

## **PLANNING OBJECTION TO PROPOSED BALLINLEE WIND FARM**

**Submitted to:** An Coimisiún Pleanála

**Application Reference:** 323780

**Applicant:** Ballinlee Green Energy Ltd

**Proposed Development:** 10 year planning permission for Ballinlee Wind Farm consisting of 17 no. wind turbines, a permanent 110kV substation and ancillary development at Bruff, Dromin, Athlacca and surrounds, County Limerick

**Objector:** Coolcappa Community Action Group

**Chairman:** Donal Egan

**Secretary:** Brenda Dowling

**Address:** c/o Ciara Flaherty, Lissatotan, Rathkeale, Co Limerick V94 2K00

**Date:** 18th November, 2025

This submission sets out a series of material objections concerning the adequacy, accuracy, and legal compliance of the planning application, particularly in relation to public-health protection and statutory procedural requirements. Across the four components of this objection, significant deficiencies are identified in the applicant's consultation process, reliance on outdated and withdrawn guidance, failure to protect the health and rights of all residents, and non-compliance with established WHO standards for vulnerable populations. Collectively, these shortcomings undermine the integrity of the assessment presented and prevent the Planning Authority from forming a safe, evidence-based judgement on the true health and amenity impacts of the proposed development.

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### **Objection One – Failure to Demonstrate Prescribed Body Consultation**

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The planning application explicitly states that there has been no feedback or response from the HSE regarding a scoping request. This absence of confirmed consultation raises serious concerns about the validity of the application.

**Regulatory Non-Compliance:** Project scoping with prescribed bodies, particularly the HSE when public health impacts are relevant (such as with a wind energy development), is a regulatory requirement under the Planning and Development Acts and Regulations. Failure to appropriately scope the project with the HSE renders the application non-compliant with planning law and should be considered a fundamental flaw.

**Need for Confirmation:** The onus is on the applicant to demonstrate that the scoping request was not only sent but **received** by the HSE. The applicant must provide concrete confirmation of receipt, such as proof of service by registered post.

**Precedent of Missed Communication:** There is a known precedent of scoping requests from the same developer/consultant agent failing to reach the HSE (e.g., the Ballycar Green Energy case). This history necessitates a more rigorous standard of proof for the current application's consultation claims.

**Availability of Relevant Scoping Responses:** The applicant could refer to the HSE scoping responses provided for similar projects by the same developer and planning consultant, such as the Ballynisky Green Energy (LCCC 2561003) or Garrane Green Energy (ACP 323635) applications. These responses represent the current and relevant position of the HSE, which should inform this application's assessment, rather than proceeding without any confirmed input.

### **Conclusion**

The lack of confirmed, documented consultation with the HSE means that potential **public health impacts have not been adequately scoped or addressed**. Due to this procedural non-compliance and the material planning concern regarding public health, we urge the Planning Authority to refuse the application until this significant issue is rectified and formal confirmation of the HSE's scoping input is provided and addressed.

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### **Objection Two – Reliance on Obsolete and Withdrawn 2017 HSE Guidance**

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The proposed development relies on a fundamental misapplication of current health guidance, which compromises the validity of the application's assessment of public health impacts.

The planning application references and places reliance upon the HSE (Health Service Executive) Position Paper on Wind Turbine Developments published in 2017 as a basis for assessing the potential health impacts of the proposed development.

This reliance is misplaced as the 2017 paper has been formally withdrawn and is considered obsolete by the HSE itself.

The current interim position of the HSE, as confirmed in recent correspondence (PQ54923, included), is that the 2017 paper is no longer fit for purpose. The HSE explicitly states that:

***“The size, nature and location of wind turbine developments have substantially changed since the publication of the 2017 HSE Public Health position paper and the evidence base around any potential health impacts from these developments continues to evolve.”***

Furthermore, the HSE **advises that recent legal precedents, specifically the High Court Judgement in Webster and Rollo v Meenacloghspar (Wind) Limited [2024] IEHC 136, must be considered** in any future wind turbine development assessments. The application fails to account for this crucial legal and scientific update.

The application's assessment of "Population and Human Health" effects is therefore based on **outdated standards and guidance**, failing to incorporate the most up-to-date evidence or the health protection standards warranted by the changed nature and scale of modern wind turbines.

### **Conclusion**

The reliance on a withdrawn and obsolete document renders the health impact assessment within the planning application fundamentally flawed and inadequate.

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### **Objection Three – Rights to Health of those Financially Contracted Are Ignored**

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The planning application incorrectly suggests that a full noise assessment is not required for properties where the landowner is financially contracted to the development. This premise is legally flawed and contrary to established and emerging planning guidance and public health standards.

**Guidance Requirements:** Current (2006) and draft (2019) planning guidance for wind energy developments does not exempt financially involved properties from rigorous noise assessment standards. The applicant cannot simply waive or contractually agree to a noise level that exceeds public health guidelines.

**Adherence to Health Standards:** Even where a landowner is involved, the property occupants' right to health is paramount. The draft 2019 Wind Energy Development Guidelines, which reflect evolving standards, explicitly state that **contracted individuals cannot agree to a noise limit that surpasses 2018 WHO guidance for wind turbine noise**. The application fails to demonstrate compliance with these essential health protective measures for all affected residences.

**Constitutional and Human Rights:** The right to health, well-being, and peaceful enjoyment of one's home is a fundamental right protected under Irish law and the Constitution. These rights extend to all citizens, including landowners who may have financial ties to a project but whose properties are inhabited by family members, children, or other individuals whose health is not a commodity that can be contractually

traded for financial gain. Public health and the protection of vulnerable occupants must take priority in all developments.

**Inadequate Assessment:** By omitting a full noise assessment for these residences, the application fails to provide the Planning Authority with the necessary data to determine if the development will have a likely significant effect on the health and quality of life of all surrounding residents.

### **Conclusion**

The failure to provide a comprehensive and standards-compliant noise assessment for all habitable properties associated with the project is a material planning omission. I/we respectfully request that the Planning Authority refuse this application due to its failure to protect the health and rights of all residents potentially impacted by noise emissions, as required by law and best practice.

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### **Objection Four – Non-Compliance with World Health Organization (WHO) Guidelines for Vulnerable Populations**

The planning application's assessment of noise and health impacts is fundamentally flawed because it fails to incorporate the specific recommendations for vulnerable populations as outlined in the World Health Organisation (WHO) environmental noise guidelines (e.g., the 2018 guidelines). The WHO explicitly recognises that certain groups—such as children, the elderly, individuals with pre-existing health conditions, and those with sleep disorders—are disproportionately affected by environmental noise. The guidance requires a health-based assessment that differentiates the impacts on these sensitive groups from the general population standards. The applicant has not demonstrated how the proposed noise limits protect these specifically identified vulnerable members of the community.

A planning decision that does not adequately assess and mitigate the risk to these groups would be in contravention of established international public health best practice.

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### **Closing Statement**

Taken together, the four objections demonstrate that the planning application is procedurally incomplete, scientifically outdated, legally flawed, and substantively incapable of ensuring the protection of public health—particularly for vulnerable or affected groups. The applicant has failed to engage with prescribed bodies as required, relied on obsolete guidance, omitted necessary assessments for all impacted

households, and disregarded key WHO health-protection standards. As a result, the application cannot be considered compliant with planning law, public-health best practice, or the precautionary principles that must underpin responsible decision-making.

For these reasons, we respectfully urge the Planning Authority to refuse permission.

**Public health must be the priority in all developments.**

## EMAIL Extract

----- Forwarded message -----

From: **Gerry Leen** <Gerry.Leen@hse.ie>

Date: Wed, Oct 30, 2024 at 1:31 PM

Subject: FW: Answer to your query

To: Brenda Dowling

Dear Ms Dowling,

Thank you for your e-mail. The NEHS policy is not to engage with any 3<sup>rd</sup> parties outside the planning process on any specific development, planning policy or planning guidance documents. I cannot therefore discuss any aspects of a specific planning application.

The HSE role in the planning process is a statutory consultee and has no role in the decision making or deciding the merits of any planning application. The HSE makes observations to the Planning Authority where it considers it is appropriate to do so and these observations are considered by the Planning Authority, along with any other valid submissions made in the planning process.

Any observations you feel should be made with regard to public health, proper planning or sustainable development should be made directly to the Planning Authority within the statutory time lines. The Planning Authority are obliged to consider your observations when making their decisions on a planning application.

In relation to your specific queries, I have asked our National Office to search their records and the following is the information we have ascertained.

(NSU = Network Service unit which in this case is our Environment Unit)

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### **Ballycar Wind Farm - ABP SID, file # 318943**

Can you please confirm the following;

1. Did your office receive a scoping request circa 14/12/2021, and if so, may I request a copy of the HSE scoping report. **No Record of receipt at NSU**
2. Did your office receive a copy of the planning application, circa 26/01/2024. **No Record of receipt at NSU. Records on the ABP website indicated that a letter was posted to local office.**
3. Did your office make a submission to An Bord Pleanala RE Ballycar Wind Farm, and if so, may I request a copy. **No Submission made**



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12<sup>th</sup> November 2025

Deputy Niall Collins,  
Dáil Éireann,  
Kildare Street,  
Dublin 2

**Re:**

**To ask the Minister for Health if she is aware that the wind energy industry continues to rely on the outdated 2017 HSE Position Paper on Wind Turbines and Public Health, which is contrary to more recent advice issued by the HSE (details supplied); if the 2017 Position Paper has been formally withdrawn; if not, the reason it has not been withdrawn; and if she will make a statement on the matter.**

Dear Deputy Collins,

At the time it was developed, the 2017 HSE Public Health Medicine Environment and Health Group Position Paper on Wind Turbines and Public Health provided a succinct account of the evidence regarding risks to public health from wind turbines. In the intervening time, the context has changed, and evidence-base has been developed further (See **Appendix**) and the HSE is reviewing its advice. Therefore, the 2017 HSE Public Health Position Paper is now under review and thus, has been withdrawn whilst this review is being undertaken.

The HSE role in the Planning and Development process is as a statutory consultee and HSE is consulted by planning authorities on planning applications that are likely to have a significant effect on public health.

The HSE has no role in the consenting or conditioning of any development or in deciding on the merits of any planning application.

If you require any further information or clarification, please do contact us.

Yours sincerely,

Dr. Éamonn J. O'Moore,

Director,

National Health Protection Office HSE.



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## Appendix

### *Changes in context and evidence*

The size, nature and location of wind turbine developments have substantially changed since the publication of the 2017 HSE Public Health position paper and the evidence base around any potential health impacts from these developments continues to evolve. The High Court Judgement in 2024 of WEBSTER and ROLLO v MEENACLOGHSPAR (WIND) LIMITED [2024] IEHC 136 [2018 8457 P] examined the protection of health during wind turbine operation and this judgement should be considered in any future wind turbine development.

It is the opinion of the HSE that the changed nature, size and location of wind turbines over the last 10 years warrants a comprehensive review of the current Department of Housing, Local Government and Heritage Wind Energy Development Guidelines (2006), which are the current guidance for assessing likely significant effects on health from wind turbine development. This review should include the most up to date evidence on likely impacts on Population and Human Health and the health protection standards that should be incorporated into any new guidance issued.