

The Secretary,  
An Coimisiun Pleanála  
64 Marlborough Street,  
Rotunda,  
Dublin 1.  
D01 V902

Date: 16/11/2025

From: ORLA AND KEVIN MCDONAGH

Cooloo,  
Moylough,  
Ballinasloe,  
Co. Galway.

**Ref: PAX07.323761**

Located within Cloondahamper, Cloonascragh, Elmhill, Cooloo, Lecarrow, Dangan Eighter, Lissavally and Slievegorm, Co.Galway

**RE:Submission in objection to proposed development**

A Chara,

We refer to the above planning application and advise that Orla McDonagh and Kevin McDonagh wish to lodge the following submission in objection to the proposed development. This proposed renewable energy development will comprise the construction of 9 No. wind turbines with a blade tip height of 185 metres and all associated infrastructure and works.

Planning Authority Legal Functions

An Coimisiun Pleanála will no doubt be aware that it has a number of distinct sets of legal tasks facing it when dealing with this application.

These include:-

Firstly, it must assess the planning merits of the application in accordance with National and EU law, and Directives and rulings of the European Court of Justice, including but not limited to the Planning and Development Act 2000 (as amended) to ensure that the proposed development is in full compliance across all these jurisdictions

Secondly, and applying a specified methodology, it is required to form a view as to the environmental impacts of the development, taking into account the EIA Report (EIAR) furnished by the Applicant, the views of the public concerned, and applying its own local and expert knowledge.

Thirdly, and quite different in nature to the first two tasks, the Planning Authority is a competent authority having responsibilities under the Habitats Directive. The critical threshold the Application must pass in this context is that there must be no reasonable scientific doubt as to the question of whether there will be an adverse impact on any protected habitat or protected species which come under the strict protection scheme laid down under the Directive. This is a strict standard and the Authority does not have legal jurisdiction to give permission if it is not met.

Our objection is based on the belief that the wind farm application is contrary to good and sustainable planning, and that it breaches the EU Birds and Habitats Directives. Our concerns are centred on the following grounds:

- GROUND 1: Outdated Wind Energy Development Guidelines 2006**
- Ground 2: An obligation to ensure full compliance with the requirements of the Habitats Directive**
- GROUND 3: Water Safety**
- GROUND 4: Noise / Infra-sound**
- GROUND 5: Shadow Flicker**
- GROUND 6: Human Health**
- GROUND 7: Local Schools and Units for children with autism and/or an intellectual disability**
- GROUND 8: Property devaluation**
- GROUND 9: Construction traffic**
- GROUND 10: Environmental Impact**
- GROUND 11: Visual Impact Contradictions**
- GROUND 12: Inconsistent Assessment of Borrow Pits vs Offsite Materials**
- GROUND 13: Poor Community engagement and consultation**
- GROUND 14: Community Benefit Fund – Lack of Guarantees, Lack of Fairness**
- GROUND 15: Wind farms and Health**
- GROUND 16: Questionable advice on Horses**
- GROUND 17: Concern for telecommunication network**

### **GROUND 1: Outdated Wind Energy Development Guidelines 2006**

For similar reasons, the Ministerial Guidelines on Wind Energy Development, issued under s.28 of the PDA 2000, which were expressly published in order to guide planning decisions in relation to wind energy development planning applications, comprise a plan or programme within the meaning of Directive 2001/42/EC.

The status of the 2006 Wind Energy Development Guidelines as being within the definition of such a plan or programme has been implicitly admitted by the Government. The long running review of the Guidelines eventually produced a set of draft revised Guidelines which the Minister confirmed had to be made subject to SEA precisely because they fell within the definition. As no prior SEA was completed in respect of the 2006 Wind Energy Development Guidelines as required by the ruling of the Court of Justice in Case 24/19, they cannot be relied upon as a valid basis for granting permission in this case.

### **Ground 2: An obligation to ensure full compliance with the requirements of the Habitats Directive**

Where the development has the potential to have a significant effect, either individually or in combination with other plans and projects, on sites of conservation importance Appropriate Assessment screening is required in accordance with Regulation 42 (1) of the European Communities (Birds and Natural Habitats) Regulations 2011 and Article 6(3) of the Habitats Directive.

The nature and purpose of the screening process is well explained in the opinion expressed by Advocate General Sharpston in Case C-258/11 Sweetman v An Bord Pleanála at paras 47-49: It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). (20) The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect.

The Court at paras 39 to 44 of its judgement further elaborated on Advocate Sharpston's opinion in the following terms:-

39 Consequently, it should be inferred that in order for the integrity of a site as a natural habitat not to be adversely affected for the purposes of the second sentence of Article 6(3) of the Habitats Directive the site needs to be preserved at a favourable conservation status; this entails, as the Advocate General has observed in points 54 to 56 of her Opinion, the lasting preservation of the constitutive characteristics of the site concerned that are connected to the presence of a natural habitat type whose preservation was the objective justifying the designation of that site in the list of SCIs, in accordance with the directive.

40 Authorisation for a plan or project, as referred to in Article 6(3) of the Habitats Directive, may therefore be given only on condition that the competent authorities – once all aspects of the plan or project have been identified which can, by themselves or in combination with other plans or projects, affect the conservation objectives of the site concerned, and in the light of the best scientific knowledge in the field – are certain that the plan or project will not have lasting adverse effects on the integrity of that site. That is so where no reasonable scientific doubt remains as to the absence of such effects (see, to this

effect, Case C-404/09 Commission v Spain, paragraph 99, and Solvay and Others, paragraph 67).

41 It is to be noted that, since the authority must refuse to authorise the plan or project being considered where uncertainty remains as to the absence of adverse effects on the integrity of the site, the authorisation criterion laid down in the second sentence of Article 6(3) of the Habitats Directive integrates the precautionary principle and makes it possible to prevent in an effective manner adverse effects on the integrity of protected sites as a result of the plans or projects being considered. A less stringent authorisation criterion than that in question could not ensure as effectively the fulfilment of the objective of site protection intended under that provision (Waddenvereniging and Vogelbeschermingsvereniging, paragraphs 57 and 58).

42 Such an appraisal applies all the more in the main proceedings, since the natural habitat affected by the proposed road scheme is among the priority natural habitat types, which Article 1(d) of the Habitats Directive defines as 'natural habitat types in danger of disappearance' for whose conservation the European Union has 'particular responsibility'.

43 The competent national authorities cannot therefore authorise interventions where there is a risk of lasting harm to the ecological characteristics of sites which host priority natural habitat types. That would particularly be so where there is a risk that an intervention of a particular kind will bring about the disappearance or the partial and irreparable destruction of a priority natural habitat type present on the site concerned (see, as regards the disappearance of priority species, Case C-308/08 Commission v Spain, paragraph 21, and Case C-404/09 Commission v Spain, paragraph 163).

44 So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned (see, to this effect, Case C-404/09 Commission v Spain, paragraph 100 and the case-law cited). It is for the national court to establish whether the assessment of the implications for the site meets these requirements.

The ruling in Case C-258/11 Sweetman v An Bord Pleanála is quite clear and imposes a very high threshold on the planning authority.

### **GROUND 3: Water Safety**

We are concerned that pollution of various types such as silt, sediment and other contaminants will enter the water source, causing my family harm. With the location of two Turbines within the Source Protection Area (SPA), we believe Cooloo Windfarm should not be granted permission whatsoever, especially in such a highly karsified and hydrologically sensitive area. The proposed development would involve excavating hundreds of thousands of tonnes of rock and soil and replacing it with concrete. It is feared that the residues and toxins from this activity will infiltrate the underground streams from which water is sourced for local consumption. It seems highly unlikely that the developer will be in a position to guarantee that there would be no disturbance or contamination to the water supply. Our stable

yard in Turloughmore gets its water from the mid-Galway water scheme and it is very important that our horses have good quality, clean drinking water.

#### **GROUND 4: Noise / Infra-sound**

Residents have a right to live in their homes without suffering nuisance, as evidenced by the recent High Court case *Webster & Anor - v- Meenacloghspar (Wind) Limited (2024)*. In this case, the Court upheld the contention that the noise coming from a county Wexford Wind Farm (operating within its permissions) constituted a nuisance and an unreasonable interference to two families living nearby, resulting in them not being able to have peaceful enjoyment of their homes. The Cooloo Windfarm application relies on historic guidelines from 2006 when most turbines measured 50m. The 2006 guidelines are now completely outdated and have been superseded due to the passage of time and the evolution of turbines.

#### **GROUND 5: Shadow Flicker**

Similar to noise, shadow flicker caused by turbines would be similar to living with a faulty light bulb during the day, and at night, with flashing red lights. Residents have a right to live in their homes without unreasonable interference. The UN Convention on Human Rights guarantees that people will not be subjected to arbitrary interference to their homes or family.

#### **GROUND 6: Human Health**

We assert that the proposed development would impact on mental and physical health and wellbeing. There has been increasing awareness in recent times of the adverse effects of windfarms on adults and children suffering from Autism and other neurodiverse, mental health and sensory issues. Noise and disturbance from wind farms cause adverse effects culminating in serious medical conditions including depression, anxiety and tinnitus.

#### **GROUND 7: Local Schools and Units for children with autism and/or an intellectual disability**

Particular consideration for the negative effects on health and wellbeing must be given to the impact on children attending schools in proximity to the turbines, and to those with specific needs based on their diagnosis of autism and their sensory needs. Behaviours that challenge will no doubt present when the journey to school will be altered or diverted, and also the length of time waiting in traffic will have an adverse effect on these children. No thought, once again, has been given to children with an intellectual disability or autism.

#### **GROUND 8: Property devaluation**

It is fair to surmise that people will not want to live near an industrial wind farm. There is growing evidence of loss of value and depreciation in the marketability of houses which are located near wind farms. The knock-on effect is that people will not move to the area or the local schools, and the community will wither. Rural Ireland still has a strong thriving support network of neighbours and community spirit, which will fundamentally be put at risk by imposing an industrial wind farm in the midst of homes. In recent weeks we have been

informed of individuals in our community being turned down for loans and mortgages due to the 'proposed' windfarm.

#### **GROUND 9: Construction traffic**

The proposed development would result in an intensification of use to local roads, which are mainly small boreens and side roads where two cars already find it difficult to pass each other. To allow this would be contrary to good planning, on the basis that -

- The use of these local roads makes no sense as the developer will be using HGV trucks, cement lorries and other large construction vehicles that cannot possibly pass in a safe manner.
- A school bus is as wide as some of the side roads that will be used during construction. The proposals cause great concern for the safety of school children using these roads on a daily basis.
- The construction phase, as stated by the developer in their information leaflet, will take approximately 18 months. This means prolonged periods of heavy construction traffic on roads which are completely unsuitable and not fit for this purpose.
- There is also the inconvenience that a stop/go system will have on the school and work schedule. This is a significant consideration given that the Roscommon-Galway road and Mountbellew - Tuam road, are both major commuting arteries into Galway City and Tuam with a significant number of cars travelling daily. The report which assessed the traffic was performed in July during peak holiday season and schools were closed. A more comprehensive and accurate assessment needs to be carried out.

#### **GROUND 10: Environmental Impact**

- **Birds** - The site contains a huge population of birds including a number of Red List conservation birds. These are the most protected and at risk birds, including the Hen Harrier, Buzzard, and Peregrine Falcon; as well as Curlews, Whooper Swans and other migrating Geese, and many other Irish birds at home in this area. The site is used by hundreds of migrating winter swans and geese, some of which are also in the highest categories of protected species. It would be a breach of the EU Habitats Directive to permit this development. Wind Farms are known to kill thousands of birds each year. Birds in flight do not see the propellers often travelling at high speeds and the risk of collision is very high. Birds of prey such as the Buzzard, Peregrine Falcon and Hen Harrier look downwards for prey in flight so the risk of collision is known to be very high for these protected birds. We can tell from where our turloughs are and frequent sightings, that the flight path of the Whooper swans, go right through the proposed windfarm site.
- **Bats** - The protected Lesser Horseshoe bat is present in the site, which also has a huge bat population with 6 different species of bat identified. Wind Farms are known to present a high risk to bats, with high levels of collision. Bats are a protected species and it would be a breach of the EU Habitats Directive to permit this development. In the application, it states that the removal of hedgerows, in which these bats live and nest, would be the optimal mitigation solution. I fail to see how this could be best practice.

- Loss of habitat -The proposed development includes the removal of peat from a living bog, which will take generations to reestablish. Part of this bog is virgin bog and was never touched by man or machine. The loss of this habitat means the loss of wild flora and fauna that may never recover. In particular the Marsh fritillary butterfly which is listed on Annex II of the EU Habitats Directive, which makes it a protected species. This butterfly has been sighted many times in our bog and feeds on a plant called Devil's-Bit Scabious and this plant is found all over our bog.

### **GROUND 11: Visual Impact Contradictions**

#### Chapter 3 - CONSIDERATION OF REASONABLE ALTERNATIVES

The EIAR claims “no significant visual effects” will occur.

Yet acknowledges moderate visual effects for certain receptors.

This report claims lack of sensitive visual receptors, yet other chapters (Landscape) admit “Moderate” visual effects. The narrative states there are “no significant visual effects” but earlier acknowledges moderate visual effects for several receptors.

How can they say no significant visual impact when they have been advised to contact Roscommon county council in relation to this?. Also the fact that Knockroe hill, which stands at 168 meters above sea level, in Abbeyknockmoy can be seen from miles around and one, if not two of these turbines will be towering over it by 100 meters if positioned on the proposed site.

### **GROUND 12: Inconsistent Assessment of Borrow Pits vs Offsite Materials**

The developer rejects onsite borrow pits as having “greater local impacts”.

Yet the tables clearly state that importing material from quarries increases:

Traffic volumes, Dust and emissions, Noise and vibration, and Wear on local roads.

This contradiction undermines the credibility of the assessment.

Chapter 3 also fails to comply with the EIA Directive due to:

Contradictions within the assessment, unsupported and inconsistent reasoning, failure to provide genuine alternative site assessments and selective use of data to favour the chosen option

### **GROUND 13: Poor Community engagement and consultation**

#### APPENDIX 2-2 COMMUNITY ENGAGEMENT REPORT

The consultation led by Neoen and MKO for the Cooloo Wind Farm was deeply flawed and misleading. It does not meet the standards of genuine public engagement expected by An Coimisiun Pleanála.

Notices appeared in the Irish Examiner while the Tuam Herald, the community’s main news source, was ignored. There was only a single public consultation meeting which was held outside Moylough, even though seven of nine turbines are proposed there. The plans have also changed significantly since this original meeting.

Despite claims of outreach to community groups, neither Killrerin Community Council nor Killrerin GAA were consulted. Only 55 homes were visited during ‘door-to-door’.

engagement and ten written responses were received which is evidence of a process that failed to inform or involve the community. With poor broadband limiting access to online materials, and many residents not having the skills or technical knowledge to access online content, many locals were effectively excluded.

This was not meaningful consultation but a box-ticking exercise which did not provide the community with a fair chance to participate. These failures must carry serious weight in An Bord Pleanála's consideration of the application.

#### **GROUND 14: Community Benefit Fund – Lack of Guarantees, Lack of Fairness**

There is no legal requirement for the developer to provide a Community Benefit Fund outside of RESS participation. Key issues:

- Neoen repeatedly states that commitments “will be confirmed before the application is lodged,” yet no binding commitments appear in the documentation.
- Seven of nine turbines are located in Moylough Parish, yet the fund model does not prioritise Moylough.
- Administration fees of up to 10% will be deducted from the fund.

The lack of enforceable guarantees renders the proposed community fund unreliable.

#### **GROUND 15: WIND FARMS & HEALTH**

##### **APPENDIX 5-1**

In the literature summarised in this document appendix 5-1 a very biased approach was taken to what was submitted. In doing further research and from reading these articles listed, select words and excerpts were used but no referencing to the actual findings of these articles. Just to note that these articles date from 2003 up to 2015 when wind turbines were of a much smaller scale. More recent research, using the proposed turbine size, needs to be carried out and included in the decision making to give a fair and accurate overview. In light of recent court cases where the ruling was in favour of the complainant throws doubt on older research as referenced in these cases:

1. Webster & Anor v Meenacloghspar (Wind) Ltd [2024] IEHC 136 (Ballyduff Wind Farm, Co. Wexford):

- Dwellings 359–655 m from turbines experienced intrusive 'whooshing' and 'thumping' noise.
- The Court held this constituted a private nuisance, even though the turbines complied with planning conditions.
- The judge confirmed that planning compliance is not a defence to nuisance.

2. Byrne & Anor v ABO Energy Ireland Ltd [2025] IEHC 330 (Gibbet Hill Wind Farm, Co. Wexford):

- Residents ~1 km away suffered long-term nuisance from turbine noise and shadow flicker.

- The High Court ordered a permanent shutdown of three turbines and awarded ~€360,000 damages.
- The judgment emphasised that the public interest in renewable energy cannot override residents' right to peaceful enjoyment of their homes.

## **GROUND 16: QUESTIONABLE ADVICE ON HORSES**

### **APPENDIX 5-3 ADVICE ON WIND TURBINES AND HORSES – GUIDANCE FOR PLANNERS AND DEVELOPERS (BRITISH HORSE SOCIETY) HORSES**

For anyone that has ever worked with horses will know how dangerous and unpredictable they can be. My concern would be the safety of both horse and rider during episodes of shadow flicker. The quick movement would frighten the horse. Having worked and trained horses all our lives, my husband and I are deeply concerned. Our other concern would be the impact that the vibrations, noise and infrasound could potentially have on fertility of the horses. Again more research needs to be carried out to prove beyond reasonable doubt that this windfarm will not affect the local horse stud farm, whose livelihood relies solely on the production of foals. In addition to this I would ask that the developer be contacted in relation to their reasoning behind using a British horse society as their advisor, when we have highly reputable bodies here in Ireland. Ireland is world renowned when it comes to horses.

## **GROUND 17: CONCERN FOR TELECOMMUNICATIONS**

### **Appendix 15-4**

Given that the coverage in the area is poor already I would be concerned that this will worsen the situation. It has been noted in this appendix that the national emergency services communications network has not been mentioned or contacted. I strongly urge An Coimisiun Pleanála to investigate if this would be a concern.

Network Analysis also found that T07 is more than 75m from the Three Ireland microwave radio link between Cloonriddia and Moylough, however if the location of T07 is revised (i.e. to mitigate for the Interference Condition on the ESB PMP links) this clearance distance may be reduced.

Should mitigation be required for the ESB network, a number of possible mitigation measures are available to offset the possible impact of Turbine T07 on the ESB UHF radio links and these measures are outlined in Section 7. Ai Bridges Ltd have contacted ESB Networks in relation to mitigation measures regarding other 3rd party wind farms, but there has been no engagement from ESB for mitigation measures. To-date no response has been received from ESB in response to the multiple consultation attempts. Ai Bridges is also seeking to engage with ESB on other third party projects and also awaiting consultation responses.

It should also be noted that in this report, to micro-site T07 would minimize the impact on the ESB PMP radio links. However, micro-siting T07 would reduce the clearance distance between the turbine and the Three Ireland PTP radio link to 11.38m. Additional consultations would be required with Three Ireland to confirm that a clearance distance of 11.38m from the

2nd Fresnel Zone of their radio link is acceptable to them. If mitigation is required for the Three Ireland radio link (to accommodate micro-siting T07), a possible solution would be to relay the PTP radio link via an existing Telecoms Mast (e.g. the telecoms mast at Creevagh). This mitigation measure is described in Section 7.2 of this report.

Further consultations with Three Ireland would be required to confirm that clearance distance of 11.4m from the 2nd Fresnel Zone of the radio link is acceptable to them.

It is noteworthy that given that other windfarms are proposed for surrounding areas and this mitigation may not be possible. In the Clonberne windfarm application, it has been stated that they may need to move it in another direction to accommodate their project so this matter definitely needs better collaboration.

### **GROUND 17: Burden on the Community and Harm to Mental Health**

Unlike the developer, who engaged professional consultants over several years at significant cost, the community consists of voluntary residents who had to review over 5,500 pages of technical documentation with no financial resources.

Many residents report severe stress due to:

- Fear of property devaluation
- Loss of rural character and peacefulness
- Potential impacts on health, homes, farms, and workplaces
- Pressure and confusion surrounding legal agreements

This project has already caused significant social division and anxiety in a once cohesive rural community. It has cost us time, taken away from our families and our jobs. As a member of the committee, we had people in the community asking us to advise them on where to get legal advice to try and get out of water tight contracts, having stated that perhaps their independent legal advice wasn't so independent after all. They felt afterwards that the advice was biased as the developer had recommended the advisor. This has all taken its toll on our rural community and the mental health of people in our neighbourhood has suffered greatly. Their concerns are very real. People have expressed to me how stressed they are about this, worried about their property value, the peacefulness of the countryside, and turning it into an industrial development. Also the disruption to their daily lives if these go ahead affecting their farm, their place of work and their right to a peaceful enjoyment of their property.

### **GROUND 18: Fragmentation of the Project – Breach of EIA Law**

The Cooloo Wind Farm proposal fails to present the full scope of the development as a single, integrated project. The separation of the main wind farm site from its grid connection, cabling, substations, and access infrastructure is contrary to established legal precedent.

In *O’Grianna & Others v An Bord Pleanála* [2014] IEHC 632, the High Court held that: “The wind farm and its grid connection constitute one single project for the purposes of the EIA Directive and must be assessed together.”

This decision established that developers cannot split interdependent components of a

wind energy project into separate applications to avoid or minimize environmental scrutiny.

The principle was reaffirmed in *Kilvinane Wind Farm Ltd v An Bord Pleanála* [2017] IEHC 308, where the Court reiterated that:

“Interconnected elements such as access roads, substations, and cabling form part of one overall project.”

Therefore, the Cooloo Wind Farm application’s failure to include the full extent of its associated works renders the EIA incomplete, misleading, and unlawful.

### 3. EU Law Confirmation

The CJEU in *Sweetman v An Bord Pleanála* (2017) made clear that the EIA process cannot be circumvented by dividing a project into parts, while *People Over Wind v Coillte* [2018] C-323/17 reinforced that projects must be considered as a whole when assessing potential environmental effects, including at screening stage.

This body of case law collectively mandates that the entirety of a project’s environmental footprint — including the grid connection and any ancillary works — must be assessed in a single EIA.

### 4. Consequences of Non-Compliance

By presenting only part of the development for assessment, the Cooloo Wind Farm application:

- Fails to comply with Article 3 of the EIA Directive (2011/92/EU, as amended by 2014/52/EU);
- Deprives the public and decision-makers of a complete understanding of the project’s environmental impact;
- Invalidates any screening or assessment conclusions reached on the basis of incomplete information;
- Renders the application legally unsound and incapable of lawful approval.

On the basis of all of the above, we strongly urge that these concerns are taken into consideration prior to a decision being reached on this planning application. Given the numerous contradictions, omissions, inadequate consultation, illegal project-splitting, ecological concerns, and the major unresolved risks to communications and public safety, we respectfully request that An Coimisiún Pleanála deem the EIAR invalid and require full resubmission, require the developer to submit a full and integrated Environmental Impact Assessment covering all related elements — including grid connection, access roads, substations, and cabling, before any lawful decision can be made.

The project cannot be responsibly assessed in its current form, and granting permission would expose residents, landowners, and the wider community to unacceptable and unmitigated risks.

Therefore, I ask An Coimisiún Pleanála to reject or require resubmission of this application until a complete, transparent, and compliant EIAR is provided.

Mise le Meas,