



An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V90
6 August 2026

Re: Observation on planning application

Reference no. 324429: Lodged 7.07.26

**Proposed 110kV/38kV substation and grid connection infrastructure at
Cunlaghfadda/Mayo Abbey, Co. Mayo, associated with the Cunlaghfadda Green
Energy windfarm (Mayo County Council Reference no. 2660398)**

A Chara,

We wish to submit the following observation on the above-referenced application, pursuant to the applicable provisions of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations. We request that An Coimisiún Pleanála have regard to the matters set out below in its determination.

1. Nature of the submission

This submission does not repeat the site-specific ecological, archaeological, visual and residential-amenity concerns already raised by local objectors in relation to the associated windfarm application before Mayo County Council. Instead, it addresses a procedural lacuna arising from the fact that a single, functionally integrated development - a seven-turbine windfarm and its grid connection infrastructure - has been split across two separate consent processes before two separate decision-making bodies, with no mechanism apparent to either body for assessing the development as a whole.

This submission is made in light of Mayo County Council's decision to refuse planning permission for the associated windfarm application. The Council's stated reasons for

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refusal included significant negative impact on the landscape, including a designated scenic route with a protected view, interference with the character of the area, undermining of the setting of Mayo Abbey Cemetery and Church ruins, an early Christian ecclesiastical site and the unsuitability of the site given the extent of mitigation technology that would be required to address shadow flicker impacts on some 40 nearby residential properties.

2. The two applications are not independent projects

The substation, associated cabling and grid connection works, the subject of this application, exist solely to serve the Cunlaghfadda windfarm. The windfarm cannot become operational without this infrastructure and the substation has no independent purpose or justification absent the windfarm. They are, in substance, a single project artificially divided between two consent tracks: the windfarm to the planning authority and the grid-connection/substation element to the Commission as Strategic Infrastructure Development.

This division of jurisdiction arises from the strategic infrastructure development procedure under Part XI, and in particular section 182A, of the Planning and Development Act 2000 (as amended), which confers jurisdiction over the grid connection element on the Commission while the windfarm itself remains within the jurisdiction of the planning authority.

The prohibition on “project splitting” (i.e. dividing projects into constituent parts to avoid overall assessment of the whole project) in the context of EIA is well-established as matter of EU law (see, for example, Case C-392/96 *Commission v Ireland*).

It is also an issue which the Irish courts have grappled with on several occasions, in the specific context of wind farms and their grid connections.

In *O’Grianna & Ors v An Bord Pleanála* [2014] IEHC 632, Peart J quashed a grant of permission for a wind farm because the application did not include the works needed to connect it to the national grid, holding that the connection to the national grid forms an integral part of the overall wind farm development and that the cumulative effects of the turbines and the grid connection must be assessed together to comply with the EIA Directive.

That approach was confirmed in *Daly v Kilronan Windfarm Ltd* [2017] IEHC 308 (Baker J).

It was applied directly to a wind farm/substation grid connection in *Sweetman v An Bord Pleanála* [2023] IEHC 89 (Quinn J), where the High Court held that a wind farm and its grid connection are one project, neither feasible nor serving any purpose without the other; that where an EIA is required for a wind farm it must comprise an assessment of the entire project, including the grid connection, and not part of it; that separate

consent applications may be made for different phases of a project, but an EIA which does not assess the entire project does not comply with the Directive; and that screening only the grid connection works, however detailed, is not a substitute for a compliant EIA of the whole.

Most recently, in *North Westmeath Turbine Action Group & anor v An Bord Pleanála; Sweetman v An Bord Pleanála* [2025] IEHC 367 (Quinn J, 16 June 2025), the High Court granted a declaration that a grant of planning permission for a wind farm contravened the EIA Directive precisely because the public notice of the application identified only the townlands in which the turbines and ancillary works were located and made no reference to the associated grid connection, which ran a further 26 kilometres through 21 additional townlands. The Court held that a wind farm project and its grid connection must be assessed for EIA purposes as one integrated project, and that the public had accordingly not been notified of the environmental impact assessment of that integrated project, depriving the Board of jurisdiction to grant permission.

We respectfully draw the Commission's attention to the parallel with the present case: the substation application before the Commission is, on the applicant's own case, functionally inseparable from the windfarm, and its cumulative and combined effects extend across the townlands of Knockroe, Cunlaghfadda, Harefield, Cloonbaul and Knockaunakill identified at paragraph 3 below. We ask the Commission to confirm that the public notice and environmental documentation for this application adequately identify and assess those combined effects, consistently with the standard set out in *North Westmeath*. This obligation is heightened in circumstances where Mayo County Council has refused permission for one part of the project to be assessed, which brings with it a risk of divergence as explained below.

3. The practical consequence of the lacuna

Because the windfarm and the substation are before two different bodies there is a risk that:

- Mayo County Council's assessment of the windfarm application may not have captured the full environmental effects of the grid connection and substation works, which fall outside its remit as SID development.
- The Commission's assessment of the substation application may treat it as a standalone piece of grid infrastructure, without full regard to the cumulative and combined effects of the windfarm it serves, including cumulative landscape and visual impact, cumulative impact on protected species and habitats and cumulative construction traffic, noise and archaeological risk across the wider townlands of Knockroe, Cunlaghfadda, Harefield, Cloonbaul and Knockaunakill.

4. Consequence of the windfarm refusal for this application

The refusal of the windfarm application by Mayo County Council sharpens, rather than resolves, the risk identified above. As set out in Section 2, the substation and grid connection works - the subject of this application has no independent purpose or justification without the windfarm. There is, as matters presently stand, no permitted windfarm development for this infrastructure to serve.

We understand that the applicant may lodge an appeal against the Council's refusal to An Coimisiún Pleanála within the statutory four-week appeal period. Pending the outcome of any such appeal, the substation application before the Commission is, in substance, an application for grid infrastructure to serve a development which has been refused permission and may never be authorised. It would, we submit, be premature and inconsistent with proper planning and sustainable development for the Commission to determine this application in isolation from that outcome.

Furthermore, in circumstances where the planning authority's reasons for refusal in respect of the wind farm application relate to matters within the scope of the EIA Directive (such as human health, cultural heritage and landscape impacts), it can be expected that supplemental information will be provided in the context of any appeal to address the reasons for refusal. Put simply, where a composite EIAR was prepared for both applications, there is now potential for divergence between the two consenting processes with regards to information included in the environmental impact assessment report. That divergence could result in an incomplete, inconsistent, and unlawful, assessment of environmental impacts in either or both consenting processes.

Should no appeal be lodged within the statutory period, the windfarm refusal will become final, and the substation application would then fall to be assessed as grid infrastructure with no permitted host development, a matter directly going to the need for and justification of, the development which is the subject of this application, which we submit, the Commission is entitled and obliged to consider of its own motion regardless of whether the applicant elects to withdraw or amend this application. Equally, if the applicant decides to submit an amended application for the wind farm to Mayo County Council the risk of divergence set out above arises again.

5. Request to the Commission

We request that the Commission:

- Treat the substation/grid connection application as functionally and legally interdependent with the refused Mayo County Council windfarm application for the purposes of its environmental assessment and not as a standalone piece of infrastructure.

- Request such further information from the applicant and liaise with Mayo County Council, as is necessary to ensure that the cumulative and combined environmental effects of the windfarm and substation are properly and jointly assessed.
- Consider whether an Appropriate Assessment screening/determination for this application has had regard to the windfarm's effects on any European site, given their functional connection, having regard to the requirement that an Appropriate Assessment comprehensively identify all aspects of the plan or project capable of affecting the relevant European site(s) (*Holohan v An Bord Pleanála*, Case C-461/17).
- Consider whether, in light of the potential for divergence between the applications following the decision of Mayo County Council to refuse permission. the public notice and environmental impact assessment documentation for this application adequately identify and assess the combined effects of the windfarm and the grid connection/substation works, consistently with the required legal standard.
- Convene an oral hearing, in light of the scale of public concern and the cross-application issues raised, to allow this procedural matter and the underlying environmental concerns to be properly heard.
- Confirm, for the avoidance of doubt, that nothing in the Critical Infrastructure Act 2026 - whether or not this development is or becomes a designated critical infrastructure project or programme under that Act - affects the Commission's obligations under EU law, including the EIA and Habitats Directives, having regard to section 2 of that Act.

6. Conclusion

For the reasons above, we submit that the application as currently framed cannot be properly determined in isolation from the windfarm application refused by Mayo County Council and that to do so would risk an incomplete assessment of the environmental effects of what is, in reality, a single development.

We reserve the right to elaborate on these submissions and to raise further matters, including site-specific ecological, archaeological and amenity concerns, in due course.

Is mise le meas,

Tony Lowes

On behalf of Friends of the Irish Environment