

Submission Details

Submitter

RECEIVED 17/11/2013

Name	John Barrett
Address	Spruce Meadows Clonboy Bridgetown Clare V946R23
Note	<p>A. Breach of human rights and family life [ECHR Article 8].. The argument is the massive scale and proximity of these turbines constitute an industrial intrusion that infringes upon the right to respect for private and family life { Article 8 of the EU Convention on Human Rights } 400 homes within 2Km B . Height factor 160m to 170m are industrial scale leading to skyline domination and visual intrusion that permanently destroys the rural amenity families choose to live in . C . Impact on young families that use their home during the day eg [for childcare, parental work] increases the vulnerability to nuisance demanding a higher level of protection under this article . 2 . Failure to Protect Health from Noise [EU EIA Directive and WHO Guidelines } The EIA for noise is inadequate when considering the cumulative effect of low frequency noise on residents especially children . A.. EU Framework : The EIA Directive requires a robust assessment of the impact on human health . B . WHO Recommendation that average noise exposure should be kept below 40dB at night to avoid sleep disturbance . C . The current Irish planning noise limit often 43 dB [A] at night is argued by scientific reports [Hanning ,Pedersen } to be too high for modern large turbines and that sleep disturbance ,stress and fatigue which affect family health and well-being occur at noise levels below the current regulatory limits particularly from the amplitude modulation and low frequency characteristics of large turbines . D . Cumulative Noise : the site is near the high noise corridor of the N20 so the cumulative noise from the turbines and road may exceed safe health thresholds ... 3 . Shadow Flicker Risk [EU EIA Directive} A. The height and rotor size increase the risk and duration of shadow flicker which is a key planning concern for proximity to homes The daily intrusion directly linked to the excessive height and close proximity compromises the residential amenity for families who are at home during daylight hours again highlighting a failure to adequately mitigate an adverse impact on human health as required by the EIA Directive 4. Precautionary Principle and Sterilisation of Land. A. This is crucial for young families intending to remain in the area. Allowing 160m+ turbines within the current setback guidelines which advise 500m min ignores the governments own guidelines of 640m 4x Tip Height found in proposed draft guidelines 1 . The planning Authority is not adopting the Precautionary Principle regarding public health 2 . The presence of the turbines effectively Sterilises family land within a large radius 640m+ for future housing for sons and daughters undermining the right of local families to grow their communities a social concern that should be factored into the planning balance. The Whooper Swan is listed on Annex 1 of the EU Birds Directive . This listing indicates European Conservation concern and requires member states Ireland to designate SPAs for their survival and to take appropriate steps to avoid deterioration of their habitats or any significant disturbance . The primary legal test is the Appropriate Assessment [AA] required under Habitats Directive [92/43/EEC] [Article 6(3)] which must determine " beyond reasonable scientific doubt " that a project will not have an adverse affect on the integrity of a Natura 2000 site [like an SPA] or a protected species .The main contradiction lies in the projects assessment of collision risk and the measures proposed to manage the protected species . The EIAR predicts collision risks for whooper swans are low or negligible[source 2.2] and proposes a WSMP to mitigate any potential impacts [source 1.1] Contradiction is observed activity Whooper Swans are a sensitive and regionally important population in the area associated with Lough Gur and using parts of the site for wintering and flight activity .. EUROPEAN Law Conflict Birds Directive: the project attempts to rely on a management plan which often involves habitat manipulation or deterrence to justify a low impact rating contradicting the precautionary principle inherent in the Birds Habitats Directive The WSMP includes measures like habitat enhancement and deterrence measures [grassland management] on site to encourage flight paths away from the turbines , The effectiveness of these deterrence measures are experimental and unproven at this scale and relying on them means the projects non adverse effect is NOT ESTABLISHED BEYOND ANY REASONABLE DOUBT .. Habitats Directive [Article 6(3)]: relying on unproven mitigation measures to get a " no 2 adverse affect finding is a frequent ground for legal challenge as it breaches the core AA test . if the mitigation fails the project causes harm to Annex 1 Species.,, swan flight activity 0-100m .1 observation of flight above 100-200m [source2.1]the single recorded flight source 3,2 above 100m demonstrating a confirmed collision contravening EU LAW.</p>

In relation to application

File Number	25323780
Name	Ballinlee Wind Farm
Address	Ballincurra, Ballingayrou, Ballinlee South, Ballinlee North, Ballinrea, Ballyreesode, Camas North, Camas South, Carrigeen, Knockuregare, Ballybane, Ballynanty, Cahirguillamore, Coolyhenan, Knockananty, Ballysimon Commons, Tullovin and Milltown, Co. Limerick.

RECEIVED
17/11/2025