

Formal Objection Submission
Submitted to: An Coimisiún Pleanála

Case No. 323780 – Ballinlee Wind Farm

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On-Line Submission

The Secretary,
An Coimisiún Pleanála,
Case reference: 323780

Re: 10-year planning permission for Ballinlee Wind Farm consisting of 17 no. wind turbines, a permanent 110kV substation, underground electric cabling systems between the wind farm site and connection point at existing Killonan 220/110kV substation, and ancillary development. Located in Ballincurra, Ballingayrour, Ballinlee North & South, Ballinrea, Ballyreesode, Camas North & South, Carrigeen, Knockuregare, Ballybane and other townlands in County Limerick.

To Whom it Concerns,

INTRODUCTION

We wish to lodge a formal objection to the proposed Ballinlee Wind Farm development.

We write as natives of **Dromin parish**. We and our community have deep roots in this land. We are farmers, families, and guardians of a heritage that has endured for generations. We feel a profound responsibility to safeguard the character, health, and wellbeing of our parish for present and future generations, yet, under this proposal, we are asked to sacrifice our peace, our health, and our landscape for the benefit of developers and corporates that will extract profit while leaving us with the noise, the visual intrusion, adverse health effects and ecological damage.

This is not a question of whether we support renewable energy—we do. However, rural Ireland should not be treated as a dumping ground for industrial projects that disregard our planning principles, our environment, and our way of life.

Ultimately, this proposal represents a wholly unacceptable industrial-scale intrusion into a rural community, with profound and lasting consequences for its residents.

We strongly oppose this proposal due to its scale, location, and inadequate mitigation of community and environmental impacts. Furthermore, the proposal breaches multiple legislative considerations and other statutory obligations, as further detailed below.

GROUND'S FOR OUR OBJECTION

In summary, we are objecting to the proposal on the following grounds:

1. Non-Compliance with Planning Legislation, Environmental Directives and Human Rights Obligations

2. Visual Impact & Landscape Character
3. Noise & Health Risks
4. Shadow Flicker & Residential Amenity
5. Wildlife & Natura 2000 Obligations
6. Agricultural and Animal Welfare Concerns
7. Property Devaluation & Socio-Economic Harm
8. Procedural & Consultation Failures
9. Climate Action Does Not Override Local Rights or Environmental Law

NON-COMPLIANCE WITH PLANNING LEGISLATION, ENVIRONMENTAL DIRECTIVES AND HUMAN RIGHTS OBLIGATIONS

Planning and Development Act 2000 (as amended)

- **Section 34(2)** requires planning decisions to be consistent with proper planning and sustainable development. **The proposed development materially contravenes the County Development Plan's scenic landscape protections.**
- **Section 37G (6)** allows An Bord Pleanála to override local plans for Strategic Infrastructure Development only where overriding public interest is demonstrated. **This proposal fails to meet that threshold.**
- **Seventh Schedule** explicitly categorizes large wind farms (>25 turbines or >50MW) as Strategic Infrastructure, requiring rigorous scrutiny.
- The proposal contravenes zoning objectives for rural amenity and scenic protection.
- The proposal materially conflicts with proper planning and sustainable development principles under Irish law.

Climate Action and Low Carbon Development Act 2015 (as amended 2021)

- **Section 15(1)** imposes a duty on public bodies to perform functions "in a manner consistent with climate plans and objectives insofar as practicable." Courts have clarified this as a **comply-with obligation**, not merely "have regard to".
- However, this duty does **not override environmental law or human rights protections**. The High Court in *Coolglass Windfarm Ltd v An Bord Pleanála [2025] IEHC 1* confirmed that climate obligations must be balanced with proper planning and environmental safeguards.

Environmental Impact Assessment (EIA) Requirements

- Under **Directive 2014/52/EU** (amending 2011/92/EU), transposed via **Planning and Development Regulations 2001**, projects likely to have significant environmental effects require a comprehensive assessment of direct and indirect effects on population, human

health, biodiversity, soil, water, air, climate, and cultural heritage. The submitted EIAR fails to adequately assess:

- **Cumulative impacts** on Natura 2000 sites.
- **Species protection** under the Habitats Directive (92/43/EEC).
- The High Court in *Martin v An Bord Pleanála [2022] IEHC 256* emphasized strict compliance with EIA obligations for wind farm modifications.

EU Law and Directives

- **Renewable Energy Directive (RED III, EU Directive 2023/2413)** accelerates permitting but does not negate obligations under the EIA Directive or Habitats Directive.
- **Council Regulation (EU) 2022/2577** introduces a presumption of overriding public interest for renewables, but only where species conservation measures are implemented—**absent in this application**.

Human Rights Obligations

- **Article 8 ECHR** (right to private and family life) and **Aarhus Convention** guarantee public participation and protection from disproportionate environmental harm. **Noise, shadow flicker, and health impacts breach these rights.**

VISUAL IMPACT & LANDSCAPE CHARACTER

- Seventeen turbines up to 160m high-40m taller than Dublin's Spire, will dominate the landscape, destroying rural character and scenic views. This contravenes **Section 37 of the Planning and Development Act**, which requires developments to respect proper planning and sustainable development.
- No adequate Landscape and Visual Impact Assessment provided.
- Visual intrusion contravenes **Country Development Plan** objectives for scenic protection.

NOISE & HEALTH RISKS

- The proposed siting places turbines as close as 852m from homes, potentially even closer under micro-siting. This is completely unacceptable for families with special needs or health vulnerabilities.
- Peer-reviewed studies and WHO guidance highlight risks from low-frequency noise and infrasound associated with large turbines.
- WHO Environmental Noise Guidelines (2018) recommend <30 dB(A) indoors at night for health protection. Wind turbines frequently exceed these levels, causing sleep disturbance,

stress, anxiety, cardiovascular risk, mental health deterioration and other health issues for residents living nearby.

- Failure to mitigate breaches of Article 8 of the **European Convention on Human Rights** and Section 15 of the **Climate Action and Low Carbon Development Act 2015**.
- Irish guidelines (2006) are outdated; draft 2019 guidelines remain unadopted.
- High Court rulings confirm turbine noise can constitute a legal nuisance.

SHADOW FLICKER & RESIDENTIAL AMENITY

- Rotating blades will cause shadow flicker leading to repetitive flashing inside homes during certain times of the year, linked to headaches and anxiety.
- Shadow flicker breaches WHO recommendations.
- The EPA Draft Wind Energy Development Guidelines require strict limits, yet enforcement is uncertain.
- Developer's modeling ignores real-world local conditions.

WILDLIFE & NATURA 2000 OBLIGATIONS

- Site lies within migratory path of Whooper Swan (*Cygnus cygnus*), protected under:
 - **EU Birds Directive 2009/147/EC** – requires Member States to avoid habitat deterioration and disturbance of species in SPAs and migratory routes.
 - **EU Habitats Directive 92/43/EEC** – mandates strict protection for species and habitats, prohibits deterioration of designated sites, and requires Appropriate Assessment under Article 6(3).
- Risk of collision mortality and habitat disruption contravenes Natura 2000 obligations.

AGRICULTURAL AND ANIMAL WELFARE CONCERNS

- Wind turbines cause stress in livestock and bloodstock; horses are highly sensitive to vibration and noise and flicker. We breed race horses and this is a significant concern for us.
- Microplastic shedding from turbine blades contaminates soil and pasture, entering the food chain and harming farm ecosystems.
- Farm Income Loss: reduced productivity in livestock and bloodstock undermines our livelihood and that of our farming community.

PROPERTY DEVALUATION & SOCIO-ECONOMIC HARM

- The visual dominance of turbines will irreversibly alter the rural character of Dromin parish and devalue properties, undermining the economic and social fabric of our community. This is a material consideration under Section 34 of the **Planning and Development Act**.

PROCEDURAL & CONSULTATION FAILURES

- The application process exhibits **serious procedural deficiencies** that undermine transparency, public participation, and compliance with Irish and EU law.
- The consultation process has been wholly insufficient, failing to address legitimate concerns raised by residents in surrounding areas. There has been inadequate community engagement. Decisions of such magnitude must respect community voices and balance national energy goals with local rights and heritage.
- **Breach of Aarhus Convention Principles**
 - The Aarhus Convention (ratified by Ireland) guarantees **early and effective public participation** in environmental decision-making. The consultation period was **unreasonably short** given the complexity of the EIAR and Strategic Infrastructure status.
 - Key documents were **not easily accessible** online, limiting meaningful engagement for affected communities.
- **Inadequate Public Notice**
 - **Planning and Development Regulations 2001 (Articles 18 & 19)** require clear site notices and newspaper advertisements. In our experience **site notices were obscured or missing**, breaching statutory requirements.
- **Deficient Environmental Impact Assessment**
 - The EIAR fails to meet **Directive 2014/52/EU** standards for cumulative impact assessment and alternatives analysis.
 - No **proper assessment of Natura 2000 connectivity** or migratory bird corridors was provided, contrary to **Article 6(3) of the Habitats Directive**.
- **Lack of Community Health Impact Assessment**
 - Despite WHO guidance and Irish planning practice, no **Health Impact Assessment** was conducted, leaving significant gaps in evaluating noise, shadow flicker, and infrasound effects.
- **Failure to Address Updated Guidelines**
 - The application relies on **outdated 2006 Wind Energy Guidelines**, ignoring draft 2019 revisions and subsequent commitments to update standards. This creates **legal uncertainty and procedural unfairness**.

CLIMATE ACTION DOES NOT OVERRIDE LOCAL RIGHTS OR ENVIRONMENTAL LAW

- While **EU Renewable Energy Directive (Directive (EU) 2018/2001)** as amended by **Directive (EU) 2023/2413** prioritizes renewable deployment, it does not negate obligations under Birds and Habitats Directives.
- Article 16 of **RED III** introduces permitting deadlines but does not allow projects to bypass environmental protection unless designated as Renewable Acceleration Areas under strict conditions.
- Courts have confirmed that planning decisions must balance climate obligations with community and ecological protections (*Coolglass Wind Farm case*).

CONCLUSION

In conclusion, this application represents far more than the construction of 17 turbines; it is a direct challenge to the integrity, health, and autonomy of our rural community. The Bruff–Dromin–Athlacca area is not an industrial zone—it is a living landscape, a heritage environment, and a home to families who have invested generations in its stewardship. Approving this development would disregard the very principles enshrined in our planning framework: protection of residential amenity, preservation of biodiversity, and respect for community well-being.

We have demonstrated that the proposed wind farm poses serious health risks through noise and shadow flicker, threatens protected species such as the Whooper Swan, as well as impacting on our livestock and bloodstock, and will irreversibly alter the visual and cultural character of this region. These impacts are not hypothetical—they are documented in peer-reviewed studies and recognized by EU directives, and for our community they are very real impacts.

Planning law exists to protect the public interest, not to facilitate industrial-scale developments that completely disregard and override local voices. To approve this application would set a dangerous precedent: that rural Ireland can be treated as a sacrifice zone for profit-driven entities, while communities bear the cost.

In addition, we find it most troubling the lack of transparency surrounding the ultimate beneficiaries of this project. Rural communities should never be asked to surrender their health, heritage, and autonomy to opaque corporate structures whose priorities lie far beyond our borders. If foreign-backed interests are involved, then this is not a partnership—it is exploitation.

We urge An Coimisiún Pleanála to uphold its duty to the public interest, to the environment, and to the people who call this place home and to **REJECT THIS APPLICATION**, and send a clear message that Ireland's planning system stands for transparency, accountability, and respect for the people who live here—not for the unchecked ambitions of unknown investors.

Kind regards,

Thomas & Aisling Westropp Bennett