

Jason and Noelle Tooher

Springfield

Shinrone

Birr

Co. Offaly

R42 D403

An Coimisiún Pleanála

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AN COIMISIÚN PLEANÁLA	
LDG-	088938-26
ACP-	
02 JUL 2026	
Fee: €	52
Time:	4/1/26
By:	ten

7 June 2026

**Re: Objection — Planning Application PAX 92.324279 — Ballincor Wind Farm,
County Tipperary/Offaly**

Dear Inspector,

My wife Noelle and I have lived at Springfield, Shinrone for twenty-five years. We are six adults in this household and Noelle is at home here every day. Our home is registered as receptor H084 in the developer's study, with the nearest turbine, T11, at 1.19 kilometres. I want the Inspector to understand from the outset what this place means to us, because so much of what I am about to say flows from that. We are on slightly elevated ground above the bogland, sitting above the blade sweep of the proposed turbines, which means the geometry of this development is not an abstraction for us. It is a direct line of sight, from our kitchen and living room windows and from our bedroom, toward eleven turbines on ground we know intimately. I have a bog down there myself, running parallel to the river. Over twenty-five years I have seen red squirrels there when they were very rare, pine martens, foxes, buzzards, cuckoos, deer a few years back, and there are a good lot of hares down there too. It is an area of such diverse species in a small local area. We are so lucky to have it. That is what this application is proposing to put at risk, and that is why I am writing.

The developer's own biodiversity assessment reaches a conclusion I find extraordinary. It states that this development will cause the total loss of the local breeding population of marsh fritillary. This is a butterfly protected under EU law, and it is present on this site. The developer proposes to deal with this by translocating the population to a receiving site, but their own survey found no devil's-bit scabious at that receiving site. Devil's-bit scabious is the only plant the caterpillars can survive on. There is nowhere for them to go. The butterfly conservation organisation whose published guidance the developer actually cited in the same report states clearly that translocation to permit the destruction of an occupied site is unacceptable. The developer has cited guidance that contradicts what the developer is proposing, in the

same document, and appears not to have noticed. This is not a minor gap. It is a direct conflict between the developer's proposed mitigation and the scientific basis for that mitigation, identified within the developer's own submission.

The broader picture for protected species and habitats at this location is not better. The developer's bird expert acknowledged in his report that survey coverage was concentrated in the middle of the day and was not sufficient to calculate activity rates at dawn and dusk. The birds of most concern at this location, including qualifying interests of the River Little Brosna Callows Special Protection Area, are most active at precisely those times. That data gap cannot be filled after the fact. Six of the species that are qualifying interests of that Special Protection Area received no individual collision risk assessment in this application at all. The developer's own model records twenty-five separate limitations and uncertainties. Breeding evidence for Annex I species was confirmed in this area in 2025 using survey methods the developer never employed. When you take all of that together, what you have is not a complete picture of risk. It is a partial picture that has been treated as though it were complete.

The cumulative impact on golden plover deserves particular attention. Using the developer's own collision figures, the combined annual toll from Ballincor, Carrig, and Derrinlough together runs at between 47 and 118 birds per year. The golden plover population at the Little Brosna Callows is already running at around half the numbers it should be, in what the NPWS classifies as unfavourable condition. That combined figure has never appeared in any planning document for this or the other applications. The NPWS stated in writing in 2024 that combined effects across this area have not been assessed. I find it very hard to understand how permission can be granted for a development whose own figures, when read alongside its neighbours, produce that kind of toll on a population already in serious difficulty, when nobody has yet been asked to look at the full picture.

Under EU law, both derogation routes available to a developer when adverse effects on a European site cannot be ruled out were waived by this applicant. That means if the assessments in this application fall short of the required standard, there is no fallback position. Refusal is the only lawful outcome. Given what I have described above about the bird surveys, about the marsh fritillary, and about the uncalculated cumulative impacts, I respectfully submit that those assessments do fall short.

The condition of the Little Brosna is something I care about deeply because it runs through the land below us. The developer's own documents identify phosphorus from disturbed peat as the primary reason the river is currently in Poor ecological condition. The same documents propose to excavate somewhere between 59,000 and 87,600 cubic metres of peat during construction. Those two figures come from the developer's own submission and are themselves unexplained and unreconciled. Before construction began on the investigation works, the developer carried out two rounds of water quality sampling. Neither round measured phosphorus. The monitoring programme that is supposed to protect the river during construction is

therefore calibrated against a baseline that was never established for the very substance identified as the river's primary threat.

There is a more immediate problem with the pollution management plan. The Surface Water Management Plan requires an Environmental Clerk of Works to be on site during heavy rainfall, specifically during events of 15mm or more in a six-hour period. Those are precisely the conditions at which the risk of construction runoff reaching the river is highest. The Flood Risk Assessment states that the access roads to this site cannot be used after heavy rainfall. These are the same conditions. The person whose job it is to be present when the risk is greatest cannot reach the site when that moment arrives. This is not a theoretical concern. It is a direct internal contradiction between two documents submitted by the same applicant.

The ground conditions found during investigation also raise very serious concerns about the safety of the proposed mitigation for European sites. Nine of the twelve trial pits dug into the peat collapsed before they could be properly examined. The borehole closest to the most flood-prone turbine location recorded zero ground resistance for twelve metres below the surface. The developer concludes that the turbines at those locations present a negligible risk, but that conclusion is conditional on a specific foundation safety design being prepared. That design has not been prepared. It is deferred to the period after planning permission is granted. EU law does not allow undesigned mitigation to be relied upon when assessing impacts on a European site. The protection cannot be promised after permission is given. It has to exist before it.

I want to say something about noise, because it connects directly to our household. Our nearest turbine is T11 at 1.19 kilometres, and our home is at receptor reference H084 in the developer's NML4 noise assessment area. The developer did not apply the JOULE correction to its own noise data. This is not an alternative or disputed methodology. It is the standard required correction, and when it is applied to the developer's own figures, it produces ten night-time exceedances across the study area. The developer chose not to apply it. Beyond that, Offaly County Development Plan policy DMS-109 requires that noise from wind turbines be assessed against the 2018 WHO guidelines. That assessment was never done. The WHO limits are lower than the limits the developer used, and properties that pass under the older standard may fail under the health-based one. Our home may be one of them, and we simply do not know because the required assessment was never carried out.

Our main bedroom faces toward the site. I sit above the blade sweep, which means the angle of any shadow or light effect from the turbines is different for us than it would be for a property at lower ground. The developer's shadow flicker study set its assessment boundary at 1,630 metres. The developer's own WindPRO software, using the developer's own settings, calculated shadow effects out to 1,789 metres in the primary scenario. Properties between those two distances were excluded from the assessment despite falling within the range the model itself identified. I do not know precisely where our property sits within that range, but given that I am at 1.19

kilometres with a direct elevated sight line to T11, I would have expected our situation to have been examined with particular care rather than the boundary being drawn short of what the software itself was showing.

The impact on the roads is something I think about every day. I use the R492, the R439, the L1071, the N62, and the R433 regularly, and the L1071 runs directly past our home. These are narrow rural roads. They were not built for the size or weight of vehicles required to construct eleven wind turbines. There are bridges on these routes that I am genuinely worried about. Three or four miles of that scale of disruption, on roads like these, is not something the local community can simply absorb during a multi-year construction programme. I farm land accessed via these roads, and the daily reality of heavy construction traffic on routes already at the limit of what they can take is a real and practical concern.

Offaly County Council adopted a wind energy strategy as part of its County Development Plan, and this site falls within an area that strategy designates as unsuitable for wind energy development. That designation was reached through a public democratic process. It reflects the considered and deliberate view of the elected local authority on where in County Offaly wind farms are and are not appropriate. The Coolglass case has made clear that a designation of this kind cannot simply be noted and set aside. It requires a substantive justification for departure. No such justification has been offered in this application. The strategy exists precisely to address situations like this one, and its conclusions should be given full weight.

I want to close by asking the Inspector to look at what I have described not as a collection of separate objections but as a single picture of a development that should not be here. The ecology is demonstrably incomplete and internally contradictory. The river protection cannot work as designed. The ground conditions are not adequately understood and the mitigation that is supposed to address them has not been designed. The noise assessment was not done to the standard required by the County Development Plan. The cumulative impact on protected bird species has never been assessed. The roads are not capable of carrying what would be required of them, and the local wind energy strategy says this area is unsuitable. I am asking An Coimisiún Pleanála to refuse this application.

Yours faithfully,

Jason Toohar



Noelle Toohar

