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RE SUBSTATION TO SERVE CUNLAGHFADDA WIND FARM: ACP-324429

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Clients: *Mayo Abbey Community Voice Group*

On the basis of the development as proposed it is not possible for a lawful permission to be granted for the substation at Cloonbaul, County Mayo.

This is as a result of substantial inadequacies in the environmental impact assessment report ('EIA') in respect of the substation.

These serious inadequacies arise in breach of the EU EIA Directive as follows:

1. inadequate advertisement resulting in inadequate public participation,
2. failure to provide a complete assessment of cumulative impact,
3. an archaeological assessment which is under-researched, under-analysed, and which, accordingly, profoundly under-estimates the importance of the archaeological heritage of the Mayo Abbey area generally and of the proposed substation site in particular, including failure to recognise the presence of a large monument at this location, and
4. Inadequate assessment and consequently insufficient analysis of noise.

These failings are such that An Coimisiún Pleanála ('the Commission') is not in a position to undertake environmental impact assessment and permission cannot therefore be granted in accordance with EU or Irish law.

1. Advertisement & Public Participation

In *North Westmeath Turbine Action Group v An Bord Pleanála* [2025] IEHC 367 the High Court clarified that the advertising of an EIAR must incorporate the grid connection notwithstanding that it was not the subject of the application being determined.

Mr Justice Quinn in the High Court held that the public notices for the wind farm application failed to inform the public that the EIA encompassed the proposed grid connection, despite the grid connection being an integral part of the overall project for EIA purposes.

In particular, in section 12(5) of the judgment, relating to the grid connection, the court noted the following:

- Mr Justice Quinn reiterated the principle set out in *Ó Grianna v An Bord Pleanála* [2014] IEHC 632 of the “integrated project” rule means that a wind-farm and its grid-connection are legally indivisible for EIA purposes.
- Article 1(2)(g) of the EIA Directive provides that EIA is a process, such that every step, including Article 6(2) in respect of public information must extend to the whole project.
- The public notice described the works for the wind farm the subject of the planning application and identified the relevant townlands for those works.
- However, the notices omitted any reference to the townlands where the grid connection was located.
- This omission meant the public was not properly notified of the environmental impact assessment of the integrated project as required by the EIA Directive.
- Because a compliant public notice is a prerequisite to a valid EIA process, An Bord Pleanála did not have jurisdiction to grant permission.

In this instance the public notices for the proposed substation advertised only the townland of Cloonbaul in respect of the grid connection; however, the EIA addressed development for the entire wind farm development project in a multiplicity of townlands including Cunlaghfadda, Harefield and Knockaunakill as well as Cloonbaul and those townlands were not advertised in the public notices.

In light of the ‘*indivisible project*’ rule, it cannot be that the wind farm planning application must advertise townlands involving part of the project for the grid connection, but that it would not apply the other way around. The ‘*indivisible project*’ rule must apply equally to the substation and grid connection application in advertising the wider project.

Notably the wider project also includes road modifications at some distance from both Cloonbaul and the other townlands in which the wind turbines are located and those townlands were not advertised with respect to the location of the project for the purposes of EIA and public participation.

It is noted too that in *North Westmeath Turbine Action Group*, the townlands in which junction improvement works were proposed to facilitate turbine delivery were in fact advertised, and that is not the case in this instance.

Article 6.2 of the EIA Directive provides as follows:

In order to ensure the effective participation of the public concerned in the decisionmaking procedures, the public shall be informed electronically and by public notices or by other appropriate means, of the following matters early in the environmental decision-making procedures referred to in Article 2(2) and, at the latest, as soon as information can reasonably be provided:

- (a) the request for development consent;*
- (b) the fact that the project is subject to an environmental impact assessment procedure and, where relevant, the fact that Article 7 applies;***
- (c) details of the competent authorities responsible for taking the decision,*
- (d) the nature of possible decisions;*
- (e) an indication of the availability of the information gathered; 165*
- (f) an indication of the times and places at which, and the means by which, the relevant information will be made available;*
- (g) details of the arrangements for public participation made pursuant to paragraph 5 of this Article.*

When Mt Justice Quinn applied *Ó Grianna* to Article 6.2, he found that the term “project” in paragraph (b) can only mean the entire project, including the grid connection.

It was on the above principle that *North Westmeath Turbine Action Group* was quashed. The Commission is in no better a position to grant permission in this instance.

2. Cumulative Impact

The substation application acknowledges the wind farm planning application made to Mayo County Council (refused by them, following which the wind farm is under appeal to An Coimisiún Pleanála).

This is only right as they together form a single project and each is functionally interdependent on the other.

In the light of the requirement to assess the entire project under the EU EIA Directive at the earliest possible stage, is quite astonishing that no mention is made anywhere of the proposed Batter Energy Storage System ('BESS') in respect of which a planning application. The planning application for the BESS was submitted to Mayo County Council on 14th August 2026 and bears planning register reference number 26/60653.

The application description refers to the BESS as co-located with the wind farm. It is evident that it is functionally dependant on the wind farm and that dependence goes both ways in that the battery storage will rescue valuable wind-generated electricity from being curtailed down on windy summer days with high generation but with low demand.

A developer owes a duty of candour in describing a project in its entirety as only he knows what that ultimately will be. That said, of course projects can and do development incrementally such that it may not have been initially known that the BESS was to form part of it. However, any such argument gets the developer nowhere here.

The developers could not have been other than fully aware of the BESS when making the wind farm planning application:

- the wind farm application was made to Mayo County Council on 20th May 2026
- the substation application was lodged with ACP on 7th July 2026
- the decision to refuse permission for the wind farm was made by Mayo County Council on 13th July 2026
- that decision was appealed to ACP on 10th August 2026
- the BESS application was made to Mayo County Council days later, on 14th August 2026.
- All applications were accompanied by an EIAR.

The time period between the making of the substation application to ACP and that of the BESS application to Mayo County Council was barely over one month.

In light of the sheer time required to undertake an EIAR, which is likely to exceed a year for a wind farm project, it seems unlikely that the project developers could have been unaware of the BESS proposal at the time of submission of the substation application a few weeks later, and yet the substation and wind farm applications made no mention of the BESS, much less analyse it in terms of cumulative impact assessment. This is notwithstanding that, in light of the imminent application for the BESS, all that information would have been well available to

the developers. Nonetheless, they did not undertake a cumulative assessment with the BESS which evidently forms part of the overall development.

There must of course be a level of pragmatism in a matter such as this. As noted, projects may legitimately develop incrementally and as such the environmental information may simply not be available where a subsequent related project is at a very early stage. That was not the case here and all required information would have been well available to the developers in order to undertake a cumulative assessment.

Article 5 of the EIA Directive sets out that an EIAR must

include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment.

In C-2/07 *Abraham and Others* [2008] AG Kokott stated that:

It is true that the information under Article 5(1) and Annex III is necessary only where the Member States consider that the information is relevant and that a developer may reasonably be required to compile that information.

Under no reasonable interpretation can the BESS, centrally located within the overall wind farm development, be described as irrelevant for the purposes of cumulative assessment. This is irrespective of whether it is viewed as a neighbouring parallel project or an integral part of the overall development. The developer has already compiled the data, so that question does not arise either. The cumulative assessment must be done.

Even were there no relationship to the BESS whatever – even if they were entirely independent developments - cumulative assessment is required arising out of the co-location of the different development elements within the same overall project development site, but that was not undertaken. To that end, where development involves separate and possibly parallel permitting processes, Holland J in *Coyne v An Bord Pleanála* [2023] IEHC 412 [403] cited *Tromans* (EIA, 2nd Ed'n 2012, p201) with approval, saying that it:

cites UK guidance as distinguishing two types of cumulative effects as requiring assessment in EIA – intra-project and inter-project. ... At least usually, by a combination of EIAs considering discretely each part of a project and considering also the cumulative effects of those parts, EIA of the whole project is achieved, and the fundamental requirement of the EIA Directive is satisfied.

The question of project-splitting does not arise here. An EIAR supports each of the three relevant applications. Two of those applications are before the Commission. The third is not.

The substation application makes no mention of the BESS. As a result there are large lacunae in cumulative assessment of the substation together with the BESS for EIA purposes. In the absence of any information about the BESS, the substation EIAR is deficient, and the Commission is not in a position to undertake a complete EIA.

3. Archaeological Assessment

Archaeological Potential

In a country having an exceptionally rich archaeological heritage, Mayo Abbey is not widely known.

Its modest 14th Century Augustinian Abbey gives little indication of the significance of this Abbey site. It was a major centre in the Celtic - Anglo Saxon Christian world in the 7th and 8th centuries.

A monastery was founded there in approximately 668 AD for a group of Saxon monks by St. Colmán of Lindisfarne. This followed the Synod of Whitby in 664 AD, where the Roman method of calculating Easter was adopted. Colmán supported the Irish tradition of calculating Easter, and resigned as Bishop of Lindisfarne. He returned to Ireland with a group of Irish and Anglo-Saxon monks. He first founded a monastery on Inishbofin, and thereafter the monastery at Mayo Abbey. It became known as *Mayo of the Saxons*.

Mayo Abbey became an important ecclesiastical and educational centre and remained so for almost 1,000 years. By around 700 AD it was a well known monastic school, connected with Iona, Kells and the Frankish Court of Charlemagne. It became the seat of the Diocese of Mayo and it gave its name to the County of Mayo.

The importance of this area is not appropriately acknowledged in the EIAR.

The Mayo Abbey Archaeological Survey (1995) is available at the following link
<https://www.mayo.ie/getmedia/27fff356-ce8e-4492-8651-c6791750f81f/The-Mayo-Abbey-Archaeological-Survey.pdf>

The survey record is 384 pages long, and has not been provided as an appendix due to its size, but it evidences the very significant archaeological potential in Mayo Abbey and its environs. Pages 371 to 377 specifically relate to Cloonbaul.

The **two attached Lidar survey analysis reports** together with the **Mayo Abbey Archaeological Survey (1995)** make clear the following:

- the astonishing scale, extent and significance of archaeological heritage potential in the vicinity of the important site of Mayo Abbey and surrounds,
- the potential for similar such archaeological presence at and in the vicinity of the proposed substation site, not least arising out of the presence of an archaeological enclosure in the middle of that site, and
- the inadequacy of the survey and analysis undertaken of archaeology in the substation EIAR in light of the failure to capture and assess the wealth of archaeological information available including missing an entire archaeological enclosure.

The proposals of the project developers that post-decision test trenching, and preservation by record is highly inappropriate in these circumstances.

The developer does not know what archaeological potential there might be at the substation or wind farm locations. The intensity of archaeological heritage over a period of almost 1,000 years requires far more than the standard approach which is all that has been proposed in this instance.

The standard mitigation proposed will generally be acceptable in the more typical rural locations for wind farms where there is not necessarily any reason to suppose anything of importance in terms of archaeological heritage. A desktop study and walkover survey are generally appropriate.

That is not so here. The 1995 survey data and the two Lidar surveys provide strong evidence of an archaeological character and importance of an entirely different order.

It is not going too far to say that significant archaeological effects are likely in the vicinity of Mayo Abbey. The trouble is that nobody has any idea what those likely effects might be. The survey work – both desktop and walkover – has been inadequate and the effects on archaeology are not sufficiently identified. Lidar survey work is likely to be required at a location like this, and perhaps re-design as a result; re-design is surely required in light of the enclosure within the substation but that re-design cannot take place until a sufficient survey has been undertaken in a manner appropriate to the high vulnerability of potential heritage in the Mayo Abbey area.

In this light, the mitigation proposals of preservation by record (digging up monuments) cannot be in any way acceptable where the first strand of EIA – an informed decision through appropriate survey – has not been undertaken.

The Commission is for these reasons unable to undertake EIA in relation to archaeology.

Archaeology within the Proposed Development

The EIAR states at 14.3.2 that:

There are no recorded archaeological sites, or groups of sites, within the footprint of the Proposed Wind Farm, the Proposed Grid Connection...

This is not correct.

There are two archaeological monuments in the townland of Cloonbaul, neither of which appear to be acknowledged or fully acknowledged in the EIAR. They are both listed in the Mayo Abbey Archaeological Survey (1995), the relevant excerpt of which is attached to this observation:

- One is a mound with enclosure and traces of a fosse, measuring 6.3m by 7.6m wide and 0.5m – 0.65m high, in good condition.
- The second is an enclosure and field system measuring 37m x 22m in diameter, in fair condition.

The enclosure has been assigned monument record number MA101-206. It has not been acknowledged or assessed in the EIAR.

Neither has been assessed for the purpose of EIA. No acknowledgment of their existence is made in the EIAR.

Notably, the substation EIA has no photomontage of the substation, even in light of an archaeological monument being located within its centre. It is difficult to understand how the visual impact on the monument can be assessed without a photomontage, particularly given its location within the substation development site.

A photograph of the enclosure within the substation site is provided at page 4 of the observation of Mr Paul Derrig, which is appended to the observation on behalf of Mayo Abbey Residents.

In view of the failure of the EIAR to fully assess archaeology, the Commission is not in a position to undertake EIA in respect of the substation.

It is noted that the above submission in respect of archaeology is supported by Mr Kevin Barton, archaeologist, and it is understood that Mr Barton may be making his own observation in relation to the substation. In respect of failings in the archaeological assessment generally, cross-reference is made to his submission made to Mayo County Council.

4. Noise

It appears that in the EIAR for the subject substation, the noise generated by the substation itself has not been addressed.

The operational noise model appears to address only the proposed wind turbines, which relate to a different application and appeal, and not the subject application.

While noise in respect of other the other applications in this vicinity should be assessed together with the substation noise, that cannot be done in the apparent absence of any analysis of the substation noise.

Substations generate noise from a variety of their elements, but principally the transformers which convert the electricity from the wind farm, probably at 20kV, to up to 110kV for connection into the national grid. Noise can be generated at between 55 dB(A) and 90 dB(A) for a large transformer. The EIAR in this instance does not say. There are other noise sources in a substation – the use of switchgear, circuit-breakers, disconnectors, or isolators, and possibly shunt reactors for voltage control, all generate noise, as does corona discharge; there may be cooling fans; auxiliary equipment such as backup diesel generators or compressors can cause noise. None of this is described much less assessed for EIA purposes.

A substation can be a substantial noise generator in its own right, particularly if proximate to neighbours. Noise generated by the turbines is assessed, but not that from the development the subject of the application.

Noise from the BESS has not been assessed in cumulation with the proposed substation, with or without turbines.

The Commission is for these reasons unable to lawfully complete an EIA in respect of noise from the proposed substation.

5. Other

The observations of individual members of the Mayo Abbey community are appended to this document and it is not proposed to repeat their contents here suffice to say that their concerns are thoughtfully present and should be given weight in terms of both their local and professional expertise.

The observations address important considerations such as failure to consider flooding in a complex karst landscape. The scale of the footprint of the substation is notable in this respect whereby the removal of vegetated surfaces and their replacement with increased hard surfaces are known factors in flood increases.

The ecology submissions are supported by Miss Olivia Galvin (degree in zoology).

Conclusions

The gaps in knowledge, data and consequently in assessment render the EIAR for the proposed substation so incomplete that it is not possible for the Commission to lawfully undertake EIA in this instance.

These failings relate to cumulative assessment and also to significant individual failings in terms of archaeology, noise, ecology, flooding, and more.

Finally there is the difficulty in public participation in that the description of the location of the proposed development, as assessed in the EIAR, was not advertised and so the landowners and neighbours in respect of the EIA for the development in its entirety have not been notified of the proposed development in breach of the EIA Directive.