

Damian and Mara Gavin Cooloo, Moylough, County Galway Eircode: H53HK76

Subject: Objection Submission – Planning Application No. 323761

To: An Comisiún Pleanála

Dear Sir/Madam,

Please find attached our joint submission objecting to Planning Application No. 323761 for the proposed wind farm at Cooloo, Elmhill, Cloondahamper, Leecarrow, and Dangan Eighter, County Galway.

We, Damian and Mara Gavin of Cooloo, Moylough, County Galway (Eircode H53HK76), submit this objection together as residents directly affected by the proposed development.

Our submission sets out detailed grounds for objection, including impacts on residential amenity, health, ecology, hydrology, property values, and community cohesion, supported by legal precedent and independent research.

Important Note on Redaction This submission contains sensitive personal health information. We respectfully request that An Comisiún Pleanála redact these details before making the document publicly available, in line with GDPR obligations. While the information is necessary for your assessment, it should not be disclosed in the public record.

We trust that our concerns will be given full consideration and look forward to your decision.

Yours faithfully, Damian and Mara Gavin

Executive Summary

This joint submission by Damian and Mara Gavin objects to Planning Application 323761 for a proposed wind farm at Cooloo, Elmhill, Cloondahamper, Leecarrow, and Dangan Eighter, County Galway.

Key Grounds for Objection

- **Residential Amenity:** Nine turbines up to 180m, the nearest only 922m from our home, encircling our family and destroying the peace we sought when moving to Cooloo.
- **Health Risks:** Mara has a history of arrhythmia (irregular heartbeat). Continuous exposure to turbine noise and vibration poses a direct risk to her health. WHO guidelines confirm cardiovascular impacts from night-time noise.
- **Shadow Flicker:** Reliance on outdated 2006 thresholds, ignoring cumulative exposure. Other countries enforce stricter limits and curtailment.

- Noise Intrusion: Larger turbines than those already found intolerable in Byrne & Moorhead v ABO Energy [2025] IEHC 330, where damages and shutdown were ordered.
- Legal Precedent: Courts and An Comisiún pleanála have condemned project splitting. The omission of substation, BESS, and grid connection renders this application procedurally defective (O’Grianna [2014], Daly [2017], RL3482).
- Application Errors: EIA references the R328 road, copied from another project, showing disregard for site-specific assessment.
- Property Values: Independent studies show declines of 25–40% within 2 km. Developer’s studies are outdated and biased.
- Ecology & Hydrology: Risks to swans, bogland, and water systems serving 10,000 homes, with no baseline data or modelling.
- Community Harm: Division, stress, and erosion of trust. The “Community Fund” is vague and unenforceable.
- National Economic Burden: Despite 20 years of wind deployment, Irish electricity bills remain among the highest in Europe. In 2022, constraint payments exceeded €200 million, much of it to wind operators. Consumers fund billions in subsidies and capacity payments for idle infrastructure.
- National Trends: Refusals now outpace approvals. Courts increasingly award damages and injunctions against poorly sited turbines.

Request We ask An Comisiún pleanála to:

- Apply the precautionary principle
- Demand transparent modelling and enforceable mitigation
- Recognize the lived experience of residents, including health vulnerabilities
- Reject this proposal in full

Full Submission

1. Personal Statement We, Damian and Mara Gavin, submit this objection together. We moved to Cooloo in 2008 to raise our family in peace. That peace is now under threat. The proposed wind farm would surround our home with nine industrial turbines, the closest just 922 metres away. We are raising two sons here. This is not simply a house — it is our refuge, our future, and our community. Yet it is being treated as collateral damage.

Mara has a history of heart issues, including arrhythmia, for which she has undergone operations and treatment. Continuous exposure to turbine noise, vibration, and stress poses a particular risk to her health. This lived vulnerability makes the proposed development especially dangerous for our family.

2. Summary of Key Concerns This application is not just flawed — it is dangerous. It proposes turbines of 180 metres, with 162-metre rotors, encircling homes with no meaningful protection. The submission fails to address:

- Shadow Flicker
- Noise Intrusion
- Residential Amenity
- Procedural Conduct

3. Shadow Flicker The developer relies on a 30-hour annual threshold — a relic from 2006. It is arbitrary, unsupported, and silent on cumulative exposure. With seven turbines within 2 km, overlapping flicker is inevitable.

Other countries enforce stricter limits: Germany caps daily exposure at 30 minutes, with curtailment obligations; the UK requires mitigation where thresholds are exceeded. Ireland has no such enforcement, and this developer exploits that gap.

4. Noise Intrusion and Residential Amenity Privately monitored turbines of similar scale have proven far louder than claimed.

The High Court in *Byrne & Moorhead v ABO Energy* [2025] IEHC 330 found turbines at 1,050 metres caused intolerable nuisance. Our home is closer. The turbines here are larger.

The WHO Environmental Noise Guidelines (2018) identify night-time noise as a major risk factor for cardiovascular disease and sleep disturbance. For residents with existing heart conditions, such as Mara's arrhythmia, the risks are compounded.

5. Legal Precedent: Byrne & Moorhead v ABO Energy This case is a mirror of Cooloo:

- Turbines at 1.05 km
- Noise and flicker deemed a nuisance
- Developer admitted liability
- Court prioritized lived experience over capital value

The judgment is clear: "The true value of a person's home... cannot necessarily be measured fairly by reference to its capital value."

Our home is closer. The turbines are bigger. The risks are greater.

6. Spatial Evidence and Turbine Proximity Distances from our home (Eircode H53HK76):

- T1 – 2.2 km
- T2 – 1.7 km
- T3 – 1.7 km
- T4 – 1.11 km
- T5 – 1.3 km
- T6 – 2.0 km
- T7 – 2.7 km
- T8 – 0.9 km
- T9 – 1.5 km

Seven turbines are within 2 km. All nine are within 3 km. This is not planning — it is encirclement.

7. Critique of Developer Conduct The EIAR references the R328, a road unrelated to this project and clearly copied from the Clonberne Wind Farm application. This demonstrates that sections of the documentation were not prepared specifically for the Cooloo site, casting doubt on the accuracy of the entire assessment.

The application also omits critical infrastructure — the substation, Battery Energy Storage System (BESS), and grid connection. These are inseparable components of a wind farm. To assess turbines without their supporting infrastructure is impermissible project splitting. The High Court in *O’Grianna & Ors v An Comisiún pleanála* [2014] IEHC 632 held that a grid connection is integral to a wind farm project and cannot be treated separately. This was reinforced in *Daly v Kilronan Windfarm Ltd* [2017] IEHC 308, and confirmed by An Comisiún pleanála in Board Direction RL3482 (2020).

8. Property Value Impacts The economic harm is clear and well-documented:

- Turbine 8 is just 922 metres from our home, with direct visibility from living areas.
- Research by Patrick McHale (University of Galway, 2023) shows price declines within 2 km of turbines.
- Michael McCann, US appraiser, found 25–40% value loss, with homes rendered unmarketable.
- Lumify Energy (2025) reports buyer reluctance and reduced appeal in proximity to wind farms.

Independent valuation assessments must be commissioned to properly account for the impact on rural homes like ours.

9. Health Expert Testimony Experts worldwide are sounding the alarm:

- Dr. Ursula Bellut-Staeck: Infrasound travels 50 km, affects vascular health
- Dr. Sarah Laurie: Panic episodes and hypertension up to 10 km
- Prof. Alves-Pereira: “I wouldn’t live within 20 km of a turbine.”
- Prof. Mattsson: Infrasound affects people and animals up to 10 km

For residents with existing cardiovascular conditions, such as Mara’s arrhythmia, the risks are not theoretical. Continuous exposure to turbine noise and vibration would exacerbate cardiovascular stress, compounding the dangers identified by international experts.

10. Ecological and Hydrological Risk

- **Whooper swans fly directly through the area**

- **Wet bogland will be excavated — while locals cannot cut turf**
- **Streams and inlets feed into the River Clare, then Lough Corrib**
- **Up to 10,000 homes rely on this water**
- **No hydrological modelling. No baseline data. No mitigation.**

11. Social Cohesion and Community Harm This project is already tearing our community apart. Neighbours divided. Trust eroded. Stress rising. The Community Development Fund is vague, unenforceable, and worthless.

12. National Economic Burden Despite over 20 years of wind deployment, Irish electricity bills remain among the highest in Europe. Wind farms are supported by subsidies under the Renewable Electricity Support Scheme (RESS) and receive constraint payments when instructed to reduce output. In 2022 alone, constraint payments exceeded €200 million, much of it to wind operators. Consumers also fund capacity payments to keep turbines and backup systems available even when the wind is not blowing.

13. National Trends: Refusals and Legal Redress Recent national data reveals a decisive shift in planning outcomes and legal accountability for wind farm developments. Over the past five years, at least 36 wind turbine projects have been refused

permission across Ireland, including three major refusals in 2024 alone — totaling 33 turbines in Donegal, Clare, and Cork. In 2023, An Comisiún pleanála approved no wind farms, reflecting internal disruption and heightened scrutiny. The approval rate has dropped from 80% to approximately 30%, with refusals now outpacing approvals in some regions.

Simultaneously, Irish courts have begun awarding substantial damages to residents harmed by turbine proximity. In *Byrne & Moorhead v ABO Energy* [2025] IEHC 330, the High Court awarded €360,000 to two plaintiffs and issued a permanent injunction against turbine operation. In 2020, three siblings received €225,000 in settlement after being forced to leave their home due to health impacts. Additional cases, including the Gibbet Hill wind farm, have resulted in admissions of liability and undisclosed compensation.

These outcomes underscore a growing recognition of the real and measurable harm posed by poorly sited turbines — including noise, vibration, and shadow flicker — and reinforce the need for rigorous assessment of proximity, scale, and cumulative impact. An Comisiún pleanála must weigh these precedents carefully in evaluating the Cooloo proposal.

Procedural Defect and Invalidity of Application This application is procedurally defective and cannot lawfully be granted. The

omission of the substation, Battery Energy Storage System (BESS), and grid connection constitutes impermissible project splitting. The High Court in O’Grianna & Ors v An Comisiún pleanala [2014] IEHC 632 held that a grid connection is integral to a wind farm project and cannot be treated separately. This was reinforced in Daly v Kilronan Windfarm Ltd [2017] IEHC 308 and confirmed by An Comisiún pleanala in Board Direction RL3482 (2020).

Furthermore, the EIAR contains copy-paste errors (e.g. reference to the R328 road, unrelated to this site), demonstrating that the assessment is not site-specific and therefore unreliable under EU EIA Directive requirements. On these grounds alone, the application must be rejected as invalid.

14. Conclusion and Request This application must be rejected. It fails on every front:

- Technical**
- Legal**
- Environmental**
- Social**
- Ethical**

We ask An Comisiún pleanala to:

- Apply the precautionary principle**
- Demand transparent modelling and enforceable mitigation**

- **Recognize the lived experience of residents, including health vulnerabilities**
- **Reject this proposal in full**

This is not just about Cooloo. It is about what kind of country we want to live in — one that protects its people, or one that sells them out.

Redaction Request This submission contains sensitive personal health information. We respectfully request that An Comisiún pleanála redact these details before making the document publicly available, in line with data protection obligations under the GDPR. Health data is classified as special category data and must be handled with particular care. While the information is necessary for the authority's assessment of the planning application, it should not be disclosed in the public record.

Reference List

- **Byrne & Moorhead v ABO Energy [2025] IEHC 330 – High Court judgment awarding damages and ordering turbine shutdown.**
- **O’Grianna & Ors v An Comisiún pleanála [2014] IEHC 632 – Grid connection ruled integral to wind farm project (no project splitting).**
- **Daly v Kilronan Windfarm Ltd [2017] IEHC 308 – Court prohibited grid works split from turbine application.**

- **An Comisiún pleanála Board Direction RL3482 (2020) – Grid connection deemed development, not exempt.**
- **WHO Environmental Noise Guidelines (2018) – Night-time noise linked to cardiovascular disease and sleep disturbance.**
- **McHale, P. (2023). Wind Turbine Proximity and Property Values in Western Ireland. University of Galway.**
- **McCann, M.S. (2012). Wind Turbine Impacts on Residential Property Values. US Appraiser study.**
- **Lumify Energy (2025). Buyer reluctance and reduced appeal near wind farms.**
- **RTÉ News (2024). An Comisiún pleanála refuses permission for three windfarms.**
- **PlanningPermissionIreland.ie (2024). An Comisiún pleanála rejects planning for three major wind farms.**
- **The Journal (2023). Ireland's wind farm industry faces planning bottlenecks.**
- **HOMS Assist (2020). Wind farm liability in Co. Wexford nuisance case.**
- **Waterford News & Star (2025). Windfarm must shut down three turbines and pay €360,000 damages.**