and 185 m;
-rotor diameters between 149 m and 163 m; and
-hub heights between 101 m and 110.5 m.

These parameters permit numerous possible turbine configurations, each with different environmental characteristics including rotor swept area, blade tip speed, collision risk, visual impact, noise propagation and shadow flicker.

26.2 While design flexibility may be appropriate, the environmental assessment must demonstrate that every parameter assessed represents the reasonable worst-case scenario for each environmental topic and the design envelope as a whole. The application does not clearly demonstrate that the maximum adverse scenario has been assessed for every environmental receptor or explain how differing combinations of rotor diameter, hub height and blade tip height have been evaluated. The Commission must require the applicant to identify, for each chapter of the EIAR and Natura Impact Statement:

-the turbine dimensions assessed;
-the parameter representing the worst-case scenario;
-the methodology used to determine that worst case; and
-confirmation that every possible turbine configuration permitted by the application falls within the assessed envelope.

26.2 The environmental envelope should be clearly defined. The Commission should not be required to infer that the environmental assessment encompasses every turbine configuration capable of being constructed under the proposed permission. The burden rests with the applicant to demonstrate that the environmental envelope assessed fully encompasses the maximum environmental effects associated with the design flexibility sought. Where different environmental receptors are affected by different turbine dimensions, the applicant should identify the worst-case scenario for each receptor rather than relying upon a single generic design envelope. The Commission must require the applicant to provide an Environmental Envelope Statement demonstrating that every turbine configuration capable of being authorised has been fully assessed and that no combination of design parameters could result in environmental effects exceeding those assessed within the EIAR or Natura Impact Statement.

27. Infrasound, low frequency noise and sensitive receptors.

27.1 The assessment primarily relies upon conventional noise criteria. The Noise and Vibration Assessment principally assesses operational noise by reference to recognised daytime and night-time noise limits applicable to residential properties. While compliance with these criteria is an important component of the assessment, they do not of themselves demonstrate that all

potential operational effects associated with modern utility-scale wind turbines have been evaluated. The proposed turbines will have blade tip heights of up to 185 metres and represent substantially larger machines than those upon which much of the historical guidance was developed. Require the applicant to identify the scientific basis upon which it concludes that the operational assessment adequately addresses all relevant noise characteristics associated with the proposed turbine dimensions.

27.2 Low frequency noise and infrasound. The application does not clearly identify whether low frequency noise and infrasound have been specifically assessed as distinct acoustic characteristics or whether these matters have been assumed to be adequately addressed through compliance with conventional broadband noise limits.

27.3 There remains ongoing scientific research regarding the generation, propagation and perception of low frequency noise from large wind turbines. Whether or not such effects ultimately prove significant, the assessment should clearly explain the methodology adopted and the evidence relied upon in concluding that sensitive receptors will not experience unacceptable effects. The Commission should require the applicant to identify whether low frequency noise and infrasound have been specifically assessed and, if so, the methodology, assumptions and scientific evidence relied upon in reaching its conclusions.

27.4 Sensitive Ecological Receptors. The assessment principally considers operational noise in relation to human receptors. Although the objector noticed that there appears to be residential properties not identified in the 750 metre zone from the development site. The zone also does not appear to account for the distance of impact for infrasound. However, the proposed development is located within an ecologically sensitive upland landscape supporting Annex I bird species, bats and other protected fauna. The application does not clearly explain whether operational low frequency noise has been considered in relation to protected species whose behaviour, breeding success or habitat utilisation may differ from that of human receptors. While the scientific evidence may ultimately demonstrate negligible effects, the assessment should clearly identify whether this pathway has been considered before it is excluded. The Commssion must require the applicant to confirm whether operational noise, including low frequency noise where relevant, has been assessed in relation to protected ecological receptors and provide the scientific basis for any conclusions reached.

27.5 Separation distances are not a substitute for environmental assessment. The application notes that residential properties are located beyond the minimum separation distances adopted within the project design. While setback distances are relevant planning considerations, they do not themselves constitute an environmental assessment. The Commission should therefore be satisfied that operational effects have been assessed by reference to the predicted environmental effects of the proposed turbines rather than by reliance upon compliance with generic separation distances alone. The commission should require the applicant to demonstrate that the assessment of operational effects is based upon project-specific

environmental assessment rather than solely upon compliance with standard setback distances or generic design guidance.

28.Conclusion

28.1 This submission has identified a number of significant issues arising from the Environmental Impact Assessment Report, Natura Impact Statement, WFDAR and supporting documentation accompanying the proposed development. In many instances, these concerns arise not because the environmental effects have been demonstrated to be unacceptable, but because the information presently before the Commission does not provide the level of scientific certainty required to enable a fully informed assessment of the proposal.

28.1 A recurring theme throughout the application is the reliance on assumptions, future design development, post-consent monitoring and management plans, or mitigation measures whose effectiveness has not been fully demonstrated within the application itself. While such measures may ultimately prove capable of avoiding or reducing environmental effects, the burden rests upon the applicant to demonstrate this before development consent is granted. The Commission's assessment must be based upon complete, precise and definitive information rather than matters that remain to be confirmed during detailed design, construction or operation.

28.2 The submission has also identified a number of areas where additional information should reasonably be provided before the application can be lawfully determined, including, amongst other matters, road safety, construction traffic management, Water Framework Directive compliance, cumulative environmental effects, whole-life greenhouse gas accounting, quarry sourcing, long-term forestry management, protected species, design flexibility and the assessment of ancillary infrastructure. These matters are capable of being addressed only through the submission of further information sufficient to enable both the Commission and the public to properly assess the environmental consequences of the development.

28.3 However, this submission also identifies a number of matters that may not be capable of being remedied through the submission of further information alone. Where the proposed development materially conflicts with the Leitrim County Development Plan, where the application relies upon compensation measures in circumstances requiring compliance with Article 6(4) of the Habitats Directive, where the project has not been sufficiently defined to permit a lawful Environmental Impact Assessment or Appropriate Assessment, or where the statutory requirements of environmental legislation cannot be satisfied, the appropriate course is refusal of permission.

28.4 Accordingly, it is respectfully requested that the Commission carefully consider each of the matters raised in this submission. In the first instance, where the Commission is not satisfied that the statutory requirements governing Environmental Impact Assessment, Appropriate

Assessment, the Water Framework Directive or other applicable environmental legislation have been complied with, permission should be refused. Without prejudice to that primary position, where the Commission considers that identified deficiencies may be capable of remedy, it is respectfully requested that comprehensive Further Information be sought, thereby ensuring that the public is afforded a meaningful opportunity to participate in the assessment of the fully defined project before any decision is reached.

28.5 Finally, this submission is made in the interests of ensuring that the proposed development is assessed in accordance with the requirements of Irish and European environmental law. Renewable energy development plays an important role in meeting national climate and energy objectives. Equally, those objectives must be delivered in a manner that fully complies with the statutory safeguards established to protect biodiversity, water resources, peatlands, climate, the wider environment and the rights of the public to participate effectively in environmental decision-making. Those objectives are complementary, not competing, and each is essential to achieving truly sustainable development.

28.6 The purpose of this submission is not to oppose renewable energy as a matter of principle, but to assist the Commission in ensuring that any consent granted is based upon a complete, robust and scientifically verifiable assessment of the proposed development. Where the evidence demonstrates compliance with the law, development should proceed. Where that evidence is absent or statutory requirements have not been met, the Commission is obliged to act accordingly

Yours sincerely

Claudia Sweeney