

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1

D01 V902

CASE REFERENCE: PAX16. 324387

Re: Proposed development of Muingmore Wind Farm — 13 wind turbines, 110kV substation, battery energy storage system (BESS) and associated infrastructure, townlands of Muingmore, Doolough, Tristia, Moneynierin and Bangor, County Mayo. Applicant: RWE Renewables Ireland Limited.

A Chara,

I wish to submit the following observation in respect of the above-named planning application, in accordance with Section 37E of the Planning and Development Act 2000 (as amended) and Article 217 of the Planning and Development Regulations 2001 (as amended).

1. MY DETAILS

Full Name

Shane Lindsay

Home / Correspondence Address

Mount Jubilee,

Bangor Erris,

Ballina,

Co Mayo

F26 C2R3

2. SUBJECT MATTER AND OBSERVATION

This submission relates to: (i) the implications of the proposed development for proper planning and sustainable development of the area, and (ii) the likely effects on the environment and on European protected sites arising from the proposed development.

1.0 Introduction

I am a resident of the Muingmore/Mount Jubilee area and live within the zone of influence of the proposed development. I will be directly and materially affected by its potential environmental, hydrological, visual, ecological, traffic, and residential amenity impacts.

While I am not opposed to renewable energy in general, I am opposed to this project, on this site, because the application documents — the EIAR, NIS, Appropriate Assessment Screening, and associated technical appendices — contain significant legal, scientific, hydrological, ecological, and procedural deficiencies that prevent a lawful grant of permission.

I note that the Renewable Energy Directive (RED III) does not alter this analysis. RED III does not override the Habitats Directive, the EIA Directive, Article 6(3) legal tests, or the prohibition on project splitting. Each deficiency identified in this submission remains legally operative regardless of national or EU renewable energy policy targets.

2.0 Project Splitting

The proposed development includes a 25.5 km grid connection route (GCR). The GCR has been excluded from this planning application and is the subject of a separate application. In my submission, this creates a serious risk of unlawful project splitting because the wind farm and grid connection are functionally interdependent and their combined environmental effects should be assessed in an integrated manner.

The Court in *O'Grianna v An Bord Pleanála* [2017] IEHC 7 confirmed that where two elements of a development are functionally inseparable, they must be assessed together. The wind farm cannot operate without the GCR. The GCR would not be constructed but for the wind farm. They are a single project for the purposes of the EIA Directive.

It may be argued that the present case is distinguishable from *O’Grianna* on the basis that both elements are being assessed — merely through separate consent processes — rather than one element being used to avoid EIA thresholds altogether. That argument should be rejected. The legal prohibition established in *O’Grianna* and in the EIA Directive is not confined to threshold-avoidance splitting. It extends to any fragmentation that prevents the cumulative environmental impacts of a single project from being assessed in a single, integrated process. Where the wind farm and GCR are assessed in isolation, neither assessment captures the full hydrological, landscape, ecological, and infrastructure footprint of the development. That is precisely the outcome the prohibition on project splitting is designed to prevent.

Splitting the project into two separate applications results in neither application being assessed in its full environmental context. The cumulative impacts of both elements — on peatland hydrology, on protected habitats, on landscape, and on water quality — cannot be properly evaluated in isolation.

This deficiency is not curable by condition, and it is a structural flaw in the application as submitted.

3.0 Uncertain Project Description

The EIAR and NIS describe the proposed turbines using ranges rather than fixed parameters:

- Tip height: 179–180 m
- Rotor diameter: 149–163 m
- Hub height: 98.5–105 m
- Foundation type: gravity or piled

The CJEU in *Sweetman v An Bord Pleanála* (C-258/11) and *People Over Wind* (C-323/17) established that the competent authority must assess the project as proposed on the basis of complete, precise, and definitive information. Where the project description is inherently uncertain, the legal threshold for screening out adverse effects on integrity cannot be met.

It may be argued in response that the applicant applied a worst-case methodology — assessing noise at maximum rotor diameter, visual impact at maximum tip height, and so on — and that this conservative approach satisfies the legal requirement. That argument fails on the facts. The EIAR does not consistently apply a worst-case methodology across all assessment chapters. In particular, the peat stability assessment does not model the maximum foundation excavation scenario associated with a piled foundation on deep peat; the collision risk assessment does not apply the maximum rotor sweep area; and the carbon balance assessment does not adopt the maximum

infrastructure footprint. An envelope assessment that is selectively applied is not a lawful substitute for a defined project description. An Coimisiún Pleanála cannot grant permission for a project whose environmental impacts have been assessed on an inconsistent and undefined basis.

4.0 NIS and Article 6 (3) Failures

4.1 Incomplete Bird Survey Dataset

NPWS required four years of bird survey data in its pre-application consultation with the applicant. The NIS relies on three years of data. This is not a technical irregularity that can be remedied by condition at permission stage. A dataset covering three years is structurally insufficient to characterise baseline conditions for migratory, breeding, and wintering species across a full range of meteorological and seasonal variation, including the inter-annual variability that is characteristic of Atlantic seaboard bird populations.

4.2 Missing Wintering Bird Data

The NIS does not include:

- Wintering diver surveys (Red-throated Diver and Great Northern Diver are qualifying interests of SPA 004037)
- Brent Goose surveys (a qualifying interest of SPA 004037 and a listed Ramsar species)
- Curlew wintering data (a Red List species with confirmed local presence)

These omissions mean that the NIS cannot discharge the Article 6(3) obligation in respect of the species for which the downstream SPAs are designated. A competent authority cannot carry out Appropriate Assessment on the basis of an incomplete dataset in respect of qualifying interests.

4.3 Failure to adequately Assess SPA 004037 (Blacksod Bay/BroadHaven)

SPA 004037 is directly downstream of the site via the confirmed hydrological pathway. Its qualifying interests include Red-throated Diver, Great Northern Diver, Brent Goose, Ringed Plover, Sanderling, and Bar-tailed Godwit.

The NIS does not:

- Model turbidity impacts on diver foraging habitat
- Assess sediment deposition on intertidal feeding grounds used by Brent Goose and waders
- Assess disturbance from construction traffic on approach routes to the SPA

- Assess cumulative impacts with Oweninny Phase 3, which was granted before site notices were erected for this application

The failure to adequately assess a designated SPA that is directly connected to the development site via a confirmed hydrological pathway is a fundamental deficiency under Article 6(3) of the Habitats Directive and the standard set in *Holohan v An Bord Pleanála* (C-461/17).

4.4 No Tidal Connection Modelling

The NIS does not model tidal transport of sediment between Blacksod Bay and Broadhaven Bay, nor the connectivity between those water bodies and the offshore foraging areas used by qualifying bird species. Given the sensitivity of the marine habitats in the receiving environment, this omission is not minor.

4.5 Over-Reliance on Mitigation at Screening Stage

Reliance on generic commitments to comply with IFI, EPA or other guidance documents does not, of itself, satisfy the requirements of Article 6(3). The Appropriate Assessment must contain complete, precise and definitive findings demonstrating that project-specific mitigation measures are capable of avoiding adverse effects on European sites. General commitments to follow guidance cannot substitute for site-specific evidence demonstrating that those measures will be effective at the Muingmore site.

4.6 No Cumulative Assessment

The NIS does not assess cumulative impacts with Oweninny Phase 3, other regional wind energy developments, peat extraction sites, or existing marine pressures. This is contrary to the requirements set out in *Holohan* and to standard NIS practice. The timing of the Oweninny Phase 3 grant — before site notices were erected for this application — makes the omission particularly striking.

5.0 Failure to Assess Ramsar site 844

Ramsar Site 844 (Blacksod Bay / Broadhaven Bay) is directly downstream of the development site via the confirmed hydrological pathway. The EIAR and NIS contain no reference to Ramsar obligations, no assessment of impacts on the Ramsar criteria by reference to which the site was designated, and no assessment of the waterbird assemblages for which the site is listed.

It may be argued that the Habitats Directive Appropriate Assessment of the co-located SAC and SPA discharges the Ramsar obligation in substance, on the basis that the qualifying species and habitats are largely co-extensive. That argument should be rejected for two reasons.

First, the Ramsar designation criteria for Site 844 include ecological and hydrological criteria that are not fully captured by the SAC and SPA qualifying interests. In particular, the Ramsar site was designated on the basis of its waterbird assemblage meeting the 1% threshold for multiple species — an assemblage-level criterion that requires population-level assessment across the full suite of listed species. The NIS does not carry out this assessment.

Second, and more fundamentally, the argument assumes that the Habitats Directive assessment is itself adequate. For the reasons set out in section 3 above, it is not. An inadequate AA cannot discharge a Ramsar obligation even in principle.

Ireland is a Contracting Party to the Ramsar Convention. An Coimisiún Pleanála is required under Section 143 of the Planning and Development Act 2000 to have regard to the objectives of government policy, which includes Ireland's international conservation obligations. The complete absence of any Ramsar assessment in the NIS and EIAR is a material omission that the competent authority cannot overlook.

6.0 Article 17 Conservation Status and Precautionary Assessment

A further relevant consideration is the Article 17 conservation status of the habitats and species potentially affected by the proposed development. Ireland's Article 17 reporting under the Habitats Directive identifies a number of peatland and wetland habitat types as being in unfavourable conservation status nationally. This is directly relevant to the assessment of additional habitat loss, fragmentation, drainage, hydrological alteration and infrastructure pressure at the Muingmore site.

In particular, Active Blanket Bog (7130*) is recognised as being in poor conservation condition, with continuing pressures arising from drainage, peatland modification, infrastructure, forestry, peat extraction and habitat fragmentation. These are the same categories of pressure associated with the proposed development. The project would involve permanent habitat loss, habitat fragmentation and hydrological alteration within a habitat type already recognised by the State as being highly sensitive and in unfavourable condition.

Given the unfavourable conservation status of the relevant peatland and wetland habitats, and given that the recognised pressures include drainage, hydrological alteration and infrastructure development, the precautionary principle requires a particularly high evidential threshold before additional impacts can be authorised. In my submission, the applicant has not demonstrated, beyond reasonable scientific doubt, that the proposed development would avoid adverse effects on the integrity of connected European sites or avoid further deterioration of sensitive peatland and downstream aquatic habitats.

7.0 PEAT INSTABILITY AND METHODOLOGICAL INADEQUACY

7.1 Site Conditions

The Muingmore site is Atlantic blanket bog, low-lying and close to the coast. The EIAR's own peat probing survey (3,379 probes) records an average peat thickness of 2.5 m and a maximum recorded depth of 6.4 m, near turbine T7; the site investigation boreholes separately recorded a maximum peat depth of 5.6 m at BH-13. Atlantic blanket bog is among the most hydrologically active and geotechnically sensitive landscapes in Ireland, and the combination of high rainfall and saturated, variably deep peat has caused catastrophic peat slides at comparable wind farm sites, even where — as here — the topography is relatively flat rather than steep.

7.2 Methodological Inadequacy of the Peat Stability Assessment

The criticism of the peat stability assessment is not that it was commissioned by the applicant — that is standard practice for EIAR chapters. The criticism is that its methodology, and the certainty it claims, are not adequately supported. Specifically:

The quantitative stability analysis is based solely on a simplified 1D infinite slope limit equilibrium model. It does not include 2D or 3D limit equilibrium modelling, or finite element modelling, capable of representing heterogeneous ground conditions or spatial variation in pore pressure across the site. The geotechnical parameters used in that analysis are drawn from published literature and comparable-site experience, not from site-specific laboratory testing. The assessment states in terms that no specific testing was undertaken to inform the stability analysis and that it should be treated as indicative only, with further ground investigation needed to confirm the assumptions made.

There is no worst-case peat slide scenario modelling under storm rainfall or climate-adjusted conditions; the analysis instead assumes a single, static fully-saturated condition.

There is no peat settlement modelling for turbine foundation design on deep peat.

There is no assessment of the differential drainage impacts of access roads on surrounding peat hydrology beyond generic construction-phase good-practice commitments.

There is no evidence of independent geotechnical peer review of the methodology or conclusions; checking and authorisation were carried out internally by the applicant's own consultant.

An assessment that relies on non-site-specific parameters and an admittedly indicative, unverified methodology cannot be treated as a reliable basis for consent, regardless of the FoS values it produces.

7.3 Precedent

The consequences of methodologically inadequate peat stability assessment at wind farm sites are well documented:

Meenbog Wind Farm, Cashelnavean, Co. Donegal (2020 slide; 2024 injunction): An 86,240 m³ peat slide occurred during construction. In April 2024, the High Court granted an order restraining further works, in proceedings centred on unauthorised deviations from the original planning permission.

Derrybrien (2003): A landslide of approximately 450,000 m³ of peat caused catastrophic ecological damage, and ultimately resulted in EU infringement proceedings and fines against Ireland arising from the failure to carry out an adequate environmental impact assessment.

In both cases, the scale of the resulting environmental and legal consequences was not anticipated at the planning stage. An Coimisiún Pleanála should not treat a peat stability assessment as adequate merely because one has been submitted, particularly where — as here — the assessment itself flags that it is indicative and unverified by site-specific testing.

7.4 Hydrological Pathway

The site drains via three watercourses, each discharging to a different designated site. The An Mhoing Mhór stream flows west along the northern boundary, meeting the Doolough Stream north of T3, before discharging into Blacksod Bay approximately 0.7 km west of the site and into the **Mullet/Blacksod Bay Complex SAC (site code 000470)**. Notably, the EIAR's own Chapter 7 records that this stream already carries a "Poor" WFD status and is classified "At risk" of missing its 2027 targets, due to existing sediment and nutrient inputs from agriculture and peat drainage/extraction — meaning the receiving SAC pathway has little remaining capacity to absorb any additional sediment load. The An Ráith stream begins within the centre of the site, east of T9, and flows south along the southeast border into Blacksod Bay, discharging into the **Blacksod Bay/Broad Haven SPA (site code 004037)**. A third stream, in the Tristia sub-catchment, flows south along the eastern

boundary into Tullaghan Bay, discharging into the **Tullaghan Bay and Bog NHA (site code 001567)** — a lower tier of protection than the SAC and SPA reached by the other two watercourses. A peat slide event affecting the northern or central parts of the site would therefore risk delivering an additional sediment load into an SAC and SPA already connected to a watercourse in "Poor," "At risk" status, with no effective natural barrier or engineered interception identified between the site and those receptors.

8.0 Additional EIAR Deficiencies

8.1 Water Framework Directive

The Doolough Stream is classified as Poor status and At Risk under the WFD. Article 4(1) of the WFD imposes a non-deterioration obligation on Member States in respect of all water bodies. In Case C-461/13 *Weser*, the Court of Justice confirmed that deterioration of a WFD quality element is unlawful unless the applicable derogation requirements are met. Any additional pressure on a waterbody already below Good Status and classified At Risk therefore requires careful assessment and a clear demonstration that deterioration will not occur and that achievement of WFD objectives will not be compromised. The EIAR does not provide a WFD non-deterioration assessment, a hydromorphological impact assessment, or a chemical status assessment. This is a significant omission that cannot be cured by condition.

The same impact pathway engages both the Water Framework Directive and Article 6(3) of the Habitats Directive. The applicant's own assessment confirms that the Doolough Stream drains to the Mullet/Blacksod Bay Complex SAC and that wider site drainage discharges to Blacksod Bay and connected Natura 2000 sites, including the Blacksod Bay/Broad Haven SPA. The same peat disturbance, sediment release, nutrient mobilisation and construction runoff pathway therefore gives rise to two separate legal obligations: avoidance of WFD deterioration and avoidance of adverse effects on the integrity of European sites. The applicant cannot treat these as separate and unrelated risks where the source-pathway-receptor chain is the same.

8.2 Marine Habitat Risk

The marine environment downstream of the Muingmore site is of exceptional ecological sensitivity. The EIAR and NIS do not model sediment plume dispersion, deposition thickness on benthic habitats, storm-event sediment loads, or tidal transport into Broadhaven Bay.

The applicant has not demonstrated, beyond reasonable scientific doubt, that fine sediment mobilisation from the development would not adversely affect the maerl-dominated communities, reef communities and *Zostera* beds that form part of the conservation objectives of the Mullet/Blacksod Bay Complex SAC.

8.3 European Eel

The EIAR confirms the presence of European Eel (*Anguilla anguilla*) on the site. European Eel is listed as Critically Endangered on the IUCN Red List and is subject to specific conservation concern under European and Irish fisheries and biodiversity policy. I note that European Eel is not a qualifying interest of the relevant SACs. However, its confirmed presence demonstrates the ecological value of the freshwater system affected by the development and confirms functional connectivity between the development site and downstream aquatic ecosystems. Neither the EIAR nor the NIS assesses impacts on elver migration routes, adult eel habitat, or the cumulative effects of turbidity and hydrological change on eel populations in the catchment. This is a significant omission in both documents.

8.4 Noise

The EIAR acknowledges a moderate significant noise effect at one dwelling. A significant adverse noise effect at a residential property is not an acceptable outcome for a development of this nature and scale. The applicant proposes no enforceable, independently verified noise management regime. Condition-based noise management for wind farms has a well-documented compliance record in Ireland that gives no basis for confidence that a condition alone would protect the affected occupant.

8.5 Shadow Flicker

The EIAR acknowledges that the 30-hour annual threshold is exceeded at one or more dwellings, that automated shutdown systems will be required, and that no reliability assessment for those systems has been provided. An admission of threshold exceedance combined with reliance on unverified automated mitigation is not a sufficient basis for approval. The reliability, maintenance regime, and

enforcement mechanism for any proposed shutdown system must be specified and assessed before permission is granted, not left to post-permission condition.

8.6 BESS Fire and Explosion Risk

The application includes a Battery Energy Storage System (BESS). The EIAR does not include thermal runaway modelling, explosion consequence assessment, emergency access and response time analysis, or a site-specific major accident and disaster risk assessment addressing battery fire scenarios. Given the scale of the BESS, the remote rural location, and the distance from emergency services, the absence of these assessments is a material deficiency that should not be remedied by condition.

8.7 Landscape and Tourism

The EIAR omits key Wild Atlantic Way viewpoints from its visual impact assessment and does not address the Wild Mayo Destination and Experience Development Plan. Tourism is a primary economic activity in the Erris peninsula. The landscape character on which that tourism economy depends has not been adequately assessed, and An Coimisiún Pleanála cannot be satisfied that the visual impact of the development has been properly evaluated.

9.0 Local roads

The construction phase would significantly increase heavy construction traffic on the L1206 and Muingmore roads. These roads were not built to withstand sustained heavy loads. The Muingmore Road, in particular, is a single-lane road built on bogland and historically supported with tree branches as part of its construction. The proposed traffic volume is substantial, including repeated movements of concrete lorries, fully laden stone lorries, and other heavy vehicles over a 24-month period. In my view, this level of traffic could seriously damage the local road network and increase the risk of road traffic accidents. No proper assessment appears to have been undertaken of the existing road condition or of the risk created by sustained heavy traffic movements.

The Muingmore Road is also used by local residents for walking and by children for cycling and learning about the area's plants and wildlife. The proposed increase in heavy traffic would make the road much less safe and accessible for local people, particularly children, and would further increase the risk of road traffic accidents.

10.0 Property Valuation

A recent valuation of my property has also indicated that its value would be considerably reduced if the proposed wind farm proceeds. I am further concerned that the proximity of the development could affect the prospects of obtaining planning permission for family members who may wish to live on or near the family property in the future.

11.0 MAYO COUNTY COUNCIL POLICY

The Proposed Development is presented throughout the EIAR as consistent with the Mayo County Development Plan 2022–2028, on the basis that the Main Wind Farm Development Site falls within Landscape Policy Area 2 and is classified as 'Tier 1 – Preferred (Large Wind Farms)' under the current Renewable Energy Strategy (RES). However, the Applicant's own Chapter 10 (Landscape and Visual Impact Assessment) discloses that this classification has since been superseded. At paragraph 10.74, the Applicant states in terms that "the site, and indeed the predominance of County Mayo, is now located within an area deemed 'Unsuitable' for wind energy development" under Map 6.10 of the revised Renewable Energy Strategy adopted by Variation No. 2 to the Mayo County Development Plan 2022–2028. This is not a peripheral or contested point — it is the Applicant's own admission, appearing in its own environmental impact assessment.

The Applicant seeks to minimise the significance of this admission by asserting, at paragraphs 10.76–10.77, that the landscape and visual constraints underlying both the current and revised RES are "largely the same," and that the "contrast in mapping outcomes has not been reconciled." This is not a satisfactory answer to a material contravention. The Applicant cannot rely on a favourable designation under a superseded plan while simultaneously acknowledging, in the same chapter, that the current and legally operative plan places the site in a category expressly intended to preclude wind energy development, without at minimum addressing that contravention directly and providing the justification required by section 37(2)(b) of the Planning and Development Act 2000 (as amended).

It is understood that Variation No. 2 was formally adopted by the elected members of Mayo County Council on 13 July 2026. On this basis, the Proposed Development is not a bare departure from a policy preference but a material contravention of the adopted Development Plan, and cannot be granted permission by An Coimisiún Pleanála unless the specific procedure and justification required under section 37(2)(b) is properly engaged. No such justification has been advanced by the applicant.

12.0 CONCLUSION

This application is affected by fundamental deficiencies that are not curable by condition or by a further information request. The primary grounds of objection, project splitting, uncertain project description, NIS and Article 6(3) failures, failure to assess Ramsar Site 844, Article 17 conservation-status concerns, methodologically inadequate peat stability assessment, WFD non-deterioration risk, and the combined hydrological pathway to downstream European sites, each independently warrant refusal. The additional EIAR deficiencies, construction traffic impacts, local amenity concerns, and the adopted Renewable Energy Strategy for County Mayo compound the position considerably.

I respectfully request that An Coimisiún Pleanála refuse permission for the proposed Muingmore Wind Farm Strategic Infrastructure Development.

Mise le meas / Yours sincerely,

Shane Lindsay

Signature / Print Full Name

Date 04-08-2026