

An Coimisiún Pleanála - Case reference: PAX91.323780

Pat Hayes

Resident, Farmer and Landholder

Crean, Athlacca, Co. Limerick N35 R803

Date: 11 November 2025

To:

Whom It Concerns,

An Bord Pleanála

Re: Objection to the Proposed Ballinlee Wind Farm Development

Dear Sir / Madam,

I am writing to formally lodge my submission and objection to the proposed Ballinlee Wind Farm Development under the provisions of the Planning and Development Act 2000 (as amended) and the EIA Directive (2011/92/EU, as amended by 2014/52/EU).

I am a resident, farmer, and landholder in Athlacca, Bruff, and my lands lie within the area directly affected by the proposed turbines. I also serve as Chairman of Bruff Heritage and the Thomas Fitzgerald Centre, and am therefore acutely aware of the environmental, cultural, and tourism significance of the locality.

Attached is my full submission titled "Planning Submission: Objection to the Proposed Ballinlee Wind Farm Development", dated 11 November 2025. The submission identifies substantial procedural and technical deficiencies in the Environmental Impact Assessment Report (EIA) and Landscape and Visual Impact Assessment (LVIA), including errors in hydrology, biodiversity baseline, and visual assessment, as well as inadequate public consultation and failure to address cultural heritage impacts. For these reasons, I respectfully request that planning permission be refused for the proposed development on the grounds that the application does not comply with statutory EIA requirements and fails to demonstrate that significant environmental effects have been properly identified or mitigated.

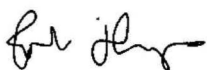
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I enclose the following documents for your consideration:

1. Full Planning Submission and Objection (dated 11 November 2025)
2. Proof of payment of the statutory submission fee (€50)

I would appreciate written acknowledgement of receipt of this submission. Please do not hesitate to contact me should you require any clarification.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Pat Hayes', written in a cursive style.

Pat Hayes

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Pat Hayes,

Resident, Farmer & Landholder

Crean, Athlacca, Co. Limerick

Planning Submission: Objection to the Proposed Ballinlee Wind Farm Development

Submitted to: An Bord Pleanála / Limerick City & County Council

Project: Ballinlee Wind Farm

Submitted by: Pat Hayes, Resident, Farmer and Landholder, Crean, Athlacca, Co. Limerick

Date: 11 November 2025

#### Executive Summary

This submission identifies substantive and procedural deficiencies in the Environmental Impact Assessment Report (EIAR) and supporting documentation for the proposed Ballinlee Wind Farm. The analysis demonstrates non-compliance with the EIA Directive (20/92/EU, as amended by 2014/52/EU), the EPA Guidelines on the Information to be Contained in EIARs (2022), the Wind Energy Development Guidelines (WEDG, 2006; 2019 draft), and GLVIA3 (with LI Technical Guidance). It also indicates a failure to ensure effective public participation under the Aarhus Convention and Articles 6 of the EIA Directive.

Key grounds:

1. Absence of quantitative visual evidence (complete ZTV suite, verified photomontages) and omission of effects on certain receptors.
2. Misstatement and omission of recreation and tourism assets (Morning Star River, Golden Vale Drive, Lough Gur, Thomas Fitzgerald Centre), and failure to assess ~~com~~ <sup>sensitivity</sup> receptors.
3. Inadequate biodiversity baseline and targeted surveys (whooper swan, curlew, corncrake, red squirrel), with site hydrology indicating floodplain conditions incompatible with proposed mitigation.
4. Hydrology errors (river flow direction) undermining the Flood Risk Assessment and water quality risk appraisal.
5. Underdeveloped air quality and noise assessments relative to proposed turbine scale and local receptors.
6. LVIA procedural noncompliance: missing night/~~time~~ aviation lighting assessment, incomplete cumulative assessment, missing RVAA, ~~disc~~ <sup>disclosure</sup> of visualisation parameters, and an arbitrary study boundary.
7. Public consultation deficiencies contrary to EU and Irish law.
8. Adverse effects on cultural landscape and land use, including the last surviving practice of booleying/transhumance in County Limerick.

Requested determination:

Refuse permission due to ~~non~~ compliance with statutory EIAR requirements and failure to demonstrate that significant adverse effects have been properly identified and assessed.



## 1. Introduction

### 1.1 Standing and Purpose

I am a resident and landholder in Athlaco, Co. Limerick and Chairman of Bruff Heritage and the Thomas Fitzgerald Heritage Centre. This submission sets out procedural and substantive deficiencies in the EIAR and LVIA and requests that the Planning Authority/Board refuse the application.

### 1.2 Legal and Guidance Framework

- EIA Directive 2011/92/EU (as amended by 2014/52/EU)
- EPA (2022) Guidelines on the Information to be Contained in EIARs
- Wind Energy Development Guidelines (WEDG) 2006 and 2019 draft
- GLVIA3 (Landscape Institute) and LI Technical Guidance Notes (notably TGN 02/19; TGN 06/19)
- Aarhus Convention (1998)
- Planning and Development Act 2000 (as amended) and Regulations 2001 (as amended)
- Wildlife Acts 1976-2018; National Monuments Acts 1930-2014; Birds Directive 2009/147/EC; Habitats Directive 92/43/EEC

## 2. Population and Human Health (EIAR §3.1)

### 2.1 Applicant's Claim (as stated)

"Given the size of the turbine structures and their proposed position within a relatively flat landscape, a visual consequence is unavoidable. The extent of intrusion will vary in degree and significance according to viewing distance, the numbers and parts of turbines visible, the number of viewers affected and of course public perception."

### 2.2 Specific Defects in the Applicant's Text

#### Absence of quantitative visibility evidence

No complete ZTV is presented to establish the geographic extent of theoretical visibility across Bruff and its environs. Without this, the claim that effects "vary in degree and significance" is unsubstantiated and contrary to WEDG (2006) and GLVIA3 methodology. The submitted photography is incomplete, particularly for the northwest (NW) sector.

#### Lack of verified photomontages and receptor mapping

There are no complete verified photomontages prepared to LI TGN 06/19 standards from agreed viewpoints (residential streets, community facilities, recreational areas, local roads, and designated scenic routes). Nor is there a transparent receptor sensitivity map. At least one photograph appears to be taken from a position screened by a wall, which is not representative of typical public views. The NW area is materially underrepresented. Some residential receptors (including my own) are absent from mapping. Illustrative narrative cannot substitute for technical visualisations in an EIAR.

#### No significance matrix or stated criteria

The section does not define criteria for sensitivity/magnitude or present a significance matrix aligned to EPA (2022) terminology, which is required for a complete and transparent assessment.

#### Failure to consider community scale receptors (Bruff)

Given Bruff's compact form in a relatively open landscape, ~~to~~ visibility for tall turbines is typically indicated by ZTV. Omission of settlement scale assessment under "Population and Human Health" (including potential relationships between visual dominance, annoyance, and quality of life) is inconsistent with the Directive and EPA guidance. The effects mapping presented is partial and may mislead nonspecialists.

#### Overreliance on subjectivity

LVIA requires replicable methods (ZTV, photogrammetry, camera calibration, horizon matching, and visibility statistics). As presented, the analysis lacks the methodological transparency necessary for decisionmaking.

### 2.3 Professional Assessment and Implications

Without complete ZTV mapping and verified visualisations, the EIAR does not meet Annex-B(1)(d) or EPA (2022) transparency requirements. Settlement scale receptors (Bruff) must be assessed; the omission undermines conclusions on visual stress/amenity.

### 3. Recreation, Tourism and Amenities (Applicant claim of ~~no~~ amenities) 3.1

#### Applicant's Claim (as stated)

"There are no recreational amenities located within the boundary of the Proposed Development.

Given that there are currently no tourist attractions specifically pertaining to the Proposed Development site there are no direct impacts associated with the construction phase of the Proposed Development."

### 3.2 Specific Defects in the Applicant's Text

The assertion that there are no recreational amenities within the boundary is factually incorrect. The Morning Star River supports trout angling and local recreation. The area within the proposed development is used by walkers, hikers, birdwatchers, and equestrian users. The proposed development directly intersects the Golden Vale Drive, a promoted and signposted tourist route; construction traffic would impede visitor access. The application does not identify these assets, indicating an incomplete baseline.

There are also significant archaeological assets within the relevant townlands (including a recorded souterrain and a recently excavated War of Independence dugout), which are not addressed.

### 3.3 Professional Assessment and Implications

Local amenity use and tourism routes (e.g., Golden Vale Drive) must be identified and assessed as receptors. Their omission renders the recreational/tourism baseline incomplete under Annex IV(1)(c).

## 4. Biodiversity (EIAR §3.2)

### 4.1 Applicant's Statement (as summarised)

"A Surface Water Management System forms an integral part of the project design... including buffers and set back distances from watercourses, ecologically valuable habitats and designated sites."

### 4.2 Specific Defects in the Applicant's Text

Given that the development area is surrounded on three sides by flowing water and lies within a

floodplain subject to prolonged surface water, the practicality of setbacks and buffers is limited. The EIAR acknowledges "ecologically valuable habitats" but does not demonstrate how these will be safeguarded in persistent flood conditions.

#### 4.3 Professional Assessment and Implications

Targeted surveys and hydrological/ecological linkage assessments are required for protected species and floodplain habitats. Their absence runs contrary to EPA (2022) and the obligations under the Birds and Habitats Directives.

### 5. Water, Hydrology & Flooding (EIAR §3.5; §2.15.2)

#### 5.1 Applicant's Statement (as summarised)

"The main hydrological feature is the Morningstar River which flows west to northeast across the site."

#### 5.2 Specific Defects in the Applicant's Text

This statement is incorrect; the river flows west. As a result, associated modelling appears to have been framed on an erroneous assumption, with implications for downstream impact assessment.

#### 5.3 Professional Assessment and Implications

A mis-stated flow direction undermines flood risk modelling and downstream water quality appraisal, calling the FRA's validity into question.

### 6. Air Quality (EIAR §3.6) and Construction Dust

#### 6.1 Applicant's Statement (as summarised)

"Dust magnitude for earthworks is large; risk of dust effects prior to mitigation is medium."

#### 6.2 Specific Defects in the Applicant's Text

The assessment does not adequately address the site's floodplain context, where proposed

mitigation (e.g., watering) may be ineffective or environmentally counterproductive. The likely scale of groundworks and haulage in saturated conditions is not addressed in a specific manner.

### 6.3 Professional Assessment and Implications

The mitigation hierarchy is inadequately evidenced for a floodplain. Effective dust suppression strategies should be tailored to prevailing hydrology to avoid secondary environmental impacts.

## 7. Noise and Vibration (EIAR §3.9)

### 7.1 Applicant's Statement (as summarised)

"Noise emissions from wind turbines require more comprehensive analysis due to variation with wind speed and direction."

### 7.2 Specific Defects in the Applicant's Text

The noise analysis relies on data for smaller turbine models than those proposed. This is not decision-grade evidence for the specific turbine specification and receptor layout.

### 7.3 Professional Assessment and Implications

Models must be calibrated to the actual turbine and local receptor configuration. Reliance on non-representative data conflicts with EPA (2022) expectations of completeness.

## 8. Archaeology and Cultural Heritage (EIAR §3.10)

### 8.1 Applicant's Statement (as summarised)

"Visual effects on national monuments within 10 km are slight to moderate and arise during operation."

### 8.2 Specific Defects in the Applicant's Text

The assessment underrepresents potential visual effects on key assets including Lough Gur,

Knockfierna, and Garrane Bog. Several photographs appear to be taken from screening low locations unrepresentative of typical visitor viewpoints, thereby underestimating likely visibility.

### 8.3 Professional Assessment and Implications

Viewpoint selection and visualisation methodology require revision. Verified photomontages from recognised public vantage points should be provided to ensure a robust assessment.

## 9. Forestry and Species of Conservation Interest (EIAR §3.13.2)

### 9.1 Applicant's Statement (as summarised)

"Overall forestry felling c.14.4 ha."

### 9.2 Specific Defects in the Applicant's Text

No assessment of red squirrel populations is provided, despite their presence in the Carrigeen woodlands. Under the Wildlife Acts 1926/18, the Planning Authority must have regard to the protection and conservation of wildlife. The absence of targeted, habitat connectivity mapping, and mitigation proposals represents an evidential gap. Further information should be requested or permission refused on biodiversity grounds if adequate assessment cannot be supplied.

## 10. Consultation and Public Participation (Main EIAR Chapter 1)

### 10.1 Applicant's Statements (as summarised)

"Extensive consultation was undertaken... commencing in 2025... Ongoing engagement with residents, community groups and local representatives via phone, email and in person."

### 10.2 Specific Defects in the Applicant's Text

Available evidence does not corroborate the claimed level of engagement. In particular, requests from the Bruff Community Council for a meeting were not acceded to; a cap of three attendees per meeting was proposed and broader community meetings were ~~not~~ held. Assertions to me in a meeting with company representatives that Garda advice precluded wider engagement have not been substantiated. On this basis, local stakeholders have not had access to early and effective participation opportunities.

These circumstances are inconsistent with the requirements of Article 6 of the EIA Directive (2011/92/EU, as amended by 2014/52/EU) and the Aarhus Convention ("The public has a right to participate effectively in decisionmaking in environmental matters"). They are also inconsistent with

expectations set out in the WEDG (2006) for meaningful community engagement.

### 10.3 Professional Assessment and Implications

The participation process, as evidenced, does not meet EU and national standards for early, effective, and inclusive consultation. Decisionmaking should not rely on an engagement process that excluded meaningful community participation.

## 11. Construction Environmental Management Plan (EIAR §2.5.5; §2.12; §2.15.2) 11.1

### Applicant's Statements (as summarised)

- "Wheel washes will discharge to settlement ponds and then to vegetated areas of low ecological value."
- "Construction hours 07:00-19:00 Mon-Sat; concrete pours may extend outside normal hours."
- "Surface runoff and dewatering discharges are likely during construction... Flood levels upstream/downstream are not adversely affected."

### 11.2 Specific Defects in the Applicant's Text

Given the prevalence of surface water for extended periods annually, the capacity and resilience of settlement ponds are not demonstrated. References to "6 hours" pours indicate potential night time disturbance close to housing; the associated atmospheric impacts are not assessed. The likelihood of runoff is acknowledged, but pathways to adjacent canals/rivers and farmland are not adequately addressed. Potential effects on agricultural water supplies are not evaluated.

## 12. Soils, Geology and Peat (EIAR §3.5.1.6)

### 12.1 Applicant's Statement (as summarised)

"Small patches of peat (0.2-0.80 m) at Turbines 1, 2 & 4; peat risk ranking is zero; no PSRA warranted."

### 12.2 Specific Defects in the Applicant's Text

Site investigations identify shallow peat (0.25-0.30 m) at several turbine locations. Reviewed literature (e.g., Dykes & Warburton, 2007; Yang & Dykes, 2006; Boylan et al., 2008) shows that peat failures can occur in shallow deposits where drainage is altered or loads increase. Under the DEHLG (2006) Peat Landslide Hazard and Risk Assessment: Best Practice Guide, such conditions correspond to at least a Moderate Peat Hazard, potentially elevated to High where drainage is poor and receptors exist. Declaring "zero" risk without a screening level PSRA is not supported by current guidance. In light of the CJEU Derrybrien judgment (Case C-16/06), a formal PLHRA should be required prior to determination.

### 13. Tourism and Amenities (EIAR §5.3.9)

#### 13.1 Applicant's Statement (as summarised)

"Within Bruff, tourists can visit The Black Castle, the Thomas Fitzgerald Centre, and the Old Irish Ways Museum, which recorded 300 visitors in 2023."

#### 13.2 Specific Defects in the Applicant's Text

The local tourism baseline is inaccurately characterised. There is no "Black Castle" open to visit in Bruff town. The Binn Lisin is an established cultural feature marking the historical boundary between the ancient Uí Fidgenti and Eóghanacht peoples.

The Thomas Fitzgerald Centre is a significant attraction: in 2024 it welcomed over 25,000 visitors; its online engagement has grown substantially to over 800,000 hits in Aug-Nov 2025. It hosts the RFK Autumn School and has strong international links to the Kennedy (JFK) family, who are interred in the nearest graveyard to the proposed development and regard the area as their home. The area's tourism value is further supported by its location within the Golden Vale and along the Golden Vale Drive. In a planning meeting with the developers they said that they were very aware of the huge impact of the Thomas Fitzgerald in the locality and that it was "very impressive". Yet it is largely ignored in the applicant's documents re heritage. Presenting "300 visitors" to a single museum as indicative of overall tourism significantly understates local capacity and growth. The assertion that the proposed development is not in close proximity to recognised tourism amenities is not supported by evidence.

Potential visual effects on Lough Gur site of national and international archaeological significance and a potential future World Heritage nomination are not robustly assessed with the photographs being heinously misrepresented and misleading to an uneducated eye.



#### 14. Land Use (EIAR §5.4.2.3) and Cultural Landscape

##### 14.1 Applicant's Statements (as summarised)

"Agriculture may continue adjacent to infrastructure."

"The project is unlikely to affect population numbers; no specific direct/indirect economic development is likely to be affected."

##### 14.2 Specific Defects in the Applicant's Text

I farm within 500 m of the proposed development and continue a traditional transhumance/booleying practice, moving equines and cattle seasonally to adjoining fields to the turbines in Carrigeen and Camas South. This practice is of cultural value and is relevant under Section 10(2)(c) of the Planning and Development Act 2000 and the National Monuments Acts 1980 regarding cultural landscapes. The EIAR does not assess potential impacts on this practice. Given turbine proximity, construction activity, operational noise, and scale, the development would likely render the practice unviable, with consequent cultural and economic effects. The statement that no specific direct or indirect economic activity is likely to be affected is therefore not accurate.

#### 15. LVIA Procedural Deficiencies (Dedicated Section)

##### 15.1 Introduction

This section concerns procedural and methodological deficiencies identified within Chapter 12 Landscape and Visual of the EIAR (September 2025). The observations relate to compliance with EU and Irish EIA law and guidance, including the EIA Directive (1/92/EU as amended by 2014/52/EU), the European Communities (Environmental Impact Assessment) Regulations 1989 2023, the EPA (2022) Guidelines, GLVIA3 and LI TGNs, and the WEDG (2006; 2019 draft).

##### 15.2 Summary of Key Procedural Deficiencies

###### Photomontage and ZTV Documentation

Only a tip height ZTV is provided; there is no hub height ZTV and no disclosure of visualisation parameters (focal length, sensor size, field of view, print calibration). This is contrary to GLVIA3 and LI guidance and undermines reproducibility, potentially constituting an incomplete EIAR under Annex IV(1)(e).

###### Omission of Night Time (Aviation Lighting) Assessment

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No night-time lighting assessment or photomontages are provided. EPA (2022) requires assessment of temporal effects; omission may breach Annex IV(5).

#### Deficient Cumulative LVIA

Cumulative analysis relies on bare earth ZTVs with limited route screening; inclusion criteria for existing/consented/in-planning schemes are not defined. This does not satisfy Article 3(1)(a) and EPA (2022 §3.2.5).

#### Absence of RVAA

Despite turbines within ~2 km of residences, no Residential Visual Amenity Assessment is provided. This omits likely effects on human living conditions (Annex IV(4)).

#### Non-Disclosure of Assumptions and Limitations

The statement that “no limitations or difficulties were encountered” is inconsistent with EPA (2022) transparency requirements. It is admitted in the planning application that archaeological sites were not visited due to access issues.

#### Rigid Study Area Boundary Without Justification

A fixed 20 km radius is applied without reasoned justification, despite potential effects beyond this distance.

#### OverReliance on Generic Perception Studies

Generic perception data (e.g., a national tourism survey) is not a substitute for ~~respective~~ professional judgement required by GLVIA3.

#### Conclusions

The LVIA, as presented, does not fully comply with statutory and methodological requirements. The absence of transparent parameters, omission of ~~night~~ and residential amenity assessments, limited cumulative scope, and lack of disclosure collectively render the LVIA incomplete for decision making. Further information should be required before determination.

## 16. Photomontages (Method and Integrity)

### 16.1 Specific Defects in the Applicant's Text

Several photographs appear to be taken from positions that are screened (e.g., behind a wall) or from low-lying locations unrepresentative of typical public viewpoints (e.g., at Lough Gur). North western viewpoints—likely to experience higher levels of visibility—are not provided; the nearest NW image appears to be from approximately six miles away. The omission of representative NW viewpoints and use of screened vantage points reduce the reliability of the visual assessment.

## 17. Protected Birds and Mitigation

### 17.1 Specific Defects in the Applicant's Text

Mitigation for whooper swans and other protected species is not adequately supported by baseline survey data. Disturbance and collision risks to whooper swan, curlew, and corncrake have not been assessed with sufficient detail. Local observations include flocks of >100 whooper swans within the site vicinity and confirmed acoustic records (curlew; corncrake heard within 500 m of turbine locations in April across consecutive days). These species are protected under the Birds Directive 2009/147/EC; the EIAR should include comprehensive baseline, impact, and mitigation measures proportionate to these sensitivities.

## Transport route

The suitability of the turbine delivery route requires further analysis. The Isle of More bridge at Croom is narrow (single vehicle crossing); potential temporary removal or modification would have cultural and traffic implications. The application materials do not address this constraint or the

bridge's local heritage value (including its plaque inscription).

#### 18. Conclusions and Requested Determinations

The EIAR and LVIA are procedurally and substantively incomplete under the EIA Directive and EPA (2022) Guidance.

The LVIA lacks transparent, verifiable visualisations and omits key analyses (including cumulative, RVAA); hydrology and biodiversity sections contain significant errors/omissions; and the public participation approach does not meet legal standards.

The Planning Authority / An Bord Pleanála therefore cannot be satisfied that significant effects have been properly identified or assessed.

Accordingly, it is respectfully requested that the Authority/Board refuse permission on the grounds of an incomplete and non-compliant EIAR and unacceptable risks to population, biodiversity, heritage, and cultural landscape.