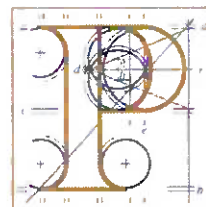


**Our Case Number:** ABP-316212-23



An  
Bord  
Pleanála

Department of Housing, Local Government and Heritage  
Newtown Road  
Wexford  
Co. Wexford  
Y35 AP90

**Date:** 20 February 2024

**Re:** Proposed development of 26 no. wind turbines and associated works.  
at the Ballivor Bog Group, Co. Meath and Co. Westmeath.

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

The Board will revert to you in due course in respect of this matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in the meantime 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,

Ashling Doherty  
Executive Officer  
Direct Line: 01-8737160

PA09

|                           |                |  |
|---------------------------|----------------|--|
| <b>Teil</b>               | <b>Tel</b>     | (01) 858 8100  |
| <b>Glaio Áitiúil</b>      | <b>LoCall</b>  | 1800 275 175   |
| <b>Facs</b>               | <b>Fax</b>     | (01) 872 2684  |
| <b>Láithreán Gréasáin</b> | <b>Website</b> | <a href="http://www.pleanala.ie">www.pleanala.ie</a>   |
| <b>Ríomhphost</b>         | <b>Email</b>   | <a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a> |

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

## Ashling Doherty

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**From:** LAPS  
**Sent:** Monday 19 February 2024 14:33  
**To:** SIDS  
**Subject:** FW: ABP-316212-23 Ballivor Wind Farm  
**Attachments:** ABP-316212-23 Ballivor Wind Farm.pdf

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**From:** David OConnor (Housing) <David.OConnor@npws.gov.ie>  
**Sent:** Monday, February 19, 2024 2:08 PM  
**To:** LAPS <laps@pleanala.ie>  
**Subject:** ABP-316212-23 Ballivor Wind Farm

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A chara

Please find attached Archaeological and Nature Conservation observations/recommendations for the above mentioned SID.

Kindly forward a copy of your decision to [referrals@npws.gov.ie](mailto:referrals@npws.gov.ie) as soon as it issues.

In addition, please acknowledge receipt of the attached letter (as required under Article 29(2) of the Planning & Development Regulations 2001).

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at: [referrals@npws.gov.ie](mailto:referrals@npws.gov.ie)

Kind regards,

David O'Connor  
*Executive Officer*

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht  
Department of Housing, Local Government and Heritage  
Aonad na nIarratas ar Fhorbairt  
*Development Applications Unit*  
Oifigí an Rialtais  
*Government Offices*  
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90  
Newtown Road, Wexford, County Wexford, Y35 AP90

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[David.oconnor@npws.gov.ie](mailto:David.oconnor@npws.gov.ie)  
[Manager.DAU@npws.gov.ie](mailto:Manager.DAU@npws.gov.ie)



**ABP Ref: ABP-316212-23**

**Our Ref: SID-ME-01-2023**

**Bord na Mona Powergen Ltd: 26-no. wind turbine wind farm: Ballivor**

*(Please quote in all related correspondence)*

19 February 2024

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1 D01 V902

A Chara,

I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department co-ordinated by the Development Applications Unit under the stated heading:

**Archaeology**

It is noted that the EIAR submitted as part of the planning application includes a desk-based Archaeological Impact Assessment (AIA) which was carried out in relation to the proposed development by Tobar Archaeological Services (EIAR Chapter 12; date 23 March 2023). The Department has reviewed the EIAR and is broadly in agreement with the findings in relation to Archaeology and Cultural Heritage as set out therein.

It is noted that the applicant has now provided Further Information in relation to this application including clarification of matter pertaining to the assessment of indirect impacts to the setting of certain National Monuments and sites subject to Preservation Orders within 10km of proposed development and the assessment of cumulative impact to certain National Monuments and sites subject to Preservation Orders within 10km proposed development.

Having reviewed the Further Information supplied, This Department advises that the following should be included as a condition of any grant of permission. Note these recommended conditions align with Sample Conditions C3, C5 and C6 as set out in *OPR Practice Note PN03: Planning Conditions* (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.

**Archaeological Requirements:**



1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 12 of the EIAR (Tobar Archaeological Services; date 23 March 2023) and in the *Response to Observations Received* (date 31 August 2023) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
2. The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 12 of the EIAR, the *Response to Observations Received* (date 31 August 2023) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
3. The planning authority and this Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

#### **Nature Conservation**

The FI received in relation to the current application includes a document entitled 'Response to Observations Received Ballivor Wind Farm (ABP Ref 316212)' prepared by MKO Planning and Environment Consultants on behalf of the applicant and dated 31/08/2023. In this latter document, hereunder referred to as the Applicant Response Document, responses are made with regards to various observations on ecology/biodiversity contained in the Department's previous submission to the Board of 2/6/2023 concerning this application.

In section 2.1.3.1.1 of the Applicant Response Document in reply to concerns expressed by the Department regarding the loss of 0.26 ha of Oak-ash-hazel woodland growing on a mineral soil island in the bog to excavate a borrow pit for material to construct the wind farm road network, it is highlighted that as part of the Habitat Management and Enhancement Plan for the proposed project it is intended to plant 1.5 ha of Oak-ash- hazel woodland at the southern end of Bracklin Bog, and the document then continues "Following the implementation of the Habitat Management and Enhancement Plan, there will be no permanent significant effect on this habitat. Whilst there may be a short-term negative impact during the implementation of the Habitat Management and Enhancement Plan, the proposed development will result in an overall long-term positive effect on Oak-ash-hazel woodland



habitat within the study area by increasing its area by 1.24 ha.” However the Department does not accept the establishment of a new tree plantation, even if composed of native species, would compensate in less than a century and possibly never for the loss of an area of spontaneous native Oak-Ash-Hazel woodland growing on a bog island, which are characteristically sites of high biodiversity for ground flora, fungi and invertebrates as well as tree species. Such other elements of locally occurring biota may eventually colonise a new tree plantation but this process will only take place over a considerable time frame.

The Department therefore repeats its original recommendation that in order to preserve woodland biodiversity any planning permission eventually granted in response to the present application should include as a condition that the area of oak-ash-hazel woodland on mineral soil on the development site it is proposed to remove for a borrow pit should be retained, its boundary with the borrow pit to be agreed with the planning authority before development commences.

Also in section 2.1.3.1.2 of the Applicant Response Document it is noted that the applicant has responded to the Department’s comment in its original submission that the two badger setts identified during badger survey work in May and July 2021 was a low number given the area of the development site. The Department welcomes that a pre-construction badger survey of the proposed development footprint and adjacent areas will be undertaken and will include use of camera traps. The Department recommends that this pre-construction survey following best practice should be carried out during winter when vegetation, which might conceal setts and other evidence of the presence of badgers, will be at its lowest.

In section 2.1.4 Ornithology of the Applicant Response Document the applicant responds in relation to the Department’s concern that no attempt to survey nocturnal migration appeared to have been attempted as part of the bird surveys carried out in connection with the present application, and to the Department’s recommendation that radar surveys should be undertaken to establish the extent of such migratory movements in the vicinity of the wind farm site and allow estimation of collision risk to the species involved and determine whether mitigation might be required to minimise collision mortality rates; the possible risk to Greenland white-fronted goose and whooper swan was in particular mentioned.

While the Department accepts the evaluation set out in the applicant’s response, based on the survey work already carried out, that it is unlikely because of their identified commuting routes whooper swans frequenting roost sites in the general vicinity of the proposed wind farm site would be significantly affected by collisions with wind turbines, it is still not clear to the Department that the risk to birds on migration of being involved in collisions with the proposed wind farm in its operational phase has been fully evaluated by the applicant.



Relevant to assessment of the risk of migrant collisions is the information recently received by the National Parks and Wildlife Service (NPWS) concerning records of electronically tagged Greenland white-fronted geese passing near the proposed wind farm site during migrations from their most important wintering sites in Ireland on the Wexford Slobs and their summering areas in Greenland. Research undertaken by the University of Saskatoon involved tracking individual Greenland white fronted geese from their winter feeding grounds in Wexford. Those undertaking the research indicated to NPWS staff that some of the tagged birds came within 8km of the proposed development site near Ballivor with a smaller number flying within a 6km buffer zone around the development, possibly flying through the development footprint itself. It is essential that the assessment be revised to take account of this data and to determine objectively if the proposed development will have negative impacts on this species.

In light of these records of White-fronted goose migratory movements in the vicinity of the development site the Department recommends the applicant should be requested to submit as **Clarification of FI** a more thorough analysis, based if possible on additional survey using radar or other techniques, of the potential of night migrants and especially Greenland white-fronted geese colliding with wind farm turbines and how the possibility of such collisions might be reduced.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at [referrals@npws.gov.ie](mailto:referrals@npws.gov.ie), where used, or to the following address:

The Manager  
Development Applications Unit (DAU)  
Government Offices  
Newtown Road  
Wexford  
Y35 AP90

Is mise, le meas

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David O'Connor  
Development Applications Unit  
Administration

