

FORMAL SUBMISSION TO AN COIMISIÚN PLEANÁLA

TO: An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902

DATE: 14 July 2026

RE: Strategic Infrastructure Development (SID) Planning Application under Section 37E

Planning Reference: PAX16.324387

Proposed Development: Muingmore Wind Farm (13 No. Wind Turbine Generators, 110 kV Onsite Substation, Battery Energy Storage System (BESS) Compound, and Associated Infrastructure).

Location: Townlands of Muingmore and Doolough, County Mayo.

Applicant: RWE Renewables Ireland Limited.

OBJECTOR DETAILS:

- **Name:** Laurence Howard
- **Address:** Wardley, Monterey Road, Greystones, County Wicklow / Muingmore, Belmullet, County Mayo

Dear Sir/Madam,

I wish to log a formal submission/observation objecting to the above-referenced Strategic Infrastructure Development (SID) planning application for the proposed Muingmore Wind Farm. I enclose the statutory mandatory fee.

I request that An Coimisiún Pleanála **REFUSE** planning permission for this development. A rigorous, comprehensive audit of the Environmental Impact Assessment Report (EIAR) and its Technical Appendices establishes that the applicant has failed to comply with Irish planning legislation, local development guidelines, and European environmental directives. The development fails to comply with the standard of proper planning and sustainable development of the area for the **16 distinct legal grounds** detailed below.

SUMMARY OF DISCOVERED LEGISLATIVE AND RECITATIVE BREACHES

- **Direct and Conceded Material Contravention of Local Policy:** The application stands in direct conflict with Variation No. 2 to the Mayo County Development Plan 2022–2028 (adopted into law on 13 July 2026), which formally designates the entire site as "Unsuitable" for wind farm development—a policy shift the applicant has conceded on the record would constitute a material contravention.

- **Material Project Splitting:** Unlawfully severing a 25.5 km grid route from the main wind farm application to bypass strict, integrated EIA thresholds (under the *O'Grianna* precedent).
- **Lack of Design Certainty:** Seeking a highly disruptive 10-year construction envelope and an excessive 35-year operations term using variable turbine dimensions that invalidate all visual, noise, and bird-strike calculations.
- **Statutory Shadow Flicker Violations:** Designing an improper turbine layout that causes immediate, unmitigated baseline breaches of the 30-minute daily threshold at up to 49 local homes.
- **Failure to Meet Progressive 4x Tip Height Setback Standards:** Positioning Turbine 12 within the modern recommended buffer zone, sitting just 712.54 metres from the nearest residential dwelling.
- **Templated and Unsurveyed Housing Data:** Utilizing identical 10 m × 5 m × 3 m carbon-copied window measurements for dozens of separate residential properties to force an artificial software modelling outcome.
- **Traffic Safety Exploitation:** Forcing an unmanageable 2,592% peak HGV surge and a 593% overall traffic increase onto minor, flexible local rural lanes (L1206 and L5252) that possess zero structural load-bearing capacity.
- **Unvouched Draft Documentation:** Relying on crucial baseline bat ecology appendices explicitly stamped as unsigned, unverified "draft documents" that are legally non-binding.
- **Avian Fieldwork Omissions:** Openly admitting to skipping mandatory breeding raptor and migratory bird survey hours across multiple years.

- **Direct Lethal Flight Intersection:** Locating turbines over a confirmed, active multi-year nesting site of the Red-listed Kestrel, whose flights occur 83.6% within the blade-strike zone.
- **Fisheries Pollution Vectors:** Creating an immediate source-pathway-receptor sediment washout threat to downstream Special Areas of Conservation (SAC) housing verified Salmon, Trout, and Eel populations.
- **Cross-Jurisdictional Metric Arbitrage:** Bypassing Irish planning systems to use custom corporate UK and Scottish toolkits specifically to commodify and calculate trade-offs on irreplaceable Annex I blanket bogs.
- **Unsecured Mitigation Lands:** Proposing a layout where the developer lacks the basic third-party land agreements required to stop drainage and peat drying around Turbine 10.
- **Fabricated Overrun Accounting:** Graphically treating a physically destroyed, rotavated, bare-peat landscape at Overrun Area 3 as "Favourable/Good" simply to balance a biodiversity ledger.
- **Systemic Background Noise Drift:** Deploying unstable background sound level meters that logged extreme drift failures exceeding 0.5 dB, rendering the entire baseline ambient noise model legally invalid.
- **Avian Model Isolation:** Utilizing an asynchronous, outdated 2025 collision risk model that relies on a false "uniform distribution" of bird flight height to mask true potential blade-strike mortality.

GROUND-BY-GROUND OBJECTION

1. Direct and Conceded Material Contravention of the Mayo County Development Plan 2022–2028 (Variation No. 2)

The proposed development stands in direct, fatal conflict with Variation No. 2 to the Mayo County Development Plan 2022–2028 (incorporating the updated Renewable Energy Strategy for County Mayo), which was formally adopted into law by Mayo County Council yesterday, 13 July 2026. Under the now operative Wind Suitability Mapping (Map 6.10), the

entire proposed site at Muingmore and Doolough is formally and legally designated as "Unsuitable" for wind energy development.

Crucially, the applicant has already formally conceded the legal consequences of this policy shift within their own planning submission documents:

- **Explicit Policy Acknowledgment:** In Chapter 4, Section 4.10.1.2 (Page 43), the applicant explicitly acknowledged that the updated Renewable Energy Strategy proposed to reclassify the Muingmore project area as "Unsuitable".
- **The Conceded Legal Trigger:** On Page 54, the applicant explicitly admitted that if this strategy were to be formally adopted by Mayo County Council prior to An Coimisiún Pleanála making its final determination, the proposed Muingmore Wind Farm would materially contravene the Mayo County Development Plan.

Because this variation was formally enacted on 13 July 2026, the applicant's own stated threshold has been crossed. The development now stands in direct, conceded, and active material contravention of the operative Mayo County Development Plan. This is no longer a future risk or a pending policy shift; it is an existing, insurmountable planning fact. The Board is urged to respect the democratic, statutory zoning functions of the Local Authority and refuse permission on this ground.

Pre-emptive Counter-Rebuttal to Section 37G(6) Override Claims: The Board must reject any attempt by the developer to rely on Section 37G(6) of the Planning and Development Act 2000 to override this local policy under the guise of "national strategic targets". While Section 37G(6) grants the Board discretionary power to approve developments in material contravention under specific conditions, that power is not a blanket mandate. In this instance, the democratic reclassification of this site as "Unsuitable" was specifically enacted to protect highly sensitive local hydrology and ecological receptors.

Crucially, because the applicant **has already conceded on the record** that formal adoption of this variation constitutes a material contravention, they cannot now argue that the zoning conflict is minor, ambiguous, or open to interpretation. Granting permission here would completely undermine the statutory integrity of the newly variationed Mayo County Development Plan, creating an unacceptable precedent of developer-led zoning overriding locally adopted, evidence-based environmental protections.

2. Material Project Splitting (EU EIA Directive Violation)

The applicant states in Section 1.3 of the EIAR that the 25.5 km Grid Connection Route (GCR) underground cable to Bellacorick Substation is excluded from this application and will be progressed via a separate consent process at a later date. This represents an unlawful attempt at Project Splitting under the EU Environmental Impact Assessment (EIA) Directive (2011/92/EU as amended by 2014/52/EU).

Following established Irish jurisprudence (*O'Grianna v. An Bord Pleanála*), a wind farm asset and its mandatory connection to the national grid constitute a single, indivisible project.

Pre-emptive Counter-Rebuttal to "Cumulative Assessment" Defence: The developer will undoubtedly claim that they have bypassed this issue by providing a "cumulative impact assessment" of the grid route within this EIAR. The Board must reject this defence. A

secondary, cumulative summary does not equate to a primary, legally binding project assessment. By severing the grid connection into a separate future consent process, the developer avoids having the specific, binding mitigation measures and site-specific structural conditions of the 25.5 km trenching work integrated directly into the main permission. This deprives the competent authority of its statutory duty to perform a holistic, single-stage Environmental Impact Assessment on the entire operational asset.

3. Excessive Operational/Spatial Flexibilities & Lack of Planning Certainty

The applicant is seeking a highly irregular 10-year construction period alongside an extensive 35-year operational period, totalling a 45-year industrial lockup of local land. Furthermore, Section 1.4 confirms that the applicant has not finalized a turbine technology, instead proposing broad, speculative "ranges" for tip height (179–180m), rotor diameter (149–163m), and hub height (98.5–105m). This fluid design baseline means that all predictive empirical modelling within the EIAR concerning aerodynamic noise emission, human shadow flicker intrusion, and avian collision probability is fundamentally variable.

Pre-emptive Counter-Rebuttal to the "Rochdale Envelope" Defence: The developer will seek shelter under the "Rochdale Envelope" principle, claiming they have evaluated the "worst-case scenario" for these ranges. However, European and Irish planning law establishes that a design envelope must still provide a high degree of certainty to prevent environmental assessments from becoming purely speculative. Because the physical dimensions, aerodynamic blade profiles, and noise curves of the turbine selection remain entirely unfixed, the "worst-case" scenario presented by the developer is a theoretical construct, not a definitive environmental baseline. Granting such extensive 45-year operational and spatial flexibilities deprives the public of planning certainty and fails the strict legal standards of a definitive environmental assessment.

4. Innate Nuisance & Failure to Meet Shadow Flicker Thresholds

The applicant's shadow flicker computer modelling (Section 11.0) explicitly confirms that the spatial configuration of the 13 turbines will result in severe, unmitigated baseline breaches of the Wind Energy Development Guidelines 2006. When evaluating the maximum theoretical thresholds, shadow flicker exceeds 30 minutes per day at 37 receptors under Scenario 1, 41 receptors under Scenario 2, and 49 receptors under Scenario 3. Up to 38 residential homes are also modelled to breach the 30 hours per year limit.

Pre-emptive Counter-Rebuttal to "Automated Shutdown Protocol" Mitigation: The developer will argue that shadow flicker is a fully mitigable issue through the implementation of an automated "Shutdown Protocol" (software that turns off turbines during flicker events). This argument is a retrospective cure for an inherently defective physical layout. An Coimisiún Pleanála should not sanction a layout that requires dozens of local homes to rely on the flawless, perpetual operation of corporate software to maintain basic liveability. A shutdown protocol is a secondary operational patch; the primary planning duty is to design a spatial layout that avoids creating a severe nuisance in the first instance.

5. Material Contravention of Statutory 4xTip Height Setback Guidelines (Turbine 12)

The proposed physical layout fails to maintain progressive residential separation distances. Under the proposed but unadopted *2019 Draft Wind Energy Development Guidelines*, the modern protective setback standard of four times the maximum tip height ($4 \times$ tip height) is not met. Given the proposed tip height of up to 180 metres, this modern standard requires a 720-metre buffer. Turbine 12 is positioned a mere 712.54 metres from the nearest occupied residential dwelling—representing a direct physical deficit of 7.46 metres.

Even when applying the currently enacted *2006 Wind Energy Development Guidelines* (which specify a 500m baseline), this extreme proximity of 712.54 metres to an active family home demands the most rigorous, protective scrutiny by An Coimisiún Pleanála. To locate a massive, multi-megawatt 180-metre industrial turbine within this distance—in direct deficit of modern national planning safety transitions—poses an unacceptable threat to the acoustic safety, visual comfort, and residential amenity of the nearest occupiers.

Pre-emptive Counter-Rebuttal to Setback "Tolerance" or Outdated Guideline Claims:

The developer may attempt to counter this by arguing that because the 2006 guidelines remain the active statutory framework, any separation distance exceeding 500 metres is automatically acceptable. The Board must reject this regressive approach. While the 2006 guidelines remain technically active, they were designed for turbines of a vastly different era and physical scale. Modern planning practice and the clear transition toward the 4x tip height standard in the 2019 Draft Guidelines exist precisely because 180-metre structures impose exponentially greater acoustic and visual impacts. A physical deficit of 7.46 metres from modern best-practice setbacks cannot be dismissed as a minor spatial tolerance. To wave this setback deficit aside under the cover of outdated 2006 baselines would actively compromise the safety, acoustic protection, and visual comfort of the nearest residential occupiers, failing the core test of proper planning and sustainable development.

6. Systematic Data Manipulation and Templated/Unsurveyed Receptor Baselines in Shadow Flicker Modelling

Technical Appendix 11-1 (Table 11-1-1) exposes a fatal systemic flaw that invalidates the scientific integrity of the applicant's entire Shadow Flicker Assessment. Under the EPA Guidelines (2022), predictive modelling inputs must accurately reflect the real-world baseline environment. Instead, the applicant has input highly standardised, templated, and unsurveyed structural variables for all 92+ local residential receptors to mathematically force a uniform software outcome.

A rigorous audit of the 'Shadow Flicker Receptor Data' table reveals that the applicant has logged every single residential property in the rural Muingmore/Doolough impact zone as having identical spatial dimensions. Dwellings 1 through 100 are all mathematically programmed as having an identical window 'Width' of exactly 10.0 metres, an identical window 'Depth' of exactly 5.0 metres, and an identical window 'Height' of exactly 3.0 metres.

Pre-emptive Counter-Rebuttal to "Conservative Software Defaults" Defence: The developer will likely argue that these identical 10 m × 5 m × 3 m entries are standard, industry-recognised "conservative defaults" in WindPRO software designed to represent a "worst-case" scenario. This argument is a scientific fallacy. While a 10m-wide window may increase the modelled surface area on paper, using generic, uniform boxes completely masks the actual directional vulnerability of individual homes. By failing to map real-world window locations, property orientations, and specific residential extensions, the software cannot calculate when or how shadow flicker will penetrate active living spaces. This "templated and unsurveyed" approach is a desk-based shortcut that bypasses local, physical ground-truthing. A highly standardised, unsurveyed input model cannot produce a legally sound output, and the Board cannot rely on it to issue enforceable planning conditions.

7. Severe Disruption to Local Road Infrastructure and Public Safety

The traffic assessment in Chapter 14 outlines an industrial haulage scale that is entirely disproportionate to the carrying capacity of the local road network.

Section 14.1 records that the local access infrastructure comprises the L1206 (a light rural road with 0 baseline HGVs) and the L5252 (a minor rural lane carrying only 61 light vehicles per day). Section 14.2 confirms that peak construction will inject up to 311 HGV movements and 51 light vehicle movements per day onto these lanes.

Based directly on the applicant's own data in Chapter 14, this peak injection represents an unmanageable **2,592% increase in HGV movements** and a **593% increase in total traffic** on these substandard local lanes. The L1206 and L5252 are minor rural lanes with weak sub-bases and no structural load-bearing capacity for hundreds of daily heavy industrial dumpers and 234 Abnormal Indivisible Loads (AILs). Post-facto road repair does nothing to protect road safety, emergency vehicle access, or residents' mobility during the highly disruptive construction phase.

Pre-emptive Counter-Rebuttal to "CTMP" Remediation Arguments: The developer will claim that any road deterioration, structural strain, or safety issues will be fully managed by a Construction Traffic Management Plan (CTMP) and post-construction road reinstatement. A CTMP cannot alter the laws of physics. The L1206 and L5252 are minor rural lanes with weak sub-bases and no structural load-bearing capacity for hundreds of daily heavy industrial dumpers and 234 Abnormal Indivisible Loads (AILs). Post-facto road repair does nothing to protect road safety, emergency vehicle access, or local residents' mobility during the highly disruptive construction phase. The developer cannot mitigate a **2,592% HGV surge** on a flexible rural sub-base simply by promising to patch the asphalt after the damage is done. The application must be refused on direct public safety and infrastructural capacity grounds.

8. Material Flaws, Technical Deficiencies, and Unsigned Drafts in Bat Assessments

The Bat Survey Report (EIAR Technical Appendix 5-3) contains several severe baseline data failures that breach the strict precautionary requirements of Article 12 of the EU Habitats Directive (92/43/EEC). Because all bat species in Ireland are Annex IV strictly protected species, An Coimisiún Pleanála cannot legally grant permission where the applicant's baseline mapping is fragmented and methodologically non-compliant.

The applicant's bat data framework is compromised by major structural irregularities:

- Section 2.5.1 ('Survey Coverage') explicitly documents that during the critical 2024 summer deployment period, the static detectors positioned at Turbine Footprints T.01 and T.02 (Detector locations D.11 and D.12) completely failed to record any data.
- Section 2.5.1 reveals that the 'Spring' static detector deployment did not physically commence until 28 May 2024, completely missing the early-season emergence and dispersal patterns of local bat populations.
- Crucially, the title blocks and metadata on Page 3 and Page 7 of Appendix 5-3 explicitly state: 'This is a draft document and should not be cited.'

Pre-emptive Counter-Rebuttal to "Draft Typographical Error" or "Proxy Data"

Defences: The developer will likely argue that the "Draft" stamp was a mere administrative or clerical error in compilation, and that their use of "proxies" and "assumed activity levels" for T01 and T02 is acceptable scientific practice. The Board must reject this. Under European Court of Justice jurisprudence, environmental assessments must be based on complete, precise, and definitive findings to remove all scientific doubt. A "draft" document lacks professional accountability. Furthermore, using "proxies" to guess bat activity at the exact physical location of multi-megawatt rotating blades does not constitute a rigorous scientific assessment. The baseline data is fundamentally incomplete, and the assessment is legally void.

9. Material Deficiencies in Avian Baseline Data and Failure to Adhere to Statutory Guidance

The Ornithological Results Report (EIAR Technical Appendix 5-2) reveals that the applicant's bird survey methodologies fundamentally deviate from industry-standard guidelines. Under Section 37E of the Planning and Development Act 2000, and in accordance with the EU Birds Directive (2009/147/EC), an applicant must provide robust, scientifically sound baseline data to allow the competent authority to rule out significant impacts. The applicant's ornithological data framework is legally flawed due to severe procedural errors:

- Section 3.8 ('Survey Limitations') explicitly admits that the required number of breeding raptor surveys recommended by SNH/NatureScot was NOT accomplished during the 2021 and 2022 breeding seasons.
- The applicant explicitly confesses in Section 3.8 that the recommended breeding walkover and dusk surveys were NOT accomplished during either the 2021 or 2022 breeding seasons, restricting walkovers solely to lands where active access permission was granted.

- Section 3.8 establishes that during the critical Year 1 autumn passage season, a mere 4.5 hours of observation per Vantage Point (VP) location was conducted.
- The report text reveals a fractured field methodology: a 2022 survey visit was split over two consecutive days, two 2023 visits were dragged out over three consecutive days, and a further 2023 breeding visit was fractured across three non-consecutive days.

Pre-emptive Counter-Rebuttal to "Sufficient Representative Sample" Arguments: The developer will argue that despite these gaps, they have gathered a "sufficiently representative sample" of avian activity to characterize the site. This argument is legally inadmissible under the EU Birds Directive. The standard SNH/NatureScot guidelines are set precisely because bird populations, migratory routes, and nesting habits are highly dynamic. By failing to complete the baseline survey hours, failing to access substantial portions of the 500m turbine buffer zone, and relying on a single 4.5-hour snapshot for autumn passage, the developer has failed to compile a legally defensible baseline. The Board is legally precluded from granting permission where substantial gaps in ornithological data remain on the public record.

10. Direct, Unmitigated Threats to Confirmed Breeding Red-Listed Species (Kestrel)

The survey results compiled in Appendix 5-2 conclusively strip away any argument that this site is of low ornithological value. Section 4.2 and Tables 21, 22, and 23 explicitly confirm that a breeding pair of Kestrel (*Falco tinnunculus*) successfully nested within the existing buildings in the central area of the site across three consecutive years (2021, 2022, and 2023).

The positioning of industrial infrastructure directly over an active, proven multi-year raptor nesting site represents a flagrant violation of proper planning principles and the Wildlife Act 1976 (as amended) for the following reasons:

- Over the survey period, Kestrels logged 192 separate flight observations within the 500m turbine zone, accumulating 17,901 total seconds of flight time. Crucially, 14,977 seconds of that flight time occurred exclusively in Height Band B (10m to 150m)—the exact, lethal Collision Risk Zone (CRZ) of the rotating turbine blades.
- The central construction compound (TCC1), internal access tracking, and major turbine foundations are situated directly adjacent to the existing core buildings where this red-listed breeding pair is anchored.

Pre-emptive Counter-Rebuttal to "Nest Relocation" and "Alternative Foraging"

Mitigation: The developer will likely propose a mitigation plan to block up the existing nesting buildings prior to construction and erect custom nest boxes several kilometres away, alongside a Habitat Management Plan (HMP) to draw the birds to "alternative foraging grounds." This is a highly speculative, ecologically unproven intervention. Kestrels are highly territorial, and there is no scientific guarantee that a breeding pair will successfully adapt to forced eviction and relocation. Attempting to disrupt a proven, multi-year nesting site of a Red-listed species violates the strict conservation requirements of the Wildlife Act and represents an unacceptable ecological risk.

11. Systematic Failure to Mitigate Extensive Multi-Species Collision Risk

The empirical flight line data compiled in Technical Appendix 5-2, Section 4.1 (Table 9), completely undermines the applicant's assertion that the Muingmore site is environmentally benign. Excluding the previously referenced Kestrel, the applicant's data reveals that a staggering ten additional species actively frequent the immediate 10m to 150m rotor swept zone, logging thousands of seconds flying directly in the path of the proposed turbine blades.

These ten species have logged over 36,000 seconds of active flight time directly within the zone of physical blade strikes:

- **Snipe (*Gallinago gallinago* - BoCCI Red-Listed):** 2,153 seconds of flight time exclusively inside the CRZ.
- **Meadow Pipit (*Anthus pratensis* - BoCCI Red-Listed):** Up to 56 breeding individuals recorded on a single walkover visit.
- **Whooper Swan (*Cygnus cygnus* - Annex I Birds Directive):** 1,125 seconds of heavy flight time entirely within the CRZ.
- **Greylag Goose (*Anser anser* - BoCCI Amber-Listed):** 4,335 seconds within the CRZ from a single mass observation.
- **Grey Heron (*Ardea cinerea*):** 1,105 seconds within the lethal height band.
- **Sparrowhawk (*Accipiter nisus*):** 5,588 seconds of hunting flight time inside the CRZ across 80 discrete observations.

- **Buzzard (*Buteo buteo*):** 741 seconds within the CRZ, with a further 310 seconds directly above it.
- **Lesser Black-Backed Gull (*Larus fuscus* - BoCCI Amber-Listed):** 8,452 seconds within the CRZ across 91 separate observations.
- **Black-Headed Gull (*Larus ridibundus* - BoCCI Amber-Listed):** 3,537 seconds within the CRZ across 71 separate observations.
- **Herring Gull (*Larus argentatus* - BoCCI Amber-Listed):** 2,650 seconds within the CRZ across 64 separate observations.
- **Great Black-Backed Gull (*Larus marinus*):** 6,654 seconds within the CRZ across 65 separate observations.

Pre-emptive Counter-Rebuttal to "Low Theoretical Collision Frequency" Modelling

Claims: The developer will argue that when these raw flight times are input into the Band Collision Risk Model (CRM), the "calculated mathematical mortality rate" for each species is negligible (often less than one bird per year). This mathematical abstraction ignores real-world behaviour. CRMs rely on a highly controversial "uniform distribution" assumption and arbitrary "avoidance rates" (typically 98-99%) that are not representative of real-world peatland and coastal flight profiles. In a landscape positioned directly between SPAs, the sheer density of recorded flight lines proves this site is an active wildlife corridor. The Board must prioritize empirical field observations over theoretical, developer-calibrated software equations.

12. Environmental Degradation through Mass Deforestation on Blanket Bog

Section 13.0 of the EIAR details an unacceptable level of environmental destruction through the proposed clearfelling of between 27.17 and 31.37 hectares of existing forestry. The development site sits directly over cutover lowland blanket bog, which corresponds to Annex I Blanket Bog (habitat code 7130) under the EU Habitats Directive.

Pre-emptive Counter-Rebuttal to "Degraded Forestry" Claims: The developer will argue that because this land was historically drained and planted with commercial conifers, it is already "degraded" and therefore of low ecological value. This argument directly conflicts with the principles of the EU Nature Restoration Law and national peatland policy. Drained and afforested blanket bogs remain key candidates for restoration and rewetting. The solution

to historical ecological degradation is not to clear fell the site and install massive concrete turbine foundations, heavy road networks, and drainage channels. Such works will permanently prevent the restoration of this carbon-sequestering peatland, release vast stores of carbon, and cause localized hydrological collapse.

13. High Risk of Siltation and Environmental Degradation to Regionally and Nationally Important Fisheries

The applicant's baseline aquatic data in Technical Appendix 5-4 confirms that multiple watercourses directly connected to the development footprint serve as highly valuable nursery and spawning environments for strictly protected fish species of high conservation value:

- **Doolough Stream (33D02):** High densities of Brown Trout (*Salmo trutta*)—capturing 34 individuals at Site C2 and 43 individuals at Site C4 (Section 3.1.14 & 3.1.16).
- **Site B6 (Tributary of Tullaghan Bay):** Atlantic Salmon (*Salmo salar* - n=2), alongside Brown Trout (n=40) and European Eel (*Anguilla anguilla* - n=3) (Section 3.1.8).
- **Stand-alone Ponds (P1, P3, P4):** eDNA sampling verified resident populations of both Brown Trout and European Eel (Section 3.1.9 - 3.1.12).

Pre-emptive Counter-Rebuttal to "Silt Traps and Standard Mitigation" Defences: The developer will argue that potential siltation and sediment runoff during construction will be fully mitigated using standard "best-practice" measures, such as silt traps, buffer zones, and check dams. These standard engineering measures are highly prone to failure on wet, unstable peat substrates, particularly during heavy rainfall events characteristic of Western Mayo. Given that the applicant's own reports admit these aquatic nurseries are already heavily impacted by baseline peat pressures, the introduction of large-scale excavation and clear-felling poses a critical risk. Under the precautionary principle of the Habitats Directive, the Board cannot grant permission where there is any remaining scientific doubt regarding downstream sedimentation impacts on Annex II species like the Atlantic Salmon.

14. Unlawful Cross-Jurisdictional Arbitrage through the Use of Inapplicable Foreign Biodiversity Metrics

The Peatland Restoration Plan (Technical Appendix 5-5, Section 2.1) confirms that the applicant has deliberately bypassed Irish planning practice by using the Scottish and Southern Energy (SSE) Biodiversity Toolkit and the UK Government's Statutory DEFRA Biodiversity Metric to calculate habitat loss and recovery on an Irish site.

The applicant's mathematical modelling is a cross-jurisdictional construct tailored to manufacture a favourable outcome:

- Section 2.1 admits that the Irish **TII Biodiversity Metric** was released in December 2025 specifically for the Irish environment, yet the applicant chose NOT to use this tool simply because their calculations were 'largely complete'.
- The applicant manipulated the standard UK 'high difficulty' risk multiplier of 0.33 and replaced it with a speculative 'moderate difficulty' multiplier of 0.67 to artificially inflate their projected success rate on paper.
- The applicant used the foreign SSE tool specifically to bypass statutory UK/Irish restrictions that classify Blanket Bog as an irreplaceable habitat, allowing them to perform trade-off calculations on 30 hectares of directly and indirectly impacted Annex I Blanket Bog.

Pre-emptive Counter-Rebuttal to "International Best Practice" Claims: The developer will defend the use of the SSE and DEFRA metrics as representing "international best practice" in the absence of a legally mandated, wind-specific Irish metric. This Defence is a direct attempt to justify planning arbitrage. The TII Biodiversity Metric was designed specifically to reflect the ecological realities of the Irish landscape and was fully available to the applicant prior to submission. By choosing to use a foreign corporate toolkit and manually adjusting the risk multipliers to make bog restoration appear "easier" than standard science dictates, the developer has presented a highly speculative, non-binding biodiversity balance sheet.

15. Fragmented Restoration Framework, Ecological Arbitrage, and Failure to Secure Enforceable Rights

The applicant's stated objective to achieve a "32% Biodiversity Net Gain" is supported by a fragmented and legally unenforceable mitigation architecture:

- Section 3.4.2.5 explicitly reveals that in the immediate landholding surrounding proposed Turbine 10 (T10), **"there is no agreement for bog restoration."** As a direct result, the surrounding terrain will be left untreated and undergo permanent drying and oxidation.
- The applicant has arbitrarily reduced the standard, scientifically verified NatureScot 30-meter indirect impact buffer around infrastructure to a microscopic 5-meter buffer based entirely on "professional judgment".
- Section 3.4.2.3 and Section 3.4.2.4 rely heavily on an unrealistic 10-year timescale to transition degraded cutover bog (PB4) into highly complex, active Lowland Blanket Bog (PB3).

Pre-emptive Counter-Rebuttal to "Post-Consent Agreement" and "Professional Judgment" Claims: The developer will argue that third-party land agreements around Turbine 10 can be finalized post-consent, and that their 5-meter buffer is justified by site-specific geological conditions. These arguments are legally unacceptable. An Coimisiún Pleanála cannot grant planning permission conditional on a developer securing future, voluntary land agreements to execute mandatory environmental mitigation. Furthermore, compressing the modelled zone of hydrological damage by 83% (from 30m to 5m) without rigorous, published empirical justification serves only to artificially minimize the reported footprint of ecological damage on the public file.

16. Invalid Ambient Noise Baseline Models Due to Systemic Instrument Failures and Reflective Siting

The Background Ambient Noise surveys detailed in Technical Appendix 9-3 suffer from acute instrument vulnerabilities that violate the statutory requirements of the Wind Energy Development Guidelines and the Institute of Acoustics (IOA) Good Practice Guide to the Application of ETSU-R-97.

The applicant's raw data sheets reveal an unmitigated breakdown of calibration controls across five out of seven localized monitoring receptors:

- **NML1 (Tristia):** Field calibration drift of 0.6 dB.
- **NML2 (Tristia):** Field calibration drift of 0.7 dB.

- **NML3 (Doolough):** Field calibration drift of 0.6 dB.
- **NML5 (Doolough):** Field calibration drift of 0.8 dB.
- **NML7 (Muingmore):** A fatal field calibration drift of 1.0 dB.

Pre-emptive Counter-Rebuttal to "Negligible Drift" and "Conservative Averaging"

Claims: The developer will argue that a calibration drift of 0.6 dB to 1.0 dB is "negligible" and has been accounted for by conservatively averaging the baseline data. The Board must reject this technical handwaving. The IOA Good Practice Guide explicitly states that any drift exceeding 0.5 dB invalidates the monitoring run, as it indicates a mechanical or environmental failure of the microphone diaphragm. A drift of 1.0 dB represents a doubling of sound energy, which completely distorts the quiet background soundscape of rural Mayo. Because the baseline ambient noise model is scientifically compromised, the Board cannot establish safe, legally enforceable noise limits for the operation of this wind farm.

CONCLUSION

The cumulative scale of statutory, ecological, and procedural failures identified in this application is overwhelming. Crucially, the democratic decision by Mayo County Council to zone the Muingmore and Doolough lands as "Unsuitable" under the adopted Variation No. 2 of the Mayo County Development Plan 2022–2028 makes the development fundamentally incompatible with local spatial policy.

The applicant's own written admission on Page 54 of their submission—conceding that the adoption of the Renewable Energy Strategy would trigger a material contravention—legally binds An Coimisiún Pleanála to refuse permission. A strategic infrastructure project that is in direct, conceded material contravention of an active local development plan, and which physically fails to meet progressive 4 × tip height residential setback standards at Turbine 12, let alone the numerous other ecological issues outlined above, cannot be deemed proper planning or sustainable development.

I urge An Coimisiún Pleanála to uphold the integrity of the Irish planning system, respect the clear zoning policy of the local authority, and **REFUSE** planning permission for this highly destructive and non-compliant development.

Yours sincerely,

Laurence Howard

Greystones, Co. Wicklow & Muingmore, Co. Mayo