

Lismulladuff

Killygordon

Co Donegal

24/08/2026

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 enclosed submission to the above application

Dear Sir/Madam,

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

Within the initial planning a report was carried out on behalf of the local community by Dr. Pdraig O'Cathain on peat stability and Professor Paul Johnston on Hydrology.

Both reports highlighted the potential risk of Peat Slides occurring on this site in the event of a successful planning application. We now know that both reports were realistic, yet the reports submitted by the developer appears to have been accepted by An Bord Pleanala as being factual in first instant in favour of those by Dr. Pdraig O'Cathain and Professor Paul Johnston. Therefore we would ask that on this occasion that the Bord do not take for granted information provided by the developer as being factual.

The Peat slide that occurred in November 2020 would now appear to be predicted at the outset not only as a result of the development but also as a result of neglect of the developer in taking a "carefree" approach while carrying out the civil works and the non-adherence to the planning guidelines and restrictions that were stipulated by both Donegal Co Council and An Bord Pleanala. It is therefore vitally important that we do not see a repeat of the devastation caused by the peat slide and the impact it has had on both the Shruhangle Stream and the Mourne Beg River, in hindsight this is quite frankly the development that should not have been approved in the first place. In this instant any decision taken must air on the side of caution as opposed to giving the developer the benefit of doubt which may have been the case in the first instant.

Since the occurrence of the Peat Slide it is well noted that this development and the developer have been before the court system on several occasions and on not one occasion has the court given its approval that would allow the development to proceed. On each occasion the court has deemed the development to be non-compliant and, on some of the occasions, used stronger language that would beg the question as to how it ever got approval in the first place.

25 breaches or violations of planning regulations is not a minor occurrence, and it deviates considerably from what was first intended. One would have to beg the question why they needed to breach any condition in the first place and was it as a result of poor or inadequate site investigation pre their planning application.

Therefore, in this instance this development should not be granted substitute consent; the devolvement in its entirety should be returned to its natural habitat and the eco system in which it lies by way of compensation for the catastrophe that occurred in November 2020.

There are many reasons why substitute consent should not be given that have been well highlighted in the last few years. Some are on record as a result of court proceedings alongside the environmental impact of the bog slide with the damage to habitat and eco system caused on land but also to water with the loss of fish species and spanning beds in local streams and rivers.

There is also a rumour within the local community that allegedly there has been a significant number of borrow pits opened through the development that were not within the original consent and that some of those borrow pits may have been used to dispose of imported materials. This is something that needs be further investigate by the local authorities under the direction of An Bord Pleanala

Within the application the developer sets out three possible outcomes

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. Retain and regularise all existing infrastructure as constructed, and complete and operate the Subject Development.

Alternative 2 can be the only answer and it should go further to the de-energising of the existing substation. Allowing it to stay in place only entices a further application at another time when various ways will be attempted to get around planning regulations. It's also the only way to correct the decision to allow the development in the first place. Had everyone known then what they know today the initial planning outcome may have been different one, everted the damage the development has caused to the environment and the catastrophe that occurred in November 2020.

Precedent for this has already been set, in February 2022 on a similar development An Bord Pleanala refused substitute consent for the Derrybrien windfarm where there appears to be a lot of similarities. Recent times have shown the importance of keeping boglands and wetlands in place and the important role they play in nature and local habitat not to mention their effect in climate change. We all have our part to play in maintaining them but in this instance it's now at the discretion of An Board Pleanala.

Yours faithfully


ANNE McMENAMIN