



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Natural Capital
Nature Protection

Brussels
ENV.D.3/NN/MOB/SP

Dear Petitioner,

Commissioner Sinkevičius asked me to respond to your letter concerning the recent bog burst that occurred at Meenbog, County Donegal, adjacent to a wind farm development, and the resulting large-scale peat landslide that spilled into the Mourne Beg River in nearby County Tyrone. This river forms part of the “River Foyle and Tributaries” Special Area of Conservation (SAC) and is particularly important for the Atlantic Salmon, a protected species under the EU Habitats Directive.

The European Commission is aware of this incident from reports in the media and understands that the relevant authorities in Ireland are investigating the matter. The Commission awaits the outcome of this investigation.

The development of wind and other forms of renewable energy, as part of Member States’ objectives to decarbonise the energy system, is a strategic objective of EU climate and energy policy. If certain conditions linked to their size and impacts are fulfilled, renewable energy projects are subject to an Environmental Impact Assessment (EIA) in accordance with the requirements set out in the EIA Directive.¹

The Commission has previously taken legal action against Ireland for its failure to correctly apply the EIA Directive to wind farm development at Derrybrien, in County Galway, where there was also a bog burst and large-scale landslide, causing environmental damage and risk to human lives.² Ireland has failed to fully comply with the second judgement of the EU Court of Justice ruling on this matter in Case C-261/18,³ and is therefore still subject to financial penalties.

Given that the wind farm development at Meenbog is adjacent to a Special Area of Conservation designated under the Habitats Directive,⁴ there may also be a requirement

¹ Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, as later amended (<https://ec.europa.eu/environment/eia/eia-legalcontext.htm>).

² See case C-215/06 (<http://curia.europa.eu/juris/liste.jsf?language=en&num=c-215/06>).

³ <http://curia.europa.eu/juris/liste.jsf?language=EN&num=C-261/18>

⁴ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=FR>)

to undertake an appropriate assessment, pursuant to Article 6.3 of that Directive. The fact that the landslide appears to have caused damage to this protected area, would strongly indicate that such an assessment should have been undertaken.

The European Commission has recently updated its “Guidance on wind energy developments and EU Nature Legislation”.⁵ This explains the necessary steps to ensure that activities related to wind energy are compatible with EU environmental policy in general and EU nature legislation in particular, having regard to the latest information on the possible impacts of wind energy activities on biodiversity and available mitigation practices to address them.

I would also like to draw your attention to the Environmental Liability Directive⁶ which notably provides for remedial measures for environmental damage coming within its scope. Article 12 of the Directive entitles persons affected by environmental damage and who have sufficient interest or rights to submit observations to the competent national authority and to request that the authority take action under the Directive.

I trust that you will find this information of assistance.

Yours sincerely,

(e-signed)

Nicola Notaro
Head of Unit

⁵ https://ec.europa.eu/environment/nature/natura2000/management/docs/wind_farms_en.pdf.

⁶ Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage

(<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004L0035-20190626&qid=1568193390794&from=EN>)