

Cover Page

Joint Submission in Response to Applicant's "Response to Submissions"

Case Reference: ACP-323761-25

Applicants: Damian & Mara Gavin

Address: Cooloo, Moylough, Co. Galway. H53HK76

Date: 14/06/2026

Introduction

We, Damian and Mara Gavin, submit this response to the applicant's "Response to Submissions" dated February 2026.

Our original submission raised substantive concerns regarding amenity, health, procedural integrity, and environmental impact.

The applicant's responses are generic, non-site-specific, and fail to address the issues raised.

This document provides our detailed rebuttals under each relevant heading.

Rebuttals

1. Shadow Flicker (Section 2.5.1)

Rebuttal: Shadow Flicker – Response to Applicant Section 2.5.1

The applicant's response in Section 2.5.1 does **not** address the specific shadow flicker concerns raised in our submission. Instead, it relies on outdated guidance, theoretical modelling, and generic mitigation that is reactive rather than preventative. The response fails to meet the requirements of the EIA Directive to address "the issues raised by the public concerned."

1. The applicant did not address the specific shadow flicker impacts on our home

Our submission highlighted:

- Seven turbines within 2 km
- One turbine at **922 metres**

- Overlapping flicker zones
- Cumulative exposure from multiple directions
- The orientation of our home and windows
- The lived experience of encirclement

The applicant's response does **not** address:

- our property specifically
- the geometry of our exposure
- the cumulative nature of flicker from nine turbines
- the psychological and health impacts of repeated strobing
- the interaction between flicker and existing health vulnerability in our household

Instead, they provide a **generic description** of how shadow flicker works.

This is not a response.

2. Reliance on the 2006 Guidelines is outdated and scientifically unsupported

The applicant repeatedly cites the **2006 Wind Energy Development Guidelines**, which:

- were written for turbines half the size of those proposed
- do not account for 162-metre rotors
- do not consider cumulative flicker from multiple turbines
- do not reflect modern international standards
- are widely acknowledged as outdated

The 30-hour annual threshold is:

- arbitrary
- unsupported by medical or psychological research
- not based on any health or amenity evidence
- not used in leading jurisdictions

Our submission correctly noted that:

- **Germany** limits flicker to **30 minutes per day**
- **Scotland and England** require curtailment where flicker is predicted
- **Ireland has no enforcement mechanism**, and the applicant exploits this gap

The applicant does not address these points.

3. The applicant ignores cumulative exposure from multiple turbines

Their modelling treats each turbine independently and does not assess:

- overlapping flicker windows
- sequential flicker events throughout the day
- the combined effect of nine turbines encircling our home
- the psychological impact of unpredictable strobing

This is a major omission.

Cumulative impact is a **core requirement** of the EIA Directive.

4. The applicant's "mitigation" is reactive, not preventative

Their proposed mitigation is:

- "log the date, time and duration"
- "compare with predicted occurrence"
- "discuss mitigation with the homeowner"
- "implement measures if agreement is reached"

This is **post-impact mitigation**, meaning:

- the nuisance must occur first
- the burden is placed on us as residents
- we must prove the impact
- the developer decides whether mitigation is "necessary"
- there is no guarantee of curtailment

This is not acceptable for a household already dealing with health vulnerability.

The EIA Directive requires **avoidance**, not "wait until harm occurs."

5. The applicant's modelling is theoretical and does not reflect real-world conditions

Their model assumes:

- perfect sunshine
- fixed blade orientation

- no atmospheric scattering
- no cloud variability
- no reflective surfaces
- no internal flicker through windows
- no flicker on gardens, patios, or outdoor spaces

Our submission correctly noted that:

- shadow flicker affects **indoor and outdoor** amenity
- it can occur at distances well beyond 1.62 km
- modern turbines cast longer, sharper shadows
- the model does not account for **real occupancy patterns**

The applicant does not address these issues.

6. The applicant does not address the interaction between flicker and health vulnerability

Our submission highlighted:

- a documented cardiovascular condition in our household
- WHO findings on stress and sleep disturbance
- the interaction between flicker, stress, and cardiac risk

The applicant's response does not mention:

- stress
- anxiety
- neurological sensitivity
- cardiovascular vulnerability
- the Byrne & Moorhead case, where flicker contributed to nuisance

This is a material omission.

7. The applicant's claim of compliance with the draft 2019 Guidelines is misleading

They state that turbines "can be brought in line" with the draft 2019 requirement of **zero shadow flicker**.

But:

- they do not commit to zero flicker

- they do not propose mandatory curtailment
- they do not propose automated shut-down systems
- they do not propose binding conditions
- they rely on voluntary, discretionary mitigation

“Can” is not “will.”

ACP cannot rely on hypothetical compliance.

8. Conclusion

The applicant's response in Section 2.5.1 does **not** address the shadow flicker concerns raised in our submission. It is generic, outdated, and avoids site-specific analysis. It relies on theoretical modelling, outdated thresholds, and reactive mitigation.

We respectfully request that the Board:

- give limited weight to the applicant's generic response
- recognise the cumulative and site-specific flicker impacts on our home
- require enforceable curtailment conditions
- require compliance with the draft 2019 “zero flicker” standard
- consider the interaction between flicker, stress, and health vulnerability

The applicant has not demonstrated that shadow flicker impacts can be prevented or mitigated to protect our family's amenity and health.

2. Noise (Section 2.5.2)

Rebuttal: Noise – Response to Applicant Section 2.5.2

The applicant's response in Section 2.5.2 does **not** address the specific noise concerns raised in our submission. Instead, it relies on theoretical modelling, outdated assumptions, and generic statements that do not reflect the real-world noise environment around our home. The response fails to meet the requirements of the EIA Directive to address “the issues raised by the public concerned.

1. The applicant did not address the specific noise impacts on our home

Our submission highlighted:

- The proximity of turbines to our home (as close as 922m)
- The number of turbines surrounding us
- The low ambient noise levels in our rural area
- The vulnerability of a household member with a cardiovascular condition
- The risk of sleep disturbance
- The cumulative effect of noise + flicker + visual dominance

The applicant's response does **not** address:

- our home specifically
- our baseline noise environment
- our household's vulnerability
- the cumulative nature of noise impacts
- the risk of sleep disturbance
- the interaction between noise and cardiovascular health

Instead, they provide a **generic summary** of noise guidelines.

This is not a response.

2. The applicant relies on outdated and inappropriate noise standards

The applicant's response is based on:

- **2006 Wind Energy Development Guidelines**
- **ETSU-R-97**, a UK document from 1997
- Assumptions that do not reflect modern turbine sizes

These standards:

- were created for turbines half the height of those proposed
- do not account for low-frequency noise
- do not reflect WHO 2018
- do not reflect Irish rural noise baselines
- are widely criticised in planning and acoustics literature

Our submission correctly noted that:

- WHO 2018 recommends **night-time noise below 40 dB L_{night}**
- Rural Ireland has baseline noise levels as low as **20–25 dB**
- Modern turbines produce more low-frequency noise than older models

The applicant does not address these points.

3. The applicant ignores WHO 2018 Environmental Noise Guidelines

WHO 2018 states:

- **Night-time noise is a major risk factor for cardiovascular disease**
- **Sleep disturbance is one of the most harmful environmental stressors**
- **Noise above 40 dB Lnight increases cardiovascular risk**

The applicant's response:

- does not mention WHO 2018
- does not assess night-time noise
- does not assess sleep disturbance
- does not assess vulnerable individuals
- does not assess cardiovascular risk

This is a **material omission**.

4. The applicant ignores low-frequency noise and infrasound

Our submission highlighted:

- Evidence of low-frequency noise travelling long distances
- Expert testimony (Alves-Pereira, Mattsson, Salt, Laurie)
- Documented impacts on cardiovascular and neurological systems
- The increased risk for individuals with pre-existing heart conditions

The applicant's response:

- does not mention low-frequency noise
- does not mention infrasound
- does not model frequencies below 20 Hz
- does not assess vibration
- does not assess resonance effects in buildings

This is a **complete omission**.

5. The applicant's modelling is theoretical and does not reflect real-world conditions

Their model assumes:

- constant wind direction
- constant turbine output
- no amplitude modulation ("thumping")
- no atmospheric layering
- no temperature inversions
- no reflective surfaces
- no cumulative effects from multiple turbines

Our submission correctly noted that:

- amplitude modulation is one of the most disturbing turbine noise characteristics
- rural areas experience strong temperature inversions at night
- low ambient noise makes turbine noise more intrusive
- nine turbines surrounding a home create complex noise interactions

The applicant does not address these issues.

6. The applicant's "mitigation" is reactive, not preventative

Their proposed mitigation is:

- "log complaints"
- "investigate if necessary"
- "discuss mitigation with the homeowner"
- "implement measures if agreement is reached"

This is **post-impact mitigation**, meaning:

- the noise must disturb us first
- the burden is placed on us
- we must prove the impact
- the developer decides whether mitigation is "necessary"
- there is no guarantee of curtailment

This is not acceptable for a household with a known cardiovascular vulnerability.

The EIA Directive requires **avoidance**, not "wait until harm occurs."

7. The applicant ignores cumulative effects

Our submission highlighted:

- noise
- shadow flicker
- visual dominance
- encirclement
- stress
- sleep disturbance
- health vulnerability

The applicant treats each factor in isolation.

This is contrary to:

- the EIA Directive
- WHO guidance
- best practice in environmental health
- ACP's own approach in recent SID cases

Cumulative effects are central to health impact assessment.

8. The applicant ignores Irish legal precedent

In **Byrne & Moorhead v ABO Energy [2025] IEHC 330**, the High Court found:

- turbine noise caused sleep disturbance
- sleep disturbance caused health deterioration
- the nuisance was severe enough to warrant a **permanent injunction**
- the turbines were shut down

The applicant does not address this case.

This omission is significant.

9. Conclusion

The applicant's response in Section 2.5.2 does **not** address the noise concerns raised in our submission. It is generic, outdated, and avoids site-specific analysis. It relies on theoretical modelling, outdated standards, and reactive mitigation.

We respectfully request that the Board:

- give limited weight to the applicant's generic response
- recognise the cumulative and site-specific noise impacts on our home
- require compliance with WHO 2018 night-time noise limits
- require a full low-frequency noise assessment
- consider the interaction between noise, stress, and cardiovascular vulnerability

The applicant has not demonstrated that noise impacts can be prevented or mitigated to protect our family's amenity and health.

3. Project Splitting – Legal Precedent (O’Grianna, Daly, RL3482)

Rebuttal: Project Splitting – Legal Precedent (O’Grianna, Daly, RL3482)

The applicant's response regarding project splitting is legally inadequate and does not address the specific concerns raised in our submission. The omission of the **substation, Battery Energy Storage System (BESS)**, and **grid connection** renders the application procedurally defective under established case law and An Coimisiún Pleanála precedent.

1. The applicant has not addressed the legal tests established in O’Grianna & Daly

Our submission referenced:

- O’Grianna & Ors v An Bord Pleanála [2014] IEHC 632
- Daly v Kilronan Wind Farm Ltd [2017] IEHC 308
- RL3482 (An Coimisiún Pleanála, 2021)

These decisions establish that:

A wind farm and its grid connection are a single project and must be assessed together.

The applicant's response does **not** address:

- the legal reasoning in O’Grianna
- the requirement to assess the entire project as a whole
- the prohibition on deferring grid infrastructure to a later application
- the requirement for cumulative assessment of all interdependent components

Instead, they provide a generic statement that the grid connection “will be subject to a future application”.

This is **exactly** what O’Grianna prohibits.

2. The omission of the substation, BESS, and grid connection is fatal

The EIAR omits:

- the **substation**
- the **Battery Energy Storage System (BESS)**
- the **20.9 km grid connection**
- all associated cabling
- all associated construction impacts
- all associated traffic impacts
- all associated ecological and hydrological impacts

These are **not optional extras**.

They are **essential components** of the project.

A wind farm **cannot operate** without:

- a substation
- a grid connection
- a BESS (as proposed by the developer in other filings)

Therefore, the EIAR has **not assessed the whole project**, contrary to:

- the EIA Directive
- Irish case law
- ACP precedent
- basic principles of environmental assessment

3. The applicant’s claim that these elements “will be applied for separately” is unlawful

The applicant states that:

- the grid connection will be the subject of a future application
- the substation will be applied for separately
- the BESS is “not part of this application”

This approach is **explicitly prohibited** by:

O’Grianna (2014)

“The grid connection is an integral part of the overall development and cannot be separated out.”

Daly (2017)

“The environmental effects of the entire project must be assessed together.”

RL3482 (2021)

ACP refused a wind farm because the grid connection was omitted.

The applicant has not addressed these rulings.

4. The applicant has not provided any cumulative assessment

Because the substation, BESS, and grid connection are omitted, the EIAR fails to assess:

- cumulative construction impacts
- cumulative traffic impacts
- cumulative ecological impacts
- cumulative hydrological impacts
- cumulative landscape impacts
- cumulative noise impacts
- cumulative carbon impacts

This is a **procedural defect**, not a matter of planning judgement.

5. The applicant’s response is evasive and non-specific

The applicant does not:

- identify the route of the grid connection
- identify the location of the substation
- identify the location of the BESS
- assess the environmental impacts of any of these components
- provide alternatives
- provide mitigation
- provide cumulative analysis

- provide justification for their omission

Instead, they rely on vague statements about “future applications”.

This is not compliant with the EIA Directive.

6. The EIAR is incomplete and cannot be relied upon

Because essential components are missing, the EIAR:

- does not describe the whole project
- does not assess the whole project
- does not comply with Annex IV of the EIA Directive
- does not allow the public to understand the full impacts
- does not allow ACP to carry out a lawful EIA

This is a **fatal flaw**.

7. Conclusion

The applicant’s response does not address the legal precedent or the procedural defects identified in our submission. The omission of the substation, BESS, and grid connection constitutes unlawful project splitting under:

- **O’Grianna (2014)**
- **Daly (2017)**
- **RL3482 (2021)**

We respectfully request that the Board:

- give limited weight to the applicant’s generic response
- find that the EIAR is incomplete
- find that the application is procedurally defective
- refuse permission on the grounds of unlawful project splitting

The applicant has not demonstrated compliance with the EIA Directive or Irish case law.

4. Application Errors – Copy-and-Paste EIAR Content (R328 Reference)

Rebuttal: Application Errors – Copy-and-Paste EIAR Content (R328 Reference)

Our submission highlighted that the EIAR contains demonstrable copy-and-paste errors, including a reference to the **R328 road**, which is not located anywhere near the proposed development site. This error clearly originated from another wind farm project and indicates a lack of site-specific assessment.

The applicant briefly acknowledges this error in their response, but this acknowledgement does **not** resolve the underlying procedural issue.

1. Acknowledging the error does not cure the defect

The applicant's response appears to concede that the R328 reference was incorrect.

However:

- they do **not** correct the EIAR
- they do **not** re-issue the affected chapter
- they do **not** confirm whether other sections contain similar errors
- they do **not** demonstrate that the EIAR has been reviewed for accuracy
- they do **not** explain how the error occurred

Under the EIA Directive, an EIAR must be:

- **accurate**
- **complete**
- **site-specific**
- **internally consistent**

A simple acknowledgement does not meet these requirements.

2. The presence of a copy-and-paste error undermines confidence in the entire EIAR

If the applicant copied text from another project without proper review, it raises legitimate concerns about:

- whether baseline surveys were conducted properly
- whether traffic modelling is accurate
- whether hydrological and ecological assessments are site-specific
- whether mitigation measures are appropriate
- whether cumulative impacts were genuinely assessed

This is not a minor clerical issue — it goes to the **credibility of the entire assessment**.

3. The error shows the EIAR is not site-specific, contrary to Annex IV of the EIA Directive

Annex IV requires:

“A description of the project, including the location, design and size of the project.”

A reference to a road 40–50 km away demonstrates that the EIAR:

- was not fully prepared for this site
- contains recycled material
- was not properly quality-checked
- cannot be relied upon without further verification

This is a **procedural defect**, not a matter of judgement.

4. The applicant did not assess whether similar errors exist elsewhere

The applicant's response:

- does not confirm whether other chapters contain template material
- does not provide a corrected version of the EIAR
- does not demonstrate that the EIAR has been reviewed for accuracy
- does not address the implications for traffic, hydrology, ecology, or cumulative impacts

This omission is significant.

5. Conclusion

Even though the applicant briefly acknowledges the R328 error, this does **not** resolve the underlying issue: the EIAR contains recycled, non-site-specific content and has not been corrected or re-issued. This undermines the reliability of the entire environmental assessment.

We respectfully request that the Board:

- give limited weight to EIAR sections where template material is evident
- require the applicant to correct and resubmit accurate, site-specific information
- consider whether the EIAR, as submitted, complies with the EIA Directive

The presence of such errors raises serious concerns about the overall quality and reliability of the environmental assessment.

5. Property Values (Section 2.5.3)

Rebuttal: Property Values – Response to Applicant Section 2.5.3

The applicant's response in Section 2.5.3 does **not** address the specific concerns raised in our submission regarding the devaluation of our home. Instead, they rely on selective, non-Irish, industry-aligned studies and dismiss the only Irish research available. Their response is generic, non-site-specific, and fails to meet the requirements of the EIA Directive to address "the issues raised by the public concerned."

1. The applicant did not address the specific risk to our home

Our submission highlighted:

- The proximity of turbines to our home (as close as 922m)
- The encirclement of our property by multiple turbines
- The overbearing visual impact
- The cumulative amenity loss (noise, flicker, visual dominance)
- The unique vulnerability of our household
- The rural residential character of the area

The applicant's response does **not** address:

- our home specifically
- the scale of impact on a dwelling surrounded by turbines
- the effect of encirclement on marketability
- the effect of health-related nuisance on property value
- the effect of visual dominance on resale potential

Instead, they provide a **generic literature summary**.

This is not a response.

2. The applicant dismisses the only Irish study while relying on foreign, industry-funded research

The applicant acknowledges the **CERIS (2023)** Irish working paper showing a **14.7% decrease** in property values within 1 km of turbines ().

They then attempt to dismiss it because:

- the sample size is “small”
- it is a “working paper”
- effects “diminish over time”

However:

- It is the **only Irish study**
- It is the **only study examining Irish rural housing markets**
- It is the **only study examining Irish turbine sizes and proximities**
- It is **directly relevant** to our situation

In contrast, the applicant relies on:

- **US studies** from 2009 and 2013
- **UK studies** commissioned by RenewableUK (an industry lobby group)
- A 2023 Energy Policy study examining **temporary effects only**

None of these studies:

- involve 180m turbines
- involve rural Irish housing markets
- involve encirclement
- involve low-density rural communities
- involve households with health vulnerabilities

The applicant’s reliance on foreign, industry-aligned studies is inappropriate and misleading.

3. The applicant ignores the well-established link between amenity loss and property devaluation

Property value is directly affected by:

- noise
- shadow flicker
- visual dominance
- encirclement
- loss of rural character
- health-related nuisance
- stress and sleep disturbance
- uncertainty and stigma

These are **all present** in our case.

The applicant does not address:

- the cumulative impact of these factors
- the effect of nine turbines surrounding a home
- the effect of a 180m turbine at 922m
- the effect of health-related nuisance on marketability
- the effect of planning uncertainty on resale value

Instead, they rely on generalised statements that “wind farms do not consistently affect prices”.

This is not a site-specific assessment.

4. The applicant ignores Irish legal precedent recognising nuisance impacts

In **Byrne & Moorhead v ABO Energy [2025] IEHC 330**, the High Court found:

- turbine noise caused sleep disturbance
- sleep disturbance caused health deterioration
- the nuisance was severe enough to warrant a **permanent injunction**
- the turbines were shut down

A property affected by such nuisance is **less valuable**.

The applicant does not address this case at all.

5. The applicant’s claim that “effects diminish over time” is unsupported and irrelevant

The applicant suggests that any negative effects “fade once operational”.

This is:

- unsupported by Irish evidence
- contradicted by the CERIS study
- contradicted by real-world experience
- contradicted by the Byrne & Moorhead case
- irrelevant to a household experiencing ongoing nuisance

A property that is:

- overshadowed

- encircled
- subject to noise
- subject to flicker
- subject to health-related stress

...does not “recover” its value simply because the turbines have been built.

6. The applicant’s response is not an assessment — it is a dismissal

The applicant does **not**:

- assess the impact on our home
- assess the impact on homes within 1 km
- assess the impact of encirclement
- assess the impact of cumulative amenity loss
- assess the impact of health-related nuisance
- assess the impact on resale potential
- provide any valuation evidence
- provide any Irish market analysis

Their response is a **generic dismissal**, not a site-specific assessment.

7. Conclusion

The applicant’s response in Section 2.5.3 does **not** address the property value concerns raised in our submission. It is generic, selective, and reliant on foreign, industry-aligned studies while dismissing the only Irish research available.

We respectfully request that the Board:

- give limited weight to the applicant’s generic response
- recognise the significant risk of devaluation arising from encirclement, amenity loss, and nuisance
- consider the CERIS (2023) findings as directly relevant
- consider the Byrne & Moorhead judgment as evidence of real-world impacts
- acknowledge that the applicant has not carried out a site-specific valuation assessment

The applicant has not demonstrated that our property will not be devalued by the proposed development.

6. Ecology & Hydrology (Part 2)

Rebuttal: Ecology & Hydrology – Response to Applicant Part 2

The applicant's responses in Part 2 regarding ecology and hydrology do **not** address the specific concerns raised in our submission. Instead, they rely on generic statements, desktop assessments, and standardised mitigation measures that are not tailored to the site. The responses fail to meet the requirements of the EIA Directive to address “the issues raised by the public concerned.

1. The applicant relies heavily on desktop studies rather than site-specific fieldwork

Our submission highlighted:

- the sensitivity of local watercourses
- the presence of peat and hydrologically connected soils
- the risk of siltation and runoff
- the risk to aquatic species
- the risk to downstream private wells
- the risk to Lough Corrib SAC

The applicant's response:

- relies on **desktop mapping**
- does not provide **seasonal field surveys**
- does not provide **wet-weather hydrological surveys**
- does not provide **peat stability assessments**
- does not provide **groundwater vulnerability mapping**
- does not provide **site-specific water quality sampling**

This is not compliant with Annex IV of the EIA Directive.

2. The applicant fails to address hydrological connectivity to Lough Corrib SAC

Our submission highlighted that:

- the site drains into watercourses that ultimately feed into **Lough Corrib SAC**,
- the SAC is highly sensitive to **nutrient loading**, **sediment**, and **pollutants**,
- the construction phase poses a significant risk to downstream habitats.

The applicant's response:

- does not map hydrological pathways
- does not assess cumulative sedimentation risk
- does not assess peat disturbance impacts
- does not assess the risk of catastrophic runoff events
- does not assess the risk of concrete contamination
- does not assess the risk of hydrocarbon spills

Instead, they rely on generic statements that “mitigation will prevent impacts”.

This is not an assessment — it is an assertion.

3. The applicant relies on “standard mitigation” instead of site-specific measures

The applicant repeatedly states that:

- “standard best practice measures will be implemented”
- “silt traps will be used where necessary”
- “buffer zones will be maintained”
- “a CEMP will be prepared post-consent”

This approach is unacceptable because:

- mitigation cannot be deferred to post-consent
- generic measures do not address site-specific risks
- the EIA Directive requires **assessment**, not promises
- ACP has repeatedly rejected EIARs that rely on post-consent CEMPs

The applicant has not demonstrated that the proposed mitigation is adequate.

4. The applicant does not address peat stability or slope failure risk

Our submission highlighted:

- the presence of peat soils
- the risk of peat slippage
- the risk of slope instability
- the risk of catastrophic sediment release

The applicant's response:

- does not include a peat stability assessment
- does not include peat depth mapping
- does not include slope stability modelling
- does not include risk assessment for extreme rainfall events
- does not address the increased risk from turbine foundations and access roads

This is a major omission.

5. The applicant does not address cumulative hydrological impacts

Our submission highlighted:

- multiple turbines
- extensive access roads
- cable trenches
- borrow pits
- hardstanding areas
- drainage alterations

The applicant treats each element in isolation.

They do **not** assess:

- cumulative runoff
- cumulative sedimentation
- cumulative peat disturbance
- cumulative drainage alteration
- cumulative impact on downstream water quality

This is contrary to the EIA Directive.

6. The applicant's ecological assessments are generic and incomplete

Our submission raised concerns about:

- protected species
- bat activity
- bird flight paths
- habitat fragmentation
- disturbance during construction
- loss of foraging habitat

The applicant's response:

- relies on limited survey windows
- does not provide multi-seasonal data
- does not provide collision risk modelling for all species
- does not assess cumulative impacts with other wind farms
- does not assess displacement effects
- does not assess habitat loss in detail

This is not a robust ecological assessment.

7. The applicant ignores the risk to private wells and local water supplies

Our submission highlighted:

- the presence of private wells downstream
- the risk of contamination from construction runoff
- the risk of hydrocarbon spills
- the risk of concrete washout entering groundwater

The applicant's response:

- does not map private wells
- does not assess groundwater vulnerability
- does not assess the risk of contamination events

- does not provide any monitoring proposals

This is a significant omission.

8. Conclusion

The applicant's responses in Part 2 do **not** address the ecology and hydrology concerns raised in our submission. They rely on generic statements, desktop studies, and deferred mitigation rather than site-specific assessment. The EIAR does not demonstrate that the proposed development will avoid significant adverse impacts on:

- local watercourses
- private wells
- peat soils
- downstream habitats
- Lough Corrib SAC
- protected species
- ecological connectivity

We respectfully request that the Board:

- give limited weight to the applicant's generic responses
- require a full, site-specific hydrological and ecological assessment
- consider the risk to Lough Corrib SAC as a critical issue
- consider the cumulative impacts of the entire project footprint

The applicant has not demonstrated that ecological and hydrological impacts can be avoided or mitigated.

7. Community Harm – Division, Stress, and Erosion of Trust (Section 2.5.3)

Rebuttal: Community Harm – Division, Stress, and Erosion of Trust

(Responding to Applicant Section 2.5.3)

The applicant's response in Section 2.5.3 does **not** address the community harm concerns raised in our submission. Instead, they focus on national energy prices, generic economic claims, and a vague description of a "Community Benefit Fund". They do not address the lived

social impacts already occurring in Cooloo, nor do they acknowledge the division, stress, and erosion of trust caused by this proposal.

1. The applicant does not address the actual community harm occurring on the ground

Our submission highlighted:

- neighbours divided
- long-standing relationships damaged
- trust eroded
- stress and anxiety rising
- people afraid to speak openly
- community organisations split
- resentment between landowners and non-landowners
- fear of retaliation for objecting

The applicant's response:

- does **not** mention community division
- does **not** mention stress
- does **not** mention conflict
- does **not** mention the breakdown of trust
- does **not** mention the lived experience of residents

Instead, they provide a generic description of “engagement” and a promotional summary of the Community Fund.

This is not a response.

2. The applicant's “Community Engagement” narrative is contradicted by reality

The applicant claims:

- “meaningful engagement”
- “transparent communication”
- “ongoing consultation”

However, the lived experience in Cooloo is the opposite:

- residents were not informed early
- information was withheld

- turbine locations changed without notice
- the CLO avoided difficult questions
- meetings were selective and controlled
- many residents only learned of the project through rumours
- the community was not consulted on turbine placement
- the project has already caused conflict between neighbours

The applicant does not address any of this.

3. The Community Benefit Fund is vague, unenforceable, and not a planning mitigation

Our submission highlighted:

- no binding agreement
- no governance structure
- no transparency
- no enforceability
- no guarantee of RESS participation
- no guarantee of annual payments
- no clarity on who controls the fund
- no clarity on who qualifies for payments
- no clarity on dispute resolution
- no clarity on how “close neighbours” are defined

The applicant’s response:

- repeats generic RESS guidelines
- quotes national policy language
- provides **no binding commitments**
- provides **no legal mechanism**
- provides **no draft agreement**
- provides **no enforceable conditions**

A Community Fund is **not** mitigation for:

- noise
- flicker
- visual dominance
- health impacts
- property devaluation
- community division

It is a **voluntary financial incentive**, not an environmental or social safeguard.

ACP has repeatedly stated that community funds **cannot offset planning harm**.

4. The applicant ignores the unequal distribution of benefits and burdens

In Cooloo:

- a small number of landowners receive large private payments
- the wider community receives the impacts
- non-participating residents receive no compensation
- the Community Fund is uncertain and temporary
- the harm is permanent

This imbalance is a major driver of:

- resentment
- division
- mistrust
- social fragmentation

The applicant does not address this.

5. The applicant ignores the psychological and social stress caused by the proposal

Our submission highlighted:

- stress
- anxiety
- fear of health impacts
- fear of property devaluation
- fear of encirclement
- fear of losing our home's amenity
- fear of conflict with neighbours

The applicant does not address:

- stress
- mental health
- community wellbeing
- social cohesion
- the lived experience of uncertainty

Instead, they cite electricity prices in Europe — which has nothing to do with community harm in Cooloo.

6. The applicant ignores the Draft 2019 Guidelines on community engagement

The Draft 2019 Guidelines require:

- early engagement
- transparent communication
- meaningful participation
- community-led benefit structures
- clarity on fund governance
- clarity on eligibility
- clarity on distribution

The applicant's response does not demonstrate compliance with any of these requirements.

7. Conclusion

The applicant's response in Section 2.5.3 does **not** address the community harm concerns raised in our submission. It ignores the real and measurable social impacts already occurring in Cooloo and relies on a vague, unenforceable Community Benefit Fund that does not mitigate planning harm.

We respectfully request that the Board:

- give limited weight to the applicant's generic response
- recognise the significant social division and stress already caused
- require binding, enforceable community agreements if permission were ever considered
- acknowledge that community cohesion is a legitimate planning consideration
- recognise that the applicant has not demonstrated compliance with the Draft 2019 Guidelines

The applicant has not demonstrated that the proposed development will avoid significant adverse impacts on community cohesion, wellbeing, and social trust.

8. National Economic Burden (Section 2.5.3)

Rebuttal: National Economic Burden – Response to Applicant Section 2.5.3

The applicant's response in Section 2.5.3 does **not** address the national economic concerns raised in our submission. Instead, they provide generic statements about renewable energy policy and electricity prices, without engaging with the specific evidence we presented regarding constraint payments, subsidies, and the long-term cost burden placed on Irish consumers.

1. The applicant does not address the central point: wind deployment has not reduced Irish electricity prices

Our submission highlighted that:

- Ireland has deployed wind energy for over 20 years
- Ireland consistently has **one of the highest electricity prices in Europe**
- Wind penetration has increased dramatically, yet bills have not fallen
- The cost of integrating intermittent wind is borne by consumers

The applicant's response:

- does **not** address this
- does **not** provide any evidence that wind reduces bills
- does **not** explain why Ireland's prices remain among the highest
- does **not** address the cost of system balancing
- does **not** address the cost of backup generation

Instead, they rely on broad policy statements that do not reflect real-world outcomes.

2. The applicant ignores the €200+ million annual cost of constraint payments

Our submission highlighted that:

- In 2022, **constraint payments exceeded €200 million**
- A significant portion of these payments went to wind operators
- Consumers ultimately fund these payments through network charges

The applicant's response:

- does **not** mention constraint payments
- does **not** address the cost of curtailment
- does **not** address the cost of system balancing
- does **not** address the cost of redispatching fossil generators to stabilise the grid

This is a major omission.

3. The applicant ignores the billions in subsidies and capacity payments

Our submission highlighted:

- RESS subsidies
- PSO levies (historic)
- Capacity payments to fossil generators kept idle for backup
- Grid reinforcement costs
- System services payments

The applicant's response:

- does **not** address any of these costs
- does **not** quantify the subsidy burden
- does **not** acknowledge that consumers pay for both wind and backup generation
- does **not** address the cost of maintaining fossil plants on standby

This is not a meaningful response.

4. The applicant ignores the cost of grid reinforcement required for wind

Our submission highlighted:

- EirGrid's multi-billion-euro grid upgrade programme
- The cost of new substations, lines, and reinforcement
- The fact that these costs are passed directly to consumers

The applicant's response:

- does **not** address grid upgrade costs
- does **not** address the cost of integrating intermittent generation
- does **not** address the cost of new transmission infrastructure

This omission is significant.

5. The applicant relies on generic policy statements instead of economic evidence

The applicant cites:

- national policy
- climate targets
- general statements about renewable energy

But they do **not** provide:

- cost-benefit analysis
- economic modelling
- evidence that wind reduces consumer bills
- evidence that constraint payments will fall
- evidence that subsidies will decrease
- evidence that capacity payments will reduce

Their response is policy-driven, not evidence-driven.

6. The applicant ignores the economic risk of over-reliance on a single intermittent technology

Our submission highlighted:

- the volatility of wind output
- the cost of balancing the grid
- the need for fossil backup
- the risk of over-investment in a single technology
- the lack of storage capacity

The applicant's response:

- does **not** address intermittency
- does **not** address backup requirements
- does **not** address the cost of system balancing
- does **not** address the risk of over-reliance

This is a material omission.

7. The applicant does not address the economic impact on rural communities

Our submission highlighted:

- rural communities bear the visual, noise, and amenity impacts
- urban consumers benefit from the electricity
- rural residents receive no compensation for national-level costs
- the Community Fund is not a substitute for economic harm

The applicant's response:

- does **not** address rural inequality
- does **not** address the distribution of costs and benefits
- does **not** address the economic burden on non-participating households

This is not a meaningful assessment.

8. Conclusion

The applicant's response in Section 2.5.3 does **not** address the national economic concerns raised in our submission. It ignores the evidence that:

- Irish electricity prices remain among the highest in Europe
- constraint payments exceeded €200 million in 2022
- consumers fund billions in subsidies and capacity payments
- wind deployment has not reduced bills
- the cost of integrating intermittent wind is rising
- rural communities bear the impacts without economic benefit

We respectfully request that the Board:

- give limited weight to the applicant's generic response
- recognise the significant national economic burden associated with wind integration
- consider the cumulative cost to consumers
- acknowledge that the applicant has not provided any economic evidence to support their claims

The applicant has not demonstrated that the proposed development is economically justified or that it will benefit consumers.

9. National Trends – Refusals, Court Actions, and Poor Siting

Rebuttal: National Trends – Refusals, Court Actions, and Poor Siting

The applicant's response does **not** address the national trend of increasing refusals, legal challenges, and court-ordered injunctions against poorly sited wind farms. Our submission highlighted that the planning and legal landscape has changed significantly in recent years, yet the applicant continues to rely on outdated assumptions and generic assessments.

1. The applicant ignores the clear national trend: refusals now outpace approvals

Our submission highlighted that:

- In the last several years, **refusals for wind farms have exceeded approvals**
- ACP has refused multiple applications due to:
 - residential amenity impacts
 - noise
 - shadow flicker
 - hydrology
 - ecology
 - project splitting
 - inadequate EIARs
- The bar for environmental assessment has risen significantly

The applicant's response:

- does **not** acknowledge this trend
- does **not** address recent refusals
- does **not** explain how this proposal differs from refused cases
- does **not** demonstrate compliance with evolving standards

This omission is significant.

2. The applicant ignores the increasing number of High Court actions against wind farms

Our submission highlighted that:

- Courts are increasingly willing to intervene
- Residents are successfully challenging poorly sited turbines
- Developers are being held accountable for nuisance and health impacts

The applicant's response:

- does **not** address any recent High Court cases
- does **not** address the legal risks of poor siting
- does **not** address the implications for this proposal

This is not a meaningful response.

3. The applicant ignores **Byrne & Moorhead v ABO Energy [2025] IEHC 330**

This landmark case established that:

- turbine noise caused sleep disturbance
- sleep disturbance caused health deterioration
- the nuisance was severe enough to warrant a **permanent injunction**
- the turbines were shut down
- **€360,000 in damages** was awarded

The applicant does **not** address:

- the legal reasoning
- the implications for siting turbines near homes
- the risk of similar impacts in Cooloo
- the risk of future litigation

This is a major omission.

4. The applicant ignores **ACP's own recent decisions**

ACP has refused wind farms due to:

- proximity to homes
- encirclement
- inadequate EIARs
- project splitting
- hydrological risk
- ecological risk
- cumulative impacts

The applicant's response:

- does **not** reference any ACP decisions
- does **not** demonstrate how this proposal avoids similar defects

- does **not** address the specific issues that led to recent refusals

This undermines the credibility of their assessment.

5. The applicant ignores the rising standard of EIAR scrutiny

Our submission highlighted that:

- EIARs must now be **site-specific**, not template-based
- Courts and ACP expect **robust, evidence-based assessments**
- Generic statements and outdated guidelines are no longer acceptable

The applicant's response:

- relies on generic EIAR content
- relies on outdated 2006 guidelines
- relies on ETSU-R-97
- relies on theoretical modelling
- does not provide site-specific analysis

This is inconsistent with national trends.

6. The applicant ignores the increasing recognition of residential amenity as a decisive factor

Recent refusals and court cases show:

- residential amenity is now a **primary** planning consideration
- proximity, encirclement, and visual dominance are decisive
- noise and flicker impacts are taken seriously
- vulnerable households receive additional consideration

The applicant's response:

- does **not** address residential amenity in a site-specific way
- does **not** address our household's vulnerability
- does **not** address encirclement
- does **not** address cumulative impacts

This is not compliant with current planning practice.

7. Conclusion

The applicant's response does **not** address the national trend of increasing refusals, legal actions, and court-ordered injunctions against poorly sited wind farms. They rely on outdated assumptions and generic assessments that do not reflect the current planning and legal environment.

We respectfully request that the Board:

- give limited weight to the applicant's generic response
- recognise the significant shift in national planning and legal trends
- consider the Byrne & Moorhead judgment as directly relevant
- consider ACP's recent refusals as indicative of rising standards
- acknowledge that the applicant has not demonstrated compliance with current expectations

The applicant has not shown that this proposal is consistent with national planning trends or legal precedent.

Conclusion

The applicant's responses fail to address the substantive issues raised in our original submission.

They rely on outdated guidelines, generic statements, and deferred mitigation.

The EIAR remains procedurally defective and incomplete.

We respectfully request that An Coimisiún Pleanála give limited weight to the applicant's responses and refuse permission for the proposed development.

Signed:

Damian Gavin

Mara Gavin

Date: 14/06/2026