

An Coimisiún Pleanála - Case reference:	PAX07.323761
Our Case Number:	ACP-323761-25
Name of Proposed Development	Cooloo wind farm
Description of Development	Construction of wind energy development and all associated works
Location Of Development	located within Cloondahamper, Cloonascragh, Elmhill, Cooloo, Lecarrow, Dangan Eighter, Lissavally and Slievegorm, Co.Galway
Name of Development Applicant	Neoen Renewables Ireland Ltd Ferry House, 1 st Floor (Rear) 48-53 Lower Mount Street D02 PT98, Dublin 2

Observer details

Observations by:	Margaret Collins
Address of observer	Cloondahamper lavally Tuam, Co Galway H54 N727
Contact details of observer	
Phone	087 2867853
Email	collins_margaret@hotmail.com
Date of observation	08/07/2026

Introduction

I, **Margaret Collins**, owner and occupier of the property at **H54 N727**, wish to submit this comprehensive formal response to counter the claims made by MKO on behalf of Neoen Renewables Ireland Limited and their submission response document regarding the Strategic Infrastructure Development application for the proposed **Cooloo Wind Farm (Case Ref: 323761)**.

My home is located within the direct environmental viewshed, noise propagation path, and zone of high socio-economic influence of the proposed 9 industrial turbines (featuring unprecedented 180-meter tip heights and 162-meter rotor diameters). I submit that the applicant's response and the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) suffer from fundamental errors in law, unscientific baseline data, and critical omissions. Granting permission would severely compromise residential amenity, endanger public safety, destroy protected habitats, and violate statutory planning provisions. Planning permission **must be refused**

I strongly object to the proposed development of these Wind Turbines (WT) and am deeply concerned about the irreversible impact that this would have on the local rural character and the detrimental effect on the environmental & social sustainability of our area. The following are identified as some additional objections.

Outdated location based on EU Nature Restoration Law.

The selection of this area for a proposed wind farm is inappropriate. Peatlands account for just 3% of the earth's land surface but store more than 30% of the world's soil carbon sequestering its carbon for tens of thousands of years. The large-scale removal of peat and destruction of biodiversity have dire consequences for climate change. Peatlands act as a carbon sink (absorbing carbon dioxide while emitting methane), 82% of Irish peatlands have been damaged to various extents.

The selection of this site highlights the outdated evaluation criteria, and any calculate carbon emission savings associated with wind farm will have serious reliability issues and create major biodiversity loss via the peat removal and drainage. At EU level, peatlands have been highlighted to play a central role in achieving the temperature goals agreed in the Paris Agreement, and peatlands are already included in the 2030 Climate and Energy Framework.

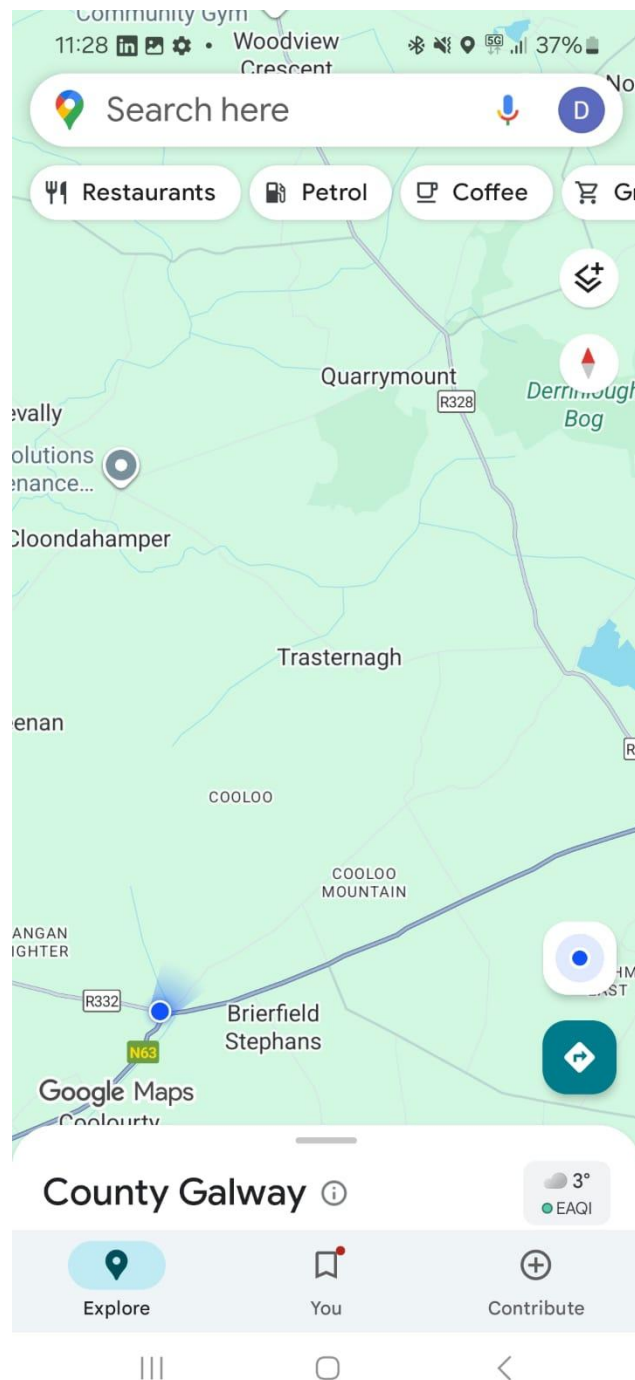
Since this company has selected this location laws on a EU level has been introduced, on the 27/02/2024, all the members of the EU Parliament voted and passed the Nature Restoration Law.

EU Member States must now restore 30% of the habitat types listed within the law to good condition by 2030, rising to 60% by 2040 and 90% by 2050. The Irish Government has committed to reach these new targets, destroying more peatlands makes little sense while paying €108 million funding to rewet destroyed Board na Mona bogs that may never fully recover. There are far less damaging solutions to meet the energy requirements and as such the government has an obligation to ensure that they examined as alternatives to wholesale destruction planned in this project.

Birds

This project will detrimentally effect on the birdlife around the area, the company evaluation of the impact to bird life is highly lacking. Just as an example taken on the 21/11/25 (last day of submission 21/11/25) I drove around the extent of the proposed site to highlight the highly concentrated population of avian life. At each location where photos and videos were taken

and GPS screen shot was also taken to show its proximity to the proposed development.



Horse leap cross



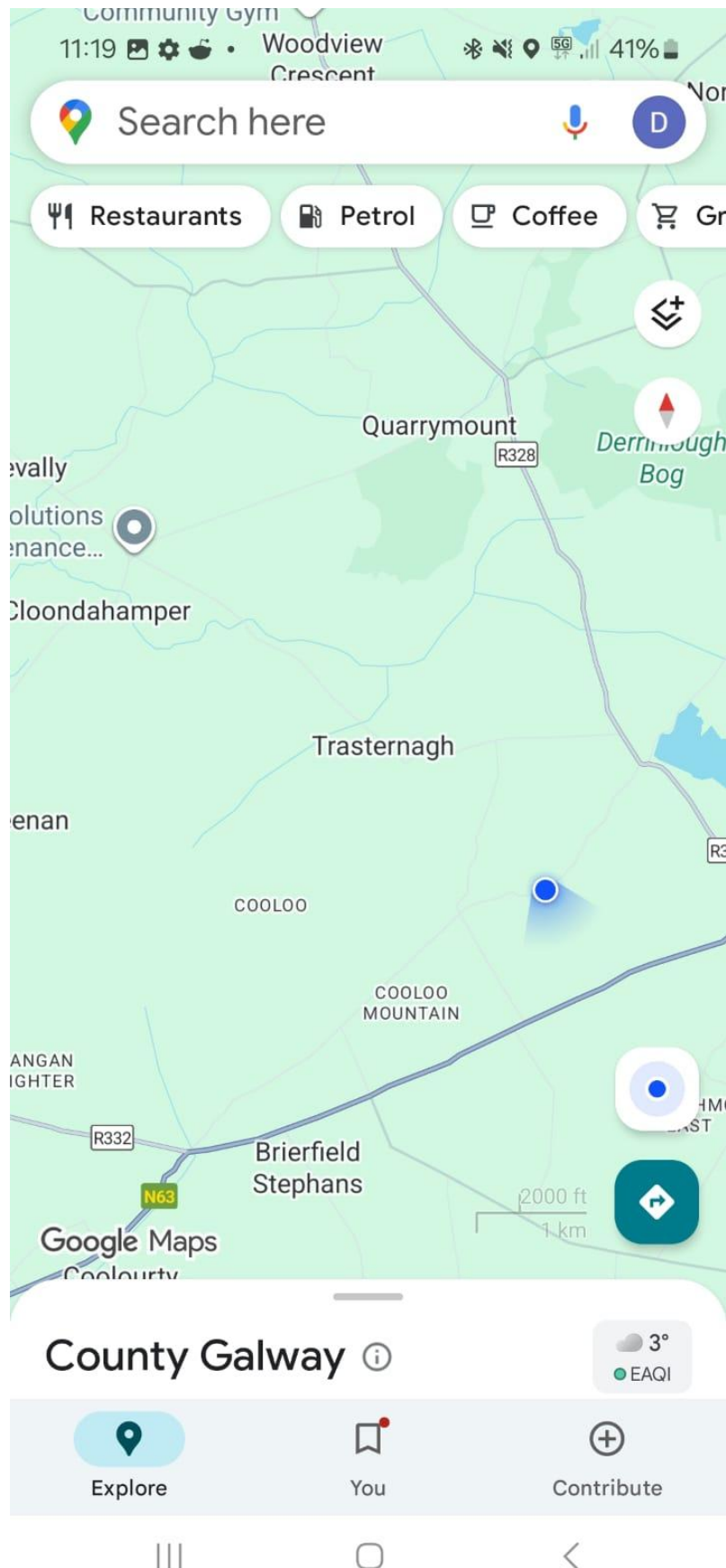
Wild Ducks Horseleap



Wild ducks horse leap



More hens



Second stop on trip



Both left and right side of road many birds assumed whooper swans



Concentration of whooper swans



Right side of road facing Moylough



Right side of road facing Moylough many different type of birds at this location.



Birds (whooper swans) in field left

Detailed Grounds of Appeal

Ground of Objection:1

Inadequate assessment of impacts on whooper swans (*cygnus cygnus*) and breach of the EU Birds Directive

1. Introduction and Protected Status

1.1. The Whooper Swan (*Cygnus cygnus*) is a species of strict European conservation importance. It is explicitly listed under **Annex I of the EU Birds Directive (2009/147/EC)**.

1.2. The competent authority is legally required to apply the highest standard of precautionary scrutiny regarding any development that poses a threat to the wintering populations, foraging grounds, or migratory corridors of this species.

1.3. It is submitted that the Environmental Impact Assessment Report (EIAR) submitted by the applicant fails to demonstrate beyond reasonable scientific doubt that the proposed Cooloo Wind Farm will not adversely impact the local Whooper Swan population.

2. Deficiencies in Survey Methodology and Baseline Data

2.1. The baseline bird surveys presented in the EIAR are fundamentally flawed. They do not meet the minimum survey effort standards prescribed by the [National Parks and Wildlife Service \(NPWS\)](#) or Scottish Natural Heritage (SNH) guidelines.

2.2. The applicant's surveys were spatially and temporally restricted. They failed to adequately capture seasonal variations and peak migration periods.

2.3. Crucially, the EIAR completely omits **nocturnal flight path surveys**. Whooper Swans routinely commute between roosting sites (such as Horseleap Lough) and agricultural feeding fields during dawn, dusk, and nighttime hours. By failing to assess low-visibility movements, the EIAR severely underestimates the local presence of the species.

3. Flawed Collision Risk Modeling (CRM)

3.1. The applicant's Collision Risk Modeling relies on an unvalidated, generic **99.5% collision avoidance rate**.

3.2. This theoretical model fails to account for localized factors. These factors include standard low-altitude commuting patterns, local weather anomalies (such as heavy fog/low cloud cover common to the area), and the physical layout of the proposed turbines.

3.3. Local Irish Wetland Bird Survey (I-WeBS) data establishes that the proposed turbine rotor sweep heights directly intersect with the daily flight lines of the local Whooper Swan population, presenting an unacceptable risk of collision mortality.

4. Reliance on Unlawful 'Deferred Mitigation'

4.1. The EIAR relies heavily on post-consent monitoring and 'adaptive management' strategies to mitigate potential avian fatalities.

4.2. This approach directly violates established European and Irish case law (including **People Over Wind and Sweetman v Coillte Teoranta**).

4.3. The competent authority cannot legally grant planning permission where mitigation is

deferred to a post-consent stage. The environmental impacts must be fully understood, quantified, and definitively resolved **prior** to the granting of permission.

5. Conclusion

5.1. Due to substandard survey data, flawed collision modeling, and a failure to protect an Annex I species, the applicant has failed to discharge the legal burden of proof.

5.2. Consequently, granting permission for the Cooloo Wind Farm would constitute a direct breach of the EU Birds Directive and the Planning and Development Regulations. Planning permission should therefore be refused.

Ground of Objection:2

Illegal Project Splitting under the EU EIA Directive (2011/92/EU)

The applicant has structured this project by artificially decoupling the primary wind generation asset from its mandatory 110kV grid connection infrastructure. The EIAR seeks evaluation of the turbine array while evaluating or tracking the grid route independently. This approach directly violates the binding judgment of the European Court of Justice in **Ecologistas en Acción-CODA (Case C-142/07)**, which outlaws the compartmentalization of interconnected infrastructure to dilute severe environmental footprints. The grid layout and the generation layout are an indivisible industrial development and must be assessed under a single comprehensive EIA.

Ground of Objection:3

Strict Subjection to the Supreme Jurisdictional Authority of the European Court of Justice (CJEU)

Because this project directly intersects, drains into, and hydrologically interfaces with the **Lough Corrib Special Area of Conservation (SAC)**, the evaluation of this application falls squarely under the supreme legal authority and interpretation of the **European Court of Justice (ECJ / CJEU)**.

Under Article 288 of the Treaty on the Functioning of the European Union (TFEU), EU directives are fully binding on Ireland. Consequently, the Board is legally mandated to apply the strict, uncompromised standards established by the ECJ regarding SAC protection. Under the landmark **Waddenzee (Case C-127/02)** ruling and the Irish High Court judgment in **Kelly v. An Bord Pleanála (IEHC 400)**, a competent authority is legally forbidden from granting

planning consent if any reasonable scientific doubt exists regarding adverse ecological impacts. Because the applicant's data contains clear gaps, absolute scientific certainty cannot be established, and permission must be denied under the Precautionary Principle.

Ground of Objection:4

Inadequate Safeguards for Salmonid Habitats and Drinking Water Sources

The applicant's NIS explicitly concedes that the project poses an indirect adverse risk to the **Atlantic Salmon (*Salmo salar*)**, a primary qualifying interest of the protected Lough Corrib SAC. The proposed 50-meter buffer zone is wholly inadequate to prevent massive sediment siltation during heavy rain events. Silt runoff from heavy earthworks blankets downstream gravel beds, directly suffocating salmonid spawning redds and permanently destroying nursery grounds.

Furthermore, the site layout severely threatens public health by positioning two industrial turbines directly within the statutory Source Protection Area (SPA) of the **Barnaderg Gortbeg Group Water Scheme**. The underlying limestone geology is highly karstified, featuring active subsurface conduits and fractures. Blasting, deep drilling, and heavy turbine foundation dewatering risk piercing these underground water channels, introducing rapid, un-filtered siltation and chemical pollutants directly into the community's primary drinking water aquifer. The applicant has completely failed to provide a viable alternative water infrastructure plan or remediation framework to address a contamination event.

Ground of Objection:5

Flawed Assumptions Regarding Peatland Degradation and Deep Peat Risks

The applicant's environmental assessment relies on the scientifically flawed assumption that localized construction footprints on active peatlands can be fully mitigated or returned to their baseline ecological condition. Chapter 8 of the EIAR notes that a 0.5 km section of intact raised bog—with deep peat reaching **6.8 meters**—is crossed by the proposed access road to **Turbine 7**. Slicing through a deep peat profile alters the local water table and causes irreversible drainage across the wider bog ecosystem.

The developer has failed to supply conservative factor-of-safety calculations factoring in extreme rainfall events. This systemic oversight mirrors the precise structural and geotechnical

evaluation failures that caused the catastrophic **Meenbog (2020)** peat slide and the historical **Derrybrien (2003)** failure. Furthermore, installing massive concrete turbine foundations physically blocks future rewetting efforts required under the **EU Nature Restoration Law**.

Ground of Objection:6

Location-Specific Noise Modeling Flaws and Omissions Impacting H54 N727

The noise propagation calculations deployed in the EIAR fail to reflect or safeguard the residential amenity of my home at **H54 N727**. The developer's software models sound based on a flat landscape profile, failing to account for the unique topography and wind shear dynamics heading northwest toward my Eircode. Furthermore, no direct, long-term ambient baseline background noise monitoring was executed at or immediately adjacent to H54 N727; the applicant relied on inaccurate surrogate data.

Critically, the EIAR completely omits an assessment of **Amplitude Modulation (AM)**—the low-frequency, aerodynamic rhythmic "thumping" generated by 162m rotors passing the turbine towers. While high-frequency sound dissipates over the 3.45km distance to my home, low-frequency AM thumping travels effectively across rural landscapes, threatening sleep quality and health.

Ground of Objection:7

Severe Visual Intrusion and Material Contravention of the Galway County Development Plan 2022-2028

My home at **H54 N727** is situated within **Landscape Character Area 5 (Northeast Galway - Tuam Environs)**. The Galway County Development Plan explicitly classifies this landscape as a low-lying, open pastoral viewshed. This terrain possesses **no natural topographic capacity** to absorb elements of a 180m vertical tip height without complete visual degradation.

The development directly undermines **Policy Objective PVSR 1 (Protected Views & Scenic Routes)**. The turbines will dominate the wider skyline, creating unavoidable industrial clutter across protected viewsheds. Furthermore, third-party analysis of the site plan confirms that **three of the proposed turbine locations are positioned directly within geographic zones where wind energy infrastructure is explicitly 'generally to be discouraged'** under the operative County Development Plan. Following the definitive binding precedent set by the Supreme Court in *Coolglass Wind Farm Limited v An Bord Pleanála*, the court clarified that

national planning bodies are fully entitled to refuse projects that breach local County Development Plans, ruling that local county frameworks are inherently presumed to be aligned with wider climate parameters.

Ground of Objection:8

Violation of the Aarhus Convention Regarding Public Participation and Procedural Bias

The planning and consultation process executed for the proposed Cooloo Wind Farm violates the statutory provisions of the **Aarhus Convention (Directive 2003/35/EC)**. The applicant failed to establish a transparent baseline of community consent. Affected residents were left without essential data regarding localized traffic safety, construction route closures, and visual impacts before the project was lodged as a Strategic Infrastructure Development. Presenting a fully formed, massive 180m turbine design as a *fait accompli* bypasses the requirement that public participation must occur "when all options are open."

Furthermore, a profound structural inequality exists between the developer and ordinary citizens trying to defend their homes. This lack of equal access to information violates the "Equality of Arms" principle established under the Aarhus Convention.

Ground of Objection:9

Breach of Fundamental Rights via Reliance on Obsolete 2006 Guidelines

The applicant's reliance on the **Wind Energy Development Guidelines 2006** to justify the noise, shadow flicker, and setback boundaries of the Cooloo layout constitutes a severe error in planning logic and a direct violation of human and constitutional rights. The 2006 guidelines were drafted when industrial wind turbines were a fraction of the scale of the 180m tip height structures proposed here.

This reliance breaches the **Constitutional Right to Bodily Integrity (Article 40.3)** and the **Right to Respect for Private and Family Life (Article 8 ECHR)**. The antiquated noise thresholds and inadequate setback distances permitted under the 2006 rules fail to protect my home from modern amplitude modulation, infrasound, and chronic sleep disruption. Compliance with outdated metrics is not a valid planning defense when real, lived harm to public health is practically guaranteed.

Ground of Objection:10

Deficient Assessment of Socioeconomic Impacts and Material Assets

The applicant claims inside the EIAR that there is no empirical proof linking wind energy arrays to local property devaluation, relying entirely on generic international papers. Academic, peer-reviewed research from the **University of Galway (CERIS, 2023)** explicitly confirms a robust and mathematically significant **market devaluation of up to 14.7% for residential properties within close proximity to wind turbines in Ireland.**

While a planning authority does not adjudicate on private financial losses, this 14.7% market drop serves as empirical proof of a catastrophic **loss of residential amenity** (via noise, visual dominance, and shadow flicker). In line with the Irish High Court precedent in *Byrne & Moorhead v ABC Energy IEHC 330*, where a development creates an unreasonable material interference with the ordinary enjoyment of a home, permission must be refused.

Ground of Objection:11

Inequitable Targeting of Disadvantaged Areas (Environmental Justice)

According to the **Pobal HP Deprivation Index**, the rural catchment hosting and surrounding this development is categorized as "Marginally Below Average". These communities suffer from lower infrastructure investment, rural depopulation, and limited economic diversification. Permitting a massive industrial development here forces a vulnerable rural populace to carry the entire environmental and social burden of national green energy targets, while the socio-economic benefits and electrical power are exported to affluent urban centers. This disproportionate spatial targeting directly violates the principles of social and environmental justice.

Ground of Objection:12

Deficient Traffic Safety Assessment and Hazard to Motorists via Visual Distraction

Chapter 15 of the EIAR and the accompanying Traffic Management Plan evaluate construction-phase vehicle volumes but completely fail to model or mitigate the long-term operational hazard of driver distraction on the surrounding road network, specifically the N63 national road and the R332 regional road. The immense vertical scale of the structures, combined with the constant kinetic rotation of the blades, introduces a permanent visual hazard within the primary sightlines of motorists. Furthermore, the applicant has completely failed to assess the impact of roadside shadow flicker—the rhythmic, high-intensity strobing effect cast across the public road network under specific sun angles poses an unacceptable risk of momentary driver disorientation and glare.

Ground of Objection:13

Inadequate Aviation Safety Assessment (Irish Air Corps Operations)

The proposed development features 9 industrial turbines reaching an unprecedented vertical height of 180 meters into the regional airspace, creating immediate physical obstacles for low-level military aviation, emergency aeromedical helicopters, and tactical training routes. The Department of Defence and the Irish Air Corps operate under the IAC Wind Farm/Tall Structures Position Paper, which mandates distinct safeguarding rules separate from civilian frameworks. Military low-level operations—often conducted under Visual Flight Rules (VFR) at night or during adverse weather—cannot rely solely on standard obstacle lighting schemes, which create localized light pollution while failing to mitigate the physical turbulence and radar interference caused by rotating 162-meter blades.

Ground of Objection:14

Material Failure to Provide a Legally Compliant Emergency Response Plan

The project incorporates heavy-duty electrical transformer layouts and battery systems. Yet, the applicant has failed to provide any Fire Safety Management Plan or thermal runaway risk assessment within Appendix 12-3. Local emergency services are not legally or logistically equipped to manage deep-seated chemical or industrial fires of this scale, which presents an unmitigated threat of toxic chemical run-off into local aquifers. Furthermore, Appendix 8-1 proves that **no extreme-rainfall or transient storm modeling was undertaken** by the

applicant. The drainage networks and construction footprints have not been simulated under climate-adjusted severe storm loads, creating a profound risk of unexpected structural failure.

Ground of Objection:15

Deficient Assessment of Cultural Heritage and Destruction of Rural Tourism

The applicant's baseline mapping completely omitted multiple historical and cultural sites of interest situated adjacent to the development footprint. The excavation of over 9 kilometers of deep industrial roads and massive turbine bases presents an unacceptable and unmitigated risk to unmapped subsurface archaeology. Furthermore, the positioning of 180-meter-high moving turbines severely degrades the landscape amenities of core regional heritage assets, including the **Richmond Esker Nature Reserve** and the **Carrownagappul 'Living Bog' walk**. Under the Galway County Development Plan, the state explicitly mandates the protection of natural landscapes and built heritage as vital economic drivers for rural tourism diversification. The introduction of industrial clutter permanently destroys the regional sense of tranquillity.

Conclusion and Formal Request to the Board

The Cooloo Wind Farm application is fundamentally flawed. It violates the EIA and Habitats Directives via project splitting and unscientific risk management, and it materially contravenes the landscape protections of the Galway County Development Plan.

To protect the local environment, public health, road safety, the hydrological safety of the Lough Corrib SAC, and the residential amenity of my home at **H54 N727, An Coimisiún Pleanála is legally urged to uphold proper planning principles and refuse permission in full.**

Dated: _____08/07/2026_____

Margaret Collins