

UID-278

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Sent: Thursday 27 August 2026 22:51
To: Appeals2
Subject: Meenbog Substitute consent

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To Whom It May Concern,

As a deeply concerned members of the public acting in the interest of local environmental protection, we are writing to submit a formal statutory observation under the Planning and Development Acts. I request that An Coimisiún Pleanála **refuse substitute consent** for the Meenbog Wind Farm development (Ref: ACP-324433).

The Board must reject this application on the grounds that retrospective regularisation is fundamentally incompatible with Irish planning law, European Union environmental directives, and public safety. I urge the Board to refuse consent based on the following specific legal and environmental pillars:

1. Judicial Precedent of Whole-Site Illegality (*Donegal County Council v Planree Ltd*)

The Court of Appeal established in *Donegal County Council v Planree Ltd & Anor* that the developers executed **25 material deviations** from their original planning permission. Ms. Justice Butler ruled that a wind farm is a **unitary development** by nature. Because the unauthorized changes cannot be severed from the project, the Court declared the **entire wind farm development legally unauthorised**. Substitute consent must not be used as a backdoor mechanism to bypass the strict consequences of this judicial ruling.

2. Failure to Meet "Exceptional Circumstances" under Section 177K

Under Irish and EU law, substitute consent can only be granted in **exceptional circumstances**. The applicant cannot demonstrate exceptional circumstances here. The Court of Appeal explicitly noted that **multiple peat failures occurred within the first 12 months of construction**. Despite these early structural warnings, the developers continued to deviate from their permitted plans. This demonstrates a reckless disregard for planning controls rather than an exceptional, blameless oversight.

3. Manifest Breaches of the EIA and Habitats Directives

The catastrophic landslide in November 2020, which displaced roughly **86,000 cubic metres of peat**, directly polluted the Mournebeg River catchment and protected salmonid tributaries. This event proved that the original Environmental Impact Assessment (EIA) and Appropriate

Assessment (AA) metrics were fundamentally flawed or deliberately bypassed by the unauthorized works. Granting substitute consent post-catastrophe would undermine the core purpose of the **EU EIA Directive (2011/92/EU)** and the **Habitats Directive (92/43/EEC)**, which require environmental impacts to be strictly anticipated and avoided *before* development occurs.

4. Irremediable Environmental Harm and Site Instability

The active blanket bog at Meenbog has demonstrated severe geomechanical instability. The environmental degradation caused to local water quality, wild bird habitats, and biodiversity cannot be adequately mitigated or remedied retrospectively. Granting consent to regularize a structurally compromised development on highly volatile terrain poses a continuous, unmitigated threat to connected European Special Areas of Conservation (SACs).

Conclusion

To regularize a development that has already caused a major ecological disaster—and which stands judicially condemned as entirely unauthorized—would make a mockery of the Irish planning system. It would reward severe non-compliance and set a dangerous legal precedent.

Please formally acknowledge receipt of this submission and notify us of the Board's final determination.

Yours faithfully,

Carl & Marie Scanlon

Cronalaghey,

The Cross,

Killygordon,

Co. Donegal
