

Finn Valley Wind Action Group

Corradooey,

Crossroads,

Killygordon,

Lifford,

Co. Donegal

13/08/2026

Ref: SU05E.324433

Development Description

Substitute Consent pursuant to Section 177E of the Planning and Development Act 2000, as amended. Development consists of the retention of the partial construction of a 19-turbine wind farm previously permitted under ABP 300460-17 (as amended by ABP-303729-19).

Please find attached a submission in respect of the above development on behalf of the Finn Valley Wind Action Group

Submitted by: Charlene Mc Clintock

on behalf of

Finn Valley Wind Action

Corradooey,

Crossroads,

Killygordon,

Lifford,

Co. Donegal

Dear Sir/Madam,

We would like to make a submission on the above application for Substitute Consent.

Our community once again feels we must state our disbelief in the short comings and carelessness of this developer.

This development as now clear, should never have received planning permission in the first instance and any Substitute consent should not be granted.

We as a community as you may know, hired at great cost, many experts to study the original application.

Among those was Dr. Padraig O'Cathain on peat stability and Professor Paul Johnston on Hydrology.

Their reports on the original Meenbog Application warned of the high risk of Peat Slides occurring on this site. Their warnings were ignored and instead the applicant's surveys, reports and findings were giving too much weight and believed to be sound when in fact they were fatally flawed.

You can only imagine the shock and upset we as a community experienced in November 2020 when exactly what we had warned of came to crushing reality, when approximately 86,240m³ of peat slid and entered the Shruhanganra Stream and onto the Mourne Beg River to do untold damage which we believe may never be quantified.

We believe and fear that once again this developer will receive the benefit of the doubt when it comes to a decision on this application. This developer has proven time and time again to be untrustworthy, and their findings and reports fall well below par for sound and proper development.

We believe this development should not be granted substitute consent, and furthermore all trace of this development should be removed.

The proof stands that this important habitat and landscape was and remains unsuitable for such development.

To date we have not been privy to the current condition of the devastated lands and ecosystem caused by this ecological disaster and have seen no proof of the restoration efforts never mind proof of successful recovery of the affected areas.

We believe continuation of works to this development could indeed trigger further such incidents and should not be permitted.

The applicant previously claimed 90% of all works are carried out. Again, we find this claim incredulous as the developer was ordered to cease all works on site associated with the wind farm (except those works to contain the peat slide). It is now clear that all works on site did not cease as the Substation and Grid connection works continued. These works are part of the one overall project and should have ceased also. We are of the informed opinion that nowhere near 90% of works are complete. That serves as another example of the dishonesty and disregard shown towards the local community and authorities by this developer.

The following article was published in the Donegal Democrat in April 2024 following a court case brought by Donegal County Council to quite rightly, prevent further works on site.

"High Court grants order to stop further works at Meenbog Wind Farm"

In 2020, a major peat slide occurred, causing thousands of tonnes of peat and conifers to career down into the Mournebeg river and the Shruhanganra burn.

A High Court order has been made prohibiting further development of a controversial wind farm near Ballybofey.

Donegal County Council has been granted the order, which prevents Planree Limited and Mid-Cork Electrical from further works at what they say is a "largely complete" 19-turbine project.

Mr Justice Holland held that the unauthorised development at the site consists of the entire windfarm and not each of or all of 25 material deviations.

The Judge found that he has jurisdiction to restrain any further works on the site – at least until the planning status is regularised.

The development is on a site of 990 hectares at Barnesmore Gap in townlands of Meenbog, Croaghonagh and Cashelnavean.

On 12 November 2020, a major peat slide occurred in an area in which a digger was being used to lay timbers and brash for a permitted floating road.

Thousands of tonnes of peat and conifers careered down into the Mournebeg river and the Shruhangerve burn on the construction site.

Court documents, seen by Donegal Live, estimate that “about 86,240m³ of peat slid – of which about 65,740m³ left the 'scar areas' and entered the Shruhangerve Stream via which it flowed into the Mourne Beg River³¹ and on to nearby European Sites, including in Northern Ireland, causing significant environmental damage”.

That November 2020 slide was preceded by two other slides in June 2020.

Parties agreed that Planree’s works caused, or at least contributed to the occurrence of, the November 2020 slide.

In 2022, the developers pleaded guilty to the pollution of the Shruhangerve and Mourne Beg stream and had since undergone a remediation programme under the watch of both Donegal County Council and the Environmental Protection Agency.

Mr Justice Holland described as “puzzling, unhelpful and entirely unrealistic” a written submission – which he said was submitted 'only days before the trial' – from Planree which contended that it was 'simply untrue' that the peat slide was caused by its development works.

“Planree’s own experts, Fehily Timoney and MKO, had long since made the contrary quite clear,” Mr Justice Holland said.

There was, however, no evidence that it was caused by negligence by Planree. Nor was the slide caused or contributed to by the Material Deviations, which were the subject of the High Court proceedings.

While Planree have applied to An Bord Pleanála for substitute consent to regularise the status of the deviations, the company points out this could take years to be fully dealt with given the processing backlogs.

Donegal County Council began section 160 proceedings against Planree Ltd in April 2023. The notice of motion sought orders restraining the carrying out of any unauthorised development on the site pending the regularisation of the development through a substitute consent application.

The company said that it intended to complete the permitted development while the substitute consent application was being processed.

Planree argued that they should be allowed to build out the remaining, authorised, elements and operate it pending the An Bord Pleanála decision on the substitute consent.

The main remaining element of the works is the installation of the turbines and rotors, which are in storage near Killybegs.

Planning permission for the wind farm was granted by An Bord Pleanála, via the Strategic Infrastructure Development process in 2018, subject to 20 conditions. In 2018, the permission was amended to effectively allow bigger turbines/longer rotor blades.

In his judgement, Mr Justice Holland said: “I hold that the unauthorised development at issue in these proceedings consists, by reason of the Material Deviations, of the entire Windfarm and not, discretely considered, of each or all of the Material Deviations.

“On that basis I hold that I have jurisdiction, if I think it proper, to restrain Planree’s further development of the Windfarm – at least pending regularisation of its present planning status.”

Mr Justice Holland added that he is, provisionally, of the view that Donegal County Council should be awarded its costs given that it succeeded in its application.

Planree Limited and Mid-Cork Electrical can apply to vary or discharge the order.

The development has received more than €100 million investment with 182 acres of Sitka trees having been felled to make way for the turbines.

It has previously been reported that Amazon committed to buying the energy from the completed 91.2MW Meenbog 19-turbine windfarm for Amazon Web Services.

Reasons and Considerations for Refusal

We believe this development should not be granted substitute consent as this project has fundamentally breached Ireland's planning laws, severely damaged the environment, and bypasses mandatory European environmental assessments.

Legally, retention cannot be used to simply bypass environmental impact loops or automatically fix massive planning violations.

Primary reasons include but not limited to as follows

1. Massive Scale of Material Deviations

- 25 Distinct Violations: Investigators identified 25 significant material planning deviations across the site during construction.
- Legally "Unauthorised": The Irish Court of Appeal ruled that these were not minor adjustments. Because the "as-built" reality is fundamentally different from what was permitted, the entire 19-turbine project is classified as an unauthorised development.

2. Catastrophic Environmental Damage and Risk

- The 2020 Bog Slide: In November 2020, a massive peat failure caused thousands of tonnes of bog and trees to slide into the Mournebeg River and Shruhargarve burn.
- Ecological Devastation: The slide caused severe pollution to internationally protected cross-border salmon habitats, drawing condemnation from ministers in both Ireland and Northern Ireland.

- **Ongoing Instability:** Ms Justice Nuala Butler noted that multiple peat slides occurred within the project's first year due to inherent soil instability. Granting retention could invite a fresh environmental disaster by validating construction on fragile blanket bog.

3. Legal and European Law Compliance (Substitute Consent)

- **EIA Loophole Restrictions:** Under European Union and Irish planning law, retention permission cannot be granted for developments that require a mandatory Environmental Impact Assessment (EIA) or an Appropriate Assessment, except under highly strict "substitute consent" procedures.
- **No Automatic Regularisation:** Developers cannot use standard retention as a loophole to bypass proper forward-looking environmental scrutiny after major damage has already occurred.

4. Setting a Precedent of Undermining Local Planning

- **Undermining the Planning Authority:** Allowing a developer to build extensively outside their approved scope and then fix it later via retention undermines the authority of local planners.
- **Premature Infrastructure:** In mid-2026, An Coimisiún Pleanála refused grid connection works (like new culverts) because permitting piecemeal infrastructure for an inherently "unauthorised" development would run completely contrary to proper and sustainable planning.

5. Consideration of Alternatives

In the substitute consent application, the developer states the "Consideration of Alternatives"

- > **Alternative 1** - "Do-Nothing". substitute consent not granted. Existing Development remains in situ as an unauthorised development.
- > **Alternative 2**- Decommissioning of Existing Development. substitute consent not granted. Orders made to remove unauthorised development and restore site to the greatest extent practicable. Under this scenario access tracks would most likely remain in-situ for forestry/ agricultural use and the 110kV substation and grid connection would be de-energised, secured, remain in-situ pending further planning application to retain them.
- > **Alternative 3**- Retain Existing Development and Complete the Prospective Development (Preferred Alternative). Retain and regularise all existing infrastructure as constructed, and complete and operate the Subject Development.

We believe that all though "**Alternative 1**" could be considered the less intrusive option to an already damaged landscape it does not go far enough to restore the area.

"**Alternative 3**" should not be permitted.

Although “**Alternative 2**” mentions some aspects of reinstatement on the original site, we believe the developer should not be dictating the level of reinstatement. This option should include all development granted in the original application including access tracks, cable ducts, grid connection and the 110kV Substation.

The permitting of the 110kV Substation and Grid connection to remain for further planning applications cannot be granted as this again bypasses mandatory European environmental Assessments, and legally, retention cannot be used to simply bypass environmental impact loops or automatically fix the massive planning violations carried out by this unauthorised development.

This developer should not be dictating the level of decommissioning.

In this case we believe the proper course of action is the entire decommissioning of the wind farm and all its infrastructure including the 110kV Substation and the Grid connection.

This infrastructure should not remain or be consider in any further developments as it forms part of the original unauthorised development.

6. Project Splitting.

To retain the substation, grid connection or any part of this development for further planning applications or development will constitute project splitting which cannot be allowed or permitted.

7. Risk of Peat Slippage or further Environmental Disaster.

Although the developer reports claim it unlikely for the occurrence of further peat slippage, we are of the informed view that parts of the application area remain dangerously unstable. We believe that the further loading of the turbine bases with the turbines themselves will add to the already massive peat instability.

We believe the transportation of heavy goods and movement of massive cranes and other machinery involved in the installation of the wind turbines on access tracks and floating roads will raise severe risk of further peat slides to this already disturbed unstable ground.

We believe this developer has already demonstrated its inability to control such peat slides. This developer failed to act on 2 earlier peat slides that they were aware of which contributed to the major environmental disaster of November 2020.

8. The Unauthorized Location of the Wind Turbines, Access Roads and Substation

These unauthorized changes were first formally detailed by Donegal County Council in their Section 160 planning enforcement application (Donegal County Council v Planree Ltd & Anor [2024] IEHC 193). Because of these 25 physical modifications, both the High Court and the Court of Appeal ruled that the entire 19-turbine wind farm development is legally "unauthorised".

While the court pleadings group these 25 discrete items into a master schedule, they structurally comprise four primary categories of unauthorized works on the ground:

A. Unauthorized Relocation of Wind Turbines

The developers structurally shifted multiple heavy wind turbines away from the exact micro-siting coordinates explicitly authorized by the original An Bord Pleanála Strategic Infrastructure Development (SID) permission.

- Moving these massive concrete foundations meant digging deep into highly unstable, carbon-rich blanket peat that had not been cleared through specific environmental impact assessments.
- In the original authorized application, the developer used IG coordinates as opposed to the ITM coordinates used within the substitute consent application.
- The location of all nineteen wind turbines differs, many quite substantially, when the original coordinates are compared with the cited turbine coordinates,

B. Creation of Unauthorized Borrow Pits

Borrow pits are large excavation sites used to blast and extract stone for building infrastructure on-site.

- The developers excavated entirely new, unpermitted borrow pits across the 990-hectare site to harvest stone.
- Existing, permitted borrow pits were significantly enlarged beyond the legal boundaries and depths mandated by their planning conditions.
- It is believed locally on word of mouth from personnel working on this development, that contractors working on this development allegedly used these borrow pits to dump and bury household and electrical appliance waste. Something we believe should be examined further on site.

C. Realignment and Construction of Unpermitted Roads

To connect the shifted turbines and new borrow pits, the site's layout required a completely altered transportation footprint.

- The developer constructed entirely new internal access roads across the mountainside without planning permission.
- Permitted road tracks were realigned, widening the physical corridor of environmental disturbance on the bog.
- Notably, these changes included constructing unpermitted floating roads over weak, sloping peat, a methodology closely scrutinized following the catastrophic 2020 Meenbog peat slide.

D. Modified Substation and Grid Infrastructure Drainage

The final set of deviations covers infrastructure layout alterations near the project's heart.

- This included shifting the footprint of the on-site 110kV electricity substation and its surrounding compound.
- Water management layouts, culverts, and forestry felling corridors were altered from the approved blueprints. This heavily disrupted the local hydrological dynamics linking the site directly to vulnerable, protected EU salmon rivers.

Current Legal Status

The developers admitted these 25 deviations occurred. They subsequently applied to An Bord Pleanála for "Substitute Consent" (retrospective planning permission) to try to regularise these 25 changes and legally resume work. However, local authorities have continued to block secondary link works, citing that the overarching development remains entirely unauthorized.

Although secondary link works ceased, work on the Substation and Grid Connection carried on. This should not have been allowed as the Substation and Grid Connection all form part of the entire unauthorised development.

8. Similar Projects and outcome

Derrybrien Wind Farm

There are many similarities with Meenbog and Derrybrien Wind Farm

The Derrybrien windfarm was one of the largest in Europe when it was built in 2003 but was quickly hit by controversy due to a large landslide at the site later the same year. Peat excavated to expose the rock to anchor the turbines was piled up, which initiated the landslides, also the felling of conifer trees on the site was a contributing factor.

The European Commission stated on 25th January 2018, it was seeking to bring Ireland back before the Court of Justice of the European Union (CJEU) because it claims it had not complied with a previous court judgement of July 3, 2008 (C-215/06, Commission v Ireland).

In the statement the European Commission said no sufficient impact assessment has been carried out at Derrybrien and that it is required under EU rules. We contend that the developer has also failed to adequately assess the impacts here in Meenbog.

In February 2022 An Bord Pleanála refused Substitute Consent for Derrybrien and so it is to be decommissioned. We therefore believe this Application for Substitute Consent should also be refused, and all works and infrastructure including the 110kV substation and grid connection should be decommissioned.

Thank you for your consideration.

Yours faithfully,

Charlene Mc Clintock