Our Case Number: ABP-316051-23

An Bord Pleanála

Westmeath County Council
Aras an Chontae
Mount Street
Mullingar
Co. Westmeath
N91 FH4N

Date: 23 May 2023

Re: Renewable energy development comprising 9 no. wind turbines and associated infrastructure. Umma More and adjacent townlands, County Westmeath.

Dear Sir / Madam,

An Bord Pleanála has received your recent submission and expense claim in relation to the above mentioned case. The contents of your submission have been noted.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

CH08

Teil	**Tel**	(01) 858 8100
Glao Áitiúil	**LoCall**	1800 275 175
Facs	**Fax**	(01) 872 2684
Láithreán Gréasáin	**Website**	www.pleanala.ie
Ríomhphost	**Email**	bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Niamh Thornton

From: SIDS
Sent: Thursday 18 May 2023 16:22
To: Niamh Thornton
Subject: FW: ABP-316051-23 Strategic Infrastructure Development 9 (no.) Wind Turbines Umma More Ltd
Attachments: WCC to ABP 18th May 2023.pdf; Umma More Ltd S37E CE Report ABP Ref 316051 23.pdf; Umma More Windfarm SID WCC Elected Members Views 8th May 2023.pdf; Umma More Windfarm SID Expenses.pdf

From: Eamonn Brennan <ebrennan@westmeathcoco.ie>
Sent: Thursday 18 May 2023 16:05
To: SIDS <sids@pleanala.ie>
Subject: ABP-316051-23 Strategic Infrastructure Development 9 (no.) Wind Turbines Umma More Ltd

FAO:- Strategic Development Unit

Dear Sir/Madam,

In accordance with the provisions of s.37E(4) of the Planning and Development Act 2000 (as amended), please find attached report setting out the views of the Planning Authority on the effects of the proposed development on the environment and proper planning and sustainable development.

Please also find attached a record of the views of the Elected Members of Westmeath County Council (recorded at a Special Meeting of the Council on Monday, 8th May 2023) on the proposed development.

Please also see attached the Planning Authority's expense claim.

Should you have any queries in relation to the attached, please do not hesitate to contact me.

Eamonn Brennan
Administrative Officer
Central Planning
Tel No.: 044-9332165
E-mail: ebrennan@westmeathcoco.ie

Próiseálfar sonraí pearsanta a bhailímid uait de réir Fhógra Príobháideachta Chomhairlí Contae na hIarmhí. Tá Comhairle Contae na hIarmhí tar éis gach céim réasúnach a ghlacadh chun a chinntiú go bhfuil ríomhphoist slán agus go ndearnadh gach ceangaltán a sheiceáil le haghaidh víris. Cinntigh le do thoil go ndéantar gach teachtaireacht a scanadh, mar ní ghlacann an Chomhairle le haon dliteanas as éilliú nó damáiste do do chórais.

Ba chóir go mbeadh a fhios ag seoltóirí agus faighteoirí ríomhphoist go bhféadfadh sé go gcaithfí ábhar ríomhphoist a nochtadh mar fhreagairt ar iarratas mar gheall ar reachtaíocht um Chosaint Sonraí agus um Shaoráil Faisnéise na hÉireann, mar sin ba chóir a bheith cúramach maidir le hábhar."

WESTMEATH COUNTY COUNCIL
Comhairle Chontae na hIarmhí

The Secretary,
An Bord Pleanala,
64 Marlborough Street,
Dublin 1

Date: 18th May 2023
Your Ref: ABP-316051-23
Our Ref:

FAO: Strategic Infrastructure Unit.

Re: 9 (No.) wind turbines with an overall ground-to blade tip height of 185 metres; a rotor blade diameter of 162 metres; and hub height of 104 metres, and associated foundations and hardstanding areas; A thirty-year operational life from the date of full commissioning of the wind farm and subsequent decommissioning; A meteorological mast with a height of 30 metres, and associated foundation and hardstanding area; Junction accommodation works and temporary access roads to facilitate turbine delivery to an existing entrance on L5363. Upgrade of existing entrance on L5363 for provision of site entrance; Upgrade of existing tracks/ roads and provision of new site access roads, junctions and hardstand areas; Underground electrical (33kV) and communications cabling; A temporary construction compound; Spoil Management; Site Drainage; Tree Felling; Operational stage site signage; and All ancillary works and apparatus. A ten-year planning permission is sought.

Dear Sir/Madam,

In accordance with the provisions of Section 37E (4) of the Planning and Development Act 2000 (as amended), please find attached report setting out the views of the authority on the effects of the proposed development on the environment and on proper planning and sustainable development.

Please also find attached a record of the views of the Elected Members of Westmeath County Council (recorded at a Special Meeting of the Council on **Monday, 8th May 2023**) on the proposed development.

Application for expenses is enclosed.

Should you have any queries in relation to the attached, please do not hesitate to contact me.

Yours faithfully,

Eamonn Brennan,
Administrative Officer,
Forward Planning,
Tel No: 044-9332165
E-Mail: ebrennan@westmeathcoco.ie

Enc.

WESTMEATH COUNTY COUNCIL
Comhairle Chontae na hIarmhí

Special Meeting to seek and record (following the circulation by the Chief Executive of the Report of the Planning Authority in respect of a Strategic Infrastructure Development lodged with An Bord Pleanála on behalf of Umma More Wind Farm Limited for 9 wind turbines, 30 meter high Meteorological Mast, 31km underground electricity grid connection, tree felling and junction accommodation with temporary access roads at Umma More County Westmeath)

- The views of the members on the proposed development

- Any resolution made by the Members to attach recommendations to the report of the planning authority to be submitted to An Bord Pleanála

Video Conferencing 08 May 2023 at 11.00am

Meetings Administrator's Record

Presiding	:	Cllr. Angus O'Rourke
Members Present	:	Cllr. Frankie Keena, Cllr. John Dolan, Cllr. Tom Farrell, Cllr. Michael Dollard, Cllr. Andrew Duncan, Cllr. John Shaw, Cllr. Denis Leonard, Cllr. Emily Wallace. Cllr. Paul Hogan, Cllr. Vincent McCormack, Cllr. Hazel Smyth,
Apologies:		Cllr. Liam McDaniel, Cllr. Ken Glynn, Cllr. Frank McDermott, Cllr. Johnny Penrose, Cllr. Paddy Hill, Cllr Louise Heavin, Cllr William Collentine.
Officers Present	:	B. Kehoe, Director of Service C. Hartin, Senior Planner P. Hanlon, Senior Executive Planner E. Brennan, Administrative Officer A. Galvin, Administrative Officer L. McGuinness, Staff Officer

(a) Roll Call and Declaration of Conflict of Interests.
(b) Presentation by Cathaldus Hartin, Senior Planner.
(c) Recording of the views of the Members on the proposed development; and to resolve, if necessary, to attach recommendations to the Report of the Planning Authority as circulated by the Chief Executive.

Áras an Chontae
Mullingar, County Westmeath | An Muileann gCearr, Contae na hIarmhí | N91 FH4N
tel: 044 9332000 | fax: 044 9342330 | email: info@westmeathcoco.ie | web: www.westmeathcoco.ie

Conflict of Interest Declared:
No conflict of interests was recorded.

Meeting opened by Cllr Angus O'Rourke who introduced the agenda item.

Barry Kehoe notified the apologies from the Chief Executive and indicated that Cathaldus Hartin, Senior Planner would give a presentation on the report that was circulated in advance of the meeting.

Presentation to the Members:
Cathaldus Hartin, Senior Planner, made a presentation to the Members setting out the salient details of the development proposal including the SID process, obligations to consider in the assessment of the proposal and the role of the Elected Members.

Elected Members Views:
Cllr. McCormack outlined concerns regarding the proposed development including the proposed grid connection to Tullamore. It was submitted that further information should have be included for the consideration of the Members in order to fully assess this aspect of the proposed development.

It was submitted that the proposal clearly contravenes Development Plan policy CPO 10.146, which seeks to restrict windfarms to cut away peat lands, and, as such, the proposal should be opposed by the Council. In this regard, the report of the Chief Executive was endorsed.

It was submitted that the setback distances proposed observe the 2006 Wind Energy Guidelines, and that no reference to the fact that the Department, in 2009, reviewed these guidelines with regard to setback distances and noise. It was further submitted, in this regard, that the 2006 guidelines are not fit for purpose in the context of developments of this scale.

Similarly, it was considered, having regard to the effects of the proposal on human health, that the applicants failed to submit an appropriate noise assessment in accordance with relevant standards. It was put forward that the documentation indicates that the proposal is also in contravention of the flicker guidelines for 70 households.

It was noted that the application acknowledges that the turbines are likely to be visible from the top of the Hill of Usneach, before contending that the development does not physically affect Usneach. It is considered that the application appears to have overlooked the protected views associated with Usneach as set out under the current Development Plan.

It was further submitted that previous proposed policy provision, Policy 10-143, should be referenced, even though that policy was the subject of ministerial derogation, as it outlines the wishes of the Elected Members and should be mentioned in CE report.

In outlining opposition to the proposal it was also submitted that no meaningful engagement or consultation was carried out in association with the proposal.

Cllr. Duncan endorsed the views of Cllr. McCormack and expressed his own view that he is not in support of this application, which it was considered has been submitted under a developer led process.

Attention was drawn to policies proposed for inclusion under the County Development Plan with regard to cut away cutover peatlands, and that while other policy was ultimately removed, this policy was not. As such, it is considered that had the applicants taken this policy on board they would not have submitted this application and they would have looked for cut over bog.

Concerns were raised with regard the proximity of Usneach to the proposal and in this regard, the proposal was considered inappropriate given its scale in the context of the current application for the site to be listed as a UNESCO Heritage site. It was submitted that the proposed 606 feet wind turbines, in the vicinity of 150 houses, will result in significant devaluation of these properties.

It was considered that the Wind Energy Guidelines are still in a vacuum and being delayed to facilitate some development to enter the system before new guidelines issue. As such, it is considered that no application should go ahead until new guidelines issue and no wind development in Westmeath should be permitted unless they are on cut away bogs.

Concerns were expressed regarding the way shadow flicker is addressed under the proposal. It was further expressed that the noise assessment is inappropriate as no independent baseline noise measures are available for the area. In this context it was requested that an independent baseline noise measurement be carried out.

Cllr Farrell indicated that he endorsed many of the previous comments, raising concerns regarding the consideration of shadow flicker together with the impact of the proposal on Uisneach.

It was submitted that, in assessing the impact of the proposal on residential amenities, the buffer of 750m should be considered from the boundary of the development site and not from turbine to residence. If applied in this manner, it is submitted that this would change the consideration of the application.

Attention was drawn to Development Plan policy and it was submitted that it is important to adhere to this guide for wind farm developments i.e. large scale wind farm development should be directed to cut away bogs. It is considered that this policy is very clear and did not form part of the direction issued by the Planning Regulator.

A need to protect the UNESCO application for Uisneach was highlighted and it was submitted that this designation is worth more to the people of Westmeath than a wind farm development.

Concerns regarding the impact of the proposal on the residents of the area in terms of health implications was also highlighted.

Cllr Leonard indicated that his submission was being presented jointly (on behalf of Cllr. Johnny Penrose). Attention was drawn to Development Plan policy, which it was submitted, protects against the type of proposals being considered.

It was submitted that it was inappropriate that one of the flattest counties in Ireland, with highest numbers of rural housing and lowest wind capacity should be considered for a development of this scale and at this location. In this regard it was advised that support is there for the appropriate form of renewable energy such as hydro, biogas, hydrogen, solar etc. (noting the offshore potential for wind energy in other areas) in the County and that residents must be supported.

In terms of the residents potentially impacted by the proposal, dissatisfaction was expressed with regard to the level of meaningful consultation that was carried out in association with the proposed development.

Specific concerns were also highlighted on several issues including sightlines and the implications for road infrastructure, appropriateness of shadow flicker measures proposed, decommissioning and after use, impact on biodiversity and the setback distances assessed. It was submitted that a setback distance of 10 times the height of the turbine should be used to assess the location of the turbines.

It was expressed that no wind development should take place until such time as wind energy guidelines are finalised and that the application in this instance is premature. In terms of CPD policy 10.146, directing this type of development to cutaway bogs, attention was drawn to the extent of bogs in the County, with it being submitted that many are suitable and better than using a built up area for this form of development.

It was submitted that the Impact on Uisneach cannot be discounted as it is a jewel in the crown in Westmeath.

Dissatisfaction was expressed that energy costs have not come down and it was concluded that there needs to be the right development in the right location and in this instance the proposed development must be refused.

Cllr Smyth indicated her support for the proposed development subject to the concerns of the community being addressed as part of the process. It was submitted that, during a climate and energy crisis, such forms of renewable energy are appropriate and are supported by current Development Plan policy (noting that turbines could also damage peatland areas).

It is considered that there is a need to support steady domestic stream of energy coming into the Country. It was expressed that many people are in support of these type of wind energy developments that can contribute to achieving net zero targets and help reduce energy bills, however they are unfortunately made voiceless by people who are against wind energy.

Recognition of the extent of mitigation measures developed to protect against the impact of the proposal on residents was also expressed. In considering the impact of the proposal from a property devaluation perspective, attention was drawn to a recent study in Scotland which found no evidence of any negative impact on property.

It was submitted that it is important that the views of the public be taken into consideration and there should be a requirement to actively engage with the local community in this regard. Peer reviewed scientific research was referenced which shows no negative health impacts associated with wind turbines. Similarly, attention was drawn to WHO Guidelines in terms of windfarm impacts and it was submitted that there are many different perspectives for this type of development.

It was submitted that there are significant benefits to the local community from developments of this nature in terms of economic benefits and wider benefits to landowners and the local community. In terms of tourism, it was submitted that Kerry has shown little to no impact on tourism notwithstanding the presence of turbines across County. Similar studies were cited for Scotland indicating little or no impact on tourism.

With regard to Uisneach, it was submitted that the proposed turbines would not have negative impact on views in the area.

In support of the proposed development, it was submitted that the most important considerations were those of the local community and issues such as road safety, the proposed substation and grid connection and impacts of the proposal on residents should be addressed in consultation with the community.

Cllr. Hogan outlined his past support for renewable energy proposals in the County, however, highlighted that renewable energy proposals need to be situated in the right locations and be cognisant of concerns raised by the local community.

Attention was drawn to the recommendation of the report under consideration, which recommends a refusal of permission. It was submitted that the Development Plan is clear with regard to directing large scale wind energy projects to cut away bogs, as the policy that was adopted by the members.

Scepticism of the SID process was raised in the context of previous examples of SID applications, notably a recommendation by Donegal County Council to refuse permission in 2018 which was subsequently granted by the Board and resulted in significant environmental impacts and a similar case in Cork which had the same outcome. In his regard, it was submitted that the councillors should reinforce the decision that the Local Authority have taken to recommend a refusal of this application.

Concerns were raised with regards the applicant, Umma More Ltd., with attention drawn to a business check which it was indicated provided over 130 different wind energy companies associated with 1 address in Cork. In this regard it was submitted that the cradle company was that which was associated with the wind energy related landslide in Donegal.

With reference to the EIAR section dealing with major accidents, it was submitted that the report concludes that the proposal is likely to have a significant adverse effect on the environment, the site has a river that runs through it, and the proposal will impact the water table at this location.

Attention was drawn to the Hill of Uisneach which and it was submitted that the development has the potential to directly impact on the current application to have the site designated as a UNESCO site.

Specific concerns were expressed in relation to the presence of recorded monuments within the wind farm site, noise limits, shadow flicker (which should be the responsibility of the developers to avoid rather than the responsibility of residents), road safety, impact on property values and impact on health. It was submitted that a study in the Netherlands shows that property values will fall because of a windfarm development and that reports exist for and against such developments from a health impact perspective, suggesting that conclusions are therefore inconclusive.

It was submitted that a 750m exclusion zone is an inappropriate measure and does not consider residents amenity space. In this regard, it is submitted that the proposed substation is closer to the properties and has not been adequately considered.

To conclude, it was recommended that the permission be refused.

Cllr Wallace indicated that she is not against green energy but windfarms should be located in appropriate locations and must be sustainable for the communities involved.

Dissatisfied was expressed at the level of engagement and consultation with communities. In this regard it was considered that the consultation carried out in association with the proposal constituted a 'tick box' exercise.

It was submitted that further consideration of the health impacts associated with the proposal needs to be considered.

Concerns with respect to companies profiteering from funding were expressed and it was submitted that this is not a reason to grant permission.

Specific concerns were raised regarding the removal and decommissioning of turbines, night-time noise in the rural context (with the suggestion that timber frame houses are particularly impacted), sterilisation of landowner's land, and landscape destruction highlighted.

Further concerns were expressed regarding the deliverability of community benefits proposed, how they will work, and whether they will ever be realised.

Cllr O'Rourke expressed his agreement with sentiments opposing the proposal. It was expressed that there is balance needed in delivering renewable energy and that other alternatives should be considered as opposed to the proposed 'mega structures' which, it was submitted, would totally dominate the local environment. It was suggested that it was obscene to think the these structures would be proposed on our landscape, particularly when considering the impact of such turbines of this scale when in the context of the views associated with Uisneach.

It was submitted that the approach of the company with regard shadow flicker and their ways of dealing with same was wholly inappropriate and that, having regard to the views of the locals, he was totally opposed to the proposal.

Scepticism was also expressed in association with the manner in which An Bord Pleanala deals with such applications. The recourse available in instances where the Board failed to adhere to a local Development Plan was also queried.

WESTMEATH COUNTY COUNCIL
Comhairle Chontae na hIarmhí

Resolution
The Members did not resolve to attach any recommendations to the report of the Planning Authority.

This concluded the business of the meeting.

Áras an Chontae
Mullingar, County Westmeath | An Muileann gCearr, Contae na hIarmhí | N91 FH4N
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Planning and Development Act 2000 (as amended)

Strategic Infrastructure Act 2006

Report to Elected Members as required by Section 37E(4) of the Planning and Development Act 2000 (as amended).

An Bord Pleanála Reference ABP 316051-23 – Umma More Ltd.

Application Details:

Applicant:	Umma More Ltd., Lissarda Business Park, Lissarda, Co. Cork
Received	10th March 2023
Agent:	MKO, Tuam Road, Galway H91 VW84
An Bord Pleanála Reference Number:	ABP 316051-23
Proposed Development (Summary):	9 (No.) wind turbines with an overall ground-to blade tip height of 185 metres; a rotor blade diameter of 162 metres; and hub height of 104 metres, and associated foundations and hardstanding areas; A thirty-year operational life from the date of full commissioning of the wind farm and subsequent decommissioning; A meteorological mast with a height of 30 metres, and associated foundation and hardstanding area; Junction accommodation works and temporary access roads to facilitate turbine delivery to an existing entrance on L5363. Upgrade of existing entrance on L5363 for provision of site entrance; Upgrade of existing tracks/ roads and provision of new site access roads, junctions and hardstand areas; Underground electrical (33kV) and communications cabling; A temporary construction compound; Spoil Management; Site Drainage; Tree Felling; Operational stage site signage; and All ancillary works and apparatus. A ten-year planning permission is sought.
Site Location:	Townlands of Ballynafearagh, Raheen, Baskin High, Baskin Low, Lissanode, Umma Beg or Moneynamanagh, Umma More, Co. Westmeath.

1. PURPOSE OF THIS REPORT:

Having regard to the nature and scale of the proposed development and following consultation pursuant to Section 182E of the Planning & Development Act 2000 (as amended), An Bord Pleanála has determined that this proposed development constitutes Strategic Infrastructure Development within the meaning of Section 182A of the Act. In such circumstances the normal mechanism of applying to Westmeath County Council for planning permission does not apply with the proposal requiring a planning application to be made directly to An Bord Pleanála. Accordingly, Umma More Ltd. as required, has applied directly to An Bord Pleanála for planning permission.

The purpose of this report is to set out the Planning Authority's required views on the effects of the proposed development on the environment and on the proper planning and sustainable development of the area, having regard in particular to the matters specified in section 34(2) of the Planning and Development Act, 2000 (as amended) (hereafter referenced as the PDA 2000). The matters specified in section 34(2) are:

(i) the provisions of the development plan,

(ia) any guidelines issued by the Minister under section 28,

(ii) the provisions of any special amenity area order relating to the area,

(iii) any European site or other area prescribed for the purposes of section 10(2)(c),

(iv) where relevant, the policy of the Government, the Minister or any other Minister of the Government,

(v) the matters referred to in subsection [34](4),

(va) previous developments by the applicant which have not been satisfactorily completed,

(vb) previous convictions against the applicant for non-compliance with this Act, the Building Control Act 2007 or the Fire Services Act 1981, and

(vi) any other relevant provision or requirement of this Act, and any regulations made thereunder.

(aa) When making its decision in relation to an application under this section, the planning authority shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28.

In the interests of clarification, there are no Special Amenity Area Orders (item ii above) in County Westmeath. The matters referred to in section 34(4) of the PDA 2000 are those matters which the Planning Authority takes account of and may attach conditions relevant to, during the consideration of a normal planning application.

This report will be submitted for the consideration of An Bord Pleanála as required under Section 37E(4) of the PDA 2000. The Members may, by resolution, decide to attach recommendations to this report (as per Section 37E(6) of the PDA 2000). The views expressed at the meeting of the Council where this report is considered shall also be attached to this report (also per Section 37E(6) of the PDA 2000).

It should be noted that an Bord Pleanála has absolute discretion to request revised proposals or further information in advance of a decision being made under section 37F(1) of the PDA 2000.

2. DESCRIPTION OF THE PROPOSED DEVELOPMENT:

The proposed development comprises of the following components:

I. 9 (no.) wind turbines with an overall ground-to blade tip height of 185 metres; a rotor blade diameter of 162 metres; and hub height of 104 metres, and associated foundations and hardstanding areas;
II. A meteorological mast with a height of 30 metres, and associated foundation and hardstanding area;
III. Junction accommodation works and temporary access roads to facilitate turbine delivery to an existing entrance on L5363;
IV. Upgrade of existing entrance on L5363 for provision of site entrance;
V. Upgrade of existing tracks/ roads and provision of new site access roads, junctions and hardstand areas;
VI. Underground electrical (33kV) and communications cabling;
VII. All ancillary works and apparatus, spoil management, site drainage, tree felling, operational site signage; and
VIII. A thirty-year operational life from the date of full commissioning of the wind farm and subsequent decommissioning.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in relation to the project and accompany the planning application.

This application, for which a 10 year permission is sought, contains the following documentation:

- Completed Planning Application Form
- Copy Site Notice
- Copy Newspaper Notices (The Irish Examiner/The Athlone Advertiser)
- EIA Portal Confirmation Notice (ID: 2023029)
- Planning Application Drawings (Accompanied Drawing Schedule)
- Environmental Impact Assessment Report (EIAR)
    - Volume 1a - Non-Technical Summary (NTS) and Chapters 1-9
    - Volume 1b - Chapters 10-17
    - Volume 2 - EIAR Report Photomontage Booklet
    - Volume 3a - EIAR Appendices 2-1 – 7-7
    - Volume 3b - EIAR Appendices 8-1 – 14-3
- Natura Impact Statement (NIS)
- Copy of Planning Application Notification Letters issued to Westmeath County Council and to each to each Prescribed Body.

3. SITE LOCATION:

Wind Farm

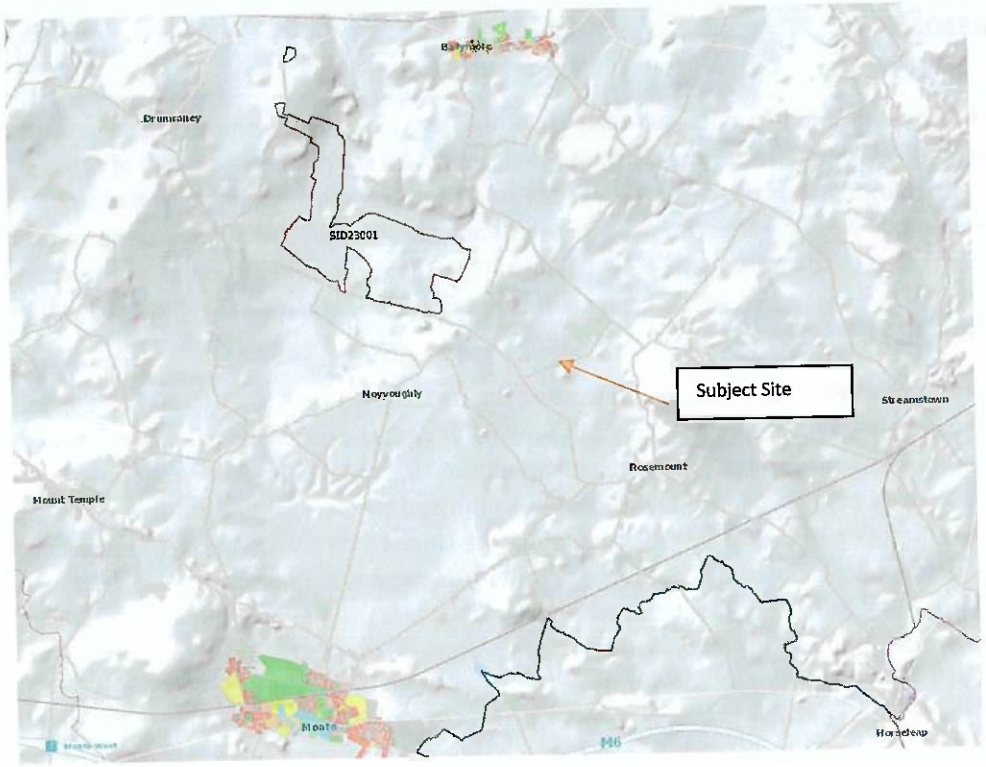
The proposed wind farm development (c 337.8ha) is located on lands approximately 2 kilometres southwest of Ballymore, 6.6 kilometres to the north of Moate, and 12.2 kilometres northeast of Athlone, Co. Westmeath. The subject lands span the townlands of Ballynafearagh, Baskin High, Baskin Low, Lissanode, Raheen, Umma Beg or Moneynamanagh and Umma More. The surrounding area mainly comprises dispersed rural dwellings together with agricultural holdings and buildings, with some commercial forestry and quarrying also sited in the area. There is no residential dwelling located within 750m of any proposed turbine location.

It is proposed to access the Wind Farm Site via an existing access track off the L5363 Local Road to the northwest of the site. This area is of predominantly rural character with the proposed wind farm sited on lands comprising predominantly improved grassland and agricultural pastures bisected by deciduous trees and hedgerows. An area of coniferous forestry is located in the southwest of the Wind Farm Site. All proposed turbine locations (T1-T9), with the exception of T4, are situated on grassland with T4 proposed to be sited within the area of existing coniferous forestry (proposed to be felled) located in the southwest of the Wind Farm Site. The Wind Farm Site access roads are mainly located on improved grassland (with some use of existing tracks), but also through forestry near proposed turbine T4. The Dungolman River bisects the south of the site and flows along the eastern boundary. The topography of the site is undulating, comprising a series of small hills that range in elevation from 55 to 98m OD. The highest point of the proposed wind farm site is located to the northwest.

The proposed lands, the subject of this application are not within a designated Natura 2000 site or designated proposed Natural Heritage Area/Natural Heritage Area. Four recorded monuments are located within and in the vicinity, notably; enclosure (WM024-131); ringfort- rath (WM023-077), ringfort- rath (WM024-135) and enclosure (WM023-067). There are no Protected Structures located within the Wind Farm Site, with the nearest protected structure a single-arched road bridge over the Dungolman River (RPS 023-001), sited on the southern Wind Farm Site boundary.

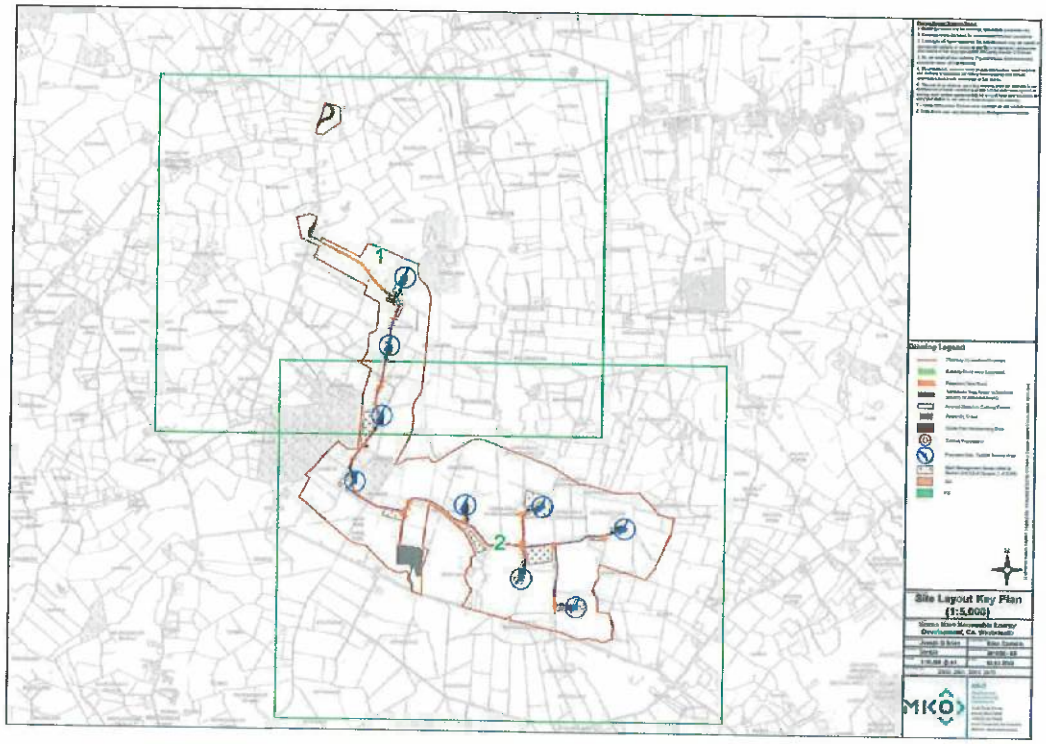
Grid Connection

The proposed wind farm development and grid connection were both considered as part of the EIAR which accompanies this SID application. However, the 110kV cabling and substation to connect to the national grid is indicated to be the subject of a separate planning application. It is indicated that the intended underground electrical cabling route (31km in length) will be predominantly located within public roads (local, regional and national) and will pass through the village of Horseleap, and bypass Kilbeggan town before terminating at the Thornsberry 110 kV substation, located in the townland of Derrynagall or Ballydaly, circa 2 kilometres northeast of Tullamore, Co. Offaly. The cabling route is anticipated to traverse through the following townlands; Ballinderry Big, Ballinderry Little, Ballinlig, Ballybrickoge, Ballynagrenia, Cloonymurrikin, Curragh, Custorum, Hallsfarm, Kilbeg, Kilbeggan, Kilbeggan South, Kilcumreragh, Meadowpark, Meeldrum, Pallas, Raheen, Shureen And Ballynasuddery, Tonaphort, Umma Beg Or Moneynamanagh and Umma More, County Westmeath and Acantha, Aghancarnan, Ardan, Ballybought, Ballynasrah Or Tinnycross, Brackagh, Cappydonnell Little, Cartron Glebe, Cloncraff, Derrynagall Or Ballydaly, Dunard, Durrow Demesne, Gormagh, Kilmurragh, Newtown, Rostalla County Offaly.



***Map 1** – Site Location*

***Map 2** – Aerial photo with proposed turbine locations within site boundary*



Map 2 – Site Layout

4. RELEVANT POLICY & LEGISLATION:

4.1 International Energy Policy Framework

Ireland is a party to the UN Framework on Climate Change (UNFCCC) and the Kyoto Protocol which provide an international legal framework to address climate change. On November 4th 2016 Ireland and the EU ratified and made effective the Paris Agreement which aims to keep global temperature rise this century to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C. This is a legally binding agreement to achieve net zero emissions by the second half of this century, through increasing national determined contributions (NDCs) over time. The NDC for Ireland and all member states will be determined by the EU which has committed to reduce GHG emission by at least 40% by 2030 compared to 1990 levels.

In September 2015, Ireland adopted the non-legally binding United Nations' 2030 Agenda (Transforming Our World, the 2030 Agenda for Sustainable Development) along with all 193 Member States of the UN, which aims to deliver a more sustainable, prosperous and peaceful future for the entire world, and sets out a framework for how to achieve this by 2030. It sets out 17 Sustainable Development Goals (SDGs) covering the social, economic and environmental requirements for a sustainable future, including, inter alia mitigating climate change and providing affordable clean energy.

4.2 European Energy Policy European Green Deal (2019)

2020 Climate and Energy Package – This policy set three key targets -20% cut in greenhouse gas emissions (from 1990 levels); 20% of EU energy to be from renewables; and 20% improvement in energy efficiency, which was agreed in 2007 and enacted in legislation in 2009.

The EU's Effort Sharing Decision addresses the emissions including from housing, agriculture, waste and transport (excluding aviation) through binding annual national targets to 2020. Under the 2030 Climate and Energy Policy Framework (European Council, adopted 24/10/14, with targets revised 2018) binding EU targets of at least 40% reduction in GHG emissions and at least 23% share of renewable energy for all energy consumed in the EU by in 2030, and at least 32.5% improvement in energy efficiency. The EU's Effort Sharing Regulation (EU) 2018/842 lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's target of reducing its greenhouse gas emissions by 30% below 2005 levels in 2030 in the various sectors and contributes to achieving the objectives of the Paris Agreement. A GHG reduction target of at least 30% applies to Ireland.

Renewable Energy Directive 2009/28/EC (23/04/09) – Concerns the promotion of the use of energy from renewable sources. Article 4 requires each member state to produce a national renewable energy plan to achieve an overall reduction in GHG emissions of 20%, a 20% increase in energy efficiency and 20% of energy consumption across the EU to come from renewable energy by 2020. Member states are to achieve their individual binding target across the heat, transport and electricity sectors and apart from a sub-target of a minimum of 10% in the transport sector that applies to all Member States. There is flexibility for each country to choose how to achieve their individual target across the sectors. Ireland's overall target is to achieve 16% of energy from renewable sources by 2020.

Revised Renewable Energy Directive 2018/2001/EU (January 2019) – Sets new target for share of energy from renewable sources in the EU of at least 32% for 2030, with a view to increasing the target through legislation by 2023. Member States are required to set national targets to meet, collectively, the binding Union target through integrated national energy and climate plans. The final share of energy from renewable sources for Ireland's gross final consumption of energy from 1st January 2021 must not be lower than 16% and Ireland will be obliged to take the necessary measures to ensure compliance with same.

4.3 National Energy & Climate Policy

Climate Action and Low Carbon Development (Amendment) Act 2021 - Ireland has a legally binding path to net-Zero emissions no later than 2050, and to a 51% reduction in emissions by the end of this decade. A key element from a local authority perspective is the requirement for local authorities to prepare individual Climate Action Plans. These Plans will include both mitigation and adaptation measures and are required to be updated every five years.

Key components of the Act include:

- This Act embeds the process of setting binding and ambitious emissions-reductions targets in law,
- The Act provides for a national climate objective, which commits to pursue and achieve no later than 2050, the transition to a climate resilient, biodiversity-rich, environmentally sustainable and climate-neutral economy,

- The Act provides that the first two five-year carbon budgets proposed by the Climate Change Advisory Council should equate to a total reduction of 51% over the period to 2030, relative to a baseline of 2018,
- The role of the Climate Change Advisory Council has been strengthened, enabling it to propose carbon budgets to the Minister which match our ambition and international obligations
- The government must adopt carbon budgets that are consistent with the Paris agreement and other international obligations. All forms of greenhouse gas emissions including biogenic methane will be included in the carbon budgets, and carbon removals will be taken into account in setting budgets,
- The Government will determine, following consultation, how to apply the carbon budget across the relevant sectors, and what each sector will contribute in a given five-year period,
- Actions for each sector will be detailed in the Climate Action Plan which must be updated annually,
- Government Ministers will be responsible for achieving the legally-binding targets for their own sectoral area with each Minister accounting for their performance towards sectoral targets and actions before an Oireachtas Committee each year,
- Local Authorities must prepare individual Climate Action Plans which will include both mitigation and adaptation measures and will be updated every five years. Local Authority Development Plans must be aligned with their Climate Action Plan,
- Public Bodies will be obliged to take account of Climate Action Plans in the performance of their functions.

Policy Statement on Security of Electricity Supply - The Programme for Government commits Ireland to an average 7% per annum reduction in overall greenhouse gas emissions from 2021 to 2030 (a 51% reduction over the decade) and to achieving net zero emissions by 2050. In order to contribute to the achievement of these targets, the Government has committed that up to 80% of electricity consumption will come from renewable sources by 2030 on a pathway to net zero emissions. Ensuring continued security of electricity supply is considered a priority at national level and within the overarching EU policy framework in which the electricity market operates.

The Policy Statement on Security of Electricity Supply sets out a number of updates to national policy in the context of the Programme for Government commitments relevant to the electricity sector, planning authorities and developers.

The policy statement includes explicit Government approval that:

- the development of new conventional generation (including gas-fired and gasoil/distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation
- it is appropriate that existing conventional electricity generation capacity should be retained until the new conventional electricity generation capacity is developed in order to ensure security of electricity supply

- the connection of large energy users to the electricity grid should take into account the potential impact on security of electricity supply and on the need to decarbonise the electricity grid
- it is appropriate for additional electricity transmission and distribution grid infrastructure, electricity interconnection and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply
- it is appropriate for additional natural gas transmission and distribution grid infrastructure to be permitted and developed in order to support security of electricity supply

Climate Action Plan 2021 - provides a detailed plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting us on a path to reach net-zero emissions by no later than 2050, as committed to in the Programme for Government and set out in the Climate Act 2021.

It will put Ireland on a more sustainable path; cut emissions; create a cleaner, greener economy and society; and protect us from the devastating consequences of climate change. It is a huge opportunity to create new jobs and grow businesses in areas like offshore wind; cutting-edge agriculture; and retrofitting, making our homes warmer and safer.

The Plan lists the actions needed to deliver on our climate targets and sets indicative ranges of emissions reductions for each sector of the economy. It will be updated annually to ensure alignment with our legally binding economy-wide carbon budgets and sectoral ceilings.

National Mitigation Plan (DCCAE, July 2017) – Specifies the policy measures that are required to manage GHG emissions and the removal of emissions to further the national transition objective, framed around decarbonising four main carbon emitting sectors, namely; electricity generation; the built environment; transport; and agriculture. It recognises that Ireland is not likely to meet it GHG emissions reduction target, with a reduction of only 4%-6% below 2005 levels for all sectors, with emissions exceeding the effort sharing decision limit by 13.7Mt, compared to the 20% target. It refers to quantity of carbon stored in Irish peatlands (64% of total soil organic carbon stock present) and to the National Peatland's Strategy as setting out how to sustainably manage and protect / conserve this national resource, but it does not include any explicit reference to the potential for peatland restoration / rehabilitation to contribute to climate change mitigation.

National Landscape Strategy for Ireland 2015-2025 - The National Landscape Strategy was published by the Department of Arts, Heritage and the Gaeltacht in June 2015. The main objectives include the development of a National Landscape Character Assessment, which would provide a framework for the protection and management of change within the landscape in terms of its cultural, social, economic and environmental values. The aim is to seek to achieve a balance between the social, cultural and economic needs and the environment and the landscape. It is stated that a National Landscape Character Assessment would ensure consistency between and within public authority functions and areas, would inform LCA's at a local level and would guide the development of landscape policy.

National Planning Framework Project Ireland 2040 (2018) – It is a goal of the Framework to refocus planning to tackle Ireland's higher than average carbon-intensity per capita and enable a national transition to a competitive low carbon, climate resilient and environmentally sustainable economy by

2050, through harnessing our country's prodigious renewable energy potential, including, inter alia onshore and offshore wind energy.

The Government will support the roll-out of renewables and protection and enhancement of carbon pools such as forests, peatlands and permanent grasslands; and climate change being taken into account in planning-related decision-making processes. The NPF sets out a series of National Policy Objectives, the following being pertinent to the proposed development:

- *National Strategic Outcome 8* - Transition to Sustainable Energy states that new energy systems and transmission grids will be necessary for a more distributed, more renewable focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy. A target of 40% of the Country's electricity needs from renewable sources by 2020 is stated along with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives up to 2030 and beyond.

- *National Policy Objective (NPO) 23* - Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

- *NPO 52* - The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

- *NPO 54* - Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.

- *NPO 55* - Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

Policy anticipates that the forthcoming Renewable Electricity Policy and Development Framework will aim to identify strategic areas for the sustainable development of renewable electricity projects of scale, in a sustainable manner, compatible with environmental and cultural heritage, landscape and amenity considerations, and that the development of the Wind Energy Guidelines and the Renewable Electricity Development Plan will facilitate informed decision-making in relation to onshore renewable energy infrastructure.

Renewable Electricity Support Scheme (RESS 1) - RESS 1 is the first Renewable Electricity Support Scheme by the Government of Ireland and is a pivotal component of the Government's Climate Action Plan. RESS

1 uses a competitive auction process to determine which generators receive support. For projects that are successful in the RESS 1 Auction, this support typically applies for approximately 15 years.

Action Number 28 of the Climate Action Plan 2019 addresses the design and implementation of RESS. The action calls on the need to increase the volumes and frequencies of RESS auctions to deliver on the 70% renewable electricity target by 2030, ensuring an appropriate community/enterprise mix to achieve an efficient delivery of renewables. RESS 1 is the first step in this important component of the Climate Action Plan.

All RESS 1 Projects are required to establish a Community Benefit Fund prior to Commercial Operation of the project. The contribution will be €2/MWh of Loss-Adjusted Metered Quantity for all RESS 1 Projects.

Wind Energy Development Guidelines for Planning Authorities 2006 - These guidelines provide advice to the Board and to planning authorities on wind energy development through the Development Plan and the development management process. They are intended to provide for consistency in the approach to wind energy development in terms of the identification of suitable locations for such development and in the determination of planning applications. It is stated that the assessment of such projects should be plan-led with clear guidance on where wind energy development should locate and what factors will be taken into account.

The matters to be considered in a planning application are set out in Chapter 4. These include potential impacts on the built and natural heritage, ground conditions and drainage, visual and landscape impacts, local environmental impacts, (including noise, shadow flicker, electromagnetic interference), and adequacy of local access road network. It is stated that best practice would suggest that an integrated planning application that include grid connection information should ideally be submitted and that developers should be encouraged to engage in public consultation with the local community.

The potential environmental impacts arising from wind energy developments are discussed in Chapter 5. Guidance is given on matters such as noise, shadow flicker, natural heritage, archaeology, architectural heritage, ground conditions, aircraft safety and windtake. Whilst a setback distance is not established, it is stated that noise is unlikely to be a significant problem where the distance to the residential property is more than 500m. In respect of noise, the recommended standard is a lower fixed limit of 45dBA or a maximum increase of 5dBA above background noise and nearby noise sensitive locations, apart from very quiet areas where the daytime level is limited to 35-40dB(A). A night time limit of 43 dB(A) is recommended. In terms of shadow flicker, the recommended standard is a maximum of 30 hours per year or 30 minutes per day for dwellings and offices within 500m. It is further stated that at distances of greater than 10 rotor diameters, the potential for shadow flicker is very low.

Chapter 6 provides guidance on siting and design of wind energy development in the landscape. This includes advice on siting, spatial extent and scale, cumulative effect, spacing of turbines, layout of turbines and height of turbines. Advice is also given regarding landscape character types as a basis for application of the guidance on siting and design.

Draft Revised Wind Energy Development Guidelines 2019 – It should be noted that the Department of Housing Planning and Local Government published Draft Revised Wind Energy Development Guidelines in December 2019. A public consultation period was held until the 19th of February 2020.

The proposed key revisions include the following:

- New noise standards: The draft guidelines include proposed new standards aimed at reducing noise nuisance from wind energy developments for local residents and communities. The proposed new standards are in line with international standards, as incorporated in the 2018 World Health Organisation Environmental Noise Guidelines for the European Region. The permitted noise levels will take account of certain noise characteristics specific to wind energy projects i.e. tonal, amplitude modulation and low frequency noise and provide penalties for tonal noise and amplitude modulation and a threshold for low frequency noise above specified limits which, if breached, will result in turbine shut down. The implementation of a new robust noise monitoring framework is also proposed.
- Setback distance: The draft guidelines require a setback distance for visual amenity purposes of four times the tip height between a wind turbine and the nearest point of the curtilage of any residential property in the vicinity of the proposed development, subject to a minimum mandatory setback distance of 500 metres. This setback requirement is also subject to the need to comply with the proposed noise limits outlined above.
- Automatic shadow flicker control mechanisms: Automatic shadow flicker control mechanisms will be required to be in place for the operational duration of a wind energy development project. It will be a specific condition of planning permissions that should shadow flicker occur and impact existing properties, the relevant wind turbines must be shut down.
- Community consultation: Wind energy developers will be mandatorily required to engage in active public consultation with the local community at an early stage. In this regard, they will have to prepare and submit a 'Community Report' as part of their planning application outlining how they have consulted and engaged with the local community regarding the proposed development and how they will work with the local community to allow for the free flow of information between the community and the developer at all stages in the project.
- Community dividend: Wind energy developers will have to provide an opportunity for the proposed development to be of enduring economic or social benefit to the local community, whether by facilitating community investment/ ownership in the project, other types of benefits/ dividends, or a combination of the two.
- Grid connections: The draft guidelines contain updated guidance regarding the Environmental Impact Assessment-related requirements in respect of wind energy development projects and their related grid connections, arising from a High Court Judicial Review (O Grianna and others v. An Bord Pleanála).

The draft is subject of SEA, with the aim to issue the finalised Guidelines, following detailed analysis and consideration of the submissions and views received during the consultation phase.

4.4 Regional Policy

Eastern and Midlands Regional Assembly – Regional Spatial and Economic Strategy 2019 -2031

The primary purpose of the RSES is to support the implementation of Project Ireland 2040 and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the Region.

The RSES sets out vision based across 3 no. key guiding principles: healthy place-making, climate change, and economic opportunity. Underpinning these guiding principles are a series of Regional Policy Objectives (RPO's). The following RPO's are of particular relevance to the proposed development:

RPO 7.36: Planning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and any other relevant guidance which may be issued in relation to sustainable energy provisions.

RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.

RPO 10.22: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people.

4.5 Local Policy and Guidance Documents

The Westmeath County Development Plan 2021- 2027 (CDP) is the overarching plan with respect to land use in the County and outlines the overall strategy for the proper planning and sustainable development of County Westmeath. The relevant Sections, Policies and Objectives of the CDP, which have significance to the proposed development are outlined below.

Chapter 5 Economic Development & Employment Strategy: Transition to a Low Carbon Economy/Green Economy where a shift towards the use of renewable energy is identified as a key component and supported by policy.

CPO 5.59: Support Renewable energy initiatives that supports a low carbon transition.

Chapter 9 Rural Westmeath: Farm Diversification which notes the potential challenges within the rural economy, and acknowledges that there is a need to promote farm diversification and new employment opportunities to ensure the viability and sustain existing rural communities. The Council willingness to support diversification of the rural economy, including renewable energy is highlighted in supporting policy:

CPO 9.34: Support the rural economy and initiatives in relation to diversification, agri business, rural tourism and renewable energy so as to sustain employment opportunities in rural areas.

Chapter 10 Transport Infrastructure and Energy: Section 10.22 Renewable Energy Sources outlines that a favourable approach will be taken towards applications for renewable energy developments provided they are environmentally sustainable and are in accordance with general planning criteria. The most pertinent policies refer as follows:

CPO 10.139: Support local, regional, national and international initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of the natural resources in an environmentally acceptable manner and having particular regard to the requirements of the Habitats Directive.

CPO 10.140: Facilitate measures which seek to reduce emissions of greenhouse gases and support the implementation of actions identified in the Westmeath County Council Climate Change Adaptation Strategy 2019-2024 and any future amendments.

Section 10.23.2: Industrial Scale Wind Farms. The Council will look favourably on the development of industrial scale wind farms and the harnessing of wind energy in a manner that is consistent with proper planning and sustainable development of the County.

CPO 10.142: Have regard to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland and any other relevant guidance which may be issued in relation to sustainable energy provisions.

CPO 10.144: Ensure the security of energy supply by supporting the potential of the wind energy resources of the County in a manner that is consistent with proper planning and sustainable development of the area.

CPO 10.146: To strictly direct large-scale energy production projects, in the form of wind farms, onto cutover cutaway peatlands in the County, subject to environmental, landscape, habitats and wildlife protection requirements being addressed.

CPO 10.147: Ensure that proposals for energy development demonstrate that human health has been considered, including those relating to the topics of:

- Noise (including consistency with the World Health Organisation's 2018 Environmental Noise Guidelines for the European Region);
- Shadow Flicker (for wind turbine developments, including detailed Shadow Flicker Study);
- Ground Conditions/Geology (including landslide and slope stability risk assessment);
- Air Quality; and Water Quality;
- Assessment of impacts on collision risk species (bird and bats).

CPO 10.148: With regard to wind energy developments, to ensure that the potential for visual disturbance should be mitigated by applying an appropriate setback distance, which, where relevant, complies with available Ministerial Guidelines.

Chapter 11 Climate Action: Chapter 11 address the transition to a low carbon and climate resilient County, with an emphasis on reduction in energy demand and greenhouse gas emissions, through a combination of effective mitigation and adaptation responses to climate change. Relevant policy is as follows:

CPO 11.1: Support the implementation and achievement of European, National, Regional and Local objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable

mobility, flood risk management and drainage) and having regard to the Climate mitigation and adaptation measures which have been outlined through the policy objectives in this Development Plan:

- National Mitigation Plan (2017 and any subsequent versions);
- National Climate Change Adaptation Framework (2018 and any subsequent versions);
- Climate Action Plan (2019 and any subsequent versions);
- Any Regional Decarbonisation Plan prepared on foot of commitments included in the emerging Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- Relevant provisions of any Sectoral Adaptation Plans prepared to comply the requirements of the Climate Action and Low Carbon Development Act 2015, including those seeking to contribute towards the National Transition Objective, to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050; and
- Westmeath County Council Climate Change Adaptation Strategy 2019-2024

Chapter 12 Natural Heritage and Green Infrastructure policy: In Section 12.17 peatlands are acknowledges as one of our oldest surviving ecosystems and associated key value for biodiversity, regulation of climate as a valuable natural carbon sink, water filtration and supply.

Relevant council policy objective in this regard is as follows:

CPO 12.65: Require the preparation of Hydrological Reports for significant developments within and in close proximity to peatlands, and to take account of same in the assessment of impacts on the integrity of peatland ecosystems.

5. EIA SCREENING:

The proposed development falls within the definition of a project under the EIA Directive as amended by Directive 2014/52 and falls within the scope of Class 3 under Part 2 Schedule 5 of the Planning and Development Regulations, (as amended), Development for the Purposes of Part 10:

Energy Industry (i) Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.

EIA is required, and the applicant has submitted an EIAR.

6. RELEVANT PLANNING HISTORY:

Planning History Within the Site Boundary			
Planning Reference	Description	App. Type	Decision
87/313	Extension to an existing dwelling	Permission	Conditional
06/1326	Slatted shed, storage shed and silage silo	Permission	Conditional
07/4301	Proposed dung stead	Permission	Conditional
10/4088	Dry shed extension to existing sheds	Permission	Conditional

Table 6.1: *Planning History*

7. ENFORCEMENT INFORMATION RELATING TO THE SUBJECT SITE.

Enforcement Reference 21/030: Erection of a wind mast– Structure deemed exempted development. Case Closed May 2021.

8. DESIGNATION SITES:

8.1 EUROPEAN – Special Protected Areas (SPAs) and Special Areas of Conservation (SACs)

There are no European Sites within the subject lands delineated for the proposed wind farm development. The nearest European Site is located a distance of circa 4.25 kilometres from the proposed wind farm development. There are seven SACs and two SPAs (Natura 2000 sites) located within 15 km of the proposed development, as follows:

Special Area of Conservation (SACs) Within 15km Radius of Wind Farm Development Boundary	
SAC	Distance from the Site (km)
Ballymore Fen [002313]	4.25
Carn Park Bog [002336]	8.81
Lough Ree [000440]	9.51
Crosswood Bog [002337]	12.08
Split Hills and Long Hill Esker [001831]	13.4
Clara Bog [000572]	13.6
River Shannon Callows [000216]	14.9

Table 8.1: *SAC Sites withing 15km*

Special Protection Areas Within 15km Radius of Wind Farm Development Boundary	
SPA	**Distance from the Site (km)**
Lough Ree [004064]	9.77
Middle Shannon Callows [004096]	14.9

***Table 8.2:** SPA Sites within 15km*

An Appropriate Assessment (AA) Screening Report carried out by MKO Consultants on behalf of the applicant identified and considered all SACs and SPAs within the potential likely zone of impact of the site and the grid connection (subject of a separate application) and the potential to result in likely significant effects and the pathways by which those effects may occur on any Natura 2000 site. It also identified those qualifying interests/special conservation interests that have the potential to be affected by the Proposed Development. The AA Screening report identified the potential for the Proposed Development to result in significant effects on the following European Sites:

- Lough Ree SAC [000440]
- River Shannon Callows SAC [000216]
- Lough Ree SPA [004064]
- Middle Shannon Callows SPA [004096].

A Natura Impact Statement (NIS) was subsequently carried out for the Proposed Development by MKO on behalf of the applicant in order to inform and assist the competent authority, in carrying out its Appropriate Assessment, as to whether or not the Proposed Development will adversely affect the integrity of European Sites, either alone or in combination with other plans and projects, taking account of their conservation objectives. This NIS provides an assessment of potential direct or indirect adverse effects on European Sites whether considered individually or in combination with other plans and projects. Where the potential for any adverse effect on any European Site has been identified, the appointed consultants have applied design and mitigation measures with the purpose of ensuring that the construction and operation phases of the Proposed Development do not adversely affect the integrity of European sites. The report concludes that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site. In this case, An Bord Pleanála is the competent authority for the purposes of Appropriate Assessment (AA).

8.2 NATIONAL DESIGNATIONS - Natural Heritage Areas (NHAs)

NHAs/Proposed NHAs within 15km Radius of Site	
NHA/pNHA	**Distance from the Site (km)**
Lough Sewdy pNHA	3.22
Ballynagarbry pNHA	5.39
Waterstown Lake pNHA	8.59
Carn Park Bog pNHA	8.81
Woodfield Bog pNHA	9.02
Royal Canal pNHA	9.55

Lough Ree pNHA	9.9
Crosswood Bog pNHA	10.6
Split Hills And Long Hill Esker pNHA	13.41
Clara Bog pNHA	13.6
Derry Lough pNHA	13.71
River Shannon Callows pNHA	14.99
Ballynagrenia And Ballinderry Bog	2
Clonydonnin Bog	13.45
Nure Bog	14.5

***Table 8.3:** NHAs / p.NHAs within 15km*

These are described in the EIAR and a determination on likely impact is provided (Refer Table 6-5, Chapter 6 EIAR).

Lough Ree pNHA and the River Shannon Callows pNHA were considered as being within the likely zone of impact and further assessment thereafter carried out. Section 6.9 of the EIAR concludes that Proposed Development will not result in a residual loss of any habitat of high ecological significance and will not have any significant impacts on the ecology and biodiversity of the wider area, subject to the development being constructed, operated and decommissioned in accordance with the design, best practice and mitigation described within this application.

9. PROTECTED STRUCTURES/ACA/SPECIAL AMENITY AREA ORDERS/ ARCHAEOLOGY:

Protected structures/ACA/Special Amenity Area Orders

There are no Protected Structures/ACA/Special Amenity Area Orders within the landholding boundary associated with the proposed development therefore no direct impacts to this resource are identified. The nearest protected structure is RPS 023-001 a single-arched road bridge over the Dungolman River, built c.1855 on the southern site boundary.

The Zone of Theoretical Visibility (ZTV), when overlaid on the project GIS mapping shows that 9 turbines are theoretically visible from the locations of 46 RPS Structures. The EIAR contends that the overall significance of effects will be Slight- Significant, but that in reality, the effect will be less severe since the ZTV model does not take natural screening and buildings into consideration which will alleviate if not remove the impact on setting altogether.

It is considered that any likely visual effects on the setting of a protected structure are entirely reversable following the decommissioning of the proposed 9 (no.) wind turbines.

Archaeology

Archaeology is discussed under 'Chapter 13 of the EIAR.

10. PUBLIC SERVICES:

Public Water Supply:

It is stated that the water requirement of the proposed development does not necessitate a potable source. Applicant outlines proposal to either harvest rainwater from the roofs of the buildings or, alternatively, install a groundwater well adjacent to the substation in accordance with the Institute of Geologists Ireland, Guide for Drilling Wells for Private Water Supplies (IGI, 2007). An in-well pump will direct water to a water tank within the roof space of the control building. Bottled water will be supplied for drinking, if required.

Sanitary Facilities:

It is not proposed to treat wastewater on site. Temporary port-a-loo toilets and toilets located within a staff portacabin will be used during the construction phase. Wastewater from the staff welfare facilities in the control buildings will be managed by means of a sealed storage tank, with all wastewater generated to be tankered off site to wastewater treatment plants. (Refer 4.3.1.5 EIAR).

Surface Water:

The Dungolman River is a small stream which traverses the proposed site. It flows through the subject lands in a northerly direction to the Tang River before joining the River Inny which discharges into Lough Ree to the north-west. The agricultural lands which cover the majority of the site contain a network of manmade drains which run along the hedgerows and field boundaries and drain into the Dungolman River and the Moneynamanagh and Mullenmeehan streams. The west of the proposed wind farm site, in the vicinity of T4, consists of forestry with forestry drains discharging into the Dungolman River to the east.

Two distinct methods will be employed to manage drainage water within the site. The first method involves 'keeping clean water clean' by avoiding disturbance to natural drainage features, minimising any works in or around artificial drainage features, and diverting clean surface water flow around excavations, construction areas and temporary storage areas. The second method involves collecting any drainage waters from works areas within the site that might carry silt or sediment, and nutrients, to route them towards settlement ponds (or stilling ponds) prior to controlled diffuse release over vegetated surfaces. There will be no direct discharges to surface waters.

Drainage design proposals put forward for this development within an undulating topography incorporate various measures including:

- Interceptor drains to be installed upgradient of any works areas to collect surface flow runoff and prevent it reaching excavations and construction areas of the site where it might otherwise have come into contact with exposed surfaces and picked up silt and sediment
- Drainage swales to be installed downgradient of any work areas to collect surface flow runoff where it might have come into contact with exposed surfaces and picked up silt and sediment
- Check dams (made up of straw bales or stone, or a combination of both), a level spreader (at the end of each interceptor), piped slope drains and vegetation filters are also proposed
- Stilling ponds to attenuate runoff from works areas during the construction phase and to remain in place during the operational stage for runoff from roads and hardstanding areas. It is stated

that stilling ponds will be inspected weekly and following rainfall events and a "siltbuster" or similar equivalent piece of equipment will be available to filter any water pumped out of excavation areas, if necessary, prior to its discharge to stilling ponds or swales.

- Silt bags, sedimats, culvert, silt fences, forestry fencing drainage and cable trench drainage are also proposed.

11. FLOOD RISK ASSESSMENT:

Flood risk assessment is addressed in Chapter 9 (and Appendix 9-1) of the EIAR. There is no CFRAM mapping available for the site area. The closest mapped recurring flood event is found at Kiltober, circa 250m southwest of the subject lands and it is reported that these lands flood annually following intense rainfall. Similar flood events have been recorded at Tourbeg, Moate, approximately 700m south of the Wind Farm Site and c.1km to the north of the subject site along the R390 at Ballymore. (It is noted that the OPW Preliminary Flood Risk Assessment (PFRA) flood maps identify areas of potential fluvial and pluvial flood risk within the site).

'Hydro Environmental Services', have completed site-specific flood modelling for the proposed development infrastructure within the wind farm site and recorded that there are no turbines located within mapped flood zones and that the onsite substation and temporary access roads are also located outside of the modelled flood zones.

The access roads (proposed/upgraded) are located outside of the modelled flood zones, with the exception of 1 (no.) section (110m) of access road located c.300 metres west of T5. All proposed wind farm access tracks within modelled flood pluvial zones will have the track surface raised at least 500mm above the 1000-year flood level. No mitigation is required with respect to downstream flood risk as they are all outside of the modelled flood zone. An existing field drain which will be culverted under the proposed access track will provide a drainage outlet for flood water following any significant flood event.

Based on the details proposed, it is considered that any potential upstream or downstream flood impacts associated with the proposed development will be imperceptible. Therefore, there will be no increase in flood risk arising from this development to people, property, the economy or the environment during extreme flood events.

12. WATER FRAMEWORK DIRECTIVE (WFD):

On a regional scale, the wind farm site is located in the Inny River surface water sub-catchment, which is in the Upper Shannon catchment within Hydrometric Area 26 of the Irish River Basin District (SIRBD). On a more local scale, these lands are located in the Inny River sub-catchment (Inny[Shannon]_SC_090) with the majority of the site located in the Dungolman WFD river sub basin (Dungolman_030). River Basin Management Plans (RBMPs) have been published for all River Basin Districts in Ireland in accordance with the requirements of the WFD and outline the water quality objectives for each waterbody.

The EIAR which accompanies this application indicates that there is no direct discharge from the proposed development site to downstream receiving waters and that mitigation for the protection of surface water

during its operational phase will ensure the qualitative status of the receiving waters will not be altered or negatively impact on WFD Objectives.

13. ENVIRONMENT IMPACT ASSESSMENT REPORT (EIAR) (Comments)

The following section gives the Planning Authority's views in relation to the adequacy of the EIAR submitted as part of this planning application. Where possible it has been attempted to keep the planning assessment separate from those comments specifically relating to environmental impact, however it should be noted that there is somewhat of a crossover.

In this case, An Bord Pleanála is the competent authority for the purposes of carrying out an Environmental Impact Assessment (EIA). The EIAR submitted by the applicant informs this EIA, as does information available to the Board and information given by the Local Authority.

The Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018) specify that (as per EU Directive 2014/52/EU) there is a requirement for the EIAR to be prepared by component experts. For the most part, the EIAR which accompanies this application is set out in a clear format and consists of a wide-ranging, comprehensive assessment of the full range of issues and factors that could reasonably be anticipated for a wind farm development of this scale. The Non-Technical Summary (NTS) is considered adequate.

The section below provides a brief summary of the environmental impacts of the proposal as outlined in the chapters contained in the EIAR.

Chapter 1 – Introduction

The introduction is clearly set out and refers to the legislative context of the Environment Impact Assessment with regard to Strategic Infrastructure Development under Section 37A of the Planning and Development Acts 2000, as amended.

The main EIAR text follows a 'grouped format' structure whereby environmental factors are assessed and presented as separate chapters. Chapters are organised in a consistent approach which commences by considering the existing or baseline environment, with a subsequent assessment of the likely significant impacts of the proposed development followed by identification of measures to mitigate and monitor.

Reference is made to the scoping process carried out along with interaction undertaken with the various stakeholders during the consultation process. The AA Screening Report considered the preparation and submission of a Natura Impact Statement (NIS) necessary to inform an Appropriate Assessment (Stage 2).

Chapter 1 of the EIAR states that each chapter has been completed by a component expert(s) and a 'Statement of Authority' has been provided in each chapter. The level of expertise of the component experts appears reasonable however this is a matter for the Board to determine.

This chapter concluded that no general difficulties or limitations, including technical deficiencies or lack of knowledge, were encountered in compiling the information required to be provided in this EIAR. Where

specific difficulties or limitations were encountered in relation to specific environmental factors, they are reported in the individual chapters of this EIAR, as appropriate.

Chapter 2 – Background to the Development

This chapter of the EIAR sets out the energy and climate change related policy and targets along with national, regional and local planning policies relevant to the proposed development. The chapter also summarizes EIA scoping undertaken, and the cumulative impact assessment process undertaken.

Chapter 3 – Site Selection and Reasonable Alternatives

This chapter of the EIAR includes a description of the reasonable alternatives examined by/on behalf of the applicant which are relevant to the project and its specific characteristics and an indication of the main reasons for the option chosen, taking into account the environmental effects.

Do Nothing' Alternative: Clear and informed details on renewable energy and climate change policy and targets, the strategic planning context for the proposed development along with the relevance of local development plan policy is set out. The 'Do-Nothing' scenario has been assessed i.e. an outline of what is likely to happen to the environment should the project not be implemented. In this regard, it is envisaged that the local environment would continue as low intensity agriculture and forestry. It is submitted that in the 'Do-Nothing' scenario, there will likely be a loss of local employment and investment.

The EIAR considers this scenario as a lost opportunity to contribute positively in the transition to a low carbon environment. Accordingly, the 'Do Nothing' alternative was not considered a viable option.

Alternative Locations: The EIAR informs that strategic site selection is based on criteria which seeks to avoid intrinsic environmental sensitivity as the primary mitigation option for onshore wind energy projects. The procedure presented is based on a screening process which applies key analysis criteria. The preferred site is considered void of any environmental designations and is accessible in terms of connection to the national grid and situated in an area of relatively low population density with appropriate annual wind speeds.

The process used to identify alternative locations for the development identified *"energy and land-use planning policies"* as a parameter within the analysis screening process. However, in terms of appropriate location for Wind farm developments CDP policy CPO 10.146 is of particular relevance and refers as follows:

To strictly direct large-scale energy production projects, in the form of wind farms, onto cutover cutaway peatlands in the County, subject to environmental, landscape, habitats and wildlife protection requirements being addressed.

It is considered that the alternative site selection process failed to appreciate the significance of County Development Plan Policy CPO 10.146.

Alternative Renewable Energy Technologies: The EIAR informs that the only other technology reasonably available to meet the objectives of the project and national targets would be the development of a commercial solar energy project. It is indicated that due to its nature, solar energy production requires a significantly larger direct land-take and would result in a higher potential environmental effect on traffic

and transport and biodiversity and birds (habitat loss) at the site and impacts to existing agricultural practices. The proposal for a wind energy development at this site was considered to be the most efficient method of electricity production with the lesser potential for significant environmental effects.

Alternative Designs: It is outlined within the submitted EIAR that the design of the proposed development is the result of several iterations. An alternative option was to install 22(no.) smaller turbines (2.5MW output), but it was outlined that this option would require a greater footprint of a wind farm site and a larger amount of supporting infrastructure and a greater potential for environmental impacts.

An alternative design option considered was for a 12(no.) turbine layout. It is stated that the design of the wind farm has been a collaborative process from the outset with the aim being to reduce potential for environmental effects while designing a project capable of being constructed and viable. It is indicated that modification to the layout of the proposed development has been refined to take account of the findings of all site investigations along with recommendations and comments from the relevant statutory and non-statutory consultees, the local community and local authorities.

Alternative Grid Connection Cabling Route Options: Proposed connection to the grid will form part of a separate planning application, however it has been considered within an overall EIAR carried out for the wind farm site and associated cabling connection.

Two alternative cable route options were considered for the connection of the proposed development to the existing Thornsberry 110kV substation via an underground electrical cabling route, measuring approximately 31km in length. It is outlined within the EIAR that a key consideration in determining the grid connection method for the proposed development was whether the cabling is underground or run as an overhead line. It was determined that the preferable options are to underground the cabling as the lines will have no visual impact. The Megawatt output of the Wind Farm Site is such that it needs to connect to a 110KV substation. There are 3 no. existing 110KV substations located within 25km of the site, namely:

- Athlone
- Thornsberry
- Mullingar.

Mullingar was discounted on foot of initial grid studies which highlighted that it is already congested and therefore was not a viable option. Therefore, both Athlone (Option 1) and Thornsberry (Option 2) substations were considered and assessed to determine which route would be brought forward. A number of routes were assessed to both connection points through the design process. The route chosen was Thornsberry 110KV substation with proposed underground electrical cabling and this was considered the optimal route given it has the least potential for environmental effects when compared with option 1 Athlone, with associated designations for ecological protection i.e. Natura 2000 sites, notably Lough Ree SAC, SPA and pNHA.

The cabling route involved the identification of two options to cross the M6 Motorway south of Kilbeggan, namely via an existing footpath underpass or via the N52 underpass. The former was chosen as the preferred option as the N52 underpass is serviced by 2 (no.) roundabouts and the footpath underpass would give rise to less obstructive works to the road network.

Alternative Transport Routes and Site Access: The EIAR indicates that during the assessment of a transport route to the proposed development site, alternatives were considered in relation to turbine components, general construction-related traffic, and site access locations. It is indicated that there are a number of ports of entry for turbine components into Ireland and, for the purposes of the EIAR, the Port of Galway has been selected (for assessment purposes only) as the port of entry for turbine components given its proximity from the port to the M6 motorway. This provides accessibility by national and regional roads towards the Wind Farm Site. The M6/N6 is considered by the applicant as being the preferred route given its proximity to the proposed development. The haul route will then exit at Coosan/Cornamagh (Athlone) on to the N55 and travel east onto the R390 and the subsequent local access will be provided to the subject site by the L5363.

Chapter 4 - Description of the Proposed Development

In Chapter 4 of the EIAR, a detailed description of the proposed development is provided along with development layout configuration. Particulars are provided in respect of development components including turbine types and capacity, assembly mechanism, grid connection and cabling, access and transportation including traffic management, turbine and construction material haul routes, community gain proposal, site drainage, construction methodologies, onsite electricity Substation and Control Building, construction compound, spoil management plan, tree felling and replanting, environment management of construction works which feeds into the overall construction management plan, operational details and decommissioning.

The proposed wind turbines are indicated as having an overall tip height of 185m. The turbines each consist of a three-bladed rotor attached to a nacelle (hub) which contains the mechanical drive train and electrical generation mechanisms, mounted on a steel/concrete tower of tubular construction. The colour of the proposed turbines and blades are proposed to be white, off-white or light grey.

It is noted that each assessment contained within individual chapters of this EIAR have been undertaken on the basis of the proposed turbine model and dimensions, as set out. It is highlighted, that turbine technology advances very quickly with component dimensions constantly changing to maximise efficiency, while the process for securing planning permission and all other subsequent consents can take a significant period of time and accordingly the proposed turbine model may no longer be available in the market. Turbine design parameters have a bearing on the assessment of shadow flicker, noise, visual impact, traffic and transport and ecology (specifically birds). Accordingly, while this EIAR assesses the likely significant environmental effects of the proposed turbine and its principal dimensions, it also fully incorporates an assessment of any immaterial deviations thereof.

Chapter 5 – Population and Human Health

Chapter 5 identifies, describes and assesses the potential effects of the Proposed Development on population and human health. The key issues examined in this chapter of the EIAR include population, human health, employment and economic activity, social consideration, residential amenity, land-uses, health and safety. In addition to this chapter, references to health in association with soils, water, air quality, noise, shadow flicker and landscape are discussed in subsequent chapters of the EIAR.

From a socio-economic perspective the likely positive significant impacts are indicated to be primarily seen during the construction phase where approximately 80-100 jobs are indicated to be created over the construction period of 18-24 months. It is also indicated that most construction workers and materials will be sourced locally, thereby helping to sustain employment in the construction trade. It is envisaged that procurement of goods and services are likely to have a significant positive short-term effect on the local economy. When operational, a team of personnel to provide servicing, maintenance, repairs and other operational support will also be required. In this regard it is estimated that approximately 2-4 (no.) jobs will be created to provide operational support to the project. It is also indicated that the proposed development will have a considerable annual business rates obligation to the Local Authority, with benefits across the entirety of County Westmeath.

The EIAR considers that through assessment in other relevant chapters within the EIA that the proposed development has potential for negative effects on human health during the construction phase related to potential emissions to air of dust, potential emissions to land and water of hydrocarbons and silt laden run-off into watercourse and noise emissions. However, the assessment indicates that residual effects are not significant and do not have the potential to cause negative health effects for human beings and therefore the potential effects associated with the proposed development are imperceptible.

The EIAR indicates that the operational phase of the proposed development is not likely to result in any significant positive or negative effects in terms of population sustainability and residential amenity, general amenity and wellbeing, economic and employment effects and effects on tourism. While minor localised effects are likely to arise, both positive and negative, these effects are not assessed as likely to be significant.

The EIAR considers amenity levels of the local population, the likely impacts are due to noise, shadow flicker, visual amenity and potential impact from dust and traffic. Alternative EIAR chapters assess the likely impacts on same. The EIAR considers that with the implementation of mitigation measures that any residual effect from the proposed development will have an imperceptible effect on residential amenity.

Chapter 5 briefly describes the proposed Community Benefit Schemes in accordance with the Wind Energy Ireland (WEI) best practice. It is indicated that the scheme will be available to the community at a rate of €2 euro per megawatt hour (MWh) produced, should the Renewable Energy Support Scheme (RESS) be awarded. An investment of approximately €340,000 for the overall wind farm development per year for up to 15 years, is committed. There will also be a community investment element available where there will be an opportunity for all local residents to participate, should they wish to do so. The structure for the investment scheme will form part of the RESS design, however, the precise arrangements for the RESS have not yet been published. It is also stated that should the proposed development be developed and not enter RESS, the community benefit scheme proposes to provide a fund a €100,000 per annum over the lifespan of the proposed development based on current estimated generating capacity (equating to €3 million to the local community).

The overall conclusion of this chapter is that any adverse effects of the proposed development on population and human health are unlikely to be significant. No specific mitigation measures, other than full adherence to all health and safety and public health guidance, have been identified as being required. It is considered that the timespan of the Community Benefit Scheme should match that of the operating life of the wind farm i.e., 30 years.

Chapter 6 - Biodiversity

This chapter of the EIAR assesses the likely significant effects that the proposed development may have on biodiversity, flora and fauna (with the exception of Birds, which are considered within Chapter 7 of EIAR).

Effects on Habitats During Construction:

The EIAR submits that the proposed development has the potential to result in habitat loss and give rise to disturbance on faunal species that were recorded on the site and of 'local importance', which cannot be avoided. This mainly involves the loss of tree lines, hedgerow, improved agricultural grassland, arable land, wet grassland, conifer plantations. Compensatory planting and woodland enhancement measures are proposed to address this matter. It is also contented within the EIAR that there are potential effects on rivers/streams and sensitive aquatic faunal species. Such potential impacts arise from construction activity, in the run-off of silt, nutrients and other pollutants into watercourses. However, given the extensive area of habitat that will remain undisturbed throughout the site and the planting of additional hedgerow in excess of the amount being lost in association with the proposal and by way of mitigation measures relating to aquatic habitats and species (i.e. to prevent sediment and/or fuel runoff from getting into watercourses), no significant effects on important faunal ecological receptors is anticipated as a result of the proposed development.

It is considered that any direct or indirect impacts on these habitats are not significant. In the event that the proposed development is permitted, the contractor should be bound to follow a detailed Construction and Environmental Management Plan (CEMP) which should be in place prior to the commencement of any construction works.

Protected Species:

The EIAR informs that no otter holts or resting places were located within the proposed development site. It is submitted that no instream works at natural watercourses, are required as part of the proposed development. Therefore, there is no potential to result in any barrier to the movement of otter. Potential indirect effects may include deterioration of habitat resulting from surface water pollution. However, proposed mitigation includes compliance with a Construction Environmental Management Plan (CEMP). It is submitted that the proposed development following the implementation of the CEMP will have no significant residual effect on otter.

Several badger setts were identified within the proposed development site, and it is indicated that indirect and direct disturbance of badger setts during construction will be avoided by ensuring appropriate exclusion zones are implemented during construction, as per NRA (2009) Guidelines. Mitigation measures includes close consultation with NPWS and best practice guidelines for the treatment of badgers (NRW, 2009). Further, out of the breeding season no heavy machinery will be permitted within 30m of badger setts, unless carried out under NPWS license. It is submitted that the proposed development will not result in any significant fragmentation to or loss of badger habitat.

Loss or damage to commuting and foraging bat habitat will occur as a result of tree felling, road widening, and construction works, this represents a potential long-term impact on bat at the local level. Factors such as increased noise and artificial lighting during construction have the potential to lead to displacement effects on bats where working hours coincide with periods of bat activity. The EIAR submits

that hedgerow/tree habitat will be lost as a result of the proposed development but additional planting in excess of the overall loss will be added to the existing landscape, resulting in a net gain. Compensation for the loss of trees with alternative potential roosting features will be implemented, such as bat-boxes. The EIAR concludes that following implementation of mitigation measures (e.g. buffer of at least 50m between the tip of the blade and any trees or other tall vegetation that could provide high quality foraging habitat for bat species be provided, directing lighting (where required) away from mature trees/site boundary post-construction monitoring), there is no potential for the construction of the proposed development to result in significant effects on bat populations at any geographic scale.

The EIAR submits that noise and earth movement during construction and felling of trees could have potential to disturb pine marten occupying any dens in close proximity to the proposed development. The impact has been assessed as 'Slight' at a local scale in the absence of mitigation measures. Two number pine marten boxes are proposed within the retained conifer plantation forestry within the site.

Effects on Habitats During Operation:

Pre-mitigation potential impacts on aquatic faunal species as a result of increased surface water runoff have been assessed as being negative, slight, indirect, permanent, moderate probability effect on all downstream surface water bodies. Following mitigation measures to prevent sediment and/or fuel runoff from getting into watercourses, the EIAR contends that there is no potential for significant effects on aquatic faunal species.

Effects on Fauna During Operation:

The EIAR predicts that the operation of the proposed development will not result in any additional habitat loss or deterioration, nor will it result in a significant increase in anthropogenic activity due to its location and scale. There is no potential for significant negative effects on non-volant terrestrial fauna including otter or badger that were identified as Key Ecological Receptors (KERs) during the construction phase of the proposed development. It is not anticipated that the operation of the proposed development will have any effect on otter or its supporting habitat during the operational phase, as there is no requirement for instream works and no loss of riverine habitat.

The EIAR also predicts that there is potential for significant effects on bat species resulting from the operation of the Proposed Development and therefore, these are identified as KERs during the operational phase. It is outlined that the site is utilised by a regularly occurring bat population of local importance. The operation phase poses a potential risk to bats in the form of collision mortality, barotrauma and other injures cause by coming into contact or close proximity to operational turbines. Increased in artificial lighting at night would have the potential to result in displacement. The EIAR considers that the magnitude of the effect on bat populations prior to any mitigation is 'Moderate' at a local scale.

The primary mitigation measure employed to avoid collision and negative effects on bats relates to the design of the proposed development which avoids features utilised by foraging/commuting bats. Bat feature buffers (50m) will be implemented around relevant turbines so as to limit bat activity in the vicinity of turbines and effectively reduce the potential for collision risk and blade feathering. The applicant commits to following guidance that is provided in the 'Dark Sky Ireland' Lighting Recommendations.

Best practice guidance acknowledges that it is difficult to predict how bat behaviour will change following construction. Therefore, further mitigation informed by will take place, such as a curtailment programme,

whereby the ability to respond to the changes in bat abundance based on temperature and wind speed. The curtailment programme has the potential to limit collision risk and offer protection of bats locally.

Effects During Decommissioning Phase:

It is considered that there will be no additional habitat loss associated with the decommissioning of the proposed development and therefore there will be no significant effects in this regard. It is noted that the separately proposed grid connection underground electrical cabling route and onsite substation (the subject of a future application) will remain in place as it will be under the ownership and control of the ESB/ Eirgrid. The EIAR concluded that with the implementation of preventative mitigation (similar to mitigation outlined above for Construction Stage and the implementation of the CEMP) as part of the decommissioning plan, there is no potential for the decommissioning of the proposed development to result in significant effects on biodiversity.

Assessment of Cumulative Effects

The EIAR informs that consideration was given to nine operational wind farms and those consented/under construction / pre-planning stage and within 34 kilometres of the proposed site. Further it is indicated that the other non-renewable plannings and solar farm developments in the vicinity we also considered for the purpose of examining potential cumulative effects on ecological receptors.

It is stated that particular emphasis was afforded to plans and project in close proximity to the proposed development and those that could be potentially affected via downstream surface water. Overall, the site is located within an area mostly comprising of improved agricultural grassland of low ecological value with a network of hedgerows, treelines and ditches. It is stated that the loss of trees and hedgerow are unavoidable but appropriate mitigation measures have been identified for management and compensation which have been incorporated into the Biodiversity Management and Enhancement Plan.

The EIAR contends that the proposed development has been deliberately designed to minimise the effects on biodiversity through the siting of the proposed development on habitat area which have low ecological value. Subject to implementing the mitigation measures proposed (e.g. adhere to Dark Sky Ireland Lighting Recommendations and measures to prevent sediment and/or fuel runoff from getting into watercourses, it is indicated that no significant residual impacts on ecological receptors or in relation to disturbance, displacement or mortality of faunal species associated with the proposed development are envisaged.

It is therefore contended that the potential for individual or cumulative negative effects on biodiversity and faunal species is unlikely to occur and will not contribute to any cumulative effect when considered in combination with other plans and projects. In the review of the projects that was undertaken, no connection that could potentially result in additional or cumulative impacts was identified. Neither was any potential for different (new) impacts resulting from the combination of the various projects and plans in association with the proposed development.

Whilst bat collisions cannot be definitively ruled out, this has been appropriately assessed and the risk is considered low for the identified species. It is considered that the EIAR presents a reasoned methodology which demonstrates the occurrence of potential impacts. The implementation of the prescribed mitigation measures as previously outlined, will further reduce the significance of any potential effects on habitat loss, collision, protection of fauna species and residual effect on biodiversity. Subject to the proposed development being constructed, operated and decommissioned in accordance with the design,

best practice and mitigation that is prescribed within the submitted documentation, significant effects on biodiversity and cumulative effects are not anticipated.

Chapter 7 - Birds

In Chapter 7 of the EIAR, the project ornithologists outlined target species and 'Key Ornithological Receptors' (KORs) identified and assessed with respect to species of conservation concern that may use the proposed wind farm site. It is stated that a comprehensive suite of bird surveys was carried out on the site between April 2019 and March 2021 (note: indicated that none were carried out during April 2020 due to the COVID-19 outbreak and subsequent public health measures) including field surveys, vantage point surveys, breeding walkover surveys, winter walkover surveys, breeding raptor surveys, waterbird distribution surveys and a multidisciplinary walkover survey.

Section 7.5.2 of the EIAR describes potential effects on KORs that may occur during the construction and operation of the development, with the magnitude and significance of these effects on each bird species then defined according to Percival (2003) and EPA (2022) criteria including direct habitat loss, displacement and barrier effect and collision risk. The magnitude of the effect is assessed as being 'No Effect' to 'Low Effect' in respect of all bird species identified during both construction and operational stage.

In accordance with Bird Sensitivity Mapping Tool for wind energy development which was developed by BirdWatch Ireland and other surveys carried out, the EIAR informs that this site is not within a designated area (SAC/SPA), is within an area of low bird sensitivity to wind energy developments and is 14 kilometres from the nearest area of high sensitivity, with the associated grid connection c.17 kilometres from the nearest area of high sensitivity.

Table 7-11 of the EIAR outlines the rationale for including or excluding each target species recorded during field surveys as a KOR. The following species were identified as KORs and were subject to detailed impact assessment; Peregrine (all seasons); Merlin (breeding); Lapwing (wintering); Black-headed Gull (breeding and wintering); Mallard (all seasons); Teal (wintering); Snipe (wintering); Kestrel (all seasons); Buzzard (all seasons) and Sparrowhawk (all seasons).

No effect significance greater than 'Low', (Percival (2003) criteria) or effect greater than 'Slight', as per EPA (2022) was identified for any KOR. A cumulative assessment within the local scale of a 5km radius of the site was also carried out. Table 7-13 Assessment of cumulative effects on KORs sets out that significant cumulative impacts are not predicted as a result of the development proposed.

Further, no outstanding concerns was raised in respect of the magnitude of effect on KORs associated with the grid connection, turbine delivery route (note part of a separate planning application) and decommissioning phase of the development. In accordance with industry best practice, monitoring measures are proposed at pre-construction, post construction and decommissioning stage.

In this regard, taking into consideration the effect significance levels identified and the proposed best practice and mitigation, the findings that significant residual effects on the KORs with regard to direct habitat loss, displacement or collision mortality are not anticipated appears acceptable.

Chapter 8 - Land, Soils and Geology

This Chapter refers that the proposed wind farm development will typically involve removal of soil and subsoils for the 9 (no.) proposed turbine foundations, access roads and ancillary works. The total volume of spoil (soil and subsoil deposits) requiring placement/reinstatement within the site is estimated at 76,750m^3. It is outlined that once excavated, spoil will be temporarily stored in localised areas adjacent to excavations before being placed into identified spoil management areas or reused for landscaping purposes. All temporary storage areas will be upslope of founded roads/hardstand areas and inspected before material is stored in the area. Table 8.6 of the EIAR indicates that there is capacity within the proposed site to cater for the total volume of spoil requiring management in association with the proposed development.

'Hydro-Environmental Services' (HES) (appointed consultants) on assessing the potential significant impacts of the proposal on the land, soil and geological environment, undertook a desk study and baseline monitoring and site investigations in association with the proposal. Chapter 8 details the extent of trial pits excavated across the site and soil profile, notably 0.2 – 0.4m Topsoil over Silt/Sand/Gravel was generally logged, with clay logged in trail pits, TP-1, TP-2 and TP-5. No peat was logged in any of the 8 (no.) trial pits and no bedrock encountered during excavation of trial pits. The underlying bedrock across the majority of the site is mapped as the Lucan Formation (dark limestone and shale) and there are no mapped faults running through the site. No known areas of soil contamination on the site were identified.

It is stated that there are no recorded geological heritage sites within the site with the Calliaghstown – Milltown Esker (Site Code: WH002) being the closest geological heritage site, located a distance of c.300m to from the Wind Farm Site.

In outlining likely impacts and mitigation measures (including maintenance of construction vehicles or plant will take place off-site, where possible; on-site re-fuelling will be undertaken using a double skinned bowser with spill kits on the ready for any minor accidental leakages or spillages; fuels stored on Site will be minimised but will be appropriately bunded and plant used will be regularly inspected for leaks and fit for purpose) at construction stage, the EIAR provides that no significant effect on soils, subsoils or bedrock will occur. Likely impacts and mitigation measures at operational stage and decommissioning stage are also discussed, and findings conclude that no significant cumulative effects on the soils and geology environment are envisaged during the operational or decommissioning stage.

The EIAR states that post construction monitoring is not required. Based on the details provided, it is considered that the proposed development would not have adverse impact on the lands, soils and geology of the area.

Chapter 9 – Water

Chapter 9 of the EIAR outlines that hydrological and hydrogeological data (including walkover surveys and hydrological mapping, dGPS survey of river channel cross sections along the Dungolman River and Mullenmeehan Stream, Stage 3 Flood Risk Assessment and other relevant assessments) were used to inform hydrological assessment. The conventional source-pathway-target mode was applied in assessing potential effects on downstream environmental receptors as a result of the proposed development.

The agricultural lands contained with the site boundary comprises a network of manmade drains which run along the hedgerows and field boundaries and drain into Dungolman River and the Moneynamanagh and Mullenmeehan streams. The west of the site in the vicinity of Turbine 4 (T4) consists of forestry with forestry drains discharging into the Dungolman River to the east.

The Stage 3 Flood Risk Assessment carried together with site-specific flood modelling indicates that any potential upstream and downstream flood impacts associated with the wind farm will be unmeasurable/ imperceptible. In this regard, there will be no increase in flood risk to people, property, the economy or the environment during extreme flood event.

All mapped GSI wells, and any unmapped wells, are situated hydrologically upgradient of the site. Groundwater hydraulic gradients associated with the site are in the direction of the Dungolman River (away from mapped and unmapped wells). It is proposed that all plant/machinery will be refueled offsite, thus avoiding accidental spillage during refueling of operational plant with petroleum hydrocarbons and its potential risk to polluting groundwater, surface water and associated ecosystems, and to terrestrial ecology. Furthermore, morphological changes to surface watercourses and drainage patterns and associated mitigation measures indicate that no significant effects on stream morphology or stream water quality will occur at crossing locations.

In this context, it is stated that no significant effects on surface water or groundwater quality will occur during the construction or operational phase of the Proposed Development. There is no direct discharge from the proposed development site to downstream receiving waters and it is outlined that no significant cumulative effects on the hydrology and hydrogeology environment will occur as a result of the proposed development at construction, operational and decommissioning stage. On the basis of the assessment provided, it is considered that the findings of no significant cumulative effects on the hydrology and hydrogeology environment are logical and reasonable.

Chapter 10 – Air and Climate

This Chapter describes and assesses the potential significant direct and indirect effects on air quality and climate arising from the construction, operation and decommissioning of the proposed development. Table 10-1 of the EIAR sets out the limit values of the Clean Air for Europe Directive (CAFE Directive) which was transposed into Irish legislation by the Air Quality Standards Regulations 2011 (S.I. No. 180 of 2011) and as further amended, whilst Table 10-2 presents the limit and target values for ozone in accordance with the Ozone Daughter Directive 2002/3/EC. The site of the proposed development lies within Zone D as per the EPA designations on Air Quality Zones for Ireland which were defined to meet the criteria for air quality monitoring, assessment and management described in the Framework Directive and Daughter Directives. Zone D represents rural areas located away from large population centres.

Emissions

The EIAR puts forward that Sulphur Dioxide (SO2), Particulate Matter (PM10) (including for example vehicle exhaust emissions, soil and road surfaces, construction works and industrial emissions), Nitrogen Dioxide (NO2), Carbon Monoxide (CO) and Ozone (O3) levels at the proposed site would be similar or lower to the overall average data recorded by the EPA for Zone D sites. In considering the 'Do-Nothing Effect', it is outlined that the opportunity to reduce emissions of carbon dioxide, oxides of nitrogen (NOx), and sulphur dioxide (SO2) to the atmosphere would be lost due to the continued dependence on

electricity derived from coal, oil and gas-fired power stations, rather than renewable energy sources such as that proposed.

The requirement for the operation of construction vehicles and plant on the site during the construction stage is deemed to have a short-term slight negative effect. A number of best practice mitigation measures are proposed at construction stage in relation to the transport of turbines and construction materials to the site, exhaust emissions, and waste disposal so as to reduce this short-term slight negative effect (Refer Section 10.2.3.2.1, EIAR). Following implementation of mitigation measures (e.g. specified routes only to be used for transport of turbine and construction materials; vehicle engines to be turned off on site, when stationery; waste streams generated on site to be deposited in a single skip and then transferred to a fully licensed waste contractor which is local to the proposed development), it is outlined that residual impacts of exhaust emissions for the construction phase of the proposed development will have a short-term imperceptible negative effect. Exhaust emissions associated with the operational phase of the proposed development will arise from machinery and vehicles that are intermittently required onsite for maintenance. This will give rise to a long-term imperceptible negative effect.

Dust

There are no statutory limits for dust deposition in Ireland, however, EPA guidance suggests that a deposition of 10 mg/m2/hour (which equates to 240 mg/m2/day) can generally be considered as posing a soiling nuisance. The potential for dust to arise during the construction of turbines, site roads, other onsite infrastructure, grid connection works (construction phase) and transport to site is provided. The EIAR outlines that the potential effect will not be significant and will be restricted to the duration of the construction phase. Accordingly, the EIAR provides that this is a short-term slight negative effect and dust suppression mitigation measures to reduce this impact are presented. Based on the assessment above there will be no significant effects.

Having reviewed the details provided, the conclusion provided in respect of air and climate appears plausible and acceptable. The proposed development by virtue of its nature of use provides an opportunity to reduce emissions of carbon dioxide, oxides of nitrogen (NOx), and sulphur dioxide (SO2) to the atmosphere which may otherwise arise due to the continued dependence on electricity derived from non-renewables (e.g. coal, oil and gas-fired power stations) as opposed to renewable energy sources such as the proposed development.

Chapter 11 – Noise and Vibration

Noise

This chapter assesses the potential noise and vibration impacts during the construction, operation and decommissioning phases at the nearest Noise Sensitive Receptors (NSRs), within circa 3 kilometres of the Proposed Development. The EIAR acknowledges that both background noise levels and wind turbine noise levels vary with wind speed and direction, and it is noted that significance criteria are discussed in Section 11.4.4 of the EIAR.

The assessment shows that the predicted wind turbine noise emission levels meet the guidelines noise limits under all conditions for both daytime and nighttime periods at all receptors and as such there will be no significant effects at those receptors. As set out in Section 2.7 of the EIAR, no cumulative noise

effects are anticipated in relation to construction of the underground electrical cabling route (subject of a separate application) and other permitted or proposed projects and plans in the area, as construction activities will be transient in nature and will not be in any one location long enough for a significant impact to occur. Predicted construction noise levels are below the assessment criteria at all receptors, for all phases of construction of the wind farm. Notwithstanding, mitigation measures are outlined within the EIAR and CEMP to minimise noise impacts at construction stage (e.g exhaust silencers utilised on vehicles and mechanical plant, and ancillary plant such as generators and pumps will be positioned so as to cause minimum noise disturbance, with temporary acoustic screens or enclosures to be provided, if required).

Predicted proposed turbine operational noise levels at all the Noise Assessment Locations (NALs) and Noise Sensitive Receptors (NSRs) lie below the Wind Energy Development guidelines (2006) daytime and night time noise limits and therefore there will be no significant residual effects. In this regard, it is stated that there will be no significant residual effects.

Vibration

Given the large separation distances between the construction activity areas on the wind farm site and the nearest receptors, the EIAR contends that no significant effects are anticipated. Where construction activities on the underground electrical cabling route are close to residential receptors, some local vibration effects may be present, however, levels are expected to be low and of limited duration (grid connection is the subject of a separate application).

Having regard to the foregoing it is considered that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise and vibration and that cumulative effects are not likely to arise.

Chapter 12 – Landscape and Visual

The landscape and visual impact assessment (LVIA) of the Proposed Development is addressed within Chapter 12 of the EIAR and comprises five main sections as follows: Visibility of the Proposed Development – Zone of Theoretical Visibility (ZTV) Mapping, Landscape Baseline, Visual Baseline, Cumulative Baseline and Likely and Significant Effects.

In terms of effects on landscape character, the sensitivity of this landscape, located in an area identified as 'Westmeath Landscape Character Area (LCA) 7 – Western Lowlands', this form of development is indicated as being 'Low' impact within the submitted EIAR. It is contended that the proposed turbines and other infrastructure will cause a 'Moderate' magnitude of change to result in a 'Slight' residual effect to the LCA. The proposed turbines amount to 'Moderate' landscape effects upon the physical fabric of the landscape of the site itself. All other LCAs within 15 kilometres of the site were comprehensively assessed in Appendix 12-2 of the EIAR.

Baseline information which informed the LVIA included landscape policy objectives of the CDP, landscape designations in the LVIA Study Area; landscape character of the LVIA study area and landscape character of the proposed development site based on site surveys undertaken and landscape character types as identified in national guidelines. Identification of visual receptors in the LVIA study area and preliminary assessments of visibility of the proposed development from visual receptors using ZTV mapping and on-site appraisals were also utilized.

The EIAR outlines that in most cases, ZTV mapping will be produced within a radius of 20 km from the proposed turbines, however, the 2006 DoEHLG Guidelines for Planning Authorities require that *"in areas where landscapes of national or international renown are located within 25 km of a proposed wind energy development, the Zone of Theoretical Visibility should be extended as far (and in the direction of) that landscape".*

The archaeological complex at Clonmacnoise (located approximately 23.5 kilometres from the proposed turbines) is deemed to be a landscape of national and international renown. In this context, the ZTV and LVIA study area was extended to 25 kilometres to include Clonmacnoise. Assessments determined that 'No Significant' landscape or visual effects arising from the proposed wind farm will occur at Clonmacnoise.

In consideration of the factors detailed in Table 12-5 of the EIAR (i.e. landscape designations, landscape elements quality/condition, scenic or aesthetic qualities, rarity or conservation interests, wildness/naturalness, recreational value and cultural meaning/associations), the landscape value of the proposed development site is deemed to be 'Low' value in a local context. The EIAR contends that the proposed site is not the subject of any designated scenic views and is also located within an LCA with no areas of high amenity (Refer Section 12.4.1.1.3). Therefore, the susceptibility of the landscape to the proposed development is considered 'Low'. Overall, the sensitivity of this landscape to wind farm development is deemed to be 'Low'.

The EIAR concludes that, in terms of location, spatial extent, spacing and layout, the siting and design of the proposed development adheres to the guidance for the siting of wind farms in hilly and flat farmland landscape types, as set out in the Guidelines for Planning Authorities (DoEHLG, 2006). On-site visibility appraisals, ZTV mapping, a 'Route Screening Analysis' and assessment of over 40 (no.) viewpoint locations determined that visibility of the proposed turbines will be very limited from locations beyond five kilometres from the site. The proposed siting of the turbines at low base elevation in a small valley bound by localised landform ridgelines will restrict visual exposure in the wider landscape, which is generally very flat. Visibility of the proposed turbines beyond the immediate landscape setting of the site is limited to localised areas of high elevation at elevated vantage points, which, is in general not a common occurrence in the 25 kilometres LVIA Study Area.

Photomontages from 15 (no.) viewpoint locations and 1 (no.) rendered wireline from the Hill of Uisneach – Viewpoint 16, were used to assess the visual effects arising because of the proposal. The assessment concluded that no 'Profound', 'Very Significant' or 'Significant' effects occurred at any of the 16 (no.) viewpoints. Residual effects of 'Moderate' occurred at six of the 16 (no.) viewpoints. All other viewpoints were assessed as resulting in 'Slight' residual effects (6) or 'Not Significant' (4).

Notwithstanding, the Hill of Uisneach was identified as a highly sensitive landscape and visual receptor on account of protections in local planning policy and its national cultural heritage value. There was no photomontage carried out for The Hill of Uisneach, with a rendered wireline used instead. The nearest proposed turbine is located approximately 8.8 km from the peak of the Hill of Uisneach and 7.7 km from the LCA boundary. The EIAR outlines that there will be no direct effects on the landscape of the Hill of Uisneach and that there is a substantial physical buffer between the Hill of Uisneach and the wind farm site. Assessments determined there will be a 'Moderate' residual effect on the landscape character of the hill and the Hill of Uisneach LCA. Residual visual effects on the designated scenic views are perceived within the EIAR to be 'Moderate'.

It is noted from the EIAR that the proposed development is considered to be acceptable from a landscape and visual perspective. It is however considered that in accordance with CPO 13.7 WCDP, *"Ensure that any significant, industrial and or infrastructural developments (excluding residential; agricultural buildings; tourism; greenway; cultural; educational or community buildings), which would impact upon Uisneach and or its protected views will not be permitted due to the sensitivity of the site"* a photomontage demonstrating the visual effects arising from this development at the Hill of Uisneach should be provided so as to inform and facilitate a full visual assessment of the proposed wind farm prior to issuing a decision on this proposed development.

Chapter 13 – Archaeology and Cultural Heritage

Tobar Archaeological Services prepared this chapter of the EIAR on Archaeology and Cultural Heritage. The EIAR provides that the wind farm site and grid connection was subject to a walk-over survey in March 2022. A photographic and descriptive record was made of the proposed development and any features of interest therein. The Hill of Uisneach and Clonmacnoise are listed on the tentative list (2010) as part of the Royal Sites of Ireland. The EIAR submits that as they are located away from the wind farm site and therefore no direct effects will occur. Indirect visual impacts are addressed in section 13.4.3.1 of the EIAR.

Three National Monuments in State Care are located within 10km from the nearest proposed turbines with the nearest being motte (WM023-013001) a stated distance of 5.2km from the subject lands. Due to separation distance, it is considered that no direct effects will occur.

Recorded Monuments

Four recorded monuments are located within and in the vicinity of the site, notably; enclosure (WM024-131); ringfort – rath (WM023-077); ringfort – rath (WM024-135) and enclosure (WM023-067). It is stated that no residual direct effects will take place if mitigation measures are implemented i.e. 30 metre buffer zones to be maintained around the monuments as per details contained in the CEMP and no ground works or storage of materials or tracking of machinery to take place within any buffer zone. It is noted that the EIAR states that a slight effect on setting on WM024-135 (ringfort-rath) may occur due to the partial survival of some elements of the monument. As the structures will be excluded from the area of the groundworks no direct impacts to these features will occur. In this regard, the potential impact after the implementation of the mitigation measures is likely to be imperceptible.

The only potential direct effects identified at construction stage are those which may occur to hitherto unknown sub-surface archaeological finds, features or deposits. This potential effect was identified as being permanent, negative and significant. After the mitigation measures are implemented, however, these potential effects are considered to be 'Not Significant'.

It is outlined that any archaeological sites/features, if detected, during monitoring will be preserved by record (archaeologically excavated) or preserved in-situ (avoidance) and therefore a full record made of same. In this regard, the potential impact after the implementation of the mitigation measures is likely to be 'Not Significant'.

The overall significance of effects is therefore stated as being 'Not Significant'. If the mitigation measures prescribed in this EIAR are implemented then cumulative direct effects to unknown sub-surface archaeology will not occur, regardless of other proposed projects within 25km of the proposal.

Architectural Heritage/Protected Structures

No Protected Structures are located within the site, therefore no direct impacts are identified. The nearest protected structure is RPS 023-001, a single-arched road bridge over the Dungolman River, built c.1855 on the southern wind farm site boundary.

The Zone of Theoretical Visibility (ZTV), when overlaid on the project GIS mapping shows that 9(no.) turbines are theoretically visible from the locations of 46 (no.) protected structures. The overall significance of effects is stated to be 'Slight – Significant'. It is outlined within the EIAR that the effect in reality will be less severe, given that the ZTV model does not take natural screening and buildings into consideration. This will alleviate if not remove the impact on setting altogether. Umma House, located c.300m west of the proposed turbine T8 is regarded as a local cultural heritage asset. This building is not listed in the Record of Protected Structures or the National Inventory of Architectural Heritage (NIAH). The EIAR contends that impacts on its setting will arise, however the residual impact arising from the proposed wind farm will be 'Not Significant'. The overall significance of effects will be such that no direct effects will take place.

The Hill of Uisneach

The Hill of Uisneach is listed on the tentative list (2010) as part of the Royal Sites of Ireland and is located 8.8km to the west of proposed Turbine 7. The Hill of Uisneach is located in private land to which it is indicate that access was not permitted for the purposes of obtaining photomontages. The EIAR states that the immediate setting of the monuments on Uisneach Hill will not be impacted due mainly to the intervening distance and physical intervening buffer. It is further outlined that the important connection to other monuments such as Frewin Hill and Lough Crew will not be impacted. The inter-visibility of the monuments may be regarded as an important aspect of these monument and their relationship with similar monuments and sites in the surrounding landscape. All turbines are likely to be visible from the top of the Hill of Uisneach where open views are available to the west. The EIAR contends that the residual effect on the Hill of Uisneach will be the same as the pre-mitigation effect which is 'Slight/Moderate' and that no significant effects on setting will occur arising from the proposed turbines.

The overall significance of effects is stated as imperceptible. The residual impact on the setting of Clonmacnoise (located 23.5 kilometres from this site) is considered as being the same as the pre-mitigation impact which is imperceptible due to the substantial set back distance, physical buffers in the intervening landscape and enclosed eastern boundary.

Cumulative Effects

No UNESCO World Heritage Sites, National Monuments in State Care, protected structures or NIAH sites are located within the footprint of the proposed development and therefore no direct effects on this resource were identified when considering the proposed development alone.

Cumulative effects are also dealt with in the assessment according to each project type and cultural heritage asset (i.e., UNESCO sites, National Monuments, Recorded Monuments etc.). There are no instances where significant cumulative effects will occur.

These findings of Chapter 13 of the EIAR are considered to be reasonable, however as previously stated, and in accordance with Council's policy objective to *"Ensure that any significant, industrial and or*

infrastructural developments (excluding residential; agricultural buildings; tourism; greenway; cultural; educational or community buildings), which would impact upon Uisneach and or its protected views will not be permitted due to the sensitivity of the site (CPO 13.7 WCDP), a photomontage and further detailed assessment of the proposed development relative to the Hill of Uisneach should be carried out so as to fully inform the visual impact arising from the proposal on this important heritage site.

Chapter 14 – Material Assets

Chapter 14 of the EIAR considers the likely significant effects of the Proposed Development on Transportation Infrastructure, Telecommunications and Aviation and Other Material Assets, which are economic assets of human origin. It is considered that the findings of this chapter in are generally acceptable, however further details are sought with respect to Transportatation Infrastructure (Refer Westmeath County Council, District Engineer Internal report attached).

Chapter 15 – Interaction of Effects

This chapter outlines that the potential for interaction of impacts has been assessed, throughout the EIAR, as part of the Impact Assessment process and that where any potential negative impacts have been identified, these impacts have been avoided or reduced by design and proposed mitigation measures. All environmental factors interrelate, and an assessment of these interactions is an important requirement of the EIAR process. All interactions of effects are assessed and have been fully considered in the relevant chapters of the submitted EIAR. Having assessed the interaction of likely effects during each phase of the proposed development (i.e. construction, operation, decommissioning), it is considered that the proposal is not likely to contribute to significant cumulative effects on the environment.

Chapter 16 - Major Accidents and Natural Disasters

The assessment of the vulnerability of the proposal to major accidents and natural disasters, and the risk of the proposal to cause accident or disasters is carried out at Chapter 16 of the EIAR in line with the requirements of the EIA Directive (2014/52/EU). It is indicated that the proposal is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e., SEVESO sites and, as such, there are no potential effects from this source. The proposed site is relatively flat and is not a peatland site and so there is low/no potential for peat slides or landslides.

In accordance with the potential major emergency scenarios for Westmeath as outlined within the Major Emergency Plan prepared by Westmeath and Offaly County Council (2021), the EIAR considers the stated risks which are most relevant to this assessment include flooding; aircraft collision/loss; water contamination; fire/major crowd safety and civil disorder and major road traffic accident/ loss of critical infrastructure.

Table 16-4 of the EIAR outlines potential vulnerability of the proposed development at construction stage to disaster risks in terms of critical infrastructure emergencies, severe weather, flooding. It also outlines potential risks to cause accidents and/or disasters in terms of utility emergencies; traffic incident; contamination and fire/gas explosion. Table 16-5 provides details on potential risks associated with the operation of the proposed development and potential vulnerability to disaster risks, including severe

weather, and contamination. It also considers potential risks of the proposed development to cause accidents and/or disasters in terms of fire/gas explosion; collapse/damage to structures and traffic incident. A similar risk register is provided for decommissioning stage and consideration is afforded to stated potential risk factors and vulnerability to disaster risks including severe weather and flooding of site and potential risk to cause accidents and/or disasters, namely traffic incident and contamination.

The risk of a major accident and/or disaster during the construction of the proposed development is considered 'low' in accordance with the 'Guide to Risk Assessment in Major Emergency Management' (DoEHLG, 2010). The EIAR further considers that when all mitigation detailed in the EIAR is implemented, there will not be significant residual effect(s) associated with construction, operation and decommissioning.

The EIAR outlines that the operator of the proposed development will continue to assess the risk of major accidents and/or disasters on site on an on-going basis during operation.

The proposed development, together with the implementation of proposed mitigation measures in place in relation to potential effects associated with contamination at construction and operational stage and fire/explosion at operational stage, was found to have no potential for significant in-combination or cumulative effects associated with the potential for the project to be impacted by major accidents or natural disasters or to have potential to cause major accidents or natural disasters. These findings are considered plausible.

Chapter 17 - Schedule of Mitigation and Monitoring Proposals

This chapter provides an overall schedule of all mitigation and monitoring proposals contained within respective chapters of the EIAR to allow an easy to audit list that can be reviewed and reported on during each phase of the proposed development i.e. pre-commencement phase; construction phase; operational phase and decommissioning phase.

14. CARRYING CAPACITY AND SAFETY OF ROAD NETWORK.

Please refer to the details contained in Chapter 14 Material Assets and District Engineer reports under Section 16 below.

15. ENVIRONMENTAL CARRYING CAPACITY OF THE SUBJECT SITE AND SURROUNDING AREA:

Environmental Carrying Capacity of the subject site and surrounding area has been satisfactorily addressed within Section 13 of this report.

16. REPORTS OF RELEVANT LOCAL AUTHORITY SECTIONS:

16.1 District Engineer:

The District Engineer report dated 14/04/2023 requires that further details be provided as follows:

(a) Turbine Delivery & Materials Delivery Routes

A detailed swept path analysis of all junctions/nodes in County Westmeath which may potentially be impacted by turbine element delivery is required. This should include but is not limited to:

- Junction of N6 & N55 (signalised)
- Roundabout at N55 Cornamaddy Roundabout
- Junction of N55 & R390
- Other impacted Junctions
- Areas for Localised Road widening

(b) A Transport Management Plan is required as a condition of any permission to include:

(i) Details of the road network/haulage routes and the vehicle types to be used to transport materials on and off site and a schedule of control measures for exceptionally wide and heavy delivery loads.

(ii) A detailed condition survey of the proposed haul routes and any other local or regional roads used as haul routes for construction materials (to be carried out prior to the commencement of development). The developer should be required to submit a Pavement Strength Analysis and Culvert/Bridge Bearing Capacity Analysis Report for roads identified as the construction material haul routes. The report should include the proposed ongoing maintenance programme to be carried out during the construction stage to avoid deterioration of the regional and local roads. A pre and post condition survey of the roads and bridges along the haul routes in accordance with 'Guidelines on the Depth of Overlay to be used on Rural Regional and Local Roads – March 2014' to be carried out at the developer's expense by a suitably qualified person before and after construction of the proposed development.

(iii) The condition survey of the roads and bridges along the haul routes to be carried out by a qualified engineer both before and after construction of the windfarm development at the developer's expense. This to include a schedule of required works to enable the haul routes and in particular regional and local roads in the Westmeath County Council area to cater for construction-related traffic. The extent and scope of the survey and the schedule of works to be agreed with the planning authority before development commences.

(iv) It should be noted that there is a 5-axle restriction in place presently on the R390. The contractors' observations are invited in the context of delivery/haul routes in this regard.

(v) Design and construction details and swept path analysis for temporary modifications at all impacted node points is to be submitted. Sample info required at each location to include.

a. Detailed drawings showing full impact of the enabling works.
    i. Impact of junction geometry
    ii. Impact of signs/lighting/traffic lights/islands/barriers
b. Detailed proposal of the temporary junction layout.
c. Detailed drawing of the permanent junction layout.
d. Accompanying Stage1/2 Roads Safety Audits.

e. Road construction details and specification
f. Drainage details

Westmeath County Council may request permanent improvements to be made to the node locations or other widened sections of road as part of the reinstatement, subject to landowner agreement.

(vi) Rectification of any construction damage which arises shall be completed at the developer's expense to the satisfaction of the planning authority.

(vii) All bridges/culverts on the public local road network in Westmeath along the proposed access routes to the development to be identified. A structural condition survey of all such structures to be submitted. Such surveys to be in accordance with TII publication AM-STR-06056 'Stage 1 Structural Assessment of Road Structures'. It may be necessary to complete further structural assessments in accordance with TII publication AM-STR- 06057 and TII publication AM-STR-06039 where Stage 1 / Stage 2 assessments do not demonstrate the adequacy of such structures. Such further surveys to be carried out by the applicant. Any strengthening or other works deemed necessary to these structures to facilitate the transport of construction materials to the development shall be agreed with the Roads Authority and carried out at the applicant's expense.

(viii) A phasing programme indicating the timescale within which it is intended to use each public route to facilitate construction of the proposed development.

(ix) Within three months of the cessation of the use of each public road and haul route to transport material to and from the site, a post condition road survey in accordance with 'Guidelines on the Depth of Overlay to be used on Rural Regional and Local Roads – March 2014' and scheme of works detailing works to repair any damage to these routes to be submitted to the planning authority.

(x) The developer to consult with all statutory and private service providers (including Irish Water) in relation to turbine delivery routes.

(xi) Abnormal load permits will be required.

(xii) Any alterations to the road network to facilitate the deliveries shall be reinstated to the original width, unless otherwise agreed with the Roads authority. Where roads are widened, the specification shall be to current standards.

(xiii) Public roads shall be kept free of mud, dust, spillages and debris from the construction site, construction plant or haulage vehicles. Any necessary measures, including but not limited to a wheel wash facility, shall be put in place at site entry/exit points.

(xiv) Site Junctions. Bound surface is required extending and minimum of 12m from the road edge to prevent gravel being tracked out onto the public road. Contractors to keep this bound surface swept during construction to prevent gravel being tracked out onto the public road.

(xv) If a road closure is required, an application must be submitted to the Local Authority in advance, in accordance with standard requirements.

(xvi) Where roadworks speed limits are required, an application shall be submitted to the Local Authority in advance, in accordance with standard requirements.

(xvii) All works shall be in accordance with the NRA Specification for Road Works unless otherwise specified.

The applicant will be responsible for the ongoing upkeep of the haul routes arising from materials deliveries and any other relevant construction activity.

(c) Internal Accommodation tracks

A full appraisal of the volumes of materials required for the construction of the internal site roads/accommodation tracks is required. The applicant has outlined their intention to confirm this information during the construction phase, however omission of this basic information at application stage, prevents the planning authority from accessing the full impact associated with materials delivery.

A determination of material volumes required to be provided.

(d) Cabling Routes

Whilst a detailed appraisal of the cabling route does not form part of this proposal, the impact of c.30km of cabling in the road network to make this proposal viable raises significant concerns for the authority. The applicant should be fully aware that the Local Authority will require any cables within public roads or verges to fully comply with the minimum requirements of 'Guidelines for Managing Openings in Public Roads – April 2017'.

(e) Internal Water course crossing

The applicant is to provide a detailed plan drawing of the internal bridges/culverts including dimensions.

(f) Bond

The applicant/developer to lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the relevant planning authority, to secure the reinstatement of public roads/culverts/bridges which may be damaged by the transport of materials to the site, coupled with an agreement empowering the relevant planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road.

(g) Consultation

Applicant to consult with An Garda Síochána, emergency services and bus operators in relation to each stage of the works.

Applicant to liaise with the public, residents, businesses, schools, and other impacted community stakeholders.

16.2 Environment Section:

The following is set out in the report of the Environment Section dated 17th April 2023.

The Environment Section has no objection to the proposed development subject to the following conditions:

1. The Construction Environmental Management Plan (CEMP) is to remain a live document throughout the project, to be monitored and updated as required. It is noted that updated versions, including updated drawings and identification of key personnel are to be supplied in advance of commencement and as the project progresses. Westmeath County Council are to be notified of any updates to the CEMP or changes to personnel within 10 working days.

2. All mitigation and monitoring measures relating to the pre-commencement, construction, operational and decommissioning phases of the proposed development as set out in the relevant chapters of the Natura Impact Statement, the EIAR and the Construction Environmental Plan are to be implemented fully.

3.
   a. Shadow Flicker arising from the proposed development, by itself or in combination with other existing or permitted wind energy developments in the vicinity, shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.
   b. The proposed development shall be fitted with appropriate equipment and software to control shadow flicker in accordance with the above requirement. Details of these control measures shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development.
   c. A report shall be prepared by a suitably qualified person in accordance with the requirements of the planning authority, indicating compliance with the above shadow flicker requirements at dwellings and other nearby sensitive receptors. Within 12 months of the commissioning of the proposed wind farm, this report shall be submitted to and agreed in writing with the planning authority. The developer shall outline proposed measures to address any recorded non compliances. A similar report may be requested at reasonable intervals thereafter by the planning authority.

4. A suitably qualified and experienced Ecological Clerk of Works shall be employed to oversee the implementation of mitigation measures relating to Biodiversity and Ecology. The Ecological Clerk of Works should 'sign off' on the delivery of any mitigation measures and provide a report on their completion to Westmeath County Council documenting their implementation, any failure of implementation and any necessary remediation measures.

5. The developer shall retain the services of a suitably qualified and experienced bird specialist to undertake appropriate annual bird surveys of this site. Details of the surveys to be undertaken and associated reporting requirements shall be developed following consultation with and agreed in writing with the planning authority prior to commencement of the development. These reports shall be submitted on an agreed date annually for five years, with prior written agreement of the planning authority. Copies of the reports shall be sent to the Department of Housing, local Government and Heritage.

6. All oils and hydrocarbons are to be stored in a bunded area. The bund shall be designed in accordance with BS: 8007: 1987 a code of practice for the design of concrete for retaining aqueous liquids.

7. Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

8. Dust deposition from the construction works shall not exceed 350mg/sq.m/day (based on a 30-day composite sample) as measured using the Bergerhoff Method, or 130mg/sq.m/day as measured on a "Frisbee" type dust gauge beyond the boundary of the site. Dust monitoring location shall be agreed with Westmeath County Council.

9. A Wheel Wash shall be included in the development proposal at the entrance to the site for the construction phase of the development.

10. All fuelling of plant on site shall be carried out in a nominated location within the confines of the site. An oil/fuel "Spill Kit" or similar shall always be maintained on site.

11. There shall be no discharge of contaminated water to any surface water drainage system or surface water course.

12. During the construction phase, the developer shall make arrangements for the collection, storage and disposal of all foul sewage effluent arising from the development. The name of any private waste disposal contractor employed, together with the destination of the disposed waste shall be advised to and agreed with the Planning Authority before development commences.

13. During the operational phase of the development, all foul sewage and effluent from toilets, wash-hand basins etc. shall be discharged to a sealed storage tank, which will be emptied as required and the contents tankered off site by an authorised waste collector to a wastewater treatment plant. The storage tank shall be fitted with a monitored automated alarm system that will provide sufficient notice that the tank requires emptying.

14. Once the agreed wind turbine motor model is decided, a revised noise impact assessment is to be issued to Westmeath County Council prior to construction for written approval.

15. The applicant shall ensure that activities at the site, during the construction stage shall not give rise to noise levels off site which exceed the following sound pressure limits (Leq: 30 minutes) beyond the site boundary.

    Day-time (8.00am to 8.00pm) 55dB(A)
    Night-time (8.00pm to 8.00am) 45dB(A)

    In addition, noise levels measured at noise sensitive locations in the vicinity of the site shall not exceed a level of 10 dB(A) above existing noise levels during core working hours, and 5 dB(A) at any other time. All noise measurements shall be carried and assessed in accordance with Environmental Protection Agency Guidance Note for Noise: License Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4). Noise sensitive locations shall be agreed with Westmeath County Council. Noise monitoring shall be carried out by an independent noise and vibration assessor at the developer's expense on request by Westmeath County Council.

16. During the operational phase of the development, noise generated by the wind turbines shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits ($L_{A90,10mins}$):
    (i) 40dB for quiet daytime (7am to 7pm) environments of less than 30dB
    (ii) 45dB for daytime (7am to 7pm) environments greater than 30dB or a maximum increase of 5dB(A) above background noise (whichever is higher)
    (iii) 43dB or a maximum increase of 5dB(A) above background noise (whichever is higher) for night time (7pm to 7am) periods.

16.3 Heritage Officer

It is indicated that the proposed mitigation measures with respect to four number recorded monuments within the subject lands require the consideration and approval of National Monuments Service.

Considers that the submitted EIAR does not give a clear visual representation of the extent of the 360protected view from Knockastia Hill (an important archaeological site and landscape feature located approx. 4.3km southeast of the proposed turbines) on the relevant photomontages.

Considers that the impact of the proposed turbines in relation to the Hill of Uisneach must be considered within the context of the Royal Sites of Ireland, listed on the Ireland's Tentative List of properties intended for consideration for nomination to the World Heritage List. Outlines that the EIAR determines that there will be no direct impact on the Hill of Uisneach. However, the Heritage Officer considers that the EIAR does not adequately assess the indirect - visual impact of the proposed development or whether the development could impact on any future nomination by the State Party to UNESCO for World Heritage Status.

States that the views from the Hill of Uisneach and the Cat Stone are the only views in the EIAR that were not subject to 'ground truthing'. Puts forward that the rendered wireline does not provide adequate information to assess the visual impact of the proposed development having regard to Policy 13.7 of the County Development Plan and whether the proposed develop could impact on any future nomination by the State Party to UNESCO for World Heritage Status.

Suggests that An Bord Pleanála should seek the advice of an independent World Heritage Expert with specific experience in assessing World Heritage Site nominations on behalf of UNESCO to assess if this development could impact (either alone or in-combination with other developments) on any future nomination by the State Party to UNESCO for World Heritage Status using established international best practice guidance.

17. THIRD PARTY OBSERVATIONS/SUBMISSION SUBMITTED TO AN BORD PLEANALA

The closing date for submissions to An Bord Pleanála is 4th May 2023 and in this regard it has been indicated that 58 (no.) third-party submission(s) have been received by the Board for validation.

18. PLANNING AUTHORITY'S ASSESSMENT.

18.1 Principle of Proposed Development:

The proposed wind farm site is located within an area of predominantly rural character and sited on lands comprising predominantly improved grassland and agricultural pastures with a small portion of forestry, trees and hedgerows. The subject lands are located within 'Western Lowlands' (Landscape Character Area 7), as defined by the Landscape Character Assessment contained within the Westmeath County Development Plan 2021-2027 (CDP). This landscape is best described as Hilly and Flat Farmlands as per the Wind Energy Development Guidelines 2006.

Supporting policy for onshore industrial wind farms can be found in adopted national and regional policy.

The proposed wind farm development is considered to comply with national and regional energy and climate action policies, as detailed in Section 4 of this report. The proposed development is considered generally compliant with the Wind Energy Guidelines 2006 (and the Draft Revised Wind Energy Development Guidelines 2019) in terms of siting and landscape suitably for large wind farm developments. In terms of appropriate location for Wind farm developments CDP policy **CPO 10.146** refers as follows:

To strictly direct large-scale energy production projects, in the form of wind farms, onto cutover cutaway peatlands in the County, subject to environmental, landscape, habitats and wildlife protection requirements being addressed.

In the context of this policy, industrial scale/large-scale energy production projects are defined as follows:
Projects that meet or exceed any of the following criteria:

- *Height: over 100m to blade tip, or*
- *Scale: More than five turbines, or*

- *Output: Having a total output of greater than 5MW.*

Developments sited on peatlands have the potential to increase overall carbon losses. Proposals for such development should demonstrate that the following has been considered:

- *Peatland stability; and*
- *Carbon emissions balance.*

Having regard to the foregoing, it is considered that the preferred locations for large scale energy production in the form of wind farms, is on cutover cutaway peatlands in the County, subject to nature conservation and habitat protection requirements being fully addressed. As the proposal is not located on cutover/cutaway peatlands it is considered that the proposal contravenes CPO 10.146 of the CDP and therefore the principle of the proposal is not supported by Development Plan policy, as outline above. Notwithstanding this fact and for the sake of completeness, the proposal has been further assessed under the following headings.

18.2 Residential Amenity:

There are three main potential impacts of relevance when considering the amenity of residents in the context of a proposed wind farm, namely; - Shadow Flicker, Noise and Visual Amenity.

There are no dwellings located within 500m (standard within DoHPLG 'Draft Revised Wind Energy Development Guidelines' (December 2019)) of any proposed wind turbine. 115 (no.) dwellings are identified within the 1.62km.

Shadow Flicker

Wind Turbines, like other tall structures, can cast long shadows when the sun is low in the sky. The effect known as 'shadow flicker' occurs where the blades of a wind turbine cast a shadow over a window in a nearby house and the rotation of the blades causes the shadow to flick on and off. Generally, only properties within 130 degrees either side of north, relative to the turbines, can be affected at these latitudes in Ireland, turbines do not cast long shadows on their southern side.

The DoEHLG Wind Energy Guidelines (2006) state that shadow flicker lasts only for a short period of time and occurs only during certain specific combined circumstances, as follows:

- the sun is shining and is at a low angle in the sky, i.e. just after dawn and before sunset, **and**
- the turbine is located directly between the sun and the affected property, **and**
- there is enough wind energy to ensure that the turbine blades are moving, **and**
- the turbine blades are positioned so as to cast a shadow on the receptor.

There are no inhabitable dwellings located within 500 metres (standard within DoHPLG 'Draft Revised Wind Energy Development Guidelines' (December 2019)) of a proposed wind turbine. The current shadow flicker guidelines recommend that shadow flicker at neighbouring dwellings within 10 x rotor diameter of a proposed turbine should not exceed a total of 30 hours per year or 30 minutes per day. The Applicant has set the shadow flicker study area at 1.62km (10 x rotor diameter of 162 metres). There are 115 (no.)

dwellings located within the 1.62 kilometres Shadow Flicker Study Area of the proposed turbines, with 113 (no.) of these being inhabitable dwellings and 2 (no.) being derelict properties.

Determination of the potential for shadow flicker at houses located within the area surrounding the proposed development was calculated using a windfarm software package. Of the 115 (no.) properties modelled by the appointed consultant, it is predicted that 70 properties may experience daily shadow flicker levels in excess of the Guidelines threshold of 30 minutes per day. The applicant notes that the above results does not consider wind direction or screening provided by intervening vegetation and topography. The documents state that where daily or annual shadow flicker exceedances are predicted, a site visit will be undertaken firstly to determine the existing screening and window orientation. This will determine if the receptor has an actual line of sight to any turbine. Once this is completed and all of the potential receptors identified, the following measures will be employed:

- Screening Measures - In the event of an occurrence of shadow flicker exceeding guideline threshold values of 30 minutes per day at residential receptor locations, proposed mitigation options will be discussed with the affected homeowner, which will include proposals such as installation of appropriate window blinds, and planting of screening vegetation.

- Wind Turbine Control Measures - If it is not possible to mitigate any identified shadow flicker limit exceedance locally using the measures detailed above, the applicant has indicated that wind turbine control measures will be implemented. If required, the applicant proposes to fit the wind turbines with shadow flicker control units to allow the turbines to be controlled to prevent the occurrence of shadow flicker at properties surrounding the wind farm. The shadow flicker control units will be added to any required turbines. The purpose of the shadow flicker control is to allow a wind turbine to be programmed and controlled using the wind farm's SCADA control system to change a particular turbine's operating mode during certain conditions or times and even turn the turbine off if necessary.

The EIAR chapter concludes that "following consideration of the residual effects (post-mitigation), the proposed development will not result in any significant effects on population and human health.

It is noted that a 19th century dwelling house, notably Umma House is located c.300m west of proposed turbine 8 (T8). Whilst Umma House lies vacant, given its potential for future residential occupancy, due cognisance should be afforded to potential impacts arising on this structure due to shadow flicker and required mitigation given its siting relative to T8.

Provided that the proposed development is constructed and operated in accordance with the design, best practice and mitigation that is described within this application, significant effects on population and human health are not anticipated at international, national or county or local scale.

The DoHPLG 'Draft Revised Wind Energy Development Guidelines' (December 2019) recommend local planning authorities and/or An Bord Pleanála impose conditions to ensure that:

"no existing dwelling or other affected property will experience shadow flicker as a result of the wind energy development subject of the planning application and the wind energy development shall be installed and operated in accordance with the shadow flicker study submitted to accompany the planning application, including any mitigation measures required."

It is considered that should shadow flicker exist it can be adequately mitigated against as outlined within Chapter 5 of the EIAR.

Noise:

There are two quite distinct types of noise source within a wind turbine. Mechanical noise is currently less of a concern for amenity due to modern designs with additional acoustic enclosure of components to minimise noise emissions. Some manufacturers have eliminated the requirement for a gearbox, which in the past could generate significant tonal noise. Tonal noise may still arise, but the dominant source of wind turbine noise is currently aerodynamic noise. A series of computer-based prediction models have been prepared in order to quantify the noise level associated with the operational phase of the proposed development. The curves are based on the baseline noise levels which represent the lowest baseline noise levels measured as part of the noise monitoring programme.

A Noise Assessment was undertaken by the applicant's appointed consultants to determine the likely significant noise effects from the construction, operation and decommissioning phases of the Proposed Development. The documents submitted indicates that predicted construction noise levels at the nearest noise sensitive receptors during all phases of construction are below the threshold values within BS 5228 and are therefore deemed to be not significant.

The applicant carried out a background noise survey at six noise monitoring locations. The data was analysed in conjunction with on-site measured wind speed data and operational noise limits have been derived in accordance with the current 'Wind Energy Development Guidelines for Planning Authorities 2006'. The Guidelines provide that in general, a lower fixed limit of 45 dB(A)10 or a maximum increase of 5dB(A) above background noise at nearby noise sensitive locations is considered appropriate to provide protection to wind energy development neighbours. However, in low noise environments where background noise is less than 30 dB(A), the Guidelines recommend that the daytime level of the LA90, 10min of the wind energy development noise be limited to an absolute level within the range of 35-40 dB(A). A fixed noise limit of 43dB(A) applies at night time.

The Study Area applied for the Construction noise assessment has been defined by a 3 km buffer around the Wind Farm Site (Refer Appendix 11-1, EIAR). 341 (no.) buildings were identified within the study area, with the majority being residential properties. Sixteen NSRs were chosen as Noise Assessment Locations (NALs) in respect of predicting noise impacts at operational stage.

Predictions of wind turbine noise from the Proposed Development have been made in accordance with good practice using a 6.2 MW candidate wind turbine. The noise survey report confirms that predicted construction and operational noise levels for noise sensitive receptors neighbouring the proposed development, will meet the Guidelines noise limits at all assessed noise sensitive receptors and are therefore deemed to be not significant.

It is indicated that a sample wind turbine model was chosen in order to allow a representative assessment of the noise impacts as the final wind turbine model has not been selected yet. The documents submitted confirm that, if the proposed development receives consent, the final choice of wind turbine will be subject to a competitive tendering process. The wind turbine to be erected will, however, have to meet the planning permission noise condition, should the project be approved. The Council's Environment Section consider that in the event that permission is granted a condition should be applied which requires

that an updated revised noise impact assessment issue to the Planning Authority following the decision on chosen wind turbine model for this wind farm development.

Noise mitigation measures for the construction stage of the development have been included in the EIAR and CEMP (see 'Chapter 10, Noise and Vibration' of this report) and these appear reasonable.

Visual Amenity:

The Wind Energy Development Guidelines set out guidance for the siting and design of wind energy developments in various landscape contexts by defining six landscape character types that represent most situations where wind turbines may be proposed. The guidance is intended to be indicative and general, and notes that it, represents the 'best fit' solutions to likely situations. However, regarding these six landscape character types, the Guidelines also note that it is common for a wind energy development to be located in one landscape but visible from another and recommends that the entire visual unit should be taken into consideration.

As noted in the Wind Energy Development Guidelines (2006) and within the County Development Plan (Section 10.23.2), there is a need to balance the preservation and enhancement of nature conservation and habitat protection against the need to develop key strategic infrastructure in a manner that is consistent with proper planning and sustainable development. The proposal would have a visual impact from roads in the immediate vicinity and from residential properties therein, in locations where screening is not available or maintained. It is not considered that the proposal would constitute such a material alteration of visual intrusion as to warrant an unsupportive recommendation from a visual assessment.

The DoHPLG 'Draft Revised Wind Energy Development Guidelines' (December 2019) indicate a setback distance for visual amenity purposes of four times the tip height between a wind turbine and the nearest point of the curtilage of any residential property in the vicinity of the proposed development, subject to a minimum mandatory setback distance of 500 metres. The nearest dwelling is located approximately 750 metres from any turbine, which is below the Draft Guidelines requirement of having a separation distance of 5.8 times the turbine tip height. The EIAR outlines that the development is deemed to be acceptable from a landscape and visual perspective. However, CPO 13.7 of the County Development Plan seeks to *"Ensure that any significant, industrial and or infrastructural developments (excluding residential; agricultural buildings; tourism; greenway; cultural; educational or community buildings), which would impact upon Uisneach and or its protected views will not be permitted due to the sensitivity of the site"*. As such, a photomontage demonstrating the visual effects arising from this development at the Hill of Uisneach should be provided so as to inform and facilitate a full visual assessment of the proposed wind farm prior to issuing a decision on this proposed development.

18.3 Grid Connection & Haulage Route:

The 110kV cabling and substation to connect to the national grid will be the subject of a separate planning application. The intended underground electrical cabling route which is 31 kilometres in length will be predominantly located within public roads (local, regional and national) and will pass through the village of Horseleap, and bypass Kilbeggan town before terminating at the Thornsberry 110 kV substation, located in the townland of Derrynagall or Ballydaly, circa 2 kilometres northeast of Tullamore, Co. Offaly. The cabling route is proposed to traverse through the following townlands; Ballinderry Big, Ballinderry

Little, Ballinlig, Ballybrickoge, Ballynagrenia, Cloonymurrikin, Curragh, Custorum, Hallsfarm, Kilbeg, Kilbeggan, Kilbeggan South, Kilcumreragh, Meadowpark, Meeldrum, Pallas, Raheen, Shureen and Ballynasuddery, Tonaphort, Umma Beg Or Moneynamanagh and Umma More, County Westmeath and Acantha, Aghancarnan, Ardan, Ballybought, Ballynasrah Or Tinnycross, Brackagh, Cappydonnell Little, Cartron Glebe, Cloncraff, Derrynagall Or Ballydaly, Dunard, Durrow Demesne, Gormagh, Kilmurragh, Newtown, Rostalla County Offaly. The applicant should be fully aware that any cables within public roads or verges must fully comply with the minimum requirements of 'Guidelines for Managing Openings in Public Roads – April 2017'.

The construction phase is the critical period with respect to the traffic effects experienced on the surrounding road network in terms of both the additional traffic volumes that will be generated on the network, and the geometric requirements of the abnormally large loads associated with the wind turbine plant. The requirements of the additional traffic and abnormal loads generated during the construction stage were assessed. It is considered that the preparation of a Transport Management Plan including full details of road network/ haulage routes and the vehicle types to be used to transport materials on and off site, is necessary. A swept path analysis of all junctions/nodes in County Westmeath potentially impacted by turbine element delivery is also required in addition to the requirements of the District Engineer (report dated 14/04/2023) as detailed at 16.1 above.

Adequate sightlines are required at the entrance to the construction site. In terms of site construction works, a detailed precondition survey of the proposed haul routes and Culvert/Bridge Bearing Capacity Analysis Report for roads identified as the construction material haul routes should also be provided. A pre and post-condition survey of local roads and proposals for ongoing maintenance programme to be agreed and applied during the construction stage to avoid deterioration of the local roads. The developer should have a security bond in place and at post construction the developer should undertake to carry out any / all necessary improvement works. It should be noted that the District Engineer seeks that details be submitted which will allow for full examinination of development proposal. A number of additional conditions are also recommended by the District Engineer in the event of a grant of permission (See attached District engineer report).

(c) Internal Accommodation tracks

A full appraisal of the volumes of materials required for the construction of the internal site roads/accommodation tracks is required. The applicant has outlined their intention to confirm this information during the construction phase, however omission of this basic information at application stage, prevents the planning authority from accessing the full impact associated with materials delivery.

18.4 Property Values

In noting the absence of any Irish studies on the effect of wind farms on property values, Section 5.6 of the EIAR considers the potential impact the proposed wind farm will have on property valuations in the immediate vicinity having regard to most recent studies from the United States and Scotland. It states that, at an international level, wind farms have not impacted property values in the local areas and in this context, the applicant outlines that a reasonable assumption based on available international literature can be made that the provision of a wind farm at the proposed location would not impact on the property values in the area.

The DoECLG Wind Energy Guidelines 2006 do not refer to impact on property value but set standards in relation to minimum setback distance from and maximum noise impacts at residential properties. Therefore, if property values are not to be adversely affected, it would be necessary to ensure that the Wind Energy Development Guidelines standards are achieved and that noise and shadow flicker levels are controlled, in order to protect residential amenities.

In view of the number of wind farms constructed throughout the country, it is considered that evidence of potential impact of wind farms, within a local Irish context, should be provided in order to complete the assessment of impacts on property values.

18.5 Turbine Design

The principal dimensions of the proposed 9 (no.) wind turbines are as follows:

- Maximum Tip height of 185m
- Maximum Rotor Blade Diameter of 162m
- Hub height 104m
- Associated foundations and hardstanding areas.

The Planning Authority consider that no stripes whatsoever should be painted or attached to the turbines in order to keep them as visually clean as possible.

18.6 Amenity Potential:

Section 4.5 of the EIAR which accompanies this SID application discusses community gain proposal. The Community Benefit Fund is premised on bringing about significant, positive change in the local area. It is outlined that the nature of the community gain proposal will be subject to discussions with and input from the local community and commented that in some instances, funds are paid by the developer, either annually or as a one-off payment, to a community fund that is administered as agreed by the community.

It is noted that any project which wants to avail of The Renewable Energy Support Scheme (RESS) must abide by the Terms and Conditions, published by the Department of Communications, Climate Action and Environment (February 2020), including the following:

1. A minimum of €1,000 shall be paid to each household located within a distance of a 1-kilometre radius from the Project;
2. A minimum of 40% of the funds shall be paid to not-for-profit community enterprises whose primary focus or aim is the promotion of initiatives towards the delivery of the UN Sustainable Development Goals, in particular Goals 4, 7, 11 and 13, including education, energy efficiency, sustainable energy and climate action initiatives;
3. A maximum of 10% of the funds may be spent on administration. This is to ensure successful outcomes and good governance of the Community Benefit Fund.
4. The balance of the funds shall be spent on initiatives successful in the annual application process, as proposed by clubs and societies and similar not-for-profit entities, and in respect of Onshore Wind RESS 1 Projects, on "near neighbour payments" for households located outside a distance of 1 kilometre from the Project but within a distance of 2 kilometres from such Project.

Based on the current RESS guidelines, the submitted documentation outlines that it is expected that a €2 contribution into a community fund for the first 15 years of operation of the proposed wind farm will be made for each megawatt hour (MWh) of electricity produced by this development. It is further indicated that this fund would be adjusted accordingly in the event that this commitment is changed in upcoming Government Policy. In this context, the proposal if developed under RESS, would attract a community contribution in the region of approximately €340,000/year over the 30 years for the local community. The value of this fund will be directly proportional to the electricity generated by the wind farm. In accordance with current requirements of RESS, the applicant references that the following payments would be required:

- *Direct payments* to those living closest to the Wind Farm Site. A minimum €1,000 payment per annum for houses within 1km of the Proposed Development
- *Energy Efficiency.* Up to €136,000/year to be available for the development of energy initiatives to benefit people living in the local area. This is to be provided to not-for-profit community enterprises].
- *Support for local groups* up to €136,000/year to be available for local groups, clubs and not for profit organisations that provide services in the local area, including for example - services for the elderly, local community buildings, and the development of sporting facilities.
- *Administration costs* to a maximum of 10% of this fund to be made available for the administration and governance costs of the fund.

It is noted that the first task stated in respect of community gain fun is to form a benefit fund development working group that clearly represents both the close neighbours to the project and nearby communities and administer and govern the Community Benefit Fund. Examples of initiatives that could be put forward under the scheme include youth, sport and community facilities, schools, educational and training initiatives, and wider amenity, heritage, and environmental projects.

The applicant outlined initial local suggestions for potential use of the fund, including 'grants for Eon Naofa National School, the construction of footpaths and footpath improvement works, water-mains connections for residents who relied on river water, local enterprise schemes, riparian planting of native species, energy retro-fitting of houses and contributions to electrical bills'.

It is also outlined that where the Proposed Development is not developed under RESS, a community benefit scheme is proposed to provide a fund of €100,000 per annum over the lifespan of the Proposed Development based on the current estimated generating capacity. This will equate to potential funding of €3 million to the local community.

The matter of Community Gain can be appropriately addressed by way of condition in the event of a grant of planning permission.

18.7 Development Contributions & Bonds:

Development Contributions:

In the event of a grant of planning permission the levy as set out under the applicable Development Contribution Scheme made under section 48 of the Planning and Development Act 2000 should apply subject to any applicable indexation provisions of the Scheme at the time of payment.

Special Development Contribution:

The Councils' preference is for the attachment of a specific condition in the event of a grant requiring pre-surveying of affected roads, proposals for rendering the routes fit for purpose, ongoing monitoring and repair during the project, post construction survey and remedial works [District Engineers report refers].

Bonds

The DECLG Wind Energy Development Guidelines for Planning Authorities 2006 recommend that Planning Authorities do not to attach a bond for the decommissioning of the turbines, because the scrap value is likely to cover this cost. The District Engineer considers that the construction of this development may lead to long term damage to the road network (public roads/culverts/bridges) used as a haul route for the development. Accordingly, it is recommended that, in the event of a grant of permission, the applicant be required to contribute to the cost of repairing this damage and as such a cash bond should be paid to the Planning Authority prior to commencement. The amount of the cash bond to be determined when material sources are known.

18.8 Conclusion and Recommendation:

Having regard to:

- the location of the proposed wind farm site
- the planning history of the site
- the character of the landscape in the area and of the general vicinity
- the pattern of existing and permitted development in the area and
- the distance to dwellings and other sensitive receptors from the proposed development

It is considered that the proposal either by itself or in cumulation with other projects, would be in accordance with European energy policy, relevant Section 28 Guidelines (including the provisions of the Wind Energy Development Guidelines – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006), national and regional policy. The proposed development would, if permitted:

- make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future
- be capable of being integrated successfully at the subject site without undue adverse impact on the amenity of the local area
- not seriously injure the residential amenities of the area
- not be likely have a significant adverse impact on any designated site or the conservation objectives pertaining to same
- would not be likely to adversely affect archaeological or natural heritage in the area.

However, further details are necessary to assess the proposal from a traffic safety and convenience perspective and to assess the impact of the proposal associated with the setting of the Hill of Uisneach and associated views.

Notwithstanding, the current Westmeath County Development Plan 2021-2027 sets out, under Council policy objective (CPO) 10.146, *'To strictly direct large-scale energy production projects, in the form of wind farms, onto cutover cutaway peatlands in the County, subject to environmental, landscape, habitats and wildlife protection requirements being addressed.*

In the context of this policy, industrial scale/large-scale energy production projects are defined as follows:

Projects that meet or exceed any of the following criteria:

- Height: over 100m to blade tip, or
- Scale: More than five turbines, or
- Output: Having a total output of greater than 5MW

Developments sited on peatlands have the potential to increase overall carbon losses. Proposals for such development should demonstrate that the following has been considered:

- Peatland stability; and
- Carbon emissions balance'.

As such, having regard to the location of the proposal on predominately agricultural grassland and forestry, it is considered that the proposed development is contrary to Policy Objective CPO 10.146 of the Westmeath County Development Plan 2021-2027.

19. PLANNING AUTHORITY'S RECOMMENDATION:

Permission be refused for the following reason:

Council Policy Objective 10.146 of the Westmeath County Development Plan 2021-2027 sets out 'To strictly direct large-scale energy production projects, in the form of wind farms, onto cutover cutaway peatlands in the County, subject to environmental, landscape, habitats and wildlife protection requirements being addressed'. As the subject lands to which this proposed wind energy project relates are considered as being predominately agricultural grassland and forestry, given the scale of the project, it is considered that the proposed development would, if permitted, contravene CPO 10.146 of the Westmeath County Development Plan 2021-2027.

Paula Hanlon
Senior Executive Planner

2nd May 2023
Date

Cathaldus Hartin
Senior Planner

04 May 2023
Date

Barry Kehoe
Director of Services

5th May 2023
Date

Mark Keaveney
Deputy Chief Executive

5 May 2023
Date

ABP-316051-23: Umma More Wind Farm SID							
Name	Position	Hours	Rate /Fortnight incl Er PRSI	Rate per Hour	Salary Claim	Expenses	Total
Mark Keaveney	A/CEO	4	5,013.72	143.25	573.00	€0.00	€573.00
Barry Kehoe	Director of Service	9	4,805.86	137.31	1,235.79	€0.00	€1,235.79
Cathaldus Hartin	Senior Planner	26	3,935.61	112.45	2,923.60	€0.00	€2,923.60
Paula Hanlon	Senior Executive Planner	50	3,513.63	100.39	5,019.47	€0.00	€5,019.47
Connor Barry	Planning Technician	2	1,891.51	54.04	108.09	€0.00	€108.09
Melanie McQuade	Heritage Officer	5	2,752.12	78.63	393.16	€0.00	€393.16
Ciaran Jordan	Senior Engineer Environment	1	3,550.36	101.44	101.44	€0.00	€101.44
Fintan O'Reilly	Assistant Engineer Environment	21	1,825.69	52.16	1,095.41	€0.00	€1,095.41
Willie Ryan	District Area Engineer	4	3,731.26	106.61	426.43	€0.00	€426.43
Declan Henehan	District Assistant Engineer	10.5	2,353.72	67.25	706.11	€55.00	€761.11
Eamonn Brennan	Administrative Officer	16	2,806.05	80.17	1,282.77	€0.00	€1,282.77
Linda McGuinness	Staff Officer	16	2,266.46	64.76	1,036.10	€0.00	€1,036.10
Total Costs Incurred by Westmeath County Council in Determination of Umma More Windfarm SID ABP-316051-23							**€14,956.37**