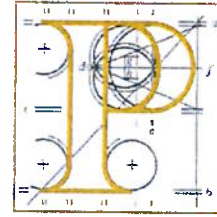


Our Case Number: ABP-316212-23



An
Bord
Pleanála

Diarmuid Priest
Lisclogher Great
Delvin
Co. Westmeath
C15N6P9

Date: 09 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 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 with regard to the 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.

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

PA04

Tel	Tel	(01) 858 8100
Glaos 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

Submission to: An Bord Pleanála, 64 Marlborough St, Dublin 1

Person making the submission: Diarmuid Priest

Address: Lisclogher Great, Delvin C15N6P9

Planning Application: Wind Farm Development including 26 turbines and all associated works, by Bord na Móna Powergen LTD.

Proposed location: Ballivor Bog Group, County Meath and County Westmeath

Submission Case reference: PA25M.316212, and associated response to observations, as published by Bord na Mona Jan 22nd 2024.

Subject Matter of this submission and related observations:

I submitted observations in June 2023 on the original application. Having reviewed the response from the applicant Bord na Mona, through its consultant firm, MKO, I am left very unsatisfied. It is my opinion that Bord na Mona's response to my points are entirely inadequate e.g. how they have responded to my concerns relating to proposed wind farm scale, the consequent excess use of high carbon-emitting materials such as concrete in the bogs as well as Shadow Flicker. Based on the inadequacy of responses I remain wholly opposed to this planning application.

I am now raising a new concern relating to a potential direct impact on my property and home, as laid out below.

In July 2023, I received correspondence from the Land Registry (PRAI) informing me that Bord na Mona has applied for easement on my property, based on historic and unobstructed access to their lands via my property. It is understood that this application is directly in connection with their proposed windfarm and specifically in relation to access to the site from the Lisclogher side. However, the access point at Lisclogher does not appear to be clearly identified on any map in the original application and this must be addressed. The original application scope refers: "Construction of permanent site entrances off a local road into Lisclogher..."

Of more immediate concern to me is the following:

I do not accept Bord na Mona's claims, as stated through PRAI, and have objected as such via sworn Affidavit, in August 2023; see attached. Please also find attached copy of correspondence from me to you (An Bord Pleanála) relating to this matter.

I draw the Inspector's specific attention to this matter as a grant of planning permission cannot be considered while such matters of proposed windfarm access routes and associated easement rights are in question. In addition, while access routes remain unresolved, then areas of the application such as "Roads and Traffic" (2.1.17 of Response) and "Community Consultation" (2.1.20 of Response) require further scrutiny.

Yours sincerely,

Diarmuid Priest

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
08 FEB 2024	
Fee: €	_____ Type: _____
Time: 9:58	By: post

JOSEPH CURRAN B.A.

Daniel J. Reilly & Co.

GERARD ROWLEY B.A., LL.B., A.I.T.I.

SOLICITORS

(Established 1905)

SUB OFFICE AT:
ENFIELD, CO. MEATH.
(046) 954 9939 (AFTER 3.00P.M.)
email: danieljreilly@securemail.ie
www.danieljreillysolicitors.ie

**EMMET STREET,
TRIM, CO. MEATH,
C15 W424.**

TELEPHONE (046) 9431206
9437471
9431429
FAX: (046) 9436497
DX 92 007 TRIM

DATE : 2nd February 2024
OUR REF : JC/GD
YOUR REF : ABP-316212

An Bord Pleanála,
64 Marlborough Street,
Dublin 1
D01 V902

Bord Pleanála Case Reference: ABP-316212

Re: Proposed Development of 26 Wind Turbines and Associated Works at Ballivor Bog Area, Co. Meath/Co. Westmeath

Our Client: Diarmuid Priest, Lisclogher, Delvin, Co. Westmeath

Dear Sirs,

We confirm that we act for Diarmuid Priest.

Our client instructs us that Bord na Móna Powergen Ltd. have made an application to An Bord Pleanála for the proposed development of wind turbines on lands located in Ballivor bog, Carranstown bog, Bracklin bog, Lisclogher bog and agricultural lands adjacent to Bracklin bog under the above planning reference.

As part of the proposed development, Bord na Moná have applied to the Land Registry for registration of rights-of-way over private lands in order to secure access to the proposed development in the Lisclogher area.

In June 2023, Bord na Mona applied to the Land Registry for registration of a right-of-way over our client's lands at Lisclogher under Dealing No. D2023LR087656D. However, our client objected to the application and furnished an Affidavit to the Land Registry setting out his position.

Despite our client's objection, Bord na Moná have proceeded with their application to An Bord Pleanála to include the contested access. Neither have they sought his consent.

We now enclose the following:-

1. Copy Affidavit with Map sworn by Diarmuid Priest on the 1st August 2023 and submitted to the Land Registry on the 2nd August 2023.

2. Copy Planning Application Site Map Drawing 191137-02A (showing the contested access).

We respectfully request that you take our client's views on access over his property into the Lisclogher/Woodtown West Bog into account when considering the application.

Yours faithfully,



Daniel J. Reilly & Co.

THE PROPERTY REGISTRATION AUTHORITY

DEALING NO. 2023LR087656D (APPLICANT – BORD NA MONA PLC)

COUNTY MEATH

FOLIOS WH11660, WH13854, WH17661,
MH17958, WH27711F, MH52278F

I, Diarmuid Priest of Lisclogher, Delvin in the County of Westmeath (postal address Woodtown, Athboy, Co. Meath) aged 18 years and upwards, make oath and say:-

1. I am the registered owner of the property described in Folio WH27711F (my property).
2. I refer to the application of Bord na Mona, the subject of the above dealing, to register an easement in respect of a right-of-way (claimed) over the road or path delineated on a map attached to letter from Tailte Éireann dated 14/07/23.
3. The right-of-way traverses and adjoins my property.
4. I say and believe that part of the right-of-way between the points marked 'X' and 'Y' is a public road taken in charge by the Meath County Council having been upgraded and surfaced with tarmacadam some years ago. The remainder of the right-of-way (claimed) is a private road reserved for the use and enjoyment of the adjoining land owners.
5. I say that the Applicant never used the right-of-way (claimed) between the points marked 'U', 'V', 'W' and 'X' or between the points marked 'X' and 'Y' (now a public road) to gain access to or egress from their bogs (WH1660). The facilities of the Applicant (office, machinery sheds, garages and manufacturing plant) are located on the Ballivor-Raharney road at the other end of the bog, roughly 2.5 miles in distance from this area. Access to their bogs in our area was always obtained by them internally from that direction. They never used the right-of-way (claimed) as a means of access as there was no requirement to do so and as it was unsuitable in terms of location, width or structural strength.
6. I say that it was the practice of the Applicant to allocate plots of turf from their bog inside the point marked 'X'. The people who availed of these allocations entered the bog and extracted their turf when saved over the right-of-way (claimed). The practice of allocating turf plots was discontinued in or about the year 2000 and the Applicant in order to prevent access to their bog dug-out and removed the road over a deep drain at the point marked 'U'. By doing so, they prevented both access into and egress from their bog both by themselves and third-parties.

7. The PRA have not furnished a copy of the Applicant's application so that I am unable to comment on the nature of the user on which they rely to establish their claim.
8. I say and believe that the Applicant is unable to establish continuous user (without interruption) and openly for upwards of 20 years and urge the PRA to reject their application.

DIARMUID PRIEST
Diarmuid Priest

Sworn before me, Mary Farnan,
a Commissioner for Oaths by the
said Diarmuid Priest who is
personally known to me at Trim
in the County of Meath on this
the 1st day of August 2023

Mary Farnan
Commissioner for Oaths

JOSEPH CURRAN B.A.

GERARD ROWLEY B.A., LL.B., A.I.T.I.

Daniel J. Reilly & Co.

(Established 1905)

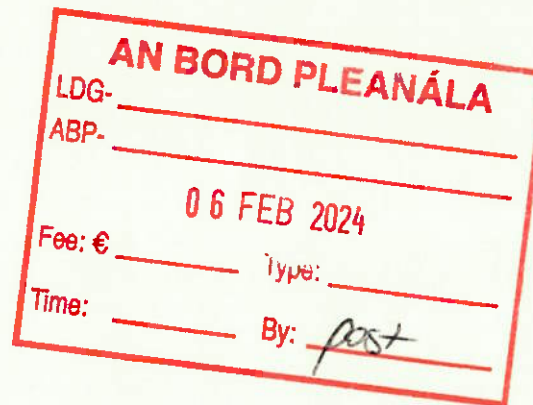
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64 Marlborough Street,
Dublin 1
D01 V902



DATE : 2nd February 2024
OUR REF : JC/GD
YOUR REF : ABP-316212

Bord Pleanála Case Reference: ABP-316212

Re: Proposed Development of 26 Wind Turbines and Associated Works at Ballivor Bog Area, Co. Meath/Co. Westmeath

Our Client: Diarmuid Priest, Lisclogher, Delvin, Co. Westmeath

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2. Copy Planning Application Site Map Drawing 191137-02A (showing the contested access).

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Yours faithfully,



Daniel J. Reilly & Co.

THE PROPERTY REGISTRATION AUTHORITY

DEALING NO. 2023LR087656D (APPLICANT – BORD NA MONA PLC)

COUNTY MEATH

FOLIOS WH11660, WH13854, WH17661,
MH17958, WH27711F, MH52278F

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Diarmuid Priest
Diarmuid Priest

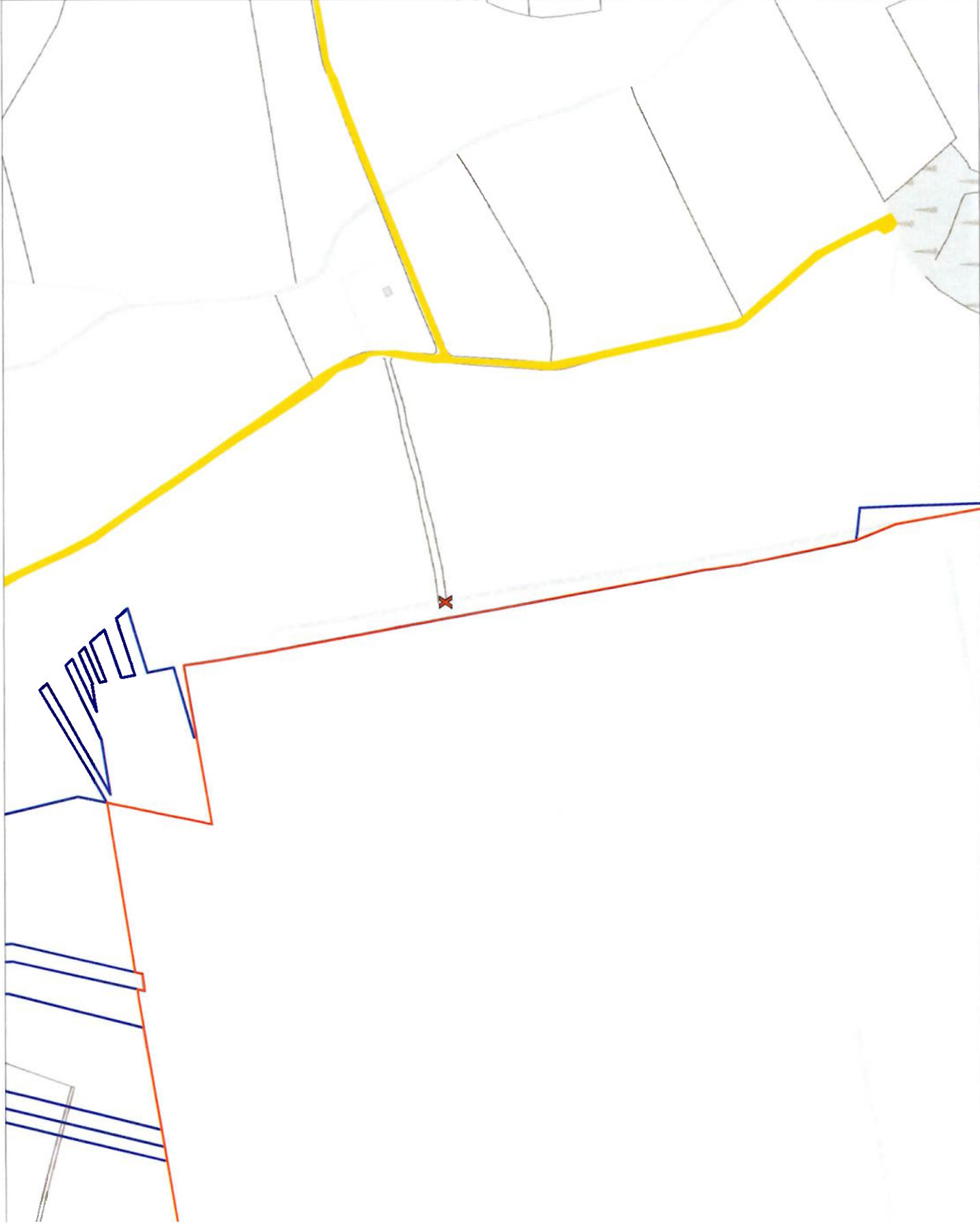
Sworn before me, Mary Farnan,
a Commissioner for Oaths by the
said Diarmuid Priest who is
personally known to me at Trim
in the County of Meath on this
the 1st day of August 2023

Mary Farnan
Commissioner for Oaths

Project Design Drawing Rules
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2. Drawings are to be used for construction purposes only.
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Drawing Legend

- Planning Application Boundary
- Landowner Boundary
- Site Notice
- Vegetation

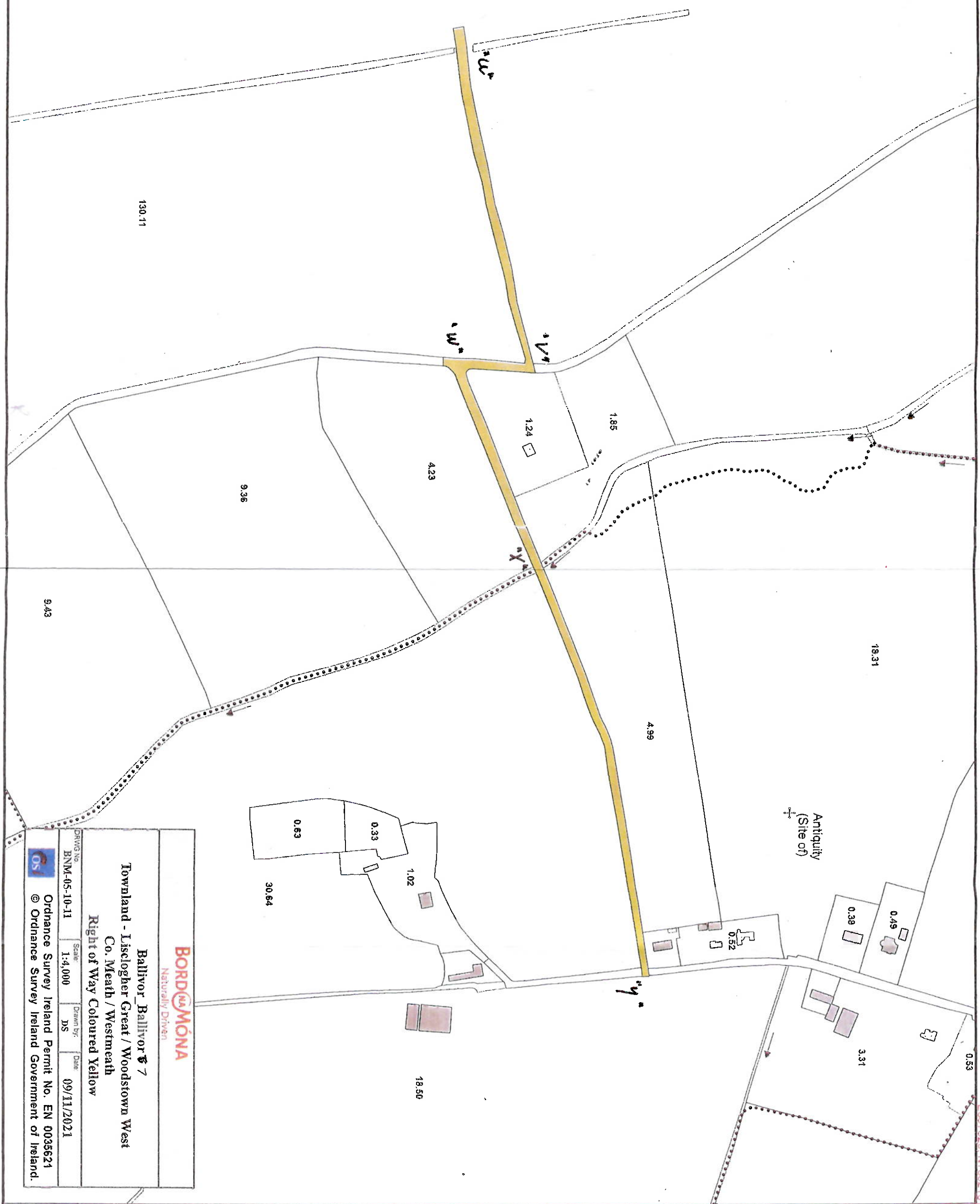


Site Notice Location Map A

Bailiur Wind Farm, Co. Meath
& Co. Westmeath

Project No: 191137
Project Name: 191137 - G2A
Scale: 1:5,000 @ A3
Date: 27.03.2023

MIKO
Environmental
Engineering
& Planning
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 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BORD na MÓNA
Naturally Driven

Ballivor_Ballivor 7
Townland - Lisclogher Great / Woodstown West
Co. Meath / Westmeath
Right of Way Coloured Yellow

Drawn by:	Date
DS	09/11/2021
Scale:	
1:4,000	
Drawn by:	Date
DS	09/11/2021
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DS	09/11/2021



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