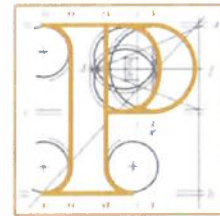


Our Case Number: ABP-316212-23



An
Bord
Pleanála

Anne and Colin Finnegan
Woodtown House
Woodtown West
Athboy
Co. Meath
C15PN23

Date: 15 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 recent letter in relation to the above mentioned case. The contents of your letter have been noted.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,



Ashling Doherty
Executive Officer
Direct Line: 01-8737160

PA36

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Ashling Doherty

From: colin finnegan <colinfinnegan57@gmail.com>
Sent: Monday 12 February 2024 15:47
To: An Bord Pleanála; SIDS; Bord; annefinnegan22@gmail.com
Subject: Re: Your Observation Reference: SID-OBS-000881
Attachments: UPDATE 12-02-202_ 316212 - Anne and Colin Finnegan.pdf; ATTACHMENT A_ 316212 - Anne and Colin Finnegan.pdf

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.

Dear Sir / Madam

With reference to An Bord Pleanála case reference PA25M.316212 Proposed Ballivor Wind Farm, Co Meath and Co. Westmeath, we have made a previous submission on 31 May 2023.

We have reviewed the "Response to Observations Received" (document file name 191137-o - Submissions Response - D1 - 2023.07.14) and wish to make additional comments.

Our comments on the Bord na Móna responses are provided across two documents attached to this email:

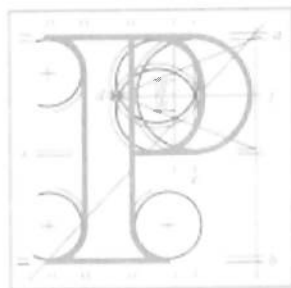
- (i) Updated text in red font within this copy of our original submission
- (ii) In a separate note where additional text was required (Attachment A)

We would be grateful for confirmation of receipt of this email and attachments.

Kind regards

Colin and Anne Finnegan

On Wed, May 31, 2023 at 2:20 AM An Bord Pleanála <no-reply@pleanala.ie> wrote:



An
Bord
Pleanála

Strategic Infrastructure Observation Confirmation

Your reference	SID-OBS-000881
An Bord Pleanála case number or brief development description as provided	316212
Name	Anne and Colin Finnegan

Fee	€50.00
What happens next?	Our staff will process your observation. This will take about five to seven working days. We will send a letter in the post to tell you if your observation is valid — or not.
Further information	You can get further information on Strategic Infrastructure on the <u>An Bord Pleanála website</u> . This includes the <u>Strategic Infrastructure Applications Public Guidance Document</u> .

Subject: Bord Pleanála Case reference: PA25M.316212

Proposed Ballivor Wind Farm, Co. Meath & Co. Westmeath

Submission by: Anne and Colin Finnegan

Address: Woodtown House, Woodtown West, Athboy, Co. Meath, C15 PN23.

Update 11/02/24

We have read the document "Response to Observations Received" (document file name 191137-o - Submissions Response - D1- 2023.07.14)

Our comments on the Bord na Móna responses are provided across two documents:

- (i) Updated text in red font within this copy of our original submission
- (ii) In a separate note where additional text was required (Attachment A)

In summary, we do not believe that Bord na Móna have addressed our concerns in a meaningful way. Our three key points remain the same and we urge An Bord Pleanála to require that these concerns be addressed.

We have reviewed the planning application for the proposed Ballivor Windfarm.

We live in Woodtown West; our home is 1250 metres from the windfarm, as shown on the figure below this text.

Whilst we acknowledge the need for renewable energy infrastructure, we have specific concerns regarding the design of this scheme which will have a detrimental impact on our lives.

We cannot support this application unless these concerns are addressed. We ask that any An Bord Pleanála decision stipulates that the design is amended to eliminate the detrimental effects, or that alternative mitigations are agreed to our satisfaction.

Our three main concerns are summarised below.

We would welcome an opportunity for further consultation to address these concerns. We note that the consultation efforts by the project team were during the Covid pandemic which limited our opportunity for meaningful engagement.

1. Noise

We have reviewed the Appendix XXX pertaining to noise and are worried that the impact on our home has not been considered fairly. We facilitated Bord na Móna to install noise monitoring equipment in our garden for the purposes of noise monitoring in 2020 and the results are included in the report.

We have the following concerns:

This report does not adequately consider the specific scenario of our home. The noise monitoring was undertaken at ground level (see Plat 11-2 in Chapter 11). The discussion, which is generic, does not consider the height of our living quarters, and lack of screening at that level. Appendix 11-3 implies that the noise analysis assumes a level of 4m for receivers.

Our home is a 4-storey Georgian house on an elevated site. It is a listed building (ref 91078 Meath County Development Plan Record of Protected Structures). Our family bedrooms are in the topmost storey of the house to minimise heat/fuel usage. As an old house and a protected structure, the windows are all single glazed sash windows i.e. no discernible insulation from noise. Furthermore, there is no screening between the proposed turbine sites and our living space as any trees, which are very limited in number, are at a much lower level.

Figure 11-2 indicates noise monitoring equipment Location B to be at "House 115" which we believe to be incorrect. Location B was at our home, "House 125", which we can clearly identify from Plate 11-2 on page 11-23. The coordinates given for Location B in Table 11-2 are for "House 115" which is some 450 metres closer to the turbines than the actual monitoring location. We are concerned that the data for Location B could have been incorrectly analysed and interpreted as the location is incorrect.

Section 11.6.3.1.3 concludes that with respect to EPA criteria the potential worst case cumulative effects will be negative, moderate significance and long-term. This is repeated in Section 11.7.3.1.1. This does not appear to be consistent with the short summary in Chapter 5 (Section 5.6.3.2.2), where "the predicted impact associated with the operational turbines is long term and not significant".

We object to the current windfarm design due to inadequate consideration of the unique noise impact at our home and others. The results of the acoustic surveys which we facilitated were only made available in the planning application and we were therefore unable to engage with Bord na Móna from an informed position prior to this submission. The location of the survey at our home is incorrectly recorded in the report (and therefore incorrect in the analysis).

Key point 1:

We request that An Bord Pleanála, in any decision made, stipulate that the detailed design of the infrastructure includes mitigation of noise impacts on our home to our satisfaction prior to the construction of the turbines.

11/02/24 update: The "Response to Observations Received" does not address our concerns. Our comments are provided in Attachment A

2. Shadow Flicker

Chapter 5 of the planning material (Population and Human Health) states that shadow flicker is likely to occur for 80 properties. According to the analysis, our home will be affected by flicker. The mitigation proposed by Bord na Móna for this is to monitor and install screening such as vegetation or blinds (Section 5.6.3.2.6).

As stated in point 1 above, our home is over 4-storeys, and the windows are much larger than those assumed in the analysis (Section 5.2.2.1). The height and size of window has not been considered in the analysis so we are concerned that the impact on us could be greater than estimated i.e., for longer periods.

The proposed mitigation will be very difficult to implement in our home as (i) planting vegetation will have no screening effect and (ii) the old sash windows cannot have blinds fitted in an acceptable manner for them to function properly.

Note that on Figure 5-6 (Chapter 5 Population and Health) our home appears to be house # 125. Table 5-9 confirms that flicker is likely to exceed the guideline levels at our home. On Figure 5-7 a number of properties appear to be mislabelled e.g. our home is a duplication of house #115.

Key point 2:

We request that An Bord Pleanála, in any decision made, stipulate that the detailed design of the infrastructure includes further analysis to estimate the impact at our home, and that a solution is designed to our satisfaction prior to the construction of the turbines.

11/02/24 update: The “Response to Observations Received” does not address our concerns. Our comments are provided in Attachment A

3. Property Value

The planning material (Section 5.3.12) assumes that “the provision of a wind farm at the proposed location would not impact on the property values in the area”.

We believe that the evidence for this is extremely weak. Two studies are cited, one from the US form 2009 and one from Scotland in 2016. The design of the infrastructure schemes and the property markets are not given and are therefore not comparable and not current. Both studies acknowledged that there could be local effects and their results are generalised across the countries as a whole. As this wind farm would have some of the tallest turbines yet to be constructed in Ireland, it is reasonable to assume that impacts will be higher than older, lower schemes such as in the US.

11/02/24 update: The response does not address the concerns we raised regarding the applicability of the studies cited for comparison with the proposed development.

The UK report referenced in the response is from 2014. It was prepared for “Renewable UK – The Voice of Wind and Marine Energy”. The document conclusion is “project-specific” and the evidence is “across the sites analysed”.

Bord na Móna has frequently referred to other sites in Ireland as exemplars for wind farms. They have not provided evidence from these schemes with regard to property value. The project team do not appear to have investigated the impact on property value with estate agents either locally or with experience in the vicinity of other wind farms.

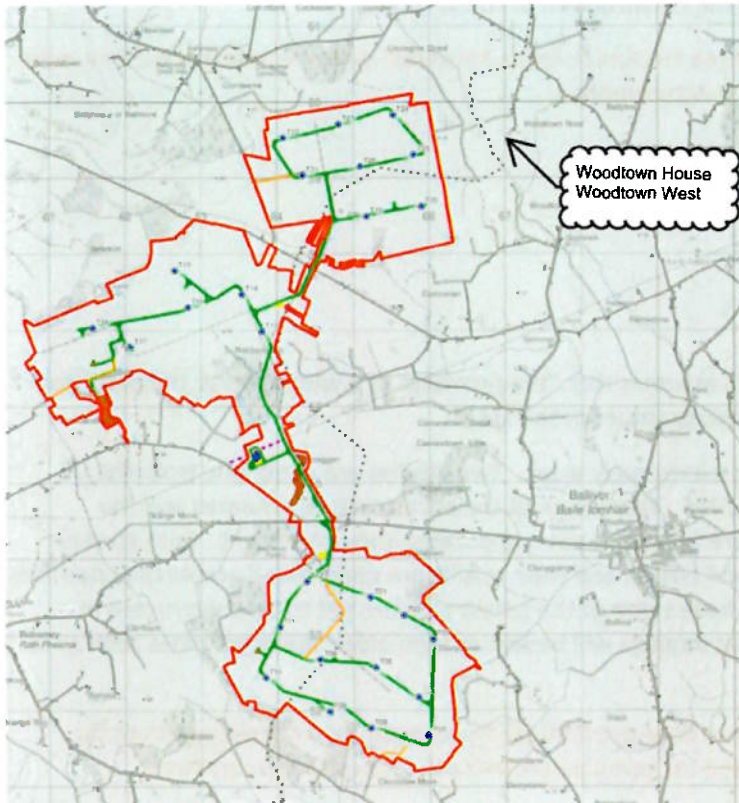
11/02/24 update: The response provided by Bord na Móna does not address these points regarding opportunities for better information on house prices due to wind farms in Ireland.

The “Response to Observations Received” gives bios for the authors of the NIS. There is no property or economics experience within this cohort.

Key point 3:

We request that An Bord Pleanála, in any decision made, stipulate that an exercise is undertaken to quantify the likely impact on property value, and to compensate local property owners for any reduced value.

Figure 1: Location of our home relative to the proposed site.



4. Miscellaneous

We have the following additional observations:

- a. The photo montages provided do not include any examples for locations in our vicinity i.e. nearby and east of the northern part of the site. If An Bord Pleanála would like to visit to view the site from our location, and to understand some of the features we have described in sections above we would be happy to facilitate this. (Reference page 23 of “Making an Observation on a Strategic Infrastructure Development application: December 2021”, An Bord Pleanála). We would also welcome an opportunity to participate in an oral hearing or to discuss the issues discussed here with an inspector (page 20 of same document).

11/02/24 update: In the response to Meath County Council recommendation 1(e) regarding additional photomontages, Bord na Móna have not considered additional photomontages as recommended by Meath County Council. Our home is a Recorded Protected Structure (91078) in the Meath County Development Plan.

The response references Figure 3.2.1.1-1 and Figure 3.2.1-2 but these figures are not provided.

Page 85 describes our property (Recorded Protected Structure 91078 Woodtown House) with reference to the ZTV map.

Page 88 acknowledges an error in the ZTV mapping (no colours provided) but the reproduced map has the same errors.

- b. We observe swans in the fields adjacent to our house annually. For example, in 2021 approximately seven flocks flew over, and approximately 100 swans landed in the adjacent field and rested overnight there (video available if required). We believe, from the direction of flight, that these birds could be migrating to places such as Lough Iron SPA or Lough Derravaragh SPA. Therefore there is a potential that the wind farm development could have **a significant effect on these European sites.**

The statements in the EIAR with regard to swans address collision risk but not appear to address the potential impact on migration routes (e.g. Table 7-8 Lough Derravaragh).

5. Closing

This project is highly technical, yet has a huge impact locally. There is no evidence of funding for independent analysis or checking of the contents of the planning material. This relies solely on the efforts of local residents such as ourselves and others, who are not experts and do not have the capacity, funding or knowledge to verify the information.

We therefore are relying on An Bord Pleanála to scrutinise its contents.

ATTACHMENT A

Subject: Bord Pleanála Case reference: PA25M.316212 Proposed Ballivor Wind Farm, Co. Meath & Co. Westmeath

Submission by: Anne and Colin Finnegan **Address:** Woodtown House, Woodtown West, Athboy, Co. Meath, C15 PN23.

Date: 11/02/24

Additional comments on "Response to Observations Received" (document file name 191137-o - Submissions Response - D1- 2023.07.14)

Please read this document alongside the update to our original submission, which has further comments.

1. Extract of Page 39 of Bord na Móna "Response to Observations Received"

Assessment Methodology

A discrepancy with housing numbers was observed by the residents at Woodtown House, Athboy, Co. Meath. Figure 5-6 of the EIAR denotes Woodtown House as property no. 125, which is the correct property reference number for the purposes of the assessment. In Figure 5-7 it appears that property No. 125 is labelled as no. 115. However, this occurred as a result of the additional data being illustrated on Figure 5-7 i.e. in order to fit the data, the corresponding labels adjusted resulting in the label for property no. 115 moving towards the location of property no. 125. The relevant information regarding the potential for shadow flicker to occur at property no. 125 can be found in Table 5-9 in the EIAR. It is this Table that details the potential for, and degree of, shadow flicker experienced at any property, not the supporting mapping found within Chapter 5 Population and Human Health. The shadow flicker prediction model demonstrates that property no. 125 may experience just over 16 minutes of daily shadow flicker, just over half the daily recommended limit of 30 minutes per day and may experience over 54 hours of annual shadow flicker, which is greater than the recommended 30 annual hours of shadow flicker as set by the Department of Housing and Local Government (Wind Energy Guidelines 2006). However, it must be noted that the prediction model does not take into account:

- > Any existing screening provided by intervening vegetation or buildings;
 - o The property is screened by mature tree lines
- > Assumes zero cloud cover with adequate wind speed;
- > Rare phenomenon alone and in combinations with the other assumptions;
- > Assumes that the rotors are facing the property;
 - o In reality, this is highly unlikely to be the case for many properties.
- > Does not factor 'as built' window orientation of dwellings.

An observation was made stating that mitigation through screening would not suffice at their 4-storey property and blinds cannot be fitted in a satisfactory fashion. However, it is noted that there is significant mature treeline vegetation between the property in question and the Proposed Development Site already which the shadow flicker model has not accounted for. It has also not accounted for window orientation of the property. Observations on the efficacy of mitigation at this property and others is discussed below.

The maximum daily shadow flicker in Table 5-9 for our property (no. 125) is 32 minutes 24 seconds. This is above the stated daily limit of 30 minutes. The Bord na Móna "Response to Observations" gives the figure as 16 minutes per day which appears to be an incorrect report of Table 5-9.

We note also that the explanation for the mis-labelling of our property does not make sense as the number 125 is not given on Figure 5-7 where it should be.

This is combined with the acknowledged errors in the reporting of our house in Table 11.4 of the EIAR (page 57 of the response document), and the omission of the correct ZTV mapping (see below).

These errors are dismissed as incidental in the response, however they diminish confidence in the accuracy of the reporting of the results, and the level of checking that has been undertaken.

The prevailing wind conditions suggest that the rotors will be facing our property.

We have:

6 no. large windows facing due West, and 12 no large windows facing south/southwest, i.e. all directly oriented at

There are very few trees between our property and the turbines (due to the nature of previous land use for turf production and farmland). There is no screening effect provided by trees. We have attached a photograph on the following page showing the view towards the proposed turbines taken from a roof window on our bedroom floor.

The house is at the highest point on our property. Screening by trees will have no significant mitigating effect as the trees are mostly low level, do not surround the house in the direction of the turbines, and are typically lower than the bedrooms of the house. The hedgerow species are predominantly ash and are suffering badly from ash dieback disease so cannot be relied upon into the future for any screening.

2. Extract of Page 57 of Bord na Móna "Response to Observations Received"

Mapping of Survey Location H125 and Status of Property. The residents at H125 write that they facilitated a background noise survey in the grounds of their house, but that the location of this noise survey is not correctly reported in the EIAR. Table 11.4 of the EIAR incorrectly reports the noise survey location to be H115 with coordinates E666,471 N759,713 whereas the correct house reference is H125, and the correct coordinates are E666,983, N759,576. The correct monitoring location is shown in Figure 3 below.

It is confirmed that the analysis of the data recorded at this location and presented in the Chapter 11 of the EIAR considered the correct noise survey position, shown as 'B' in Figure 3 below.

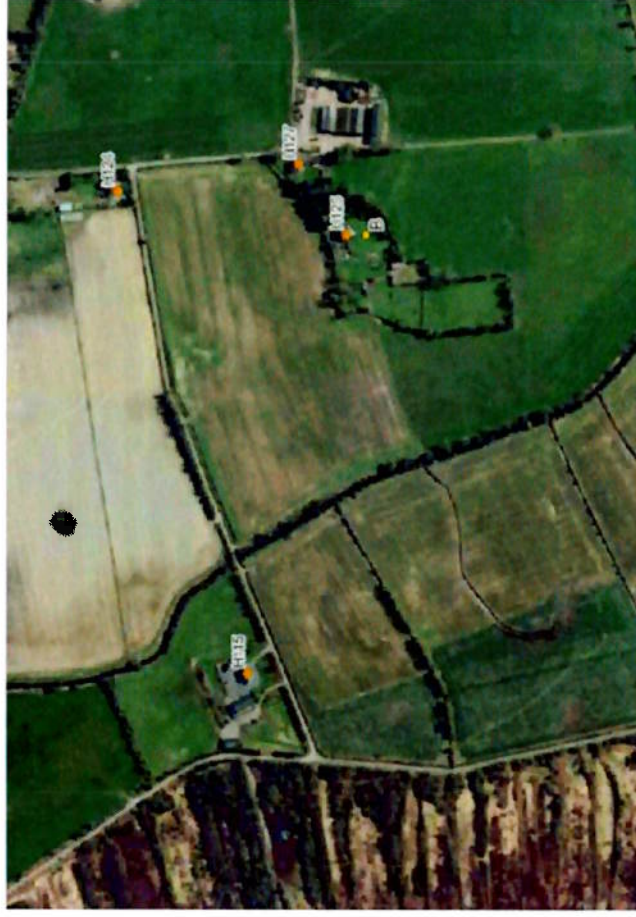


Figure 3: Noise Survey Location B at house H125

The residents at H125 make reference to the circumstances of the building itself as a protected structure in particular the age and height of the building and that this was not factored into the noise assessment. Noise predictions in the EIAR were made at 4m height above ground level for all locations as this is the calculation methodology recommended in the Institute of Acoustics (IOA) document entitled 'A Good Practice Guide to the Application of ETSU-R97 for the Assessment and Rating of Wind Turbine Noise' (IOA, 2013). The methodology outlined in this guidance is used for the assessment of wind turbine noise and represents best practice i.e. No allowances are made in the calculation of the predicted noise levels for screening by trees or other vegetation etc.

A single assessment at 4m above ground level is approximately ceiling level in our reception area. Our bedrooms are above this level on two further floors.

Screening by trees will have no significant mitigating effect as described in the previous comment.

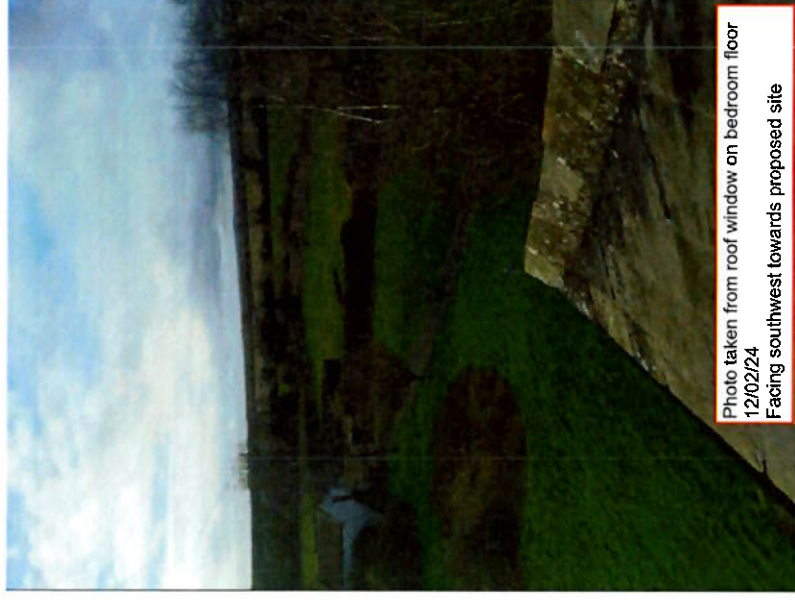


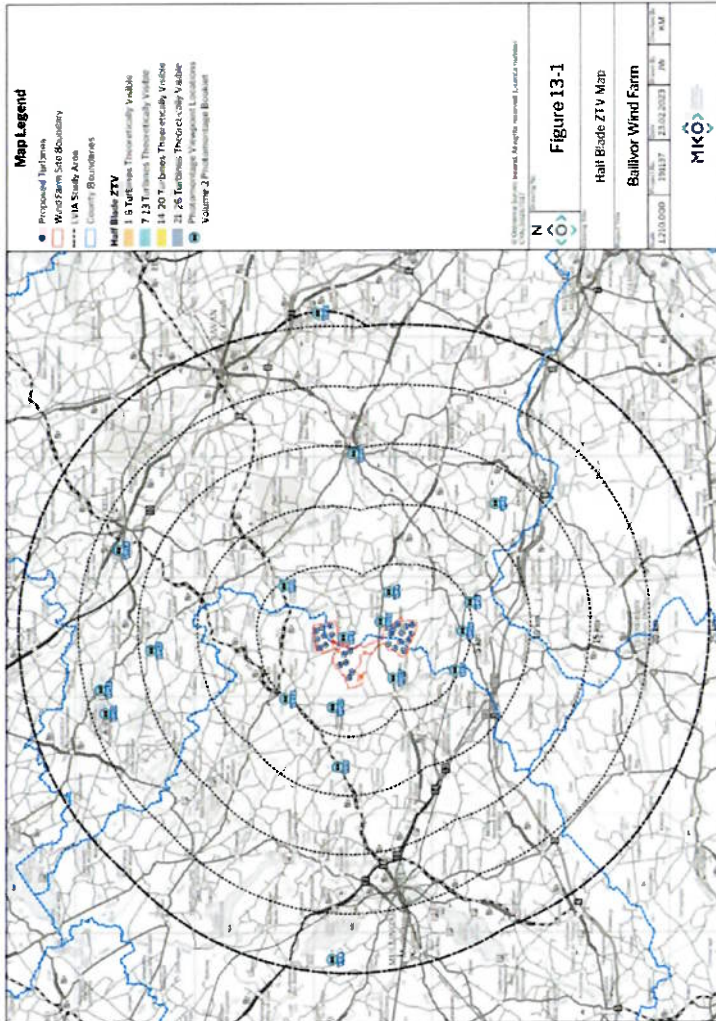
Photo taken from roof window on bedroom floor
12/02/24
Facing southwest towards proposed site

3. Extract of Page 88 and 89 of Bord na Móna "Response to Observations Received"

f) "It is noted that colour-coding relating to theoretical visibility of turbines at different distances has not been presented at 13-1 as stated in Section 13.3.2. This should be requested from the applicant."

Response to Recommendation 1 (f)

Due to a digital malfunction, the colours of the Zone of Theoretical Visibility (ZTV) were absent in the ZTV map - Figure 13-1 of the EIAR which is reinserted below. The Applicant has reproduced this map below with the ZTV colours included.



The reproduced map in the "Response to Observations Received" has no colours of zones i.e. the same errors as the original EIAR. Therefore no ZTV map is available.

Section 13.3.1 of the EIAR emphasises that the ZTV is an important part of the LVIA process, yet the error has been repeated in the response.