

Response to Further Information

Cooles 15T Wind Farm, Co.
Westmeath.

Remitted Application: ACP-322902-25





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APPENDICES

Appendix 1 – An Coimisiún Pleanála Further Information Request & Correspondence

Appendix 2 – McCann Fitzgerald Letter dated 4th September 2025

1.

INTRODUCTION

MKO have been instructed by our client, Coole Wind Farm Limited (the Applicant) to prepare this report in response to a Further Information (FI) Request issued by An Coimisiún Pleanála (the Commission) under Ref. No. ACP-322902-25 on the 31st March 2026 (the 2025 Remitted Application). The FI Request was issued in relation to the Proposed Coole Wind Farm development (the Proposed Development), which will comprise the construction and operation of 15 No. wind turbines and all associated works, located in the townlands of Coole and others in County Westmeath.

The application was originally submitted to the Commission as Strategic Infrastructure Development (SID) under the provisions of Section 37E of the Planning and Development Act 2000, as amended on the 22nd March 2021 under Ref No. ABP-309770-21 (the 2021 Planning Application). A decision to refuse permission was issued by the Commission on the 20th March 2024. This decision was subsequently appealed to the High Court and the Commission's decision was quashed by Order of the High Court dated 10th February 2025 and perfected on 3rd March 2025: *Coole Wind Farm Limited v. An Bord Pleanála* H.JR.2024.000657. The application was thereafter remitted to the Commission for a new decision under the current case number (ACP-322902-25) and is now the subject of this FI Request.

The Commission originally stated that a response to this FI Request was required by the 30th June 2026 by 5.30pm. By agreement between the Applicant and the Commission, this deadline was extended to the 1st September 2026, and was extended again to the 1st October 2026. The email correspondence recording the agreement between the Applicant and the Commission on the extension to the deadline is included in Appendix 1: ACP FIR and Correspondence.

The FI Request was issued in accordance with Section 37F(1)(a) of the Planning and Development Act 2000, as amended (the 2000 Act), which sought information on a number of items requesting an updated Environmental Impact Assessment Report, updated Natura Impact Statement, a response to the recent Coolglass Supreme Court Judgement as well as a response to any issues raised by Third-Party Observers and Statutory Consultees. **Section 3** of this Response to Further Information (RFI Response) presents a detailed response to the individual FI items raised by the Commission.

The Applicant has provided detailed and comprehensive additional information to the Commission on three separate occasions since the submission of the Proposed Development planning application in March 2021 including:

- A Response to Further Information submitted in November 2022 (RFI Response 2022 as part of the 2021 Planning Application),
- A Response to Observations submitted in May 2023, following an additional public consultation period (Response to Observations 2023 as part of the 2021 Planning Application),
- A Response to Updated Information Request following remittal of the Proposed Development application in September 2025 (RFI Response 2025 as part of the 2025 Remitted Application).

These submissions addressed a range of matters arising from the Commission's assessment of the Proposed Development and many of the matters raised in the FI Request have already been responded to and considered in detail. **Section 2** of this RFI Response provides a detailed breakdown of all information submitted to date, i.e the 2021 Planning Application (ABP-309770-21) and the 2025 Remitted Application (ACP-322902-25). This RFI Response provides detailed reference to the three previous responses as referenced above.

1.1

Applicant

The applicant for the Proposed Development is Cooles Wind Farm Ltd., which is owned by Statkraft Ireland Ltd. Statkraft Ireland is part of the wider Statkraft group, a global renewable energy company that develops, acquires, builds and operates utility-scale wind and solar power projects. The team at Statkraft Ireland has constructed and operates a portfolio of approx. 200 Megawatts (MW) of wind projects in Ireland with a further 50MW under construction Statkraft Ireland has an established track record in wind energy in Ireland, with its Irish team based in Tullamore, Co. Offaly and the Cork Airport Business Park, Co. Cork. This team has previously developed wind farms in Counties Clare, Cork, Kerry, Donegal, Limerick, Galway, Waterford, Tipperary, Offaly and Tyrone.

1.2

Proposed Development

The Proposed Development will comprise the construction and operation of up to 15 No. wind turbines and all associated works. The proposed turbines will have a tip height of up to 175 metres. The full description of the Proposed Development, as per the public planning notices, is as follows:

- i. Up to 15 No. wind turbines with a tip height of up to 175 metres and all associated foundations and hardstanding areas;
- ii. 1 no. onsite electrical substation including a control building, associated electrical plant and equipment, welfare facilities and a wastewater holding tank;
- iii. 1 no. temporary construction compound;
- iv. Provision of new site access roads, upgrading of existing access roads and hardstand areas;
- v. Excavation of 1 no. borrow pit;
- vi. All associated underground electrical and communications cabling connecting the turbines to the proposed onsite substation;
- vii. Laying of approximately 26 km of underground electricity cabling to facilitate the connection to the national grid from the proposed onsite substation located in the townland of Camagh to the existing 110kV Mullingar substation located in the townland of Irishtown;
- viii. Upgrade works to the existing 110kV Mullingar substation consisting of the construction of an additional dedicated bay to facilitate connection of the cable;
- ix. Construction of a link road between the R395 and R396 Regional Roads in the townland of Cooles to facilitate turbine delivery;
- x. Junction improvement works to facilitate turbine delivery, at the N4 junction with the L1927 in the townland of Joanstown, on land to the South East of railway line level crossing on the L1927 in the townland of Culvin, the L1927 and L5828 junction in the townland of Boherquill and the L5828 and R395 junction in the townland of Corralanna;
- xi. Site Drainage;
- xii. Forestry Felling;
- xiii. Signage, and;
- xiv. All associated site development works.
- xv. This application is seeking a ten-year planning permission and 30-year operational life from the date of commissioning of the entire wind farm.

1.3

Cooles 13 Turbine Wind Farm High Court Judgements

The Applicant had previously applied to the planning authority for planning permission for a 13 no. turbine wind farm on the same site on 20 October 2017 (Westmeath County Council ref. number 17/6292) (hereafter referred to as "Cooles 13T Wind Farm"). The planning authority refused permission and the Applicant subsequently appealed the decision to refuse permission to the Commission on the

16th January 2018 (Ref. ABP-300686-18). The Commission granted permission on 26th March 2019. The validity of that decision was questioned in legal proceedings.

The High Court delivered judgment on 16th June 2025: *North Westmeath Turbine Action Group & ors v An Bord Pleanála & ors* [2025] IEHC 367 (the “High Court Judgment”). The challenge succeeded on narrow grounds only (namely, paras. E10 and E11 of the relevant Statement of Grounds) in circumstances where it was determined that the public notice published in respect of the project did not comply with relevant provisions of the EIA Directive (Art.6.2) and Planning and Development Regulations, 2001 (Arts. 17, 18 and 98), by not referring to the grid connection.

By a further judgment of 10th November 2025 ([2025] IEHC 608), the High Court determined that this finding did not warrant a quashing of the planning permission. Having regard to the confirmation given to the Court that the construction of the Coolie 13T Wind Farm will not commence until a separate grid connection application — which will itself require an environmental impact assessment of the whole project, including a valid public notice— has been determined, the Court held that quashing the permission was not warranted, since all interested parties have an opportunity to engage in public participation in that separate planning process.

In a further judgment of 22nd July 2026 ([2026] IEHC 505), the High Court rejected a renewed challenge to the adequacy of the planning drawings under Articles 22 and 23 of the Planning and Development Regulations 2001. No other ground of challenge to the Coolie 13T Wind Farm permission has succeeded.

Many of the issues relevant to the 2025 Remitted Application, including those highlighted in the Commission’s letter dated 28th July 2025 and in the FI Request issued on 31st March 2026 have been the subject of rigorous scrutiny in the High Court Judgments described above. It is expected that those High Court Judgments should assist in the assessment of the reactivated application, in circumstances where the 2025 Remitted Application relates to the same site that was under consideration in the High Court Judgments.

2.

PLANNING APPLICATION DOCUMENTATION

Following the submission of the Proposed Development planning application, Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS), the Applicant has provided detailed and comprehensive additional information to the Commission on three separate occasions. Table 2-1 below provides a detailed breakdown of all planning application documentation as submitted to date, including reference to this RFI Response. Given the volume of information that has been submitted on this planning application from March 2021 to present day (September 2026), the purpose of this detailed breakdown is to assist the reader in navigating the documentation.

Table 2-1 Planning Application Documentation

	Planning Submission March 2021 (2021 Planning Application)	Response to Further Information November 2022	Response to Observations following Public Consultation Period in May 2023	Response to Request for Updated Information on reactivated application in September 2025	Response to Request for Further Information on reactivated application in September 2026
Planning Application Documents	ABP Cover Letter				
	Application Form				
	Site Notice				
	EIAR Portal Confirmation				
	Letters of Consent				
	Prescribed Body Letters				
	Westmeath Cover Letter				
	Westmeath Examiner Newspaper Notice				
	Irish Independent Newspaper Notice				
	Planning Application Drawings	RFI Appendix 1 FI Drawings Pack			
		Response to Further Information Request Document (November 2022) & Cover Letter	Response to Submission Document (May 2023) & Cover Letter	Response Cover Letter (September 2025)	Response to Further Information Request Document (September 2026) & Cover Letter

	Planning Submission March 2021 (2021 Planning Application)	Response to Further Information November 2022	Response to Observations following Public Consultation Period in May 2023	Response to Request for Updated Information on reactivated application in September 2025	Response to Request for Further Information on reactivated application in September 2026
				McCann Fitzgerald Letter dated 4 th September 2025	
EIAR Volume 1: Main Report, EIAR Volume 2: Photomontage Booklet & EIAR Volume 3: Appendices	Table of Contents				
	Non-Technical Summary				
	Chapter 1: Introduction			Section 4 of McCann Fitzgerald Letter: Interactions Management Group	
	Chapter 2: Background			Section 1-3 of McCann Fitzgerald Letter	Section 3.2
	Appendix 2-1: Grid Connection Further Information Request			1. EU and Irish Policy Context 2. The Commission's Section 15 obligations 3. RED III and the Temporary Renewable Energy Regulations	
	Appendix 2-2 Scoping Responses				
	Appendix 2-3: ABP Correspondence				
	Appendix 2-4 Public Consultation Documents				
	Chapter 3: Consideration of Reasonable Alternatives				Section 3.1
	Chapter 4: Description of Development			Section 5 of McCann Fitzgerald Letter: Interaction with Peat Extraction Activities	Section 3.1
	Appendix 4-1: Site Layout Planning Drawings				

	Planning Submission March 2021 (2021 Planning Application)	Response to Further Information November 2022	Response to Observations following Public Consultation Period in May 2023	Response to Request for Updated Information on reactivated application in September 2025	Response to Request for Further Information on reactivated application in September 2026
	Appendix 4-2: Peat and Spoil Management Plan				
	Appendix 4-3: Ionic Typical Detail Drawings	RFI Appendix 9: Ionic Response			
	Appendix 4-4: AGECE Cable Route Survey				
	Appendix 4-5: APEX Cable Route Geophysical Investigation Report				
	Appendix 4-6: Replanting Assessment, including AA Screening				
	Appendix 4-7: ELS Delivery Route Selection and Assessment				
	Appendix 4-8: Construction and Environmental Management Plan				
	Appendix 4-9: Drainage Design Drawings				
	Appendix 4-10: Eirgrid-ESB Standard Specification				
	Appendix 4-11: Decommissioning Plan				
	Chapter 5: Population & Human Health	RFI Appendix 11: Shadow Flicker Assessment Results			
	Appendix 5-1: Wind Turbines and Horses				

	Planning Submission March 2021 (2021 Planning Application)	Response to Further Information November 2022	Response to Observations following Public Consultation Period in May 2023	Response to Request for Updated Information on reactivated application in September 2025	Response to Request for Further Information on reactivated application in September 2026
	Appendix 5-2: Wind Farms & Health Literature Review - Chapman 2015				
	Appendix 5-3: EMF Booklet - Eirgrid 2014				
	Appendix 5-4: House Prices Study - CXC Scotland 2016				
	Chapter 6: Flora & Fauna	RFI Appendix 13: Updated Figure 6-7 Mammal Survey and Habitat Significance			Section 3.1
	Appendix 6-1: Vascular Plants				
	Appendix 6-2: Bat Impact Assessment				
	Appendix 6-3: Bat Surveys at Height Report MKO (2018)				
	Appendix 6-4: Extract of Aquatic Survey Report				
	Chapter 7: Ornithology	RFI Appendix 5: Bird Survey Report (Mar21-Mar22)		Section 6 of McCann Fitzgerald Letter: Implications for assessment of impacts on birds due to rehabilitation of the peatlands	Section 3.1
	Appendix 7-1: Species List				
	Appendix 7-2: Survey Effort				
	Appendix 7-3: Summary Tables				
	Appendix 7-4: Survey Data & Figures				
	Appendix 7-5: Collision Risk Assessment				
	Appendix 7-6: Bird Monitoring Programme				
	Appendix 7-7: Confidential Monitoring Data				
	Chapter 8: Land, Soils & Geology				Section 3.1

	Planning Submission March 2021 (2021 Planning Application)	Response to Further Information November 2022	Response to Observations following Public Consultation Period in May 2023	Response to Request for Updated Information on reactivated application in September 2025	Response to Request for Further Information on reactivated application in September 2026
	Appendix 8-1: Geotechnical Peat Stability Report	RFI Appendix 12: Malachy Walsh & Partners FI Response	Appendix 2: Malachy Walsh & Partners Response	Section 6 of McCann Fitzgerald Letter: Peat Stability	Section 3.1.3.1
	Appendix 8-2: HES SI Logs				
	Chapter 9: Water	RFI Appendix 2: FI HES Response			Section 3.1
	Appendix 9-1: Flood Risk Assessment				
	Appendix 9-2: Water Quality Lab Reports				
	Appendix 9-3: Drainage Design Drawings				
	Appendix 9-4: Grid Route Cross Sections				
	Chapter 10: Air Quality & Climate				Section 3.1
	Appendix 10-1: Carbon Calculations				
	Chapter 11: Noise & Vibration	RFI Appendix 10: AWN Technical Note			Section 3.1
	Appendix 11-1: Glossary of Terms				
	Appendix 11-2: Photos of Noise Monitoring Locations				
	Appendix 11-3: Calibration Certificates				
	Appendix 11-4: Modelling Assumption				
	Appendix 11-5: Borrow Pit - All Locations				

	Planning Submission March 2021 (2021 Planning Application)	Response to Further Information November 2022	Response to Observations following Public Consultation Period in May 2023	Response to Request for Updated Information on reactivated application in September 2025	Response to Request for Further Information on reactivated application in September 2026
	Appendix 11-6: Noise Sensitive Location Coordinates				
	Appendix 11-7: Directional Noise Levels				
	Appendix 11-8: Rated Power Contour				
	Appendix 11-9: Grid Connection Noise Survey Locations				
	Chapter 12: Landscape & Visual	RFI Appendix 6: FI LVIA Response			Section 3.1
	Appendix 12-1: LVIA Methodology				
	Appendix 12-2: Landscape Character Area Assessments				
	Appendix 12-3: Viewpoint Assessments				
	Appendix 12-4: ZTV				
	EIAR Volume 2: Photomontage Booklet	RFI Appendix 7: RFI Photomontage Booklet			1
	Chapter 13: Cultural Heritage	RFI Appendix 8: FI Tobar Response	Appendix 1: Tobar Response		Section 3.1
	Appendix 13-1: Site Description				
	Appendix 13-2: Topographical Files of the National Museum of Ireland				
	Appendix 13-3: Westmeath CDP - Policies and Objectives				
	Appendix 13-4: RMPS within 5km of Nearest Turbines				

	Planning Submission March 2021 (2021 Planning Application)	Response to Further Information November 2022	Response to Observations following Public Consultation Period in May 2023	Response to Request for Updated Information on reactivated application in September 2025	Response to Request for Further Information on reactivated application in September 2026
	Appendix 13-5: National Monuments within 15km of Nearest Turbine	RFI Appendix 3: Updated Figures			
	Appendix 13-6: NIAH Structures				
	Chapter 14: Material Assets				Section 3.1
	Appendix 14-1: Coole Grid Connection Technical Note				
	Appendix 14-2: 2rn Signed Protocol Agreement				
	Appendix 14-3: AI Bridges - Coole Wind Farm Telecoms Report				
	Chapter 15: Interactions				Section 3.1
	Chapter 16: Schedule of Mitigation				Section 3.1
	References				
NIS	Natura Impact Statement (NIS)	RFI Appendix 5: Revised Natura Impact Statement		Section 4, 5 & 6 of McCann Fitzgerald Letter: 1. Interaction with Peat Extraction Activities 2. Implications for assessment of impacts on birds due to rehabilitation of the peatlands	Section 3.1
	Appendix 1: Appropriate Assessment Screening Report	RFI Appendix 4: Revised Appropriate Assessment Screening Report			
	Appendix 2: EIAR Chapter 4 Description				
	Appendix 3: Construction and Environmental Management Plan				
	Appendix 4: EIAR Chapter 9 Hydrology				
	Appendix 5: Aquatic Survey Report				

	Planning Submission March 2021 (2021 Planning Application)	Response to Further Information November 2022	Response to Observations following Public Consultation Period in May 2023	Response to Request for Updated Information on reactivated application in September 2025	Response to Request for Further Information on reactivated application in September 2026

3. FURTHER INFORMATION REQUEST

3.1 Updated EIAR & NIS

In Item 1 of the FI Request, the Commission requested an updated EIAR reflecting the ‘*appropriate environmental baseline(s)*’ for Biodiversity (EIAR Chapter 6), Ornithology (EIAR Chapter 7), Land Soils & Geology (EIAR Chapter 8), Hydrology and Hydrogeology (EIAR Chapter 9), and Climate (EIAR Chapter 11), to be presented across three scenarios: (a) the existing environment; (b) the likely future receiving environment assuming peat harvesting continues, as previously considered as the worst-case scenario; and (c) the likely future receiving environment with the implementation of Condition 10 of an IPC Licence said to apply to lands within the Proposed Development Planning Application Boundary, as delineated in the Planning Application Drawings.

In Item 2, the Commission requested a corresponding update to the Natura Impact Statement (NIS), including a review of updated Site-Specific Conservation Objectives (SSCOs) for the European sites assessed, and consideration of in-combination effects arising from peat harvesting and management of the peatlands, and Condition 10 of the IPC Licence.

The Applicant’s position is that neither an updated EIAR nor an updated NIS is required in order for the Commission to determine the Application. That position rests on three points, addressed below:

- (i) No lands within the Proposed Development Planning Application Boundary are subject to an IPC Licence nor Condition 10 of an IPC Licence. This was made evident to the Commission in Section 2.1.6.2 of the Response to Further Information in November 2022 and again reiterated in the Response to Request for Updated Information on the reactivated application in September 2025.
- (ii) The EIAR and NIS submitted already assesses the Proposed Development against a precautionary worst-case baseline assuming the continuation of peat harvesting, which remains materially more conservative than the actual, current condition of the site. As is evident in Table 2-1 above, following the submission of the Proposed Development planning application, EIAR and NIS, the Applicant has provided detailed and comprehensive additional information to the Commission on three separate occasions since the submission of the 2021 Planning Application,
- (iii) No rehabilitation plan of any description forms part of the Proposed Development, is currently the subject of an application for consent (substitute consent or otherwise) by any party with the necessary legal interest in the relevant lands, or is otherwise an established likely future scenario capable of assessment. Should any rehabilitation take place in the future, this would itself constitute development requiring its own assessment (as appropriate, EIA and/or AA), at which point its cumulative or in-combination effects with the Proposed Development would be assessed by reference against the tangible rehabilitation plan proposed.

3.1.1 IPC Licence & Condition 10 – Peatland Rehabilitation

Section 2.1.6.2 in the Response to Further Information in November 2022 provides clarity on Environmental Protection Agency (EPA) Licencing within and in the vicinity of the Proposed Development site and was reiterated in the Response to Request for Updated Information on the reactivated application in September 2025.

The information provided below provides the same clarity: the lands within the Proposed Development Planning Application Boundary are not and have not been subject to an IPC Licence by the EPA and are not subject to Condition 10 of an IPC Licence 'Cutaway Bog Rehabilitation'.

Figure 3-1 below identifies the sites within the vicinity of the Proposed Development that have been permitted under an IPC Licence and the sites within and in the vicinity of the Proposed Development site that have applied for an IPC or Industrial Emissions (IE) Licence from the EPA and were ultimately refused or withdrawn. A summary of these licences and their status is provided in Table 3-1 below and Figure 3-1 below provides a drawing which identifies the Proposed Development Planning Application Boundary and the surrounding IPC & IE Licence boundaries (Licence Permitted, Withdrawn or Refused).

This position was confirmed to the Commission by the Applicant in correspondence dated 13th April 2026. The letter identified a material error in Item 1 of the FI Request, quoting the Commission's own request to *"provide clarity on which lands within the application boundary are subject to the IPC licence and, in particular, to Condition 10 of same,"* together with a site layout map overlaying the Proposed Development Planning Application Boundary on the IPC licence boundary, and *"the likely future receiving environment with the implementation of Condition 10 of the IPC licence on the lands to which it applies."* The letter confirmed, for the avoidance of doubt, that none of the lands within the Proposed Development Planning Application Boundary are subject to an IPC licence, and requested that the Commission reissue the FI Request with all references to an IPC licence removed as it is inapplicable to the planning application.

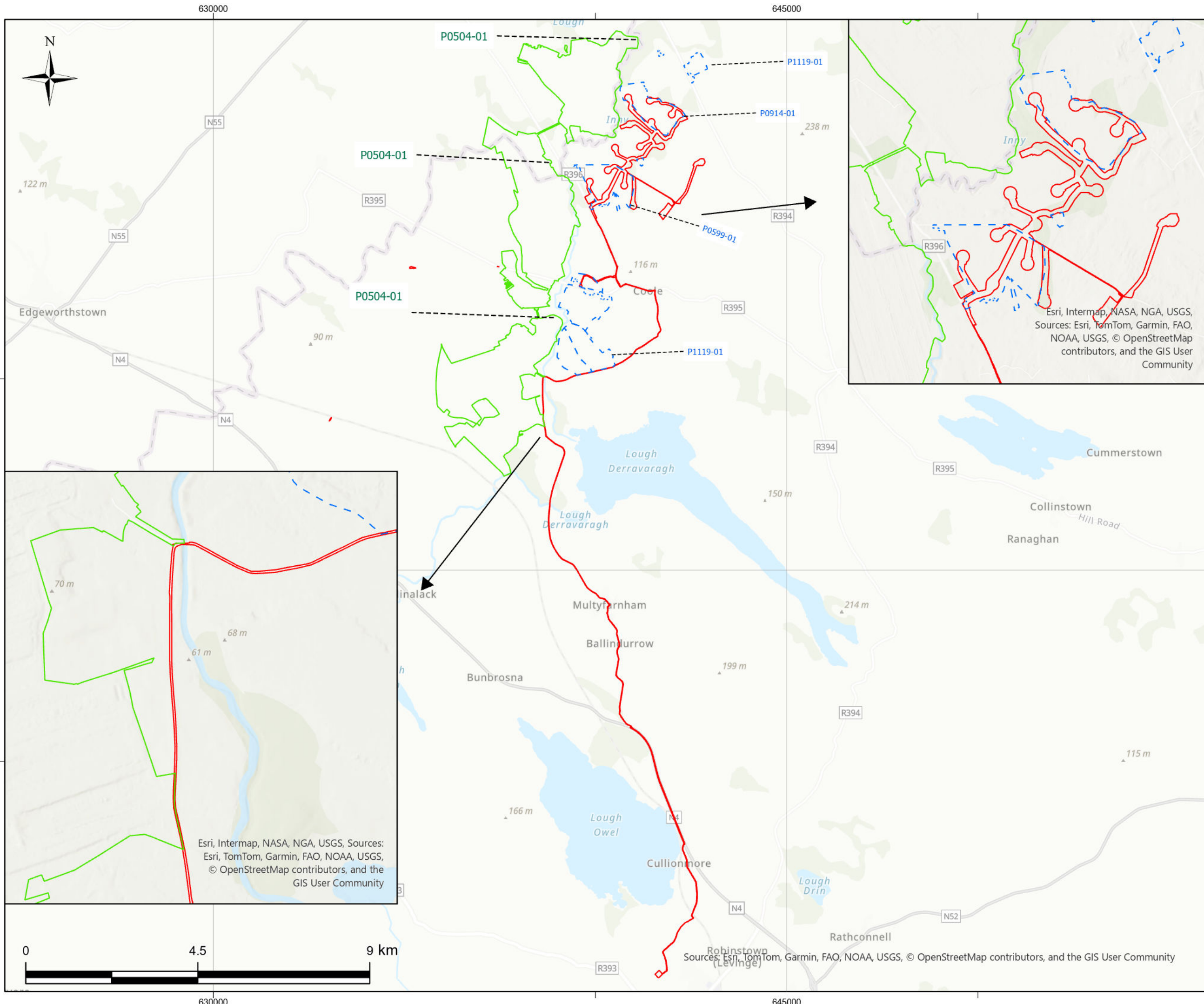
The Commission responded to the Applicant's letter of 13th April 2026, confirming that it will not be reissuing the FI Request and directed the Applicant to proceed with a response based on the FI Request as issued.

For these reasons, and as confirmed in the Applicant's letter to the Commission of 13th April 2026 referred to above, no part of the Proposed Development site is currently subject to an IPC licence, or to 'Condition 10' of any such licence, and the third baseline scenario identified at Item 1 (implementation of Condition 10) is not applicable to the Proposed Development and is therefore not addressed further in this RFI Response.

Table 3-1 Summary of EPA Licence Portal within the vicinity of the Proposed Development¹. This is to be read in conjunction with Figure 3-1.

	Number	Name	Authorisation Type	Organisation	Sector	County	Status	Open for Submissions?	Open for Objections?	Priority Application this Year?	Final Authorisation Issued
Licensed	P0504-01	Bord na Mona Lanesboro (Longford)	Integrated Pollution Control Licence	Bord na Mona Energy Limited	Minerals and Other Materials	Longford	Licensed	No	No		09/05/2000
Refused or Withdrawn	P0974-01	Bulrush Horticulture Limited	Industrial Emissions Licence	Bulrush Horticulture Ltd.	Minerals and Other Materials	Westmeath	Refused	No	No		-
	P0599-01	Bulrush Horticulture Limited	Industrial Emissions Licence	Bulrush Horticulture Ltd.	Minerals and Other Materials	Kildare	Withdrawn	No	No		-
	P0914-01	Westland Horticulture	Industrial Emissions Licence	Westland Horticulture Limited	Minerals and Other Materials	Westmeath	Refused	No	No		-
	P1119-01	Harte Peat Limited	Integrated Pollution Control Licence	Harte Peat Limited	Minerals and Other Materials	Westmeath	Refused	No	No		

¹ <https://leap.epa.ie/> EPA Licence and Enforcement Access Portal accessed 5th August 2026.



Map Legend

- Proposed Development
- Planning Application Boundary
- Licenced Peat Extraction Installation Boundary
- IPC & IE Licence Applications

Spatial Reference
Name: IRENET95 Irish Transverse Mercator
Datum: IRENET95
Projection: Transverse Mercator

SITE LOCATION - NOT TO SCALE

Drawing Title
Sites within and in the vicinity of the Proposed Development that have been subject to IPC & IE Licencing (Licence Permitted, Withdrawn or Refused)

Project Title Coole Wind Farm (15T) Co. Westmeath		
Project No. 200445-m	Drawing No. 1	Scale 1:92,000
Drawn By LPM	Checked By EC	Date 19/08/2026

Email: info@mkofireland.ie / Website: www.mkofireland.ie

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3.1.2 Peat Extraction and the Environmental Baseline

Section 3.2 in Chapter 3 of the EIAR details the Do-Nothing Alternatives and clarifies the environmental baseline for assessment and is provided below for clarity with emphasis added:

Annex IV, Part 3 of the EIA Directive states that the description of reasonable alternatives studied by the developer should include “an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.” This is referred to as the “do-nothing” alternative. EU guidance (EU, 2017) states that this should involve the assessment of “an outline of what is likely to happen to the environment should the Project not be implemented – the so-called ‘do-nothing’ scenario.”

An alternative land-use option to developing the Proposed Development would be to leave the site as it is under its current planning permission. As detailed in Section 2.5.1 in Chapter 2 of this EIAR, a wind energy project comprising of 13 turbines and all associated infrastructure has current planning permission on the Proposed Development site. The permitted wind energy project was designed to co-exist and operate independently of land use practices of commercial peat harvesting and forestry to minimise impacts. Whilst there would be a change of land use within the footprint of the Proposed Development, to facilitate the wind turbines and infrastructure, this was found to be an acceptable part of the permitted development.

This EIAR assesses the potential for peat extraction works on the site to continue as a worst-case scenario. The Proposed Development has been designed to operate on this site in conjunction with any peat extraction activities. Should peat extraction cease, a site rehabilitation plan will be required which would be likely to encourage revegetation of bare peat areas, with targeted active management being used to enhance re-vegetation and the creation of small wetland areas. Due to the small footprint of the Proposed Development in the context of the entirety of the commercial peat extraction area, a rehabilitation plan where required would take account of the wind farm infrastructure. In doing so, the environmental effects in terms of emissions are likely to be neutral.

The section of the Proposed Development site that does not form part of the currently permitted wind energy development site has a current-land use practice of forestry and low-intensity pastoral agriculture. An alternative land-use option to developing a renewable energy project at this section of the Proposed Development site would be to leave the site as it is, with no changes made to the current land-use practices of low intensity pastoral agriculture and forestry. The environmental effects of this are considered to be neutral.

A second potential Do-Nothing scenario exists for this project i.e. assuming that the permitted development is not constructed. In this scenario the existing baseline environment will evolve in one of two potential ways, either the peat extraction ceases and a rehabilitation plan is developed or the peat extraction continues and then a rehabilitation plan is developed.

Commercial peat harvesting works, forestry and pastoral agriculture use have been assessed in conjunction with the proposed wind energy development.

The EIAR and NIS assessed the Proposed Development under a precautionary ‘worst-case’ scenario, which assumes that peat harvesting would continue on lands within and adjoining the Proposed Development site throughout the operational life of the wind farm (see, for example,

Section 2.1.6.3 of the RFI Response November 2022, and Section 7 of the Revised NIS). That assumption was, and remains, the most conservative basis on which to assess potential effects on Hydrology and Hydrogeology, Land, Soils and Geology, Climate, Biodiversity and Ornithology, because ongoing peat extraction — involving active drainage management, vegetation removal and extraction — represents a materially more intensive land use than either the current condition of the bog (peat extraction ceased) or any future passive or managed rehabilitation of it.

The EIAR therefore acknowledged, at the point of original submission, that cessation of peat extraction — with natural recolonisation of revegetation pending any rehabilitation plan — was a reasonably foreseeable future condition of the site, and identified continuation of peat extraction as the reasonable ‘worst case’ for the purpose of assessing the potential effects arising from the Proposed Development, on the basis that the Proposed Development was designed to operate independently of, and in conjunction with, any ongoing activities at the site.

Having regard to the extent of environmental and baseline information already provided to the Commission over the period since the Proposed Development was originally submitted in March 2021 — a period of five years — the Applicant’s position is that a requirement to present contemporary baseline information, to characterise the natural evolution of the site following the cessation of peat extraction (a matter already addressed in the Applicant’s previous submissions, as set out above), would not be proportionate, and would not be consistent with the requirements of the EIA Directive (2011/92/EU, as amended). The EPA’s Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (EPA, May 2022) confirm, by reference to Article 5(1) of the EIA Directive, that an EIAR is to ‘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’ and ‘that the information provided should be appropriate to the requirements of the consent procedure and the scale of the project’. As identified in Section 3.6.2 in the EPA’s Guidelines regarding the sufficiency of baseline data to be included in the EIAR,

‘The information provided should be enough to inform a reliable assessment of the implications for the environment.

The following criteria provide useful guidance on sufficiency of data:

- *Is the information necessary for identification of the main effects available?*
- *Is the information necessary for assessment of the main effects available?*
- *Is the information focused on effects which are likely and significant?’*

The baseline information provided to the Commission in the EIAR and NIS, together with the baseline information updated in subsequent years, is necessary and proportionate for the identification and assessment of the Proposed Development’s likely significant effects on the receiving environment. That assessment has, throughout, been carried out under a worst-case scenario clearly identified in the EIAR and NIS.

The Applicant’s position is that, at this advanced stage of a consent process that has already spanned some five years and included several rounds of additional baseline information and updated assessments, the provision of a contemporary baseline and updated assessment — to record a change in site conditions that is neither disputed nor material to the assessment of the Proposed Development’s likely significant or adverse effects — is neither reasonable nor proportionate, having regard to the stage of the process and the scale of the point at issue.

3.1.3 EIAR

3.1.3.1 Peat Stability Assessment

In respect of Land and Soils, Item 1 of the FI Request further specifies that *“the peat stability assessment should incorporate and address the LiDAR survey undertaken for the site.”*

Following further peat probing carried out at T12 as part of the RFI Response November 2022, Malachy Walsh and Partners (MWP) reviewed LiDAR data for the T12 location and revised the peat stability assessment for T12 using the updated peat depth and the LiDAR-derived slope angle. Fehily Timoney and Company (FT) subsequently reviewed the LiDAR data for the remaining turbine locations and confirmed that the peat stability assessment at those locations continues to provide an adequate factor of safety. As set out in Table 2-1, this is set out in full in the RFI Response November 2022 and was further clarified in the Response to Observations May 2023, and is addressed further in this Response below in response to related third-party submissions on peat stability and peat probing at T12 (See Section 3.3.2.8).

Accordingly, the LiDAR survey referred to in the FI Request has already been incorporated into, and directly informed, the peat stability assessment for the Proposed Development, as submitted to the Commission on two prior occasions over the course of this Application. The Applicant’s position is that this element of Item 1 has therefore already been addressed by information already on file, and does not require any further survey, modelling, or reassessment.

3.1.4 NIS

3.1.4.1 Updated Site-Specific Conservation Objectives

In Item 2, the Commission has requested a review of the European sites assessed in the NIS which have updated Site-Specific Conservation Objectives (SSCOs) since the NIS and revised NIS were prepared, and an updated assessment of the implications of the Proposed Development in view of those objectives.

New and/or updated Conservation Objectives have been published for a number of European Sites considered in the original (and revised) AASR and NIS supporting the planning application for the Proposed Development.

Since the preparation of the AASR and NIS, Site Specific Conservation Objectives have been published for the following European Sites, all of which previously had generic conservation objectives:

- Derragh Bog SAC 002201 – Version 1 19th July 2023
- Wooddown Bog SAC 002205 – Version 1 19th July 2023
- Lough Owel SPA 004047 – Version 1 17th January 2025
- Lough Derravaragh SPA 004043 – Version 1 16th July 2024
- Garriskil Bog SPA 004102 – Version 1 Version 1 18th April 2025
- Lough Kinale and Derragh Lough SPA 004061 Version 1 17th January 2025
- Lough Iron SPA 004046 – Version 1 28th May 2024
- Glen Lough SPA 004045 – Version 1 Version 1 17th January 2025
- Lough Sheelin SPA 004065 Version 1 25th January 2025
- Lough Ennell SPA 004044 – Version 1 28th May 2024

In addition to the above, updated Conservation Objectives have been published for Lough Ennell SAC 000685 (Version 2 July 2024). The updated COs include an additional QI habitat for the SAC:

- Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]

Having reviewed the site-specific conservation for the relevant European Sites which have been published since the preparation of the AASR and NIS for the Proposed Development, it is MKO's professional opinion that consideration of these new and/or updated conservation objectives does not alter the findings of the assessment that was undertaken in either the AASR or NIS at the time.

3.1.4.2 In-Combination Effects

In Item 2, the Commission has also requested that the updated NIS address in-combination effects of peat harvesting and management of the peatlands, and Condition 10 of the IPC Licence.

Peat harvesting and the future management of the peatlands were already addressed in the NIS, as revised by the RFI Response November 2022, both (i) as the environmental baseline against which the Proposed Development's own effects were assessed, on a precautionary worst-case basis assuming the continuation of peat extraction (as addressed in Section 3.1.2 above), and (ii) as part of the in-combination assessment at Section 7 of the NIS, which considered the Proposed Development together with other plans, projects and land uses in the wider area, including an assessment of potential barrier effects to Special Conservation Interest (SCI) species in Section 2.5.2 of the RFI Response November 2022.

The Applicant notes, however, that the Inspector's Report of the 2021 Planning Application (Sections 12.5.6 to 12.5.11) identified that these matters remain unresolved.

In particular, the Inspector considered that:

- the NIS did not identify any EPA licensing relevant to the overall lands;
- there was no clarity, having regard to the terms of the proposed Interactions Management Group (IMG) and the letters of consent from the relevant landowners, that the overall lands would be managed so as to ensure the operational parameters of the Proposed Development would be met; and,
- notwithstanding the Applicant's acknowledgement of uncertainty as to the future of peat harvesting, the NIS did not follow through the ecological consequences of the alternative scenarios thereby acknowledged — in particular, natural regeneration or managed rehabilitation of the peatlands.

These matters are addressed in full in the McCann Fitzgerald letter dated 4th September 2025. The Applicant relies upon and reiterates: the adequacy of IMG; the relevance of historic peat extraction on the site; and the treatment of any future rehabilitation scenario:

With regard to the adequacy of the IMG, Section 4.11 to 4.12 of the McCann Fitzgerald letter states:

4.11: We also refer the Commission to the related grant of permission, to which the subject site of this Application relates (Commission ref. number ABP-300686-18). This grant of permission is the subject of a recent High Court judgment where neither the Commission nor the High Court Judgment took issue with the IMG proposed for that development. The High Court Judgment (at §§867-870) notes that:

"867. The detailed and numerous references in the EIAR, and the Construction and Environmental Management Plan which refer to collaboration with the peat operators and the formation of the IMG were provided to demonstrate that there will be collaboration with any such activity as may be ongoing. But the Board's decision is not a permission for such activity to continue either on the part of the commercial peat operators or for that matter by the developer. This much is clear from section 34(13) of the Act, which provides: "A person shall not be entitled solely by reason of a permission under this section to carry out any development".

868. *The developer and the Board submit that if there is to be any continuing peat extraction on the lands at the site then that will have to be regularised in due course by any party who seeks to resume such activity. It submits however that there is no legal obligation to refuse to consider the developer's application in respect of the windfarm merely because of a contention that there is or may in the future be unauthorised continuing peat activity.*

869. *It is submitted that the proposed development is not a continuation or extension of the peat extraction works and does not purport to "legalise those works in any way".*

870. *If any of the commercial peat extraction activities, as described in the s.5 decisions made by the Board, were to continue or resume then clearly an application for an appropriate planning permission would be required by the party seeking to do such works. The developer does not propose in the application to continue such works. The Board did not err by not refusing permission for the windfarm and associated works on this ground".*

4.12 *There no material differences between the IMG deemed acceptable by the Commission in its previous decision to grant permission, and the proposed IMG, the subject of the current Application. The proposed IMG should be treated in a like manner and should not be a reason for the refusal of the Application.*

With regard to the relevance of historic peat extraction on site, the letter states:

5.1 *The Applicant accepts that historic peat harvesting activities have taken place at the proposed development site. However, no such peat extraction is currently taking place*

Concluding that:

5.14 *The Commission is requested to conclude that the inspector was incorrect to consider that historic peat extraction on the site precludes a grant of permission for the proposed wind farm.*

Finally, as to the assessment of any future rehabilitation of the peatland, the letter sets out the Applicant's position as follows:

6.4. *"Rehabilitation of the bog forms no part of the proposed development, and there is no legal requirement for the Applicant to apply for same. The reference to Bord na Móna makes sense only in connection with lands where there exists a licence from the Environmental Protection Agency, and related obligations upon cessation of a licensed activity."*

6.5. *"The Applicant's EIAR is based on the worst case assumption of continuing the peat harvesting activities. At § 11.8.89 of their report, the Commission's Inspector expressed concerns about the reliance placed on this 'static' baseline environment and considered that the Applicant was obliged to assess other scenarios. The Inspector ultimately concluded that significant collision risks for certain species could not be ruled out because the analysis assumes that the peat extraction will continue."*

6.6. *"Again, it is important to stress that the Applicant does not own the proposed development site and has no control over whether peat extraction will commence or cease permanently."*

6.7. *"Therefore, the Applicant: (a) Is not obliged to apply for permission to undertake rehabilitation works in respect of historic unauthorised development; and (b) Has no obligation to assess hypothetical future changes to the site as a result of the resumption or cessation of peat harvesting activities by a third party (which would require development consent)."*

6.8. *“The Applicant took a precautionary approach to environmental assessments. Although peat extraction had ceased by the date of the Application, the assessments assumed that peat harvesting would continue on the site, on the basis that this represented a ‘worst case scenario’. As noted at §2.1.6.3 of the RFI response, the likely environmental impacts of any rehabilitation would be more limited than those associated with ongoing peat cutting. In addition, any rehabilitation measures would be subject to relevant assessments as part of the consent process.”*

6.9. *“It does not make sense to assume rehabilitation where there is no legal obligation requiring the owners of the land to carry out such activities.”*

6.10. *“As required under both the EIA Directive and the Habitats Directive, the Applicant assessed the receiving environment of the proposed project. The Applicant was not required to assess the environmental impacts of a hypothetical rehabilitation plan which there is no legal obligation to carry out and which does not form part of the project.”*

The Applicant relies on, and reiterates, the above position in full for the purposes of this Response.

3.1.5 Conclusion on RFI Items 1 and 2

For the reasons set out above, the Applicant’s position is that the EIAR and NIS submitted with the Application, as revised by the RFI Response November 2022 and the Response to Observations May 2023, remain valid, robust, and sufficient to enable the Commission to determine the Application, and that no update to either document is required. The Applicant respectfully requests that the Commission proceed to determine the Application on that basis.

3.2 Recent Coolglass Judgement

In Item 3 of the FI Request, the Commission invites the Applicant to respond to the recent Supreme Court judgment in Coolglass Wind Farm Limited v An Coimisiún Pleanála [2026] IESC 5, concerning the obligations of consenting authorities under Section 15 of the Climate Action and Low Carbon Development Act 2015, as amended.

A significant development in Irish planning law in relation to the obligations on public bodies in accordance with Section 15 of the Climate Action and Low Carbon Development Act 2015, as amended (the Climate Act) is directly relevant to the determination of the Proposed Development. The legal analysis of Section 15 of the Climate Act has arisen from a challenge to a decision of the Commission to refuse planning permission for a wind farm in County Laois. The Supreme Court issued a judgment on this matter on 4th February 2026 in Coolglass Wind Farm Limited v An Coimisiún Pleanála [2026] IESC 5.

The Climate Action and Low Carbon Development Act 2015 (as amended)

The Climate Act establishes a legislative precedent to reduce Ireland’s carbon emissions, legally binding Ireland to achieve net-zero emissions no later than 2050, and to a 51% reduction in emissions by the end of this decade.

The Climate Act also incorporates the following key provisions:

- Embedding the process of setting binding and ambitious emissions-reductions targets in law;
- Providing for a national climate objective, which commits to pursue and achieve no later than 2050, the transition to a climate resilient, biodiversity-rich, environmentally sustainable and climate-neutral economy;

- Setting out that the first two five-year carbon budgets proposed by the Climate Change Advisory Council should equate to a total reduction of 51% over the period to 2030, relative to a baseline of 2018;
- Strengthening the role of the Climate Change Advisory Council;
- Setting out that the government must adopt carbon budgets that are consistent with the Paris agreement and other international obligations;
- Actions for each sector will be detailed in the Climate Action Plan which must be updated annually; and
- Local Authorities must prepare individual Climate Action Plans which will include both mitigation and adaptation measures and will be updated every five years.

Section 15(1) of the Climate Act places an obligation on public bodies to perform their functions in a manner which favours climate action, unless it is objectively impracticable to do so.

“A relevant body shall, in so far as practicable, perform its functions in a manner consistent with:

- a) the most recent approved climate action plan,*
- b) the most recent approved national long term climate action strategy,*
- c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- d) the furtherance of the national climate objective, and*
- e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.”*

Significance of the Coolglass Judgement

The Supreme Court establishes that consenting authorities must make decisions ‘*in so far as practicable*’ in a manner ‘consistent with’ the approved national long term climate action strategy and the approved national long term climate action strategy as set out in Section 15(1) of the Climate Act. This means that departure from climate objectives is permissible, but only where there are genuine practical difficulties that make full alignment impracticable.

Consenting Authorities, such as the Commission, must therefore meaningfully engage with national climate objectives when exercising their functions, including decision-making and must also demonstrate how those functions have been carried out in a manner consistent with, in so far as practicable, national climate objectives.

Taking these legal duties into account, the Commission is required to attribute significant weight to national climate policy and the delivery of renewable energy infrastructure, such as the Proposed Development, even where they materially contravene a statutory development plan, particularly when that plan is out of step with national policy.

The significance of the judgement is that Consenting Authorities, including the Commission are now under clear, legal duty to give meaningful consideration of the contribution made to the achievement of national climate targets by renewable energy developments, such as the Proposed Development. This is of particular importance where a development would advance decarbonisation targets.

Relevance of the Proposed Project

The Proposed Development comprises of a renewable energy development, which will make a meaningful contribution to the fulfilment of national climate objectives, including those set out in the Climate Action Plan 2025 (CAP25), which sets out targets to achieve an 80% electricity share as well as 9GW of renewable energy by 2030.

Considering the Coolglass Supreme Court Judgement, the Commission is required to attribute a significant weight to the following benefits in their assessment of the Proposed Development:

- The Proposed Development will contribute to compliance with Ireland’s sectoral ceilings and Ireland’s carbon budgets,
- It will generate renewable electricity and help to displace fossil-fuel based generation,
- It will further national climate objectives, including the CAP25 target of an 80% renewable electricity share as well as 9GW of renewable energy by 2030,
- It will support Ireland’s legally binding commitments under national, European and International climate law.

Therefore, a decision to grant permission for the Proposed Development would represent the performance of the Commission’s functions in a manner that is consistent with Section 15(1) of the Climate Act.

Compliance with Section 15(1) of the Climate Act

Having regard to these functions, **Table 3-2** demonstrates how, in determining the applications for the Proposed Development, the Commission would be performing its functions in a manner consistent with Section 15(1) of the Climate Act.

Table 3-2 Compliance with Section 15(1) of the Climate Act

Section 15(1) Requirement	Proposed Project Compliance	Conclusion
a) Most recent approved climate action plan	The Proposed Development, which will contribute directly towards the CAP25 goals of 9GW of wind energy by 2030 and renewable electricity share of 80% by 2030. Onshore wind is identified as being critical in the decarbonisation of the electricity, and as such the Proposed Development should be considered in that regard. The Proposed Development will have a total power output in excess of 50MW and is currently anticipated will have a total output in the region of 90MW. On this assumption, the Proposed Development will result in the net displacement of approximately 89,405 tonnes of carbon dioxide (CO₂) per annum, including accounting for back-up generation.	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with CAP 25, insofar as is practicable.
b) Most recent approved national long term climate action strategy,	The Proposed Development will support the national long term climate action strategy as the development represents critical renewable energy infrastructure, that will make a meaningful contribution to achieving the State's reduced emissions targets and the transition towards a climate resilient society.	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with the most recent approved national long term climate action strategy, insofar as is practicable.
c) Most recent approved national adaptation framework and approved sectoral adaptation plans	The Proposed Development will aid Ireland in adhering to, or limiting the exceedance of, the country's carbon budgets. The electricity sector failed to remain within the designated sectoral ceiling of 20 Mt CO₂ eq for the first carbon budget period from 2020 to 2025. The delivery of renewable energy infrastructure such as the Proposed Development, which will result in the net displacement of approximately 89,405 tonnes of carbon dioxide (CO₂) per annum, is integral to the	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with the most recent approved national adaptation framework and approved sectoral adaptation plans, insofar as is practicable.

Section 15(1) Requirement	Proposed Project Compliance	Conclusion
	reduction of emissions from electricity generation and the transition towards a low carbon, climate resilient society. The national renewable energy targets and the carbon budgets are integral to the government's response to the climate crisis.	
d) the furtherance of the national climate objective	The Proposed Development, consisting of 15 no. wind turbines and associated infrastructure aligns with national climate policy objectives. The Proposed Development, with a total output in the region of 90MW, will make a significant contribution (approximately 1%) to achieving the CAP 25 target of 9GW of onshore wind energy by the year 2030.	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with the furtherance of the national climate objective insofar as is practicable.
e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State	The Proposed Development will support the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State through the generation of wind energy and displacing electricity that would otherwise be produced from fossil fuel sources.	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

Conclusion

The decision of the Supreme Court in *Coolglass Wind Farm Limited v An Coimisiún Pleanála* [2026] IESC 5 confirms that Section 15 of the Climate Act imposes a binding obligation on consenting authorities, including the Commission, to determine planning applications, insofar as practicable in a manner that is consistent with the fulfilment of national climate objectives and to give adequate reasons demonstrating that consistency.

The Proposed Development is supported by local, regional and national policy and has been designed in accordance with the latest national guidance and best practice. It is located in a favourable area for wind energy development, and it has also been demonstrated, in the EIAR and NIS, that the Proposed Development will not give rise to any significant adverse effect on the environment or on the integrity of European Sites.

Crucially, the Proposed Development will have a total power output in the region of 90MW and will result in the net displacement of approximately 89,405 tonnes of carbon dioxide (CO₂) per annum, including accounting for back-up generation, making a significant contribution towards the CAP25 goals of 9GW of wind energy by 2030 and renewable electricity share of 80% by 2030

Accordingly, the Commission can lawfully exercise its planning judgement to grant permission for the Proposed Development in a manner consistent with its statutory duty under Section 15 of the Climate Act and the principles clarified in the *Coolglass Judgement*, whilst also aligning with EU and national policy objectives.

3.3 Response to Submissions

In Item 4 of the FI Request, the Commission requested a response to the submissions received in respect of the Proposed Development, forwarded to the Applicant by correspondence from An Coimisiún Pleanála dated 4th February 2026. This section addresses those submissions, from both Statutory Consultees and third parties.

The 2021 Planning Application included a robust Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) and suite of technical drawings in support of the Proposed Development.

In addition, as noted above, the Applicant provided detailed and comprehensive additional information to the Commission on two separate occasions including as part of the RFI Response 2022 and Response to Observations 2023 on the 2021 Planning Application, and in a Response to Request for Updated Information in September 2025 on the Remitted Application.

These submissions addressed a range of matters arising from the Commission's assessment of the 2021 Planning Application and addressed the matters raised by the Commission following reactivation of the planning application.

3.3.1 Response to Statutory Consultees' Observations

A total of 3 submissions were submitted to the Commission from Statutory Consultees in relation to the Proposed Development following its reactivation. Table 3-3 identifies the Statutory Consultees who lodged a submission to the Commission in relation to the Proposed Development.

Table 3-3 List of Statutory Consultees

Statutory Consultee	Lead Author for Response
Department of Housing, Local Government and Heritage	MKO Planning
Transport Infrastructure Ireland	MKO Planning/MKO Environment
Geological Survey Ireland	MKO Planning

3.3.1.1 Department of Housing, Local Government and Heritage

The submission from the Department of Housing, Local Government and Heritage (DoHLGH) related primarily to archaeology and cultural heritage in proximity of the Proposed Development. The DoHLGH noted that the Proposed Development is located in proximity to a large number of Recorded Monuments, which are subject to statutory protection.

The DoHLGH listed several planning conditions to be carried out, including that if the Proposed Development is granted, the appointment of a Project Archaeologist would be required to oversee and advise on all aspects of the scheme from design, through inception to completion. The DoHLGH also state that advance systematic peatland surveys and archaeological test excavation should be carried out in advance of any development to determine if previously unknown sub-surface archaeological features or deposits are present.

3.3.1.1.1 Response

In the event that planning permission is granted for the Proposed Development, the Applicant would welcome appropriate planning conditions in relation to archaeology and cultural heritage recommended by the DoHLGH, as deemed appropriate by the Commission to ensure procedural compliance.

3.3.1.2 Transport Infrastructure Ireland

In their submission, Transport Infrastructure Ireland (TII) have identified implications for TII and road authorities in the management and maintenance of the strategic national road network resulting from the laying of high voltage electricity cabling.

TII outlined their opinion that the proposed grid connection is inappropriate and premature with strategic issues arising from both existing and planned N4 national road network in the area.

TII cited that Option A Grid Connection Cable Routing represents a significant conflict with official government policy relating to National Strategic Outcome 2, 'Enhanced Region Accessibility'. Their submission outlines policies associated with the maintenance and delivery of the national road network, noting that the N4 remains the largest unimproved section from Mullingar to Longford (Roosky), servicing 17,500 vehicles a day, with the road seeing high collision statistics, highlighting further concerns relating to constraints and capacity currently available.

In the event that their opinions are not shared by the Commission, TII have suggested a number of conditions, which they consider appropriate to be attached to any future grant of permission, to ensure the protection of the existing N4 and the safeguarding of the NDP N4 Mullingar to Longford Scheme.

3.3.1.2.1 Response

It is noted at the outset that the Applicant has provided detailed responses to submissions made by TII on two occasions as part of the RFI Response November 2022 and Response to Observations May 2023, including addressing many of the themes raised in the current submission by TII.

As previously cited, high voltage underground grid connections are a common method of constructing grid network infrastructure in Ireland, and for connecting renewable energy power generation and other infrastructure to the power network. It is common practice for underground services and utilities to be laid underground within roads and along public road corridors. It would be common for road engineering projects to have to address technical and programme challenges associated with the presence of underground utilities within a roadway, when planning or carrying out maintenance or upgrade works.

The applicant recognises concerns regarding the management and maintenance of the strategic national road network resulting from the laying of high voltage electricity cabling. It is considered that these concerns do not warrant a refusal of planning permission for the Proposed Development as it is a common approach to install high voltage electricity cables on strategic paths throughout the country. This aligns with the preferred approach, as outlined in the Wind Energy Development Guidelines 2006 (WEDGs) which sets out that underground grid connections for wind energy projects are considered the most appropriate environmental and/or engineering solution (e.g. default approach), particularly in sensitive landscapes.

Furthermore, the Applicant will be required to obtain a road opening license which will involve verifying the trench construction detail with further ground investigation which will provide Westmeath County Council roads department with complete assurance that the technical specification of all in-road works meets all requirements and standards prior to the commencement of development. The Applicant will also be required to pay a bond and charges as part of the road opening license to safeguard the condition of the road post construction. The bond is usually retained for a period of 2 years post construction at which stage potential defects are usually visible.

The Commission's attention is drawn to case ABP 304056-19 for a grid connection from a consented wind farm in Co Offaly, refused by Offaly County Council on grounds of risk of differential settlement on the N62. The Commission Order concluded that the potential for adverse impacts on the N62 arising from differential settlement could be addressed through the agreement of the detailed construction and reinstatement methodology following a programme of pre-construction site investigations between the developer and the planning authority which could be satisfactorily addressed by condition. This is the approach outlined here in the case of the Proposed Development.

The Commission's attention is further drawn to ABP 311157-21 for a grid connection from a consented wind farm in Co. Mayo, refused by Mayo County Council on grounds of negative impact on the structural integrity of the N59. The Commission concluded that the proposed development "*would not have an unacceptable impact on the road network of the area*" and imposed a condition requiring all works impacting national roads structures to be carried out in compliance with TII Publications (Standards) and for details for the construction and reinstatement works on the National and local road network to be submitted and agreed in writing with the Planning Authority prior to the commencement of development.

Furthermore, the Commission imposed a condition that prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of the national road. Again, this mirrors the approach being taken here by the applicant in the case of the Proposed Development.

In summary, it is considered that potential impacts for TII and the road authority in managing and maintaining the national road network due to the installation of high voltage electricity cabling can be resolved through appropriate conditions, such as those proposed by TII in their latest submission, ensuring that any concerns can be adequately addressed, prior to commencement of development.

It is noted, however, that the Applicant cannot accept any delay to the Proposed Development arising from a currently unprogrammed N4 scheme.

The Applicant remains available to engage with TII as required on such matters.

N4 Mullingar to Longford Scheme

The Applicant notes ongoing concerns raised by TII in relation to the N4 Mullingar to Longford Scheme. Since the Response to Observations 2023 was submitted in May 2023, it is understood that the N4 Mullingar to Longford Scheme has progressed to the preferred route option, with Phase 3 Environmental Surveys currently underway to assess archaeological and ecological constraints on the surrounding site area. The Applicant's position, however, remains the same, any refusal on grounds related of impact of the Proposed Development on the proposed N4 Mullingar to Longford Scheme without a timeline for implementation or construction of the project is unjustified. In any event, it is noted that the grid connection for the Proposed Development follows the current N4 corridor and will have minimal potential for conflicting with future road infrastructure upgrades.

Furthermore, as part of the RFI Response November 2022, Ionic Consulting Limited outlined 2 potential scenarios to examine the impact caused by the presence of the high voltage cable on future upgrade works to the N4 as follows. The scenarios outlined as part of this response remain relevant to the preferred route option.

It is noteworthy that the Inspector's Report prepared as part of the previous determination of the 2021 Planning Application (Ref No.ABP-309770-21) considered that, whilst it could not be reasonably argued that there is no likelihood of additional costs to the future road scheme associated with the grid connection for the Proposed Development, in their opinion the Ionic Report *".....adequately addresses the interactions between the two schemes"*. Furthermore, the Inspector agreed with the Applicant that the location of the Proposed Development within the constraints area for the scheme *"would not be a reasonable basis for refusal of permission for a major renewable energy development"*

In their conclusion on this matter, the Inspector considered that the Proposed Development does not contravene the relevant policy provision and is not premature development pending a road layout for the area.

Therefore, it is considered that the issues raised by TII in their latest submission have been adequately addressed in previous submissions and are further reiterated in this current response. No new information or issues have been raised by TII which alter the Applicant's previous position or the conclusions of the Inspector's Report made as part of the previous determination of the 2021 Planning Application.

Alternative Grid Route

TII have raised concern that alternatives to the proposed grid connection have not been adequately considered. Chapter 3 'Alternatives' of the EIAR contains a description of the reasonable alternatives that were considered by the Applicant, which are relevant to the Proposed Development and its specific characteristics in terms of site location and other renewable energy technologies as well as site layout incorporating size and scale of the project, connection to the national grid and transport route options to the site. This section also outlines the design considerations in relation to the wind farm, including the associated substation, grid connection, construction compound and borrow pit. It provides an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

The EIAR and wind farm design process was an iterative process, where findings at each stage of the assessment were used to further refine the design, always with the intention of minimising the potential for environmental impacts. The final development layout was the result of feedback from the various studies and assessments carried out.

An assessment of alternative grid connections was completed as part of the EIAR in Section 3.7. This section also contains comparative environmental effects for each piece of infrastructure. Following this study and ongoing consultation with EirGrid, it was proposed to connect the development to the 110kV substation at Mullingar via underground cable using route option A. This route is approximately 4.2 kilometres shorter in length and has fewer water crossing points than route option B. This minimises the potential for additional environmental effects. Furthermore, it is considered that the road works associated with the installation of the cable will be easily accommodated along the relevant public road corridors.

To conclude, the Proposed Grid Connection remains the preferred option as set out in Chapter 3 'Alternatives' of the EIAR. It is maintained that there is no cause to alter the proposals, and no relocation of works are proposed.

Full details in relation to the 110kV Grid Route including impacts on the strategic national road network are outlined in the reports provided by Ionic and included at Appendix 9 of the RFI Response November 2022 (See Table 2-1).

3.3.1.3 Geological Survey Ireland

Geological Survey Ireland had no comments or observations on the Proposed Project.

3.3.2 Response to Third Party Observations

This section deals with non-statutory third-party submissions. Due to the greater number of third-party submissions, which generally have recurring themes, the responses outlined below are grouped by matter of topic as set out in **Table 3-4** below.

Table 3-4: Key Themes from Third-Party Submissions

Topics Identified	Section Responding
Alternative Renewable Energy	Section 3.3.2.1
Archaeology and Cultural Heritage	Section 3.3.2.2
Biodiversity	Section 3.3.2.3
Community Consultation	Section 3.3.2.4
Hydrology	Section 3.3.2.5
Landscape and Visual Impact	Section 3.3.2.6
Ornithology	Section 3.3.2.7
Impact on Peatlands	Section 3.3.2.8
Planning Policy	Section 3.3.2.9
Human Health	Section 3.3.2.10

3.3.2.1 Alternative Renewable Technology

Several submissions questioned the appropriateness of a wind energy development in this location and noted that alternative forms of renewable energy should be considered in place of the Proposed Development, most notably solar energy. Several submissions refer to a report from Met Éireann displaying Annual Average Wind Speed data for 1981 to 2010, which places Mullingar as having the third lowest average wind speeds nationally, ahead of Kilkenny and Birr.

Section 3.4 of Chapter 3 'Consideration of Reasonable Alternatives' provides an assessment considering the use of solar energy at the Proposed Development site, and these concerns have been addressed and acknowledged in Section 2.6.1.3.1 in the RFI Response November 2022 (See Table 2-1).

A comparison of the potential environmental effects of the development of a solar PV array when compared against the Proposed Development of a wind farm at this site is presented in Table 3-2 of the EIAR. To achieve the same electricity output, as is expected from the proposed wind energy development, from solar energy would require a significantly larger development footprint. In this instance the proposed wind farm will occupy 5% of the primary site area of 530 ha. A solar PV array of the scale necessary to provide the same electricity output would require a significantly larger area. In addition, a solar development would have a higher potential environmental effect on Hydrology & Hydrogeology, Traffic & Transport (construction phase) and Biodiversity (habitat loss) at the site.

In conclusion, wind energy development remains the most appropriate and most environmentally prudent form of development at the Proposed Development site.

3.3.2.2 Archaeology and Cultural Heritage

Several submissions have raised concerns in relation to the impact of the Proposed Development on the setting of Recorded Monuments. Tullyally Castle was highlighted as an example of a place of considerable tourism importance, attracting domestic and international visitors.

Tobar Archaeological Services have addressed all previous concerns relating to Archaeology and Cultural Heritage raised in the submissions in their response documents as part of the RFI Response November 2022 and Response to Observations 2023 (See Table 2-1).

It is again reiterated that all Sites and Monuments Records (SMRs), Record of Monument's and Places (RMPs), Record of Protected Structures (RPS), and National Inventory of Architectural Heritage (NIAH) structures within 5km of each turbine were included in the EIAR to assess potential effects on setting. All recorded monuments that are located within 5km of the proposed turbines are shown on Figure 13-13, listed in Appendix 13-5 and Table 13-9 of Chapter 13 of the EIAR. Monuments included in the assessment comprise those currently listed in the Record of Monuments and Places (RMP) and those in the Sites and Monuments Record (SMR), some of which are scheduled for inclusion in the next revision of the RMP. No monuments in the surrounding 5km landscape were omitted from the assessment.

A comprehensive assessment of potential effects to the setting of recorded monuments within 5km of the nearest proposed turbine was also carried out and is detailed in Chapter 13 of the EIAR. Table 13-10 of the EIAR lists all recorded monuments within 5km of the proposed turbines, their sensitivity (visual dominance, above ground trace, uniqueness, proximity to site, etc.) significance of impact, and distance to the nearest turbine. Impacts to the immediate setting of any recorded monuments as a result of the Proposed Development was not identified. Impacts to the wider setting of such monuments is acknowledged but is deemed to be Slight in the majority of cases, with some slight-moderate and others imperceptible.

In summary, concerns regarding the assessment process and the results of same as reached in Chapter 13 of the EIAR were comprehensively addressed in the RFI Response November 2022 and Response to

Observations May 2023 and the mitigation measures outlined in Chapter 13 of the EIAR are appropriate for the amelioration of any potential impacts identified.

3.3.2.3 Biodiversity

A number of submissions raised concerns over the perceived effect of the Proposed Development on ecology and biodiversity in the area including habitats, birds and mammals.

General concerns raised in the submission relate to loss of peatlands and bog habitats, damage to biodiversity and wildlife, concerns in relation to cumulative ecological effects, insufficient ecological assessment. It is considered that all issues raised have already been comprehensively addressed as part of the RFI Response November 2022 and Response to Observations 2023.

Section 2.2 of the RFI Response November 2022 addresses the submission made by the Department of Housing, Local Government and Heritage pertaining to perceived gaps in survey data, the appropriate assessment screening and the NIS. An updated Appropriate Assessment Screening Report and updated NIS (RFI Appendix 4) were submitted as part of this response, alongside additional bird survey data (RFI Appendix 5) as detailed in Table 2-1 above.

The impact of the Proposed Development on the surrounding habitats has been comprehensively assessed in the EIAR, including Key Ecological Receptors (KERs) within the zone of influence and accurately assesses the potential for effects thereon. Identification of effects and prescribed mitigation has been derived following a collaborative approach working with a multi-disciplinary team including project engineers, ecologists, hydrologists and hydrogeologists. The results of ecological surveys have been utilised to inform the design of the Proposed Development, thereby minimising potential effects on sensitive habitats and species of conservation interest.

The Proposed Development study area is dominated by Cutover Bog (PB4). Much of Coole bog comprises milled peat and is divided up by drains, spaced approximately 15m apart, which separate long parallel peat production fields. The lands to the east of the site comprise agricultural land. The edge of the main wind farm site is bordered by Conifer Plantation (WD4) to the east and south while the lands surrounding T15 are predominantly agricultural in nature. The proposed turbine T15 is located to the east of the site within agricultural grassland categorized as Improved Agricultural Grassland (GA1)/Wet Grassland (GS4). The proposed turbine T5 and turbine T14 are located within Conifer Plantation (WD4). The remaining turbines locations are situated in Cutover Bog (PB4).

The assessment within the EIAR identified a number of KERs: Degraded Raised Bog, Dystrophic Lake, River Glore Corridor and River Inny, Bog Woodland, Otter, Badger and Bat species. Habitats listed in Annex I of the EU habitats Directive were not recorded within the Proposed Development footprint or along the turbine delivery or grid connection routes. No Annex I habitats will be impacted as a result of the Proposed Development. Levels of faunal activity were extremely low and evidence recorded was associated with the periphery of the site.

Ecological evaluation of the KERS followed a methodology that is set out in Chapter 3 of the 'Guidelines for Assessment of Ecological Impacts of National Roads Schemes' (NRA, 2009). The KERS identified within the footprint of the Proposed Development were found to be of importance at the Local Level only. No KERS of County, National or international importance will be impacted by the proposed works.

In summary, ecological assessments undertaken as part of the EIAR were extensive and backed by several years of survey data. The finding of the EIAR and subsequent RFI Response November 2022 identify that it is not anticipated that the Proposed Development will result in any significant adverse effect on biodiversity either alone or cumulatively with other plans and projects.

Concerns in relation to peat extraction and rehabilitation, loss of peatlands and bog habitats are addressed separately in Section 3.3.2.8.

3.3.2.4 Community Consultation

Concerns have been raised about the lack of community consultation with local residents in relation to the Proposed Development.

In relation to the Community Consultation, Chapter 2 'Background to the Proposed Development', Section 2.6.4 of the EIAR sets out in detail the public consultation conducted. Public consultation on the project began at a very early stage in the development process, with engagement with the local community beginning during the initial feasibility and scoping stages in 2013. At this time, a nominated Community Liaison Officer (CLO) was appointed to the area and since then the CLO responsible for the area has been the main point of contact to the local community.

As the development process progressed for the development, a Community Liaison Strategy (CLS) and Community Liaison Team was established and set into motion in late 2016. Consultation with the local community has taken the form of house-to-house calls, meetings, dissemination of information including leaflets and brochures, a dedicated project specific website with a Virtual Consultation Room and a public consultation event held in February 2017.

Public engagement continued following the grant of permission for the 13-turbine layout, with the assigned CLO continuing to engage with individuals, the local community, businesses and community groups on the Coole Wind Farm. As proposals developed for amendments to the permitted 13 turbine development, which included increasing the output of the wind farm, the addition of 2 turbines and the development of the grid route proposal, the CLS was revisited and revised in order to ensure that early and clear information was made available in the local area. Previous engagement was built on, with all residential dwellings within a minimum of 1.7km away from all proposed turbine locations were made aware about proposed alterations and provided with information.

A letter was issued to all individuals within 1.7km of the proposed 15 turbine layout to provide information on the contents of the application now proposed. All locally elected representatives were also made aware and issued with information on the current proposal in November 2020 and March 2021. Feedback from the engagement with the local community was passed onto the Project Design Team on an ongoing and regular basis to help inform the design process, and when areas of concern or interest were expressed, every effort was made to not only provide accurate information to assist them in the process of informing themselves.

To allow for the delivery of clear and updated information, the Project Website www.coolewindfarm.ie has evolved as the project has developed, displaying up-to-date information on the Proposed Development. In November 2020, the interactive Virtual Consultation Room was added to the Project Website, with the local community being alerted to this by phone and/or letter. The Virtual Consultation Room provides information on:

- > An introduction to the project
- > The need for Climate Action
- > Background to Statkraft (parent company of Coole Wind Farm Ltd);
- > The proposal and layout map;
- > Grid Connection Route;
- > EIAR;
- > The Community Benefit Fund;
- > Photomontages; and
- > A contact us facility

In summary, throughout the lifetime of the Proposed Development, it can be noted that extensive community consultation has been carried out in accordance with any updates to the Proposed Development, ensuring that the local community are sufficiently informed of works being carried out.

Interactions Management Group

Concerns have been raised that the Interactions Management Group is not fit for purpose and the scope needs to be broadened to encourage and facilitate key environmental developments that would benefit the bog and surrounding environment.

In response to concerns about the IMG, we refer the Commission to the related grant of permission, to which the subject site of this Application relates (Commission ref. number ABP-300686-18). This grant of permission was the subject of a recent High Court judgment where neither the Commission nor the High Court Judgment took issues with the IMG proposed for that development.

The Applicant acknowledges that the IMG, consistent with the approach taken for the Coole 13T Wind Farm, is conditional upon, a grant of permission for the Proposed Development, rather than in advance of it. This reflects the fact that the IMG's function is operational — to manage interactions between the wind farm and any peat harvesting activity that may be ongoing or resume during the operational life of the Proposed Development. This approach was itself considered and accepted by the High Court in the judicial review proceedings concerning the Coole 13T Wind Farm permission.

The IMG will be set up before the commencement of construction works in accordance with the grant of any permission and include the applicable developer's Construction/Operations Project Manager, the Main Contractor's Construction Manager and Site Environmental Manager and the Operations Manager or Site Supervisor from any peat company operating at the proposed development site. There are no material differences between the IMG deemed acceptable by the Commission in its previous decision to grant permission, and the proposed IMG, the subject of the remitted planning application. The proposed IMG should be treated in a like manner and should not be a reason for the refusal of the Application.

3.3.2.5 Hydrology

Several submissions relate to the potential for the Proposed Development to result in the pollution of downstream watercourses and make reference to the presence of Natura 2000 Sites that have the potential to be affected by such pollution.

A full and comprehensive response to all hydrology and hydrogeological issues was prepared by Hydro-Environmental Services (HES) as part of the RFI Response November 2022 and Response to Observations 2023 previously submitted to the Commission (See Table 2-1).

This potential impact was identified and fully assessed in the EIAR that was submitted with the original application. The Proposed Development has been designed from the outset to avoid impacts on water quality, with all major infrastructure being specifically designed to be over 50m from any major watercourse (EPA named watercourses) and 10m from identified main drains. In addition, mitigation and best practice that is specifically designed to prevent any runoff of pollution to any watercourses is provided in full in Chapters 4, 6 and 9 of the EIAR and all associated appendices including the CEMP (Appendix 4-8 to the EIAR). In addition to the above, the potential for impacts on downstream Natura 2000 Sites was fully considered in the AASR and NIS that accompany the application (and were revised as part of the RFI Response November 2022). These documents and associated appendices identify the connection between the site and the Natura 2000 Sites and fully describe all potential effects and put in place robust mitigation and best practice to prevent any such effects.

The potential effects on downstream receptors such as the River Inny, River Glore and Lough Derravaragh has been assessed in detail in Sections 9.4.1.1 to 9.4.1.10 of the EIAR. Robust and effective mitigation measures have been included within the EIAR which will break the pathway between source and receptor. Through the implementation of these mitigation measures, there will be no significant effects on surface water quality as a result of the proposed development, including the River Inny, River Glore, and Lough Derravaragh. In summary, the following is reiterated:

- A robust and detailed EIAR for the proposed wind farm development was submitted with the application.
- A detailed drainage plan outlining the location of drainage mitigation measures has been submitted (Appendix 4-9 and 9-3 of EIAR).
- There is significant water related mitigation outlined in the EIAR to ensure that water quality protection is upheld.
- All (water-related) mitigation as outlined in the EIAR will be included in the CEMP and implemented on-site.
- The submitted EIAR concludes, and HES continue to assert, that through the implementation of the proposed groundwater and surface water protection related mitigation measures, this Proposed Development will not have significant impacts on the hydrology/hydrogeology of the Wind Farm Site, nor the Grid Connection Route, nor any downstream receptors such as the River Inny, River Glore and all nearby designated sites.

3.3.2.6 Landscape and Visual Impact

Several submissions raise concerns in relation to the to the perceived landscape and visual impacts arising from the Proposed Development Submissions noted that visual intrusion that would occur on the North Westmeath landscape, with the Proposed Development noted to be entirely out of proportion with the rural and heritage landscape defining the area. The Proposed Development is described as being fundamentally incompatible to the cultural landscape value and may influence devaluation of property prices. A number of submissions also raised concern with the perceived impacts of Proposed Development on tourism within the surrounding area.

A full and comprehensive response to all landscape and visual impact concerns was prepared by the MKO LVIA team as part of the RFI Response November 2022 and Response to Observations 2023 previously submitted to the Commission.

Chapter 12 'Landscape and Visual' provides an assessment of the likely significant effects of the Proposed Development with regards to landscape and visual. It includes a description of the assessment methodology, a description of the Proposed Development, and the existing landscape based on relevant guidance. In addition, the LVIA response provided by the MKO Landscape team at Appendix 6 of the RFI Response November 2022 addressed specific concerns raised in third party submissions in relation to the perceived landscape and visual impacts (See Table 2-1). The discussion within this report concluded that the lengthy and comprehensive discussion within the sections of the EIAR clearly demonstrate that the landscape of the site is suitable for the Proposed Development and that Significant landscape effects will not arise in relation to the Proposed Development.

3.3.2.7 Ornithology

Concerns were raised in relation to ornithological impacts of the Proposed Development, specifically the Proposed Wind Farm being located on a flight path for several protected birds including the White-Tailed Eagle and Whooper Swans.

Biodiversity is addressed in detail in Section 3.3.2.3 above.

A full and comprehensive response to all ornithological matters was prepared by the MKO Ornithology team as part of the RFI Response November 2022 and Response to Observations 2023 previously submitted to the Commission.

In relation to the White-Tailed Eagle, impact on this bird species were comprehensively assessed as part of the EIAR. During the 2015-2017 surveys, a single white-tailed eagle was recorded on one date in November 2016 (see Appendix 7-4, Figure 7-1-7 of the EIAR). The individual bird was observed perching and moving between perches but was not recorded at potential collision height. These observations

occurred within the proposed wind farm site. There were no additional observations of this species during any of the other comprehensive surveys.

In relation to Whooper Swan, it is noted in Section 7.8.2.1 of the EIAR that whooper swan were rarely recorded flying over the Proposed Development area (2015 to 2020). During surveys in 2021/22 there were 16 flights recorded during the migratory period (in this case October 2021), however, the majority of these flights (Map ref: WS01- WS016 in Appendix 5 of the RFI Response November 2022) are associated with the Inny River along the western margin of the site and the peatland offsite and still further west of the wind farm site. All flight activity (including the descending flights) recorded during the flight activity surveys (these are the vantage point surveys) was incorporated into the collision risk analysis. As is noted in Section 4.3.5 of RFI Response 2022 Appendix 5 no significant collision risk effects were predicted.

In summary, ornithological assessments undertaken as part of the EIAR were extensive and backed by several years of survey data including collision risk modelling and comprehensive flight-risk analysis. The finding of the EIAR and subsequent RFI Response November 2022 state that it is not anticipated that the Proposed Development will result in any significant adverse effect on protected bird species, including those referenced above, either alone or cumulatively with other plans and projects.

3.3.2.8 Impact on Peatlands

Several submissions were raised in relation to the impact of the Proposed Development on surrounding peatlands. Within the submissions, particular reference is made to Bord Na Mona's large-scale peatlands restoration project. Concerns are raised in relation to peat stability, with submissions questioning differences in peat probing reports, with explanations needed for the divergence between original and subsequent probing results at T12.

At the outset it should be noted that the Bord Na Mona's large-scale peatlands restoration project is of no relevance to the Proposed Development as the scheme is limited to Bord Na Mona owned lands which are licensed under the Environmental Protection Agency's IPC licensing regime (See Table 3-1 above and associated Figure 3-1). As detailed in Section 3.1.1 above, no lands within the Proposed Development Planning Application Boundary are subject to an IPC Licence, nor to Condition 10 of any such licence.

Concerns were raised in submissions on the future rehabilitation of the peatland at the Proposed Development site itself. The rehabilitation of the peatland forms no part of the Proposed Development, and there is no legal requirement for the Applicant to apply for, or to carry out, any such rehabilitation plan. The Applicant does not own the Proposed Development site and has no control over whether third-party peat extraction will cease permanently, resume, or be followed by rehabilitation. Should any rehabilitation scheme be proposed in the future, the IMG will facilitate collaboration to ensure that any peat harvesting activities, proposed repurposing of the site or rehabilitation will be considered and carried out appropriately in conjunction with the wind farm.

Concerns in relation to peat stability and peat probing carried out at T12 has been comprehensively addressed and clarified as part of the RFI Response November 2022 and Response to Observations 2023. Malachy Walsh and Partners (MWP) were appointed by the Applicant to provide a response to geotechnical elements, as part of the RFI Response 2022 and Response to Observations 2023 submitted to ACP (See Table 2-1).

The peat probing investigation that informed the EIAR were undertaken by HES & AGE/FTCO 2016-2020 with peat depths ranging from 0 to 7.8m with an average depth of 3.2m. Peat depths recorded during the drilling of the 13 no. rotary core boreholes at proposed turbine locations ranged from 2 to 12.5m. The rotary core borehole peat depth measurement of 12.5m occurred at T12.

As part of the RFI Response November 2022, MWP undertook further peat probing at T12, which identified the peat depth at T12 to be 8.7m. MWP also assessed LiDAR data for the T12 location which showed the max slope is 1.5 degrees and on average 0.24 degrees.

The peat stability assessment for T12 was subsequently revised by MWP with the updated peat depth (maximum of 9m) and maximum slope angle from LiDAR at T12 (1.510). A Factor of Safety (FOS) of 1.3 is the minimum required by "BS 6031:2009 Code of practice for earthworks". In light of the updated slope data in MWP's report for T12, Fehily Timony and Company (FT) undertook a review of the LiDAR data for the other turbine locations and determined that the slope angles are not significantly different to those recorded on site and has concluded that the peat stability assessment at all other turbine locations provides an adequate factor of safety.

As part of the RFI Response November 2022, MWP concluded that:

"the location of T12 is justified as the peat stability assessment provides an adequate factor of safety."

In summary, following a review of available ground investigation information and peat probes, MWP noted that the Rotary Core Borehole at T12 overestimates the depth of peat at this location. The peat probes which were undertaken to inform this response confirm the peat depth to be 8.7m at the centre of T12 and a maximum peat depth of 9m in the vicinity of the turbine and hardstand. MWP consider that the depths provided by the peat probes provide the most accurate peat depths and should be used for assessment purposes. Further investigations of the slope at T12 were also undertaken which included a review of LiDAR information. The steepest slope angle derived from the LiDAR is 1.51 degrees while the average angle is 0.24 degrees. The LiDAR is considered more accurate than the methodologies used which originally yielded a slope angle of 3 degrees. Taking all this into consideration, the location of T12 is considered to be justified as the updated slope is considered to be a very shallow slope with minimal risk of peat failure, as illustrated by the factor of safety results in the Peat Stability Assessment and in the MWP technical note included at Appendix 12 of the RFI Response November 2022. The is reiterated in Section 7 is the McCann Fitzgerald Letter submitted as part of the Request for Updated Information September 2025 (See Table 2-1) stating:

7.3 The Inspector, at §11.8.71, accepted the Applicant's technical explanation for why the original data had over-estimated peat depth at T12 but was of the view that the disparity between the original and updated data meant that a full review of the original data was required (§11.8.73): "I would like to see a further explanation and further testing across the site to ensure that the disparities recorded at T12 are not replicated."

7.4 The peat depths across the site were reviewed during the preparation of the RFI response, which compared the peat probe results to the results where boreholes were drilled. No significant differences were noted between the two, outside of the T12 location. That being so, no further testing is necessary. The work was done for the RFI response, so that all parties can be confident about the relevance and accuracy of the peat probe data, and the peat stability assessment undertaken using this data.'

Overall, based on the findings of the peat stability assessment, the Proposed Development site and associated works has an acceptable margin of safety and is considered to be at low risk of peat failure/slide. A number of deeper peat areas are present on site which will require specific construction methods, but do not represent a peat slide or failure risk. The findings in Geotechnical & Peat Stability Assessment reporting include recommendations and control measures for construction work in deep peat lands to ensure that all works adhere to an acceptable standard of safety.

In summary, the Proposed Development site has an acceptable margin of safety and is considered to be at low risk of peat failure.

3.3.2.9 Planning Policy

Several submissions state that the Proposed Development is in contravention of the Westmeath County Development Plan 2021-2027 (WCDP) due to the nature and scale of the wind turbines. Reference is made to the requirement for 2km separation distance requirement between wind energy turbines and residential dwellinghouses, with PWIN-6 quoted in submissions, which mandates wind energy developments to have a minimum setback distance of 10 times the height of a wind turbine from nearby residential dwellings.

The WCDP incorporates the aims, objectives, policies and guidelines to provide for the proper planning and sustainable development of County Westmeath. The WCDP provides for the development of indigenous energy resources, with an emphasis on renewable energy supplies. The Council acknowledges the importance of renewable energy in reducing anthropogenic greenhouse gas emissions and the contribution of renewable energy in achieving national and EU target net zero greenhouse gas emissions by 2050.

It is noted that the WCDP was the subject of a Direction by the Minister of State at the Department of Housing, Local Government and Heritage in relation to the requirement for separation distances between wind energy turbines and residential dwellings, which involved the removal of Policy P-WIN6, in the adoption of the Westmeath County Development Plan 2021-2027. The direction came after a submission by the Office of the Planning Regulator advising that CPO 10.143 of section 10.23.2 be deleted,

“...the Office [of the Planning Regulator] remains of the view that the inclusion of the policy objective CPO 10.132 (renumbered CPO 10.143) and an unchanged Wind Energy Capacity Map in the adopted Development Plan create a significant limitation or constraint on renewable energy projects which is inconsistent with the SPPR [Specific Planning Policy Requirements] and would also significantly restrict other policy objectives supporting wind energy development such as policies CPO 10.139, CPO 10.142 and CPO 10.144.”

The Direction, issued on the 28th of September 2022 directed the Planning Authority to delete wind energy policy objective CPO 10.143 in its entirety from section 10.23.2 of the Development Plan. For clarity, policy objective CPO 10.143 set out separation distances between wind turbines and residential dwellings. This policy has now been deleted from the WCDP and has no legal status as clarified in the Inspector's Report prepared as part of the previous determination for the 2021 Planning Application:

“The Chief Executive report clarifies that the Westmeath County Development Plan 2021 – 2027 which came into effect on 3 May 2021 was subject of a draft Ministerial Directive to delete objective CPO 10.143. The Chief Executive states that the policy is taken not to have come into effect for the purposes of this assessment. I have examined the various documents including the Ministerial Directive of September 2022. I am satisfied that the objective CPO 10.132 and its predecessor CPO 10.143 have no legal status and are not relevant to the consideration of this application.”

The WCDP acknowledges the importance of transitioning to a low carbon economy, future diversification, and adaptation to new energy technologies. It also identifies wind as a form of renewable energy which will help in managing the transition of the local economies of such areas in gaining the economic benefits of greener energy. It is important to note that Westmeath County Council considered the principle of development to be acceptable for the Proposed Development in their original submission on the application and noted the following:

“The principle of the proposed wind farm development is considered acceptable, given that the development is in line with national and regional energy and climate action policies, and largely complies with the objectives and policies set out in the current County Development Plan 2021 2027 (CDP). The proposed development is considered generally compliant with the Wind Energy Guidelines 2006 (and the Draft Revised Wind Energy Development Guidelines 2019) in terms of

siting and landscape suitability for large wind farm developments, given the proposed location on an extensive parcel of peatland”

This view was shared in the Inspector’s Report prepared as part of the previous determination for the 2021 Planning Application:

“I conclude that in principle the proposed development is an appropriate type of development in this area, which would not materially contravene the development plan.”

In summary the WCDP for Westmeath fully recognises the importance of obtaining more energy from renewable sources. Westmeath County Council seeks to support and facilitate the sustainable provision of a reliable energy supply in the County, with emphasis on increasing energy supplies derived from renewable resources. Furthermore, there is a range of policy in place which supports the development of renewable energy.

Accordingly, the Proposed Development is fully compliant with the relevant provisions of the WCDP.

3.3.2.10 Human Health

Several submissions raise concerns in relation to noise, shadow flicker, potential health impacts and overall quality of life arising from the Proposed Development. A detailed and comprehensive response to all these matters has already been provided in the RFI Response November 2022 and Response to Observations 2023 (See Table 2-1).

To reiterate, the Proposed Development has been designed in accordance with the WEDG’s. These guidelines provide standardised criteria to ensure adequate setback distances from residential dwellings and to mitigate potential impacts of noise and shadow flicker that may arise.

With regard to shadow flicker, the Applicant continues to commit to zero shadow flicker at occupied residential receptors within 10 rotor diameters of the Proposed Development. Whilst a number of screening measures have been identified for proposal to affected property owners, if annoyance is found, suitable mitigation measures such as wind turbine control measures including turbine shutdown and/or screening will be employed to eliminate the exceedance to zero shadow flicker at the affected property.

In relation to noise, Chapter 11 ‘Noise and Vibration’ of the EIAR described the assessment undertaken of the potential noise and vibration related impacts associated with the proposed development. The assessment was carried out by AWN Consulting Ltd. in accordance with current guidance and best practice. Sections 11.5.2 and 11.5.4 provide the noise assessment carried out for the construction phase of the project and the associated mitigation measures, respectively. Sections 11.5.3 and 11.5.5 provide the noise assessment carried out for the operational phase of the project and the associated mitigation measures, respectively. In addition, Chapter 5 ‘Population and Human Health’ Section 5.5.4 addresses perceived health impacts from the wind farm including those claimed to be noise related.

Furthermore, AWN Consulting Ltd (AWN) prepared a Technical Note to accompany the RFI Response November 2022 at Appendix 10, that provides a response on the range of possible turbine technologies which may be selected if the planning application is granted. This technical note summarises the noise assessment in the EIAR and then presents the input data and results for the two additional turbine technologies. The effect of changing the hub height has been examined and, in this instance, does not result in any change to the noise criteria under the WEDG’s.

In conclusion, it has been adequately demonstrated that the Proposed Development is in compliance with the applicable WEDG’s and appropriate mitigation measures have been provided to ensure that all impacts relating to noise and shadow flicker remain within acceptable limits.

4.

CONCLUSION

This RFI Response constitutes a full and robust response in respect of the further information request issued by the Commission in respect the Proposed Development (Cooler Wind Farm) and demonstrates that the Commission is in a position to determine the Application.

On Items 1 and 2, no update to the EIAR or NIS is required: no lands within the Proposed Development Planning Application Boundary are subject to an IPC Licence or Condition 10 of an IPC Licence; the peat stability assessment already incorporates the LiDAR survey referred to in the FI Request; the Site-Specific Conservation Objectives published for the relevant European sites since the original (and revised) AASR and NIS were prepared have been reviewed, and this review confirms that the updated conservation objectives does not alter the findings of the assessment that was undertaken in either the AASR or NIS at the time; and the in-combination effects of peat harvesting and management of peatlands have been fully addressed. Specific reference has also been made to the McCann Fitzgerald letter dated 4th September 2025 which is before the Commission and the High Court's own findings in the Cooler 13T Wind Farm proceedings. The clarification provided is reflective of the five years, and three rounds, of environmental and baseline information already before the Commission.

On Item 3, the Supreme Court's judgment in Coolglass confirms that the Commission is under a binding obligation to give meaningful weight to the Proposed Development's contribution to national climate objectives — a renewable energy project of this scale, displacing approximately 89,405 tonnes of CO₂ per annum, is precisely the kind of development that judgment requires the Commission to weigh accordingly.

On Item 4, every Statutory Consultee and third-party submission has been addressed on its merits, and in each case by reference to assessment work already carried out and already on file.

It is therefore concluded that the FI request has been responded to in full. We trust that the information provided within this submission satisfactorily addresses each of the items raised within the request for Further Information and respectfully request the Commission now finalise their consideration of the planning application.

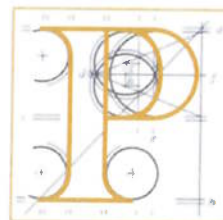


APPENDIX 1

**AN COIMISIÚN PLEANÁLA
FURTHER INFORMATION
REQUEST & CORRESPONDENCE**

Our Case Number: ACP-322902-25

Your Reference: Coole Wind Farm Limited



An
Coimisiún
Pleanála

MKO
Planning & Environmental Consultants
Tuam Road
Galway
Co. Galway
H91 VW84

Date: 31 March 2026

Re: Proposed development of up to 15 no. wind turbines with a tip height of up to 175m and laying of approximately 26km of underground electricity cabling to facilitate the connection to the national grid, and all associated site development works. Townlands of Camagh, Carlanstown, Coole, Clonrobert, Clonsura, Doon, Monkstown, Mullagh, Newcastle and other townlands, Co. Westmeath.

Dear Sir / Madam,

I have been asked by An Coimisiún Pleanála to refer further to the above mentioned proposed development which is before the Commission for consideration.

Please be advised that the Commission, in accordance with section 37F(1)(a) of the Planning and Development Act 2000, as amended, hereby requires you to furnish the following further information in relation to the proposed development:

1. Updated Environmental Impact Assessment Report (EIAR)

Given the request outlined in the Commission's notice to you dated 25 July 2025 to update the EIAR, the response to the same and the passage of time since the submission of the original EIAR and addendums to same, you are requested to submit an updated EIAR.

You are requested to provide clarity on which lands within the application boundary are subject to the IPC licence and, in particular, to Condition 10 of same. A site layout map should be submitted which overlays the application boundary on the boundary associated with the IPC licence.

Given the dynamic nature of the site, with respect to the baseline characterisation proposed for environmental assessment, and to facilitate a consideration of a definitive baseline to appropriately assess the actual impact of the proposed development, clarity on the appropriate environmental baseline(s), is required.

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	communications@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

This is particularly the case for the hydrology and hydrogeology, land and soils, climate and biodiversity/ornithology environmental factors.

You are requested to, therefore, consider the presentation of three scenarios

- existing;
- likely future receiving environment with peat harvesting (as previously considered as worst case scenario); and
- likely future receiving environment with the implementation of Condition 10 of the IPC licence on the lands to which it applies

as the environmental baseline for the relevant environmental factors addressed in the EIAR, and a revised EIAR should be submitted to the Commission.

In respect of Land and Soils, the peat stability assessment should incorporate and address the LiDAR survey undertaken for the site.

2. Updated Natura Impact Statement (NIS)

Given the request outlined in the Commission's notice to you dated 25 July 2025 to update the NIS, the response to same and the passage of time since the submission of the original NIS and addendums to same, you are requested to submit an updated NIS, which should also include the following:

- Review the European sites assessed in the NIS which have updated site-specific conservation objectives since the NIS and addendum NIS were prepared and provide an updated detailed assessment of the implications of the proposed development in view of the site-specific conservation objectives and the attributes and targets required to meet the objectives for the species for the relevant European sites;
- In combination effects of peat harvesting and management of the peatlands; and
- In combination effects resulting from Condition 10 of the IPC licence.

3. Recent Coolglass Supreme Court Judgment

You are invited to respond to the recent Supreme Court Judgment [2026] IESC 5

4. Response to Submissions

Please provide a response to the submissions sent to you by correspondence from An Coimisiún Pleanála dated 4th February 2026

The further information referred to above should be received by the Commission within 3 months from the date of this notice (i.e. **no later than the 30th June 2026**)

In this regard, please submit 2 hard copies and one electronic copy of the above information.

Please note that following its examination of any information lodged in response to this request for additional information, the Commission will then decide whether or not to invoke its powers under section 37F(2) of the Planning and Development Act 2000, as amended, requiring you to publish notice of the furnishing of any additional information and to allow for inspection or purchase of same and the making of further written submissions in relation to same to the Commission.

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Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	communications@pleanala.ie

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Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

If you have any queries in relation to the matter please contact the undersigned officer of the Commission. Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

Ellen Moss

Ellen Moss
Executive Officer
Direct Line: 01-8737285

PA11

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email communications@pleanala.ie

64 Sráid Maoilbhride
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

From: [SIDS](#)
Sent: Friday 24 April 2026 09:37
To: [Alan Clancy](#)
Cc: [Ellen Costello](#)
Subject: RE: 200445-m ACP-322902-25 - Coole Wind Farm

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Dear Sir,

I have been asked by An Coimisiún Pleanála to refer to your letter dated 13th April, 2026 the contents have been noted.

The Commission is not in a position to reissue the further information request. However, it is open to you to address your concerns in your response to the request.

Yours faithfully,
Ellen Moss
Executive Officer

From: Alan Clancy <aclancy@mkoireland.ie>
Sent: Monday 13 April 2026 09:00
To: Ellen Moss <e.moss@pleanala.ie>
Cc: Ellen Costello <ecostello@mkoireland.ie>
Subject: RE: 200445-m ACP-322902-25 - Coole Wind Farm

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Hi Ellen

I hope you are well.

Please find attached correspondence regarding the Coole Wind Farm case currently before the Commission. The Further Information request we received incorrectly states that the site is subject to an IMC Licence, which is not the case. We therefore are requesting the Commission to reissue this FI Request with all references to an IMC Licence removed, as it is not applicable to this application.

If you have any queries on this matter, please let me know.

Best regards,
Alan

Alan Clancy
Senior Planner

MKO
Tuam Road, Galway, H91 VW84
Offices in Galway and Dublin
mkoireland.ie | +353 (0)91 735 611



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An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

Our Ref: 200445-m
Your Ref: ABP-322902-
25

13th April 2026

**Re: Proposed development of up to 15 wind turbines with a tip height of up to 175 metres and laying of approximately 26km of underground electricity cabling to facilitate the connection to the national grid, and all associated site development works.
Townlands of Camagh, Carlanstown, Coole, Clonrobert, Clonsura, Doon, Monktown, Mullagh, Newcastle and other townlands, Co. Westmeath.**

Dear An Coimisiún Pleanála,

I refer to the above-mentioned proposed development which is before An Coimisiún Pleanála (the Commission) for consideration under Reference No. ABP-322902-25 and currently subject to a Further Information (FI) request, which was issued by the Commission on the 31st March 2026.

We acknowledge this request and the FI Items contained therein. However, we wish to highlight a material error in Item 1 of this FI Request, specifically in relation to references to an IPC Licence. Relevant excerpts from Item 1 are set out below:

Page 1

“You are requested to provide clarity on which lands within the application boundary are subject to the IPC licence and, in particular, to Condition 10 of same. A site layout map should be submitted which overlays the application boundary on the boundary associated with the IPC licence”

Page 2

“...likely future receiving environment with the implementation of Condition 10 of the IPC licence on the lands to which it applies”

For the avoidance of doubt, **none of the lands within the red line boundary of this application are subject to an IPC Licence.** Therefore, references to an IPC licence are incorrect and have no relevance to the subject application.

This position has already been established and previously communicated to the Commission, including as part of a FI Response under Ref. ABP- 309770-21 for the previous application (prior to remittal) and again in correspondence issued to the Commission in September 2025 under the current application.



Taking the above into account, we request the Commission to reissue this FI Request with all references to an IMC Licence removed, as it is not applicable to this application.

Should you require any further clarification in this regard, please do not hesitate to get in touch.

Yours faithfully,

Alan Clancy

Alan Clancy BA, MPlan, MIPI

Senior Planner, MKO

Tel: 091 735 611

Email: aclancy@mkoireland.ie



From: [SIDS](#)
Sent: Tuesday 23 June 2026 16:06
To: [Alan Clancy](#)
Subject: RE: 200445-m Coole 15 Turbine Wind Farm - PA25M.322902

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Dear Sir,

I have been asked by An Coimisiún Pleanála to refer to your email dated 22 June 2026, the contents of which have been noted.

The Commission has acceded to your request for an extension of time to submit the further information, as requested in your email dated 22nd June 2026. Your response should be received by the Commission **no later than the 1st September 2026.**

Yours faithfully,
Ellen Moss
Executive Officer

From: Alan Clancy <aclancy@mkoireland.ie>
Sent: Monday 22 June 2026 15:51
To: SIDS <sids@pleanala.ie>
Subject: 200445-m Coole 15 Turbine Wind Farm - PA25M.322902

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Dear An Coimisiún Pleanála

I refer to the Coole 15 Turbine Wind Farm which is before An Coimisiún Pleanála for consideration under Reference No. PA25M.322902 and currently subject to a Further Information request.

Please see the attached letter requesting an extension until 1st September 2026 to submit our response to the Further Information request.

I would be grateful for response to same at the earliest convenience.

Best regards,
Alan

Alan Clancy
Senior Planner

MKO
Tuam Road, Galway, H91 VW84
Offices in Galway and Dublin
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From: [SIDS](#)
Sent: Friday 28 August 2026 14:30
To: [Niamh Broderick](#)
Cc: [Alan Clancy](#); [Ellen Costello](#)
Subject: RE: 2nd FI Extension Request - 200445-m Coole 15 Turbine Wind Farm - PA25M.322902

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Hi Niamh,

The Commission has granted your extension request. The revised due date for the Further Information documentation is now the **1st of October 2026**.

If you have any further queries, please do not hesitate to contact me.

Kind regards,

Honor

From: Niamh Broderick <nbroderick@mkoireland.ie>
Sent: Friday 28 August 2026 10:33
To: SIDS <sids@pleanala.ie>
Cc: Alan Clancy <aclancy@mkoireland.ie>; Ellen Costello <ecostello@mkoireland.ie>
Subject: RE: 2nd FI Extension Request - 200445-m Coole 15 Turbine Wind Farm - PA25M.322902

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Dear An Coimisiún Pleanála,

I refer to the Coole 15 Turbine Wind Farm which is before An Coimisiún Pleanála for consideration under Reference No. PA25M.322902 and currently subject to a Further Information request.

Please see the attached letter requesting a further extension until **1st October 2026**.

If you could confirm receipt of correspondence and respond at your earliest convenience, that would be much appreciated.

Kind regards,
Niamh.

Niamh Broderick
Graduate Planner

MKO
Tuam Road, Galway, H91 VW84



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From: SIDS <sids@pleanala.ie>
Sent: Tuesday 23 June 2026 16:06
To: Alan Clancy <aclancy@mkoireland.ie>
Subject: RE: 200445-m Coole 15 Turbine Wind Farm - PA25M.322902

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Dear Sir,

I have been asked by An Coimisiún Pleanála to refer to your email dated 22 June 2026, the contents of which have been noted.

The Commission has acceded to your request for an extension of time to submit the further information, as requested in your email dated 22nd June 2026. Your response should be received by the Commission **no later than the 1st September 2026.**

Yours faithfully,
Ellen Moss
Executive Officer

From: Alan Clancy <aclancy@mkoireland.ie>
Sent: Monday 22 June 2026 15:51
To: SIDS <sids@pleanala.ie>
Subject: 200445-m Coole 15 Turbine Wind Farm - PA25M.322902

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Dear An Coimisiún Pleanála

I refer to the Coole 15 Turbine Wind Farm which is before An Coimisiún Pleanála for consideration under Reference No. PA25M.322902 and currently subject to a Further Information request.

Please see the attached letter requesting an extension until 1st September 2026 to submit our response to the Further Information request.

I would be grateful for response to same at the earliest convenience.

Best regards,
Alan

Alan Clancy
Senior Planner

MKO

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Offices in Galway and Dublin
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APPENDIX 2

**MCCANN FITZGERALD LETTER
DATES 4TH SEPTEMBER 2025**

McCann FitzGerald LLP

Riverside One

Sir John Rogerson's Quay

Dublin 2

D02 X576

Tel: +353-1-829 0000

Email: inquiries@mccannfitzgerald.com

Dx 31 Dublin

www.mccannfitzgerald.com

McCann FitzGerald

OUR REF

BNMS\71634255.3

YOUR REF

ACP-322902-25

DATE

4 September 2025

BY EMAIL: sids@pleanala.ie

FAO: Ms Ellen Moss

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1

D01 V902

Our client – Coole Wind Farm Limited

By Email

Coole Windfarm

An Coimisiún Pleanála reference no. ACP-322902-25

Your letter dated 28 July 2025

Dear Colleagues

We refer to your letter dated 28 July 2025 regarding the application bearing reference number [ACP-322902-25](#) (the “**Application**”) addressed to MKO, Planning and Environmental Consultants, the agent for Coole Wind Farm Limited (the “**Applicant**”). The letter has been passed to us for response.

The Application for Coole wind farm was made direct to An Coimisiún Pleanála (the “**Commission**”, at the time An Bord Pleanála) on 22 March 2021 (Commission ref. number [ABP-309770-21](#)). The Commission made a decision to refuse permission on 20 March 2024. That decision has been quashed (with the consent of the Commission) by the High Court by an order dated 10 February 2025 and perfected on 3 March 2025: *Coole Wind Farm Limited v. An Bord Pleanála* [H.JR.2024.000657](#).

The matter has now been remitted to the Commission for reconsideration and decision in accordance with law.

We confirm that the standalone website for the Application remains active: www.coolewindfarmsid.ie. There does not appear to be any convenient reference to that URL on the Commission’s website for the reactivated case file. We suggest the URL for the standalone website should be added to the Description given on the Commission’s website.

S Holst (Managing Partner) • M White (Chair) • K Kelly • H Marren • E O’Hanrahan • H Kilroy • D Lydon • C Fanning • P Lavery • A Fuller • M Doyle
H Beattie • F Gillen • V Lawlor • R Byrne • E de Valera • J Fay • B Gaffikin • D O’Raghallaigh • B Chapman • M Brassil • A Byrne • S Fahy • G O’Riordan
A Farrell • M Murphy • D Murphy • B Quigley • S FitzSimons • P Murphy • F O’Beirne • G O’Brien • G McSharry • A Heuston • J Hogan • R Leonard
R O’Malley • L Smyth • B Slattery • T Dane • C Derrig • M Hooper • S Sweeney • A Finlay • I Ferguson • J Halpin • S McCarron • S Proctor • M Coonan
E MacNicholas • B Murphy • S O’Brien • É Ó Cuív • C O’Leary • E Cunningham • G Lohan • C Ryan • N Best • R Gill • D McMahon • L Treacy • L Deignan
S Fuller • N McDowell • J Neeson • O Sheehy • S Carr • M Dunne • D Hamilton • I Payne • B Bollard • A Brick • J McGee • R Stewart • D Barnicle
C Cunningham • P Fearon • C Gillett • A Gleeson • S Martyn • A Moran • C O’Herlihy • J Quirke • G Sadlier • S Walsh • M-A Cleary • E Corry • L Egan
J Kelly • J Kennedy • P Longworth • R Murphy • M O’Connor • R O’Neill • P McLay • M Clancy.

Consultants: C Austin • S Barton • D Hurley • E MacDonagh (FCA) • P Osborne • T Spratt (ACA).
Company Secretarial and Compliance Services: R Hunt.

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You are reminded that the Applicant had previously applied to the planning authority for planning permission for a 13 no. wind farm on the same site on 20 October 2017 (Westmeath County Council ref. number [17/6292](#)). The planning authority refused permission and the Applicant subsequently appealed the decision to refuse permission to the Commission on 16 January 2018 (Commission ref. number [ABP-300686-18](#)). The Commission granted permission on 26 March 2019. The validity of that decision was questioned in legal proceedings. The High Court delivered judgment on 16 June 2025: *North Westmeath Turbine Action Group & ors v An Bord Pleanála & ors* [\[2025\] IEHC 367](#) (the “**High Court Judgment**”). The challenge succeeded on narrow grounds only (namely, paras. E10 and E11 of the relevant Statement of Grounds) in circumstances where it was determined that the public notice published in respect of the project did not comply with relevant provisions of the EIA Directive (Art. 6.2) and Planning and Development Regulations, 2001 (Arts. 17, 18 and 98), by not referring to the grid connection. The consequence of that finding, and the prospect of appeal, remain live issues yet to be determined by the court. For current purposes, we note that no other ground of challenge succeeded.

Many of the issues relevant to the pending Application, including those highlighted in your letter dated 28 July 2025 have been the subject of rigorous scrutiny in the High Court Judgment. We expect the High Court Judgment should assist in the assessment of the reactivated matter, in circumstances where the Application relates to the same site that was under consideration in the High Court Judgment.

We read your letter to mean that the Commission may, after technical assessment, request further information from the Applicant. Our client would be pleased to respond to any such request, if made.

In these circumstances and having regard to the short time allowed to respond to your letter, our client does not propose to submit revised application documents, at this time.

We make the following further observations, to assist the Commission with the assessment of the Application.

1. EU and Irish policy context

- 1.1 Both EU and Irish policy framework are strongly supportive of renewable energy projects and has seen significant reform since the original planning application was submitted to the Commission in March 2021.
- 1.2 The Westmeath County Development Plan 2021-2027 (the “**WCDP**”) came into effect on 3 May 2021. The WCDP provides for the development of indigenous energy resources, with an emphasis on renewable energy supplies. Westmeath County Council acknowledges the importance of renewable energy in reducing anthropogenic greenhouse gas emissions and the contribution of renewable energy in achieving national and EU target net zero greenhouse gas emissions by 2050. The WCDP states at page 337:

“New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system, harnessing both the considerable onshore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand”.

- 1.3 The WCDP acknowledges the importance of transitioning to a low carbon economy, future diversification, and adaptation to new energy technologies. It also identifies wind as a form of renewable energy which will help in managing the transition of the local economies of such areas in gaining the economic benefits of greener energy.
- 1.4 Following the full-scale Russian invasion of Ukraine in February 2022, the policy framework in this area has rapidly evolved to eliminate EU dependency on Russian fossil fuels and to increase renewable energy generation. Against this backdrop, we invite the Commission to have regard to (but not limited to) the following policy considerations and changes since the making of its previous decision:
 - (a) In response to the Russian invasion, the European Commission (on behalf of Ireland and the other Member States) communicated, in March 2022, a proposed new policy named [REPowerEU](#) which sought to eliminate EU dependency on Russian fossil fuels and to increase resilience of the EU-wide energy system based on two pillars, including the reduction of the EU's dependence on fossil fuels by increasing the share of renewable energy generation and addressing infrastructure bottlenecks;
 - (b) The [Versailles Declaration](#) of 10 and 11 March 2022 was a unanimous declaration of Heads of State and Government of EU countries in which the Taoiseach participated. The Versailles Declaration agreed to phase out the EU's dependency on Russian gas, oil and coal by, inter alia, "*accelerating the reduction of our overall reliance on fossil fuels*" and "*speeding up the development of renewables*".
 - (c) In May 2022 the European Commission proposed the [REPowerEU Plan](#) to make the EU independent from Russian fossil fuels well before 2030, calling for "*a massive speed-up and scale-up in renewable energy in power generation*" and "*drastically accelerated*" permitting processes for wind energy projects in particular. [Recommendation \(EU\) 2022/822](#) of 18 May 2022 on speeding up permit-granting procedures for renewable energy projects states (at Recital 1) that:

"Renewable energy is at the heart of the clean energy transition necessary to achieve the objectives of the European Green Deal, make energy affordable and decrease the Union's dependence on fossil fuels and energy imports".

Recommendation (EU) 2022/822 further provides (at Recital 3) that:

"The energy sector is responsible for over 75% of the total greenhouse gas emissions in the Union. Speeding up the production of energy from the development and deployment of renewable energy installations is therefore vital for the Union to reach its 2030 renewable energy target for contributing to reaching the 2030 Union target of at least 55% GHG emission reductions in accordance with Regulation (EU) 2021/1119 of the European Parliament and of the Council".

In addition, REPowerEU highlights the overriding public interest in achieving renewable energy targets:

"The revised proposal operationalises the principle of renewable energy as an overriding public interest, introduces the designation of 'go-to' areas and

other ways to shorten and simplify permitting while also minimising potential risks and negative impacts on the environment”.

- (d) In December 2022, the [Climate Action Plan 2023](#) (“CAP23”) was published by the Government. It has since been superseded, with the most recent addressed below. The earlier CAP23 is recited to show the persistent support for renewable energy development. CAP23 committed to increase the proportion of renewable electricity to up to 80% by 2030, including a target of 9GW from onshore wind energy by 2030. CAP23 explains:

“Achieving further emissions reductions between now and 2030 requires a major step up in how we accelerate and increase the deployment of renewable energy to replace fossil fuels, deliver a flexible system to support renewables, and manage electricity demand.”

- (e) Recital 1 of [Council Regulation \(EU\) 2022/2577](#) of 22 December 2022, laying down a framework to accelerate the deployment of renewable energy provides that a “*fast deployment of renewable energy sources can help to mitigate the effects of the current energy crisis*” by forming a defence against Russia’s war of aggression against Ukraine and the unprecedented reduction of natural gas supplies. It further provides (at Recital 3) that:

“...the Union needs to take further immediate and temporary action to accelerate the deployment of renewable energy sources, in particular by means of targeted measures which are capable of accelerating the pace of deployment of renewables in the Union in the short term”.

- (f) On 28 April 2023, the Government approved its [Long-term Strategy on Greenhouse Gas Emissions Reductions](#) and submitted it in May 2023 to the European Commission under Regulation 2018/1999.
- (g) In October 2023, [Directive \(EU\) 2023/2413](#) of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652 was adopted (“RED III”), revising the renewable energy Directive 2018/2001 with a transposition date of 1 July 2024 for initial measures including expedition in administrative and judicial decision making. RED III includes a presumption of overriding public interest for projects that affect European sites in ways not capable of mitigation. The requirement that recourse to judicial procedures should be given the most expeditious process available in national law. Furthermore, RED III has significantly increased the renewable energy targets for the EU. The Member States are legally obliged to ensure that at least 42.5% of the EU’s energy consumption is provided by renewable sources by 2030 and to endeavour to achieve a 45% share. The proposed development would make an important contribution towards meeting these legally binding, ambitious goals imposed by EU law.
- (h) In October 2023, the European Commission presented the [European Wind Power Action Plan](#) which included *inter alia* measures to speed up permitting processes and review of the European regulatory regime to “*send a strong signal to the industry and*

Member States about the need to urgently accelerate deployment of wind and other renewable energy sources”.

- (i) On 14 November 2023, the Government published a report on [Energy Security in Ireland to 2030: Energy Security Package](#). The review identified several supply-side risks to Ireland’s energy security, including its reliance on imported sources of energy, vulnerability to market shocks/geopolitical events and dependence on a few pieces of critical infrastructure.

The Energy Security Package committed to developing a renewables-led energy system in Ireland, finding that Ireland’s future energy security is “*systemically linked and dependent upon the twin pillars of harnessing our indigenous renewable energy resources at speed and at scale and the rapid electrification of energy demand*”. According to the report, delivery of the State’s renewable energy targets under the climate action plans is critical to minimise risks to Ireland’s energy security.

A key finding from the technical analysis conducted as part of the Energy Security Package is the interdependence of energy security on two essential pillars: “*harnessing our indigenous renewable energy resources at speed and at scale and the rapid electrification of energy demand*”. As such, the Energy Security Package provides additional measures to supplement the existing measures introduced under previously published government policy documents.

The Energy Security Package aims to ensure that the planning system is fully aligned and resourced to fully support accelerated renewable energy development. It also aims to ensure renewable energy projects are prioritised in line with the RED III and RePowerEU.

- (j) On 19 December 2023, Ireland signed up to the [Wind Energy Charter](#) which seeks to develop and improve the conditions necessary for the delivery of wind energy targets. The charter focuses on a range of areas including, national energy and climate plans, wind auctions, governance, regulation and equipment manufacturing.
- (k) On 10 January 2024, [Council Regulation \(EU\) 2024/223](#) was adopted, amending and extending many of the provisions within Council Regulation (EU) 2022/257 (together, the “**Temporary Renewable Energy Regulation**” or the “**TRE Regulation**”).
- (l) On 5 March 2024, the [final progress report](#) on CAP23 was published, the Government concluding *inter alia* that:

“2023 was a key year for the climate globally with multiple sets of data confirming record-breaking weather and warnings about the imminent breach of the Paris Agreement’s 1.5 degree target in the run up to COP28. While climate action in Ireland saw significant achievements in renewable energy, active travel, and funding, delivery rates of committed actions for the year were not equal to the actions set out in the Climate Action Plan. This creates challenges for legally binding EU and national emissions reduction targets, with the Q4 report calling for uncompleted CAP23 actions to be urgently delivered and challenges to climate action implementation to be dealt with”.

- (m) In April 2024, the European Court of Human Rights gave judgment in *Verein Klimaseniorinnen Schweiz and Others v. Switzerland* (9 April 2024, app. [No. 53600/20](#)). The judgment contains a wide overview of developments in climate law. The court found that a violation of Art. 8 of the ECHR which encompasses a right to effective protection from the serious adverse effects of climate change. The ECtHR considered (at §158) that Art. 8 imposes a positive obligation on the State to “*put in place the relevant legislative and administrative framework designed to provide effective protection of human health and life*” and a further positive obligation to “*apply that framework effectively in practice*” and in an “*timely*” manner.
- (n) Also in April 2024, the revised industrial emissions directive was adopted: [Directive \(EU\) 2024/1785](#) of the European Parliament and of the Council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste.
- (o) On 13 May 2024, the Climate Change Advisory Council’s [Annual Review 2024: Electricity](#) was published, including *inter alia* the following recommendations for the energy sector:

“The Government urgently needs to implement the planning reform required to accelerate the installation of sufficient wind and solar power to achieve the annual average increase of 1.6 gigawatts of onshore renewable electricity that is needed to meet national targets. New high-voltage grid infrastructure is also urgently needed to match Ireland’s grid capacity with its renewable energy ambitions”.

- (p) As referenced above, on 21 May 2024, the [Climate Action Plan 2024](#) (“CAP24”) was published. CAP24 builds on CAP23 by refining and updating the status of the actions required to deliver the decarbonisation required under the carbon budgets and sectoral emissions ceilings. CAP24 acknowledges the urgency and importance of the decarbonising the electricity sector. CAP24 states (at page 162):

“Given that the programme of large-scale offshore wind deployment is expected to be realised towards end decade, deployment rates for onshore renewables will need to increase to match demand growth to ensure we keep electricity emissions within range of the carbon budgets. This requires a major upscaling and accelerating in current deployment of renewables, particularly onshore wind”.

The scale of the challenge is apparent when quantified:

“As an example, the historical average deployment of onshore wind installed capacity connected between 2008 and 2020 inclusive was ~280 MW per annum from 19 projects (with an annual maximum of 612 MW). To achieve the necessary emissions abatement, an approximately eight times increase of renewable energy deployment to 2.3 GW annually would be needed between 2024 and 2030”.

CAP24 identifies the alignment of local and national policy as critical to accelerate renewable energy rollout:

“...greater alignment between local plans and renewable energy targets at national and regional level to support investment in and delivery of onshore wind and solar renewable energy is also critical”.

- (q) On 26 June 2024, the Government published an updated the [Long-term Strategy on Greenhouse Gas Emissions Reduction](#) for the purpose of submitting it to the Commission under Regulation 2018/1999.
- (r) As noted above, 1 July 2024 was the transposition date for the expeditious administrative and judicial procedural requirements relating to renewable energy that had been introduced by the RED III.
- (s) In July 2024, an updated [National Adaption Framework](#) (the “NAF”) was published. The NAF outlines a whole of government and society approach to climate adaptation in Ireland. It also aims to improve the enabling environment for adaptation through ongoing engagement with civil society, the private sector, and the research community. It emphasises the importance of the private sector in further enabling climate change adaptation and being at the forefront of developing and implementing innovative technologies and practices to enhance climate resilience. In this regard it states:

“This entails investments in renewable energy, sustainable agriculture, and efficient water management systems, for example. Collaborative partnerships with the government further empower businesses to fulfil their role in climate adaptation by pooling resources and expertise, innovation, fostering green job opportunities, and collectively working towards a more sustainable and resilient future for Ireland”.
- (t) On 17 October 2024, the [Planning and Development Act 2024](#) was enacted.
- (u) On 23 October 2024, the Climate Change Advisory Council’s [Annual Review 2024: Summary for All](#) was published, which further emphasised that:

“So that Ireland can end its reliance on fossil fuels, Government should cease subsidising fossil fuel consultation and increase funding and make it more accessible to enable and accelerate the rapid uptake of low-carbon technologies and alternatives across all sectors”.
- (v) On 10 January 2025, the High Court delivered judgment in *Coolglass Wind Farm Limited v An Bord Pleanála* [\[2025\] IEHC 1](#), considering in detail the nature and scope of the obligation imposed on public bodies by section 15 of the [Climate Action and Low Carbon Development Act 2015](#), as amended (the “Climate Acts”). We have outlined these obligations in further detail below.
- (w) On 24 January 2025, the Government ratified the [Programme for Government 2025](#) – Securing Ireland’s Future (the “Programme”). The Programme reaffirms many of the renewable energy targets of the previous Government including target that 9GW of onshore renewable energy will be delivered by 2030 as well as commitment to achieve

80% of Ireland's electricity generation from renewable sources by 2030. The Programme prioritises the publication of updated Wind Energy Development guidelines, having regard to international best practice and standards.

The Programme states that the next ten years are a critical period in addressing the climate crisis, and therefore, a deliberate and swift approach to reducing more than half of Ireland's carbon emissions over the course of the decade (2020-2030) must be implemented. The Programme states that the Government are committed to reducing GHG emissions by an average 7% per annum over the next decade in a push to achieve a net zero emissions by the year 2050.

With regard to renewable energy generation, the Programme notes that the Government is committed to the rapid decarbonisation of the energy sector. The Programme states the Government's ongoing support and commitment to take *"the necessary action to deliver at least 70% renewable electricity by 2030"*.

- (x) On 8 April 2025, the Government approved the [National Planning Framework: First Revision](#) (the **"Revised NPF"**). The Revised NPF provides an updated projection for the population of Ireland, with the population expected to increase to between 6.1 and 6.3 million by 2040. This population growth will place further demand on both the built and natural environment, and subsequently, the services required to meet said demands. In order to strengthen and facilitate more environmentally focused planning at the local level, the Revised NPF states that future planning and development will need to:

"Tackle Ireland's higher than average carbon-intensity per capita and enable a national transition to a competitive low carbon, climate resilient and environmentally sustainable economy by 2050, through harnessing our country's prodigious renewable energy potential".

Regional Renewable Energy Capacity Allocations have been introduced under the Revised NPF. This was one of the key actions under CAP24 and is supported within CAP25, which is addressed below. The Eastern and Midlands region, in which the proposed development is located, is allocated a target of installing an additional 1,966 MW of onshore wind energy by 2030.

Under National Planning Objective (**"NPO"**) 74, Regional Assemblies are required to plan for the delivery of the regional renewable electricity capacity allocations outlined in the Revised NPF and identify allocations for each of the local authorities within their RSES. Furthermore, NPO 75 requires Local Authorities to plan for the delivery of Target Power Capacity (MW) allocations consistent with the relevant RSES, through their City and County Development Plans.

The introduction of renewable energy targets represents a more active and prescriptive approach to land use planning for renewable energy development. The Revised NPF aligns the national target of 9GW of onshore wind energy with the policies and objectives of Local Authorities.

- (y) On 15 April 2025, the Government approved published the [Climate Action Plan 2025](#) (**"CAP25"**). Renewable energy generation is recognised as a key step in ensuring the continued reduction in greenhouse gas emissions. CAP25 underlines the important

role the planning regime will play in developing Ireland's renewable energy capacity. In contrast to previous iterations of the Climate Action Plan, CAP25 is to be read in conjunction with CAP24 and takes account of key developments in the policy and evidence base in the previous year while setting out a range of new actions in response to the latest data.

A cornerstone of CAP25 is the decarbonisation of Ireland's electricity system through a substantial increase in renewable energy generation. The plan reaffirms ambitious targets for renewable electricity share which includes 80% by 2030, and 50% by 2025. This is to be achieved through the accelerated deployment of onshore wind (6 GW by 2025; 9 GW by 2030), offshore wind (5 GW by 2030), and solar energy (up to 5 GW by 2025; 8 GW by 2030).

- (z) On 29 April 2025, the Climate Change Advisory Council's [Annual Review 2025: Electricity](#) was published, including *inter alia* the following recommendations for the energy sector:

"The Government should immediately align the legal mandate and strategy for all public bodies to act in conformity with the Climate Act 2021, particularly those operating in the energy sphere, such as An Bord Pleanála, the Maritime Area Regulatory Authority, the Commission for Regulation of Utilities (CRU, EirGrid, ESB Networks and Gas Networks Ireland, and ensure full depreciation of fossil fuel regulatory assets by 2050 as an integral part of the energy transition plan".

Key observations in relation to renewable electricity are outlined below:

- In 2024, 1.6 GW of onshore wind (0.7 GW) and solar (0.9 GW) projects received planning permission, but only 0.5 GW (0.2 GW wind, 0.3 GW solar) were connected, which is well below the 1.8 GW annual target needed to achieve 2030 targets.
 - Grid constraints led to 1,266 GWh (10.1% of the total available wind energy) of wind and energy being curtailed.
 - During 2024, an additional 0.5 GW (0.2 GW wind and 0.3 GW solar) of new utility-scale renewable capacity was connected, representing a decrease compared with the 0.6 GW connected in 2023 and significantly below the 1.8 GW annual average increase in capacity that is required to meet 2030 targets.
- (aa) In May 2025, the Government approved the Terms and Conditions for the fifth auction under Ireland's Renewable Electricity Support Scheme ([RESS 5](#)). The auction submission date is September 2025 and the final auction results are expected on the 15 October 2025. The RESS ensures that Ireland is on a pathway to meet its ambitious climate targets and lays the foundations of a thriving and cost-effective renewable electricity market. This will support the growth of the green economy, create sustainable work opportunities, and ultimately benefit the consumer as renewables become more cost effective and increase Ireland's energy security.

- (bb) In July 2025, the [first progress report](#) on CAP25 was published. The report notes:

“Delivery results in Q1 highlight difficulties with high impact actions, particularly legacy actions, continuing to experience delays, some for over a year. Effective resolution pathways are vital to address implementation barriers. Non-implementation of commitments heightens reputational, legal, and financial risks for the State in meeting strict EU obligations”.

- (cc) In July 2025, the Government published the updated [National Development Plan](#) which includes significant investment in Ireland’s energy sector, particularly in electricity grid infrastructure and renewable energy.

The National Development Plan Review 2025 sets out a comprehensive capital investment framework for the period 2026–2035, totalling €275.4 billion. Within this framework, wind energy is recognised as a key enabler of the State’s legally binding commitment to reduce greenhouse gas emissions by 51% by 2030, including a 75% reduction in emissions from the electricity sector. To support the expansion of renewable electricity generation, the Government has allocated €3.5 billion in equity funding to ESB Networks and EirGrid to enhance grid transmission and distribution infrastructure, which will directly facilitate increased integration of wind energy developments.

- (dd) On 6 August 2025, European Union (Planning and Development) (Renewable Energy) Regulations 2025 ([S.I. No. 274 of 2025](#)) (the “**2025 Regulations**”) were adopted for the purpose of giving effect to Articles 15e(5), 16, 16b, 16c(2), 16d, 16e and 16f of RED III. The 2025 Regulations give effect to RED III by streamlining and expediting the consenting process for renewable energy projects under the Planning and Development Act, 2000 (the “**2000 Act**”) and the Planning and Development Regulations, 2001 (the “**2001 Regulations**”).

- 1.5 We invite the Commission to consider the full suite of renewable energy and wind energy policies and legislation in the Irish and EU context. These matters, all of which are patently relevant considerations, all support the grant of permission for the Application.

2. The Commission’s section 15 obligations

- 2.1 As a relevant body, the Commission is subject to the duties set out in section 15 of the Climate Acts. The Commission must, as far as practicable, perform its functions in a manner consistent with (among others, and as set out above) the most recent climate action plan, the furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions.
- 2.2 These section 15 obligations have been considered in detail by the High Court in *Coolglass Wind Farm Limited v An Bord Pleanála* [\[2025\] IEHC 1](#). The judgment is under appeal. The appeal was heard in July 2025, and judgment is awaited.
- 2.3 Regardless of the outcome on appeal, meaningful engagement with the requirements of section 15 is a condition precedent to any lawful decision in respect of renewable energy. In the High Court, Mr Justice Humphreys analysed the requirements of section 15, noting (at §63) that the “*distinction between have-regard to obligations and comply-with obligations is*

foundational to administrative law and to planning law in particular". He held that section 15 obligation correspondence to that described in §64(v):

"Comply-with as far as practicable or possible – the decision-maker is required to comply with the matter in question, unless it is not possible or practicable to do so (concepts that are linguistically separate but only infrequently different in practice). Practicable means capable of being put into practice, not merely doing what is reasonable. This is a very high standard only just falling short of unconditional compliance requirements. It applies only unless compliance is not feasible... Practicability is more exacting than reasonableness: *Gillen v. Commissioner of An Garda Síochána* [2012] IESC 3, [2012] 1 I.R. 574 *per* O'Donnell J. at para. 5: it is a '*demanding and somewhat unforgiving standard*'. Practicability is objective and is not based on the subjective view of the actor concerned..."

2.4 Mr Justice Humphreys noted the "*sweeping changes*" in the text and context as between the 2015 Act and the amendments made in 2021 (summarised at §77) and that the Climate Act enacted, and was intended to enact, far-reaching legal change by reference to the critical nature of the climate emergency (§90). These changes were encapsulated not only in the changes to the 2015 Act and the architecture of binding climate action plans and carbon budgets, but also the passing of the RED III and the TRE Regulations, considered further below.

2.5 In terms of practical application, Mr Justice Humphreys stated (at §131(i)):

"The [Commission] must ask itself what substantive disposition of the matter that is practicably available would contribute to achieving the s.15 goals. In the case of renewable energy projects, the answer to that *will almost always be a grant of permission*, and is obviously so here. It is not an answer that the permitting of any one project won't achieve climate goals on its own. That is the drop-in-the-ocean fallacy that is rejected globally, and would obviously strangle the effort to address climate change at the starting line" (emphasis added).

2.6 As outlined above, CAP25 builds upon last year's climate action plan, by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction CAP24. CAP25 notes that renewable electricity has led greenhouse gas emissions caused by generation of electricity to decrease significantly, despite an increase in electricity demand due to electrification. CAP25 therefore calls for "*accelerated and increased deployment of new renewable electricity generation capacity*".

2.7 The proposed development will result in increased generation of renewable electricity and a significant reduction in CO₂ emissions at a time when Ireland is on a legally mandated path to climate neutrality. The proposed wind farm aligns strongly with the principles and objectives of CAP25, which is supportive of renewable energy projects needed to achieve Ireland's national climate targets of 9W of onshore wind by 2030. The project advances Ireland's decarbonisation goals in full conformity with both CAP25 and the Commission's obligations pursuant to the Climate Act.

2.8 In assessing the Application, the Commission must comply with its obligations under section 15 of the Climate Act and we submit demonstrate that its decision is consistent with those requirements. The Commission is invited to consider that granting permission for the

proposed wind farm is undoubtedly the course of action most consistent with the matters referred to in section 15.

3. RED III and the Temporary Renewable Energy Regulations

- 3.1 As addressed above; to address the energy crisis following the full-scale Russian invasion of Ukraine, two EU measures were adopted with the express aim of accelerating the deployment of renewable energy: RED III and the TRE Regulation.
- 3.2 The TRE Regulation and RED III aim to establish urgent measures to accelerate the licensing procedure for renewable energy production. These laws are a response to the significant security risks to the energy supply in the European market.
- 3.3 Article 16f of RED III introduces a presumption that renewable energy projects are of overriding public importance for the purposes of certain environmental measures, including Article 6(4) of Directive 92/43/EEC (the “**Habitats Directive**”). This requires that Member States ensure for projects recognised as being of overriding public interest, that in the permit-granting process, the construction and operation of plants and installations for the production of energy from renewable sources and related grid infrastructure development, are given priority when balancing legal interests in the individual cases.
- 3.4 These new measures are intended to be transformative with respect to the consenting procedures for renewable energy development in the EU. They complement the existing detailed and prescriptive framework for combating climate change in the EU, as outlined section 1 above.
- 3.5 The TRE Regulation imposes an obligation on the Commission to consider whether to apply the provisions of the RED III to the proposed development. While no longer in force, the regulations applied originally to permit-granting process that have a starting date within the period of its application, from 30 December 2022 to 29 June 2024. However, these regulations were subsequently extended by Regulation (EU) 2024/223 to apply until 30 June 2025.
- 3.6 The High Court order quashing the previous refusal was made on 10 February 2025, so the remittal should be considered to be a permit-granting process that started during the period during which the TRE Regulation applies, namely, 30 December 2022 to 30 June 2025. The fact the administrative process at the Commission marks the “lodged” date as 1 July cannot be determinative.
- 3.7 The Commission will also be aware that Article 1 of the TRE Regulations provides that *“Member States may also apply this Regulation to ongoing permit granting processes which have not resulted in a final decision before 30 December 2022, provided that this shortens the permit granting process and that pre-existing third party legal rights are preserved”*. This provides a discretion to apply the requirements of the TRE Regulation, provided that the conditions are met.
- 3.8 As set out at §1.4(dd) above, RED III was recently transposed into Irish law. On 6 August 2025, the 2025 Regulations were adopted for the purpose of giving effect to Articles 15e(5), 16, 16b, 16c(2), 16d, 16e and 16f of RED III.

- 3.9 Section 177AA of the 2000 Act has now been amended by the 2025 Regulations with the addition of the following subsection which recognises that renewable energy development and related grid and storage infrastructure are presumed to be in the overriding public interest for the purpose of appropriate assessment under the Habitats Directive:

“(10) Proposed development that is the planning, construction and operation of a renewable energy plant, any works necessary for the connection of such a plant to the grid, and any related grid or storage assets, is presumed to be in the overriding public interests and serving public health and safety when balancing legal interests in the individual case”.

- 3.10 We invite the Commission to consider its full obligations pursuant to these recently adopted regulations.

4. Interactions Management Group

- 4.1 In its original assessment of the Application, the Commission’s Inspector was not satisfied that the Applicant would have sufficient control over the ‘optioned lands’ to implement any required maintenance for the drainage system and pointed to perceived inadequacies with the proposed Interactions Management Group (the “IMG”) (§§ 10.3.6-10.3.7 of the [Inspector’s Report](#)).

- 4.2 The IMG was proposed by the Applicant for the limited and modest purpose of co-ordinating the activities of the Applicant and any peat extraction that *may* occur in the future.

- 4.3 [Chapter 1](#) (Introduction) of the EIAR is clear at § 1.4.1 that the IMG’s purpose was to establish an interface between the wind farm and the operators of any peat extraction activities at the proposed development site during the construction and operation of the wind farm. However, the EIAR makes clear that the Applicant “*will have control over the construction, operation and maintenance of the wind farm development for the lifetime of the project including its drainage system and any surface water discharges*” (emphasis added). The Applicant proposed this as a common-sense solution in order to ensure that activities on site would be co-ordinate and approached in a practical and environmentally responsible fashion. It is merely a forum to potentially co-ordinate disparate activities on site.

- 4.4 In [response](#) to the Commission’s request for further information (dated 31 October 2022) (the “RFI”), at §2.1.6.3 the Applicant noted that:

“Whilst the future of peat harvesting on the areas surrounding the wind farm remains to be determined, the precautionary principle has been applied when carrying out the ecological assessments of the effects of the proposed wind farm in combination with adjacent peat harvesting operations. It has been assessed on the basis of peat cutting being in operation... Should the peat cutting operations permanently cease, any rehabilitation or repurposing of the site will be the subject of ecological assessment, Screening for Appropriate Assessment or full Appropriate Assessment and any such assessment would take account of the potential cumulative effects of any permitted or proposed wind farm. It is likely that the ecological impacts of any rehabilitation would be of a

lower significance than those associated with the ongoing peat cutting. This is set out in Section 7 of the revised NIS”.

- 4.5 In other words, even though peat harvesting had ceased on the site has of the date of the application (and remains ceased), the Applicant carried out its assessments on the precautionary assumption that it was continuing. It noted the possibility of rehabilitation occurring in the future but identified the locus for considering the environmental effects of same as any future application.
- 4.6 § 2.4.3 to the RFI [response](#), the Applicant confirmed to the Commission that it benefits from leases and contractual rights in respect of lands (including the Optioned Lands) outside of the planning application boundary (which extends to include all of the Option Lands as shown on Drawing 200445g-59 FI at [Appendix 1](#)). Therefore, the Applicant has sufficient legal interest in the lands to secure appropriate remedies if necessary to ensure that the drainage plan is properly implemented.
- 4.7 The Commission, however, characterised the IMG as discharging an entirely different function. The Inspector, at §10.3.8 of their [report](#) expressed concerns about the IMG’s ability to be a “unifying and coherent mechanism to enable the future regulation of land use in a manner compatible with the wind farm as described in this application.” However, these concerns should not form part of the Commission’s reasons for its decision because this is not the purpose of the IMG. The IMG is merely a forum for administrative co-operation between parties carrying out different activities on the same site, rather than a legal vehicle for managing the site.
- 4.8 The IMG is not a joint venture and its functioning is not predicated on its members having a common purpose – its sole function is to co-ordinate potentially disparate activities being carried out on site. The IMG does not require any legal foundation to achieve this purpose and no letters of consent are required from third parties in relation to their activities because there is no application for other activity on site. The Applicant’s legal interest in the lands which enables it to secure the implementation of the drainage plan is separate to and distinct from its proposed participation in, and the role of, the IMG.
- 4.9 Furthermore, it is not necessary for the planning authority, or any prescribed body to have a role in the IMG. Similarly, there is no need for the IMG participate in reporting mechanisms or monitoring. The role of the planning authority and the prescribed bodies is confined to the development consent (and where necessary, enforcement) process. Their participation in the IMG, which is effectively a forum for facilitating administrative co-ordination would be unnecessary.
- 4.10 The IMG will be set up before the commencement of construction works in accordance with the grant of any permission and include the applicable developer’s Construction/Operations Project Manager, the Main Contractor’s Construction Manager and Site Environmental Manager and the Operations Manager or Site Supervisor from any peat company operating at the proposed development site.
- 4.11 We also refer the Commission to the related grant of permission, to which the subject site of this Application relates (Commission ref. number [ABP-300686-18](#)). This grant of permission is the subject of a recent High Court judgment where neither the Commission nor the High Court Judgment took issue with the IMG proposed for that development. The High Court Judgment (at §§867-870) notes that:

“867. The detailed and numerous references in the EIAR, and the Construction and Environmental Management Plan which refer to collaboration with the peat operators and the formation of the IMG were provided to demonstrate that there will be collaboration with any such activity as may be ongoing. But the Board’s decision is not a permission for such activity to continue either on the part of the commercial peat operators or for that matter by the developer. This much is clear from section 34(13) of the Act, which provides: *“A person shall not be entitled solely by reason of a permission under this section to carry out any development”*.”

868. The developer and the Board submit that if there is to be any continuing peat extraction on the lands at the site then that will have to be regularised in due course by any party who seeks to resume such activity. It submits however that there is no legal obligation to refuse to consider the developer’s application in respect of the windfarm merely because of a contention that there is or may in the future be unauthorised continuing peat activity.

869. It is submitted that the proposed development is not a continuation or extension of the peat extraction works and does not purport to *“legalise those works in any way”*.

870. If any of the commercial peat extraction activities, as described in the s.5 decisions made by the Board, were to continue or resume then clearly an application for an appropriate planning permission would be required by the party seeking to do such works. The developer does not propose in the application to continue such works. The Board did not err by not refusing permission for the windfarm and associated works on this ground”.

- 4.12 There no material differences between the IMG deemed acceptable by the Commission in its previous decision to grant permission, and the proposed IMG, the subject of the current Application. The proposed IMG should be treated in a like manner and should not be a reason for the refusal of the Application.

5. Interaction with peat extraction activities

- 5.1 The Applicant accepts that historic peat harvesting activities have taken place at the proposed development site. However, no such peat extraction is currently taking place.
- 5.2 The Applicant is a stranger to any peat harvesting and related activities on the site. The planning application does not seek to carry out or continue the peat extraction works. Instead, it is for an entirely separate development: the construction of a wind farm. The wind farm is not connected to or dependent on continuing peat extraction. Most importantly, the grant of planning permission does not purport to authorise or legitimate any peat extraction activity.
- 5.3 As made clear in the High Court Judgment at §864, a grant of planning permission to the Applicant for the wind farm project would not authorise peat harvesting or any related activities. Although the Applicant will co-operate (including through the IMG, as detailed in section 4 above) with third parties carrying out peat harvesting on the proposed development site (if any), it will not carry out any such works.

- 5.4 There is no basis for refusing permission based on a speculative contention that third parties might carry out unauthorised development at the site at some future point.
- 5.5 Additionally, at §10.3.26 of the Inspector's [report](#), the Inspector expressed concern about the wind farm's proposed drainage system and its interaction with the existing peatland drainage system arising from the peat harvesting activities. The inspector apparently – and wrongly – considered that the wind farm would constitute an impermissible graft to an unauthorised structure.
- 5.6 That issue was considered and dismissed in separate section 160 planning enforcement proceedings concerning these lands. After the hearing of the High Court challenge to the first permission for wind farm development on these lands, the North Westmeath Turbine Action Group CLG brought enforcement proceedings against those responsible for peat harvesting and the Applicant: *North Westmeath Turbine Action Group CLG v. Westland Horticulture Limited & ors* High Court 2020 177 MCA. Judgment was delivered on 21 December 2022: [\[2022\] IEHC 727](#).
- 5.7 The complaint was made (§10) that “the wind farm is being engrafted on an unauthorised development and is unlawful”. The court dismissed that complaint (§60-64).
- 5.8 The court found as a fact (§83) and concluded (§85) that:
 - (a) “Peat harvesting, other than winterisation measures, has not taken place on Clonsura Bog since July 2019”;
 - (b) “Peat handling has not taken place on Clonsura Bog since May 2020”;
 - (c) “Clonsura Bog is currently idle other than ongoing winterisation measures”;
 - (d) “The unauthorised development on Clonsura Bog is at a minor scale consisting of normal winterisation measures of clearing silt pipes and ponds and is not extensive drainage over an extensive network of roads as was claimed by the applicant”; and,
 - (e) “The purpose of the unauthorised development is peatland management. It is not for the purpose of preserving the bog for the resumption of peat farming or preparing it for the construction of windfarm turbines”.
- 5.9 The issue was also considered in the High Court Judgment (§891) where the court explained that an application for development permission for a wind farm on the site is in no way an extension of the peat harvesting which has previously been carried out at the site. The wind farm is separate to and distinct from these activities and would not represent a graft onto peat extraction activities or their physical manifestations brought about by unconnected third parties.
- 5.10 There is no legal principle which prevents the Applicant from using a site where unauthorised development has previously been carried out by a third party. The Applicant is entitled to apply for permission in relation to the site as it finds it. The presence of any unauthorised structures on the site is not a lawful basis for the refusal of permission.
- 5.11 In any event, the Commission has not been requested to determine the status of any structures which have resulted from the peat extraction activities. There is no evidence before the

Commission which would enable it to find that any structures are unauthorised, nor do the Commission's previous section 5 determinations in relation to the site address their status (High Court Judgment, §880).

- 5.12 As the High Court Judgment notes (§§897-898), there is simply no basis for the Commission to assume that the Applicant (or any third party) will act unlawfully in relation to any aspect of the proposed development site on foot of a grant of permission. The Commission is therefore not entitled to assume that granting permission for the wind farm will result in unlawful activity.
- 5.13 At §10.3.13, the Inspector also considered that there was a lack of certainty in relation to the outcome of any future application for substitute consent in relation to the peat harvesting. The Applicant agrees and questions how it is to apply for permission and assess the project in light of such uncertainty. The only appropriate and lawful time to assess the environmental implications of any future land use proposals in relation to the site would be in the context of a future consent process for such proposals.
- 5.14 The Commission is requested to conclude that the inspector was incorrect to consider that historic peat extraction on the site precludes a grant of permission for the proposed wind farm.
- 5.15 When considering whether the Commission is precluded from granting permission for the development based on alleged previous unauthorised development, it is important to recognise that the 2000 Act includes a self-contained and exclusive procedure for making that personal circumstance relevant to the planning process. Specifically, section 35 provides that where the planning authority is satisfied that a person "*has carried out a substantial unauthorised development*" the authority may form the opinion that planning permission should not be granted to the applicant concerned in respect of that development. The section can only be deployed in limited circumstances that have no relevance to this pending application, and can only be deployed after respect for specific protections that have not been respected here.
- 5.16 That being so, there is no doubt that the Commission is free to grant planning permission for new development, even on lands where allegations are made that there has been historic unauthorised development. The Applicant is not now, and never has been, involved in any peat extraction activities on this site. Better still, the Applicant has also obtained a commitment from peat operators that no peat harvesting will take place in the future without planning permission.
- 5.17 The Commission can take comfort that any grant of permission for the windfarm cannot be misconstrued to implicitly approve the alleged historic unauthorised development: *Murphy v. An Bord Pleanála* [2009] IEHC 38. The court accepted that the Commission is perfectly entitled to make its decision based on the proper planning and development of the area, even where fully aware of disputed allegations about earlier historic works. The court emphasised that enforcement matters relating to unauthorised development are matters for the planning authority in question, not the Commission. Here, as explained at 5.6 above, there has been enforcement proceedings, and those have been resolved in favour of the Applicant.
- 5.18 There is no statutory provision in the legislation that prevents the Commission from granting permission for the proposed development on the basis of unrelated and now ceased historic peat extraction activities.

6. **Implications for assessment of impacts on birds due to rehabilitation of the peatlands**

- 6.1 The primary reasons for refusal identified by the Board's Inspectorate Ecologist, Dr Flynn, and echoed by the Inspector and underpinning the impugned Board Order related to the possibility that the site of the proposed development might become an ecological "hotspot" as a result of possible future development consent processes/development. The basis of this possibility was the Bord Na Móna Biodiversity Action Plan (referenced and hyperlinked by Dr Flynn at §5.38) wherein she identified (§5.39):

"In terms of any future peatland restoration and rehabilitation, work done by Bord Na Mona is showing that rehabilitation of peatlands following the cessation of peat production has a positive effect on biodiversity in general with some areas becoming habitat and species hotspots according to local characteristics."

- 6.2 Dr Flynn noted as follows in her conclusion (§5.51)

"The development of areas of wetland habitat may increase the attractiveness of the site for these wetland birds for feeding or roosting, thereby increasing risk of collisions. The collision risk model assumes that habitat and bird use at the site remain the same over the lifecycle of the windfarm, however this is unlikely to be the case as a rehabilitation plan will improve the biodiversity value of the cutover peatland areas and may attract wintering waterbirds and whooper swan in the longer term, thereby undermining the conclusions of the model."

- 6.3 The inspector agreed and noted (§12.5.11):

"Dr Flynn's report addresses this matter in more detail and points to work done by Bord Na Mona which is showing that rehabilitation of peatlands has a positive effect on biodiversity in general with some areas becoming habitat and species hotspots according to local characteristics. This conclusion is perhaps unsurprising. The existing cutover peat is not a high value habitat for most bird species. I accept the conclusion presented by Dr Flynn that the revegetation of exposed peatlands and in particular the creation of wetland habitats increases the biodiversity value of the site and can result in habitats that are of value to wintering waterbirds. I agree with the position of DHLGH that the matter of peatland rehabilitation should be assessed as part of the current application."

- 6.4 Rehabilitation of the bog forms no part of the proposed development, and there is no legal requirement for the Applicant to apply for same. The reference to Bord na Móna makes sense only in connection with lands where there exists a licence from the Environmental Protection Agency, and related obligations upon cessation of a licensed activity.

- 6.5 The Applicant's EIAR is based on the worst case assumption of continuing the peat harvesting activities. At § 11.8.89 of their report, the Commission's Inspector expressed concerns about the reliance placed on this 'static' baseline environment and considered that the Applicant was obliged to assess other scenarios. The Inspector ultimately concluded that significant collision risks for certain species could not be ruled out because the analysis assumes that the peat extraction will continue.

- 6.6 Again, it is important to stress that the Applicant does not own the proposed development site and has no control over whether peat extraction will commence or cease permanently.
- 6.7 Therefore, the Applicant:
- (a) Is not obliged to apply for permission to undertake rehabilitation works in respect of historic unauthorised development; and
 - (b) Has no obligation to assess hypothetical future changes to the site as a result of the resumption or cessation of peat harvesting activities by a third party (which would require development consent).
- 6.8 The Applicant took a precautionary approach to environmental assessments. Although peat extraction had ceased by the date of the Application, the assessments assumed that peat harvesting would continue on the site, on the basis that this represented a “worst case scenario”. As noted at §2.1.6.3 of the RFI response, the likely environmental impacts of any rehabilitation would be more limited than those associated with ongoing peat cutting. In addition, any rehabilitation measures would be subject to relevant assessments as part of the consent process.
- 6.9 It does not make sense to assume rehabilitation where there is no legal obligation requiring the owners of the land to carry out such activities.
- 6.10 As required under both the EIA Directive and the Habitats Directive, the Applicant assessed the receiving environment of the proposed project. The Applicant was not required to assess the environmental impacts of a hypothetical rehabilitation plan which there is no legal obligation to carry out and which does not form part of the project.

7. Peat stability

- 7.1 The Inspector’s [report](#) originally concluded that there was insufficient information in relation to peat depth, and identified an anomaly had been identified in proximity to turbine no. T12 and which was the subject of RFI [response](#) at item 4.1. The inspector expressed concern about the peat stability assessment and at §11.8.73 of their report, expressed a desire for further explanation and testing “to ensure that the disparities recorded at T12 are not replicated.”
- 7.2 The Applicant responded to this concern, at §2.4.1 of the response. The Applicant confirmed that Malachy Walsh and Partners undertook further peat probing at T12, which identified the peat depth at T12 to be 8.7m. Malachy Walsh and Partners also assessed LiDAR data for the T12 location which shows the max slope is 1.5 degrees and on average 0.24 degrees. The peat stability assessment for T12 was revised, but that was still within the appropriate “Factor of Safety” range. The RFI response noted that:

“In light of the updated slope data in MWP’s report for T12, Fehily Timony and Company (FT) undertook a review of the LiDAR data for the other turbine locations and have determined that the slope angles are not significantly different to those recorded on site and has concluded that the peat stability assessment at all other turbine locations provides an adequate factor of safety. It is concluded by Malachy Walsh and Partners in their response that “the location of T12 is justified as the peat

stability assessment provides an adequate factor of safety"...Taking all this into consideration, the location of T12 is considered to be justified as the update slope is considered to be a very shallow slope with minimal risk of peat failure, as illustrated by the factor of safety results in the Peat Stability Assessment..."

- 7.3 The Inspector, at §11.8.71, accepted the Applicant's technical explanation for why the original data had over-estimated peat depth at T12 but was of the view that the disparity between the original and updated data meant that a full review of the original data was required (§11.8.73): *"I would like to see a further explanation and further testing across the site to ensure that the disparities recorded at T12 are not replicated."*
- 7.4 The peat depths across the site were reviewed during the preparation of the RFI response, which compared the peat probe results to the results where boreholes were drilled. No significant differences were noted between the two, outside of the T12 location. That being so, no further testing is necessary. The work was done for the RFI response, so that all parties can be confident about the relevance and accuracy of the peat probe data, and the peat stability assessment undertaken using this data.

You might please continue to address correspondence in this matter to MKO, and retain them as the recorded agent for the Applicant on this case file.

Yours faithfully

(sent by email, so bears no signature)

McCann FitzGerald LLP