

Comhairle Chontae na Mí

Teach Buvinda, Bóthar Átha Cliath, An Uaimh,
Contae na Mí, C15 Y291

Fón: 046 – 9097000/Fax: 046 – 9097001

R-phost: customerservice@meathcoco.ie

Web: www.meath.ie

Uimhir Chláraithe: 00172770



Meath County Council

Buvinda House, Dublin Road, Navan,
Co. Meath, C15 Y291

Tel: 046 – 9097000/Fax: 046 – 9097001

E-mail: customerservice@meathcoco.ie

Web: www.meath.ie

Registration No.: 00172770

09/02/2024

An Bord Pleanála,
64 Marlborough St.
Dublin 1.

Re: Ballivor Wind Farm ABP-316212-23 – MCC's Comments on Significant Additional Information

A letter dated 19/01/2024 was received by the Planning Department of Meath County Council (MCC) which relates to Significant Additional Information and the applicant's 'Response to Observations Received' and requested comments from MCC.

MCC previously issued a Chief Executive's Report (dated 30/05/2023) and Minutes of the MCC Meeting (dated 14/06/2023) during public consultation for the proposed development.

The Planning Department has reviewed the applicant's response to the issues raised in a stated 42 no. submissions received by An Bord Pleanála (ABP). In addition to the comments already issued to ABP, the Planning Department makes the following comments for its consideration.

Section 2.1.1 of the applicant's 'Response to Observations Received' refers to the Hill of Ward which is a 'Protected View' in the Meath County Development Plan (MCDP) 2021-2027 – '52 – Hill of Ward – Panorama (east of Athboy and within the study area of the LVIA)'. The DAU identified that the Hill of Ward national monument was absent from the assessment (referenced at 2.1.2). The applicant referred to photomontage locations which were captured and where there was no visibility they were not brought forward as there was sufficient natural screening. The Hill of Ward was identified as one of these locations as it was screened by a dense cluster of woodland. The applicant also refers to submissions received, which included viewpoint locations on private lands, which were not always possible to access.

Section 2.1.2 states that the Hill of Ward is 9.3km from the nearest turbine (no. 24). All turbines will be visible from the top of the Hill as per the Zone of Theoretical Visibility (ZTV); however, visibility will be impeded by vegetation and intervening buildings. It is submitted that one turbine will be visible, determined as partial intervisibility and of *slight-moderate* impact but due to the location of the adjacent Bracklyn turbines, this would increase to *moderate*.

The Tower House at Causetown in Co. Meath (referenced in DAU submission) is located 3.4km north-east from the nearest turbine (no. 24) and comprises a late-medieval tower castle in ruins. ABP are advised that the applicant's response to this site is a duplication of the response regarding the Hill of Ward site, however there is reference elsewhere (p.14) that the upper portions of the permitted Bracklyn and Ballivor turbines will theoretically be visible from this site also. The applicant considers the cumulative impact would remain as *slight-moderate* when solar farms are considered, noting that there are no solar farms within 5km.

ABP are invited to consider the recommendations of MCC's Archaeologist and the DAU Archaeology Section. MCC's Archaeologist has stated that the applicant has not addressed comments raised and the further information request and notes that the applicant disputes the DAU request for advance archaeological testing as the developer's Archaeologist considered that construction monitoring was a sufficient mitigation strategy. The EIAR states there is a high potential for archaeological remains, so MCC's Archaeologist considers that this does not match the proposed response, i.e. construction monitoring; and should comprise a comprehensive mitigation strategy. The applicant does not adequately address the visual impact as the conclusions are not qualified and assumes that the worst-case scenario will not occur. The applicant must address the impact of the development on the quality experience and setting of a heritage monument. For example, a photomontage of the Hill of Ward should be shown with and without vegetation to determine the impact at that location, in the event the vegetation was removed. ABP are requested to consider this matter, in the context of all the sites identified by MCC.

Section 2.1.3.2.3 of the applicant's 'Response to Observations Received' responds to potential impact on Marsh fritillary with an additional survey submitted at Appendix 1 of the document. Section 4.1 noted that during construction phase, there would be direct loss of some small areas of potential habitat (0.049 ha) and potential disturbance/ direct mortality near road infrastructure. The applicant proposes to implement a Marsh Fritillary Management Plan to enhance and promote further areas of suitable habitat. Other mitigation includes fencing off areas and further mapping of the lands. No significant impacts or cumulative impacts were identified, following mitigation. No operational impacts were identified. In the event of a grant of permission, ABP are invited to condition the implementation of the proposed mitigation measures and management during the operational phase.

2.1.3.2.7 states that the applicant will not batch or store cement within 50m of any watercourse crossing. ABP may wish to consider this as a condition, in the event of a grant of permission.

At Section 2.1.4 the applicant referenced newly submitted winter bird surveys for the consideration of ABP. It is submitted that the bird assemblage remains largely unchanged to previous surveys and the applicant is satisfied that the assessment submitted with the application remains accurate. An Updated Collision Risk Model has been conducted (provided at Appendix 3) as concerns were raised by the DAU and risk to Kingfisher concern raised by MCC. Significant levels of collision risk for Whooper Swan were not predicted and no significant effects for Greenland White-Fronted Goose as there were not recorded. 36 months of survey (3 no. breeding and winter seasons) were captured for the project. No significant change in collision risk for any species has been identified from what was lodged with the application. The applicant states that the Kingfisher (p.30) is an infrequent occurrence at the site with no flights recorded at potential collision height with turbines. No significant change in abundance or distribution of the species is identified. The applicant refers to pre-commencement surveys to identify breeding, roosting locations and should a nest be found, a suitable disturbance buffer will be applied in line with best practice. Section 3.1.3.4 (p.93) also responds to the Kingfisher concerns raised by MCC stating that no significant effects are predicted.

Given that some bird species are attracted to artificial lighting, the applicant has proposed additional mitigation (p.29), therefore in the event of a grant of permission, ABP is invited to

consider including the inclusion of this additional mitigation as a condition, noting that lighting proposals are subject to Dept. of Defence/ IAA approval.

Section 2.1.5 of the applicant's 'Response to Observations Received' deals with hydrology and water quality and it is noted that the applicant has sought to respond to issues raised by IFI and refers to 2016 IFI Guidelines. On p. 34 there is reference to the total footprint of the development comprising 52.17ha (2.9% of the site) and the associated loss of this amount of cutover peat. The application refers to the permanent footprint of the proposed development as 32.4ha or 1.83% of the site, so this may simply be a typographical error.

This section also identifies that the max volume of material to be imported to the site is approx. 717,000m³ (stated as a conservative approach, if on-site borrow pits were not used). The applicant states that change in flood volumes or flood patterns or increase in run-off because of the proposed development is *negligible*. It is submitted that the mitigation will ensure that water will be retained in the bog for longer periods. No change in the WFD status of downstream waterbodies is anticipated as result of the proposed development and a WFD Compliance Assessment Report forms part of the EIAR.

Section 2.1.6 refers to the Shadow Flicker Prediction Model and property no. 125 which would receive 24 no. hours more per year of recommended shadow flicker than what is set out in the 2006 Wind Energy Guidelines. The applicant notes that the model doesn't account for visual screening and this property is lined by mature trees, assumes no cloud cover, rotors face the property and does not factor 'as built' window orientation. If the Shadow Flicker requirements in the Draft 2019 Guidelines is implemented, the applicant states that this can be addressed through inbuilt technology. The applicant states the properties listed as having the potential for shadow flicker exceedances will be surveyed and if a screening solution cannot be found, control measures in the form of flicker control units can be attached to the turbines, programmed and centrally controlled via SCADA to change their operation or turn them off when needed. Section 3.1.2.4 (p.92) also discusses shadow flicker. The response is based on post-planning mitigation so it is difficult to determine if measures will work (i.e. screening solution that will work for the property owner) and the level of cost needed to be ring-fenced to ensure that this is delivered. It is recommended that conditions from the Department of Defence and IAA be conditioned, in the event of a grant of permission (as referenced on p. 40/41 of the applicant's 'Response to Observations Received').

The applicant states (p.44) that there is no direct evidence that there are possible effects on health of infrasound or low frequency noise from wind farms, referencing WHO Guidance. Reference is made to Chapter 11 Noise and Vibration (p.46) and the identified *long-term negative moderate* effects of noise due to operational turbines (noise is variable but at its greatest potential), no expected sources of vibration due to operational phase and long-term moderate cumulative effects during the operational phase of Ballivor and Bracklyn wind farms. Section 2.1.18 also discusses noise and vibration with reference to low-frequency noise and infrasound on p. 61. It refers to incorrect reporting of a noise survey location (p. 57). The applicant refers to post-construction stage noise monitoring assessment to comply with planning conditions (p. 59). Section 3.1.2.2 (p. 90) refers to disputed details in the Draft Wind Energy Guidelines 2019 (i.e. disputed by the applicant) and states that the EIAR is in full accordance with current best practice methods.

At Section 2.1.9 the applicant clarifies a typographical error to correctly state that '*carbon savings from the Proposed Development ranges from 6,035,010 tonnes to 8,717,237 tonnes of Carbon Dioxide (CO₂) over its lifetime (Relative to EU FFC)*'. Further details are provided to clarify the carbon calculations presented.

Section 2.1.10 states that the applicant engaged with the landowner of a local unlicensed airfield in Craddanstown who did not express concern with the proposed development. Section 3.1.7.1 (p.98) includes a response to MCC's request for clarification on an airstrip in Lisclogher to the west of the application site in Co. Westmeath. It is stated that this is owned by Bord Na Móna and used by a local model airplane group, that the applicant has liaised with the group and no impact will occur.

Section 2.1.11 notes the likely level of employment which will be generated by the development at construction (100-120), operation (2-3) and decommissioning (20/40), an amendment to details provided in the application.

Section 2.1.13 refers to construction and decommissioning. In addition to the condition no. 4 recommended in MCC's previous submission (see below), ABP are requested to include reference to a 'decommissioning plan being agreed with the Planning Authority, prior to commencement of said decommissioning, which shall be demonstrated to be in accordance with current best practice methods'.

4. (a) The date of decommissioning of the wind turbines and ancillary wind farm infrastructure in Meath shall be notified to, and established in writing with, the Planning Authority. This permission shall be for a period of 30 years from the said date of commissioning of the wind farm. The wind turbines and ancillary infrastructure shall be removed at the end of this period of 30 years unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(b) Amenity tracks and associated amenity car-parking and bicycle racks shall be retained in situ, following the 30-year permission.

Reason: In the interest of clarity and proper planning and sustainable development.

Section 2.1.20 outlines all the community consultation undertaken by the applicant, for consideration of ABP.

Specifically, Section 3 of the applicant's 'Response to Observations Received' includes a response to MCC's recommendations (p.69). It submits that cumulative landscape and visual effects are only likely to be experienced from very elevated vantage points. An updated cumulative map has been provided and it is submitted that 7 no. solar farms are potentially visible in combination with the proposed turbines. It was determined that 1 viewpoint (VP 19) has the potential for any cumulative in-combination effects with solar farms, due to the distances to and views available from these locations. Friarspark Solar Farm is identified; however, it is stated that it would not be visible due to screening from mature woodland along 6 no. field boundaries in the intervening landscape between the solar farm and the urban fringe of Trim (p.73). Other locations were not provided in the applicant's response.

The applicant has included details of the Knockanarragh Wind Farm (a SID at pre-app stage) so that the cumulative effects of that proposal can be considered. Information has become available since the current Ballivor application was submitted to ABP. The Knockanarragh project is located 6km north of the nearest turbine within the proposed Ballivor Wind Farm development. The applicant states that they are likely to be viewed in combination (at the

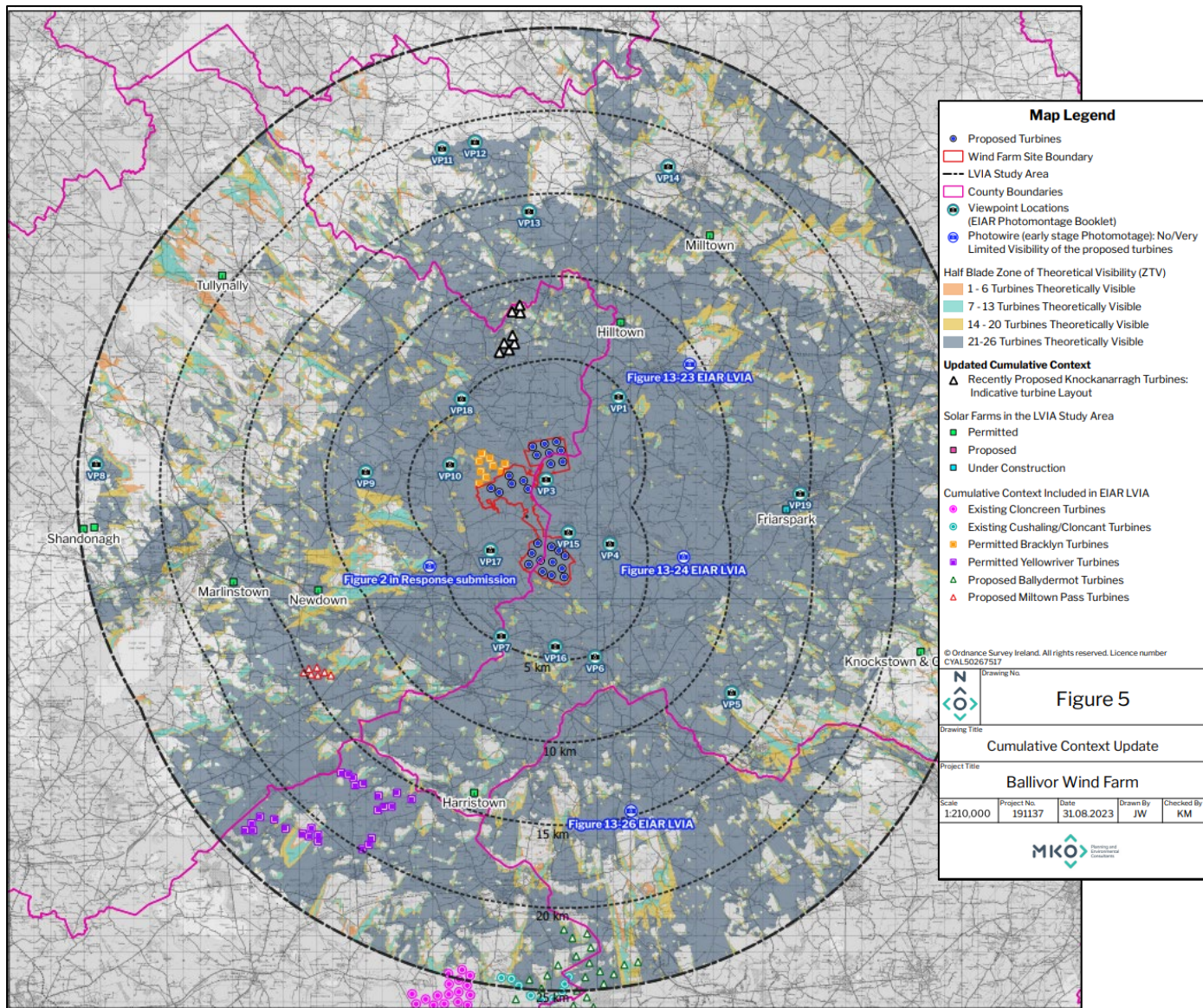
following locations - see below), though the applicant states that it is unlikely that significant cumulative landscape and visual effects will arise:

- The N51 National Road is located between both developments (equidistant) and will have intermittent views of the proposed Ballivor turbines approximately 5km to the south as shown in Viewpoint 1 and Viewpoint 18. Minor cumulative visual effects may potentially occur on this receptor during a journey scenario when the proposed Knockanarragh turbines are seen from elevated vantage points along this route which permit open views in a northerly direction. Due to the setback distances in multi-directional in combination visual effects (views of turbines in two separate directions from the one location) are less likely due to the nature of views from this route – as slightly long ranging views enabling visibility of the turbines are only available from slightly elevated vantage points between gaps in the vegetation.
- The proposed Ballivor turbines will potentially be viewed in combination with the proposed Knockanarragh turbines within long ranging views from very elevated vantage points in the LVIA Study Area. These will include views assessed in the EIAR such as Viewpoints 2; 8; 11; ;12; 13 and 14. The proposed Knockanarragh turbines would potentially contribute with the Proposed Development to the build-up of wind energy visible in the landscape from these viewpoints and some minor cumulative visual effects would potentially arise. However, it is key to note that in general, the setback distances from these elevated vantage points are substantial and the long ranging expansive landscape views are capable of absorbing these distant developments.

The location of all nearby existing, permitted and proposed wind turbines was updated and presented on the following Zone of Theoretical Visibility map, submitted with the applicant's 'Response to Observations Received'. The applicant has included a colour coding (not available in the EIAR submitted for the SID application) and it illustrates the likely visibility of turbines within a 25km radius of the proposed development (see Figure 1).

No change to the NIS submitted with the application is proposed by the applicant, taking account of the solar development or potential Knockanarragh Wind Farm.

The applicant submits that there is a lack of significant residual impacts on bird species on the application site cumulatively or in-combination with these additional developments regarding direct habitat loss, displacement or collision mortality.



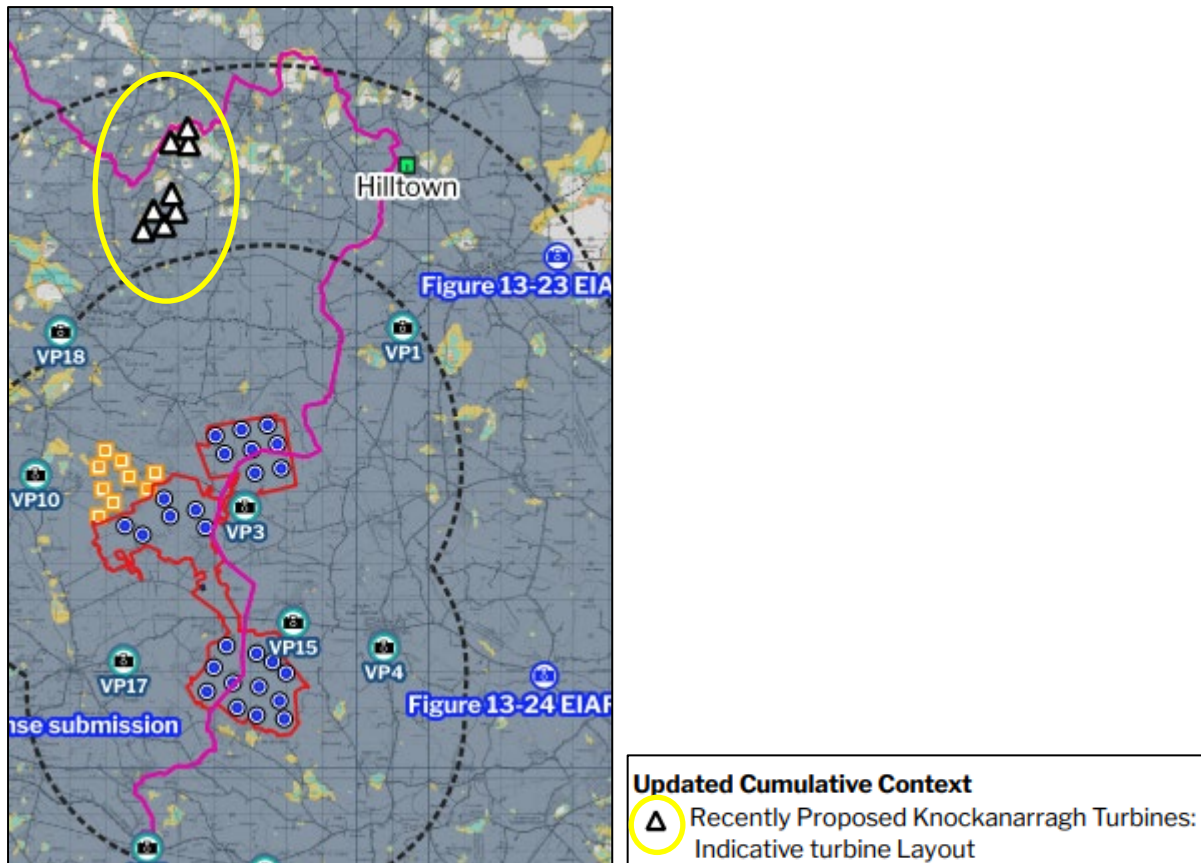


Fig. 1: Cumulative Context Update (Source: Response to Observations Received)

Section 3.1.1.4 seeks to respond to MCC's reference to the proposed development having a significant impact on the protected views from the Hill of Tara/ Tara Complex. The applicant refers to 11° field of view or 3% of the protected panoramic view where the proposal will be present. The applicant considers that there will be no significant impacts on the sites and the magnitude of change is deemed to be *negligible*. It states that Knockanarragh and the proposed development would be visible in combination from the Hill of Tara, suggesting that Knockanarragh would present a separate and third cluster which would result in *minor* cumulative landscape and visual effects. Similarly, the applicant states that no significant impacts would arise.

The applicant considers that the cumulative landscape and visual effects on Loughcrew and Slieve na Calliagh will not arise.

Commentary in relation to other protected views, protected structures are noted including the *slight-moderate* impacts on 91198 Parkstown, 91078 Woodtown House and 91379 Killyon Manor. The applicant states that cumulatively the effect on protected structures is *moderate*. The impact on Bracklyn Estate is identified as *slight-moderate* which could increase to *moderate* in combination with the Knockanarragh Wind Farm. No further visual impact assessment is considered necessary by the applicant. Westmeath Co. Council have not raised any issues in relation to other prominent sites in the county.

ABP are advised that there are distant views of existing turbines from the Hill of Tara. Given the international status of the Hill of Tara, MCC's request for ABP to obtain the independent advice of a World Heritage Expert is requested again with reference to the current proposal

and the Knockanarragh proposal, etc. The Planning Authority's concerns regarding cumulative impacts on Archaeological, Architectural, Cultural Heritage, Landscape in Co. Meath, EIAR & NIS as set out in its submission remain. ABP are invited to consider the reports provided by internal departments of MCC.

Section 3.1.3 relates to MCC's concern in relation to lighting proposals and refers to bat surveys in 2020 and 2022, stating that no significant loss of commuting, foraging or roosting habitat is anticipated. Lower levels of activity were recorded at height so the applicant submits that the potential for aviation lighting to result in any significant effect on bat species can be excluded. The applicant states that apart from the turbine aviation lights, the substation will have permanent lighting though this will not be used very often. Lighting used during construction will be temporary and used only in winter months. The applicant states that there is a commitment to using Dark Sky Ireland Lighting recommendations, to avoid the long-term use of LED lighting at the wind farm and to implement the mitigation at 6-2 of the EIAR. It is concluded that there is no potential for the proposed lighting either individually or cumulatively to result in any significant effect on biodiversity during any stage.

As per MCC query, a revised Figure 4-1 'Article 17 Mapping: Alkaline Fens' in the NIS is provided at Appendix 8. It is stated that the area mapped as Alkaline Fen (7230) is dominated by Bog Woodland (WN7 – Fossitt Classification) as per ground-truthing exercise.

Section 3.1.3.7 relates to the Draft Cutaway Bog Rehabilitation and Decommissioning Plans and the applicant refers to the aim of the rehabilitation plans which are found at 6-6 in the EIAR. It is noted that an application to ABP (ABP-311646-21) from Bord Na Móna PLC for Leave to Apply for Substitute Consent for peat extraction and all peat extraction related activities, which is relevant to the application site, was recently withdrawn (15/01/2024). The NIS submitted with the current application (ABP-316212-23) stated that if this application was granted, the subsequent substitute consent application would be accompanied by an EIAR, AASR and NIS which would assess the impacts of historical peat extraction activities on biodiversity and Designated Sites.

Section 3.1.4.1 (p.95) clarifies the error in relation to the 3 no. borrow pits as requested by MCC and presents a figure which illustrates their location.

Section 3.2.5 (p.96) refers to the amenity paths identified in the application. MCC's query was in relation to the small sections of dedicated amenity path which are identified in parts of the site. They are connected by the proposed internal roads. It is not clear whether all internal roads are suitable for amenity, i.e. outdoor recreation users will come close to many open drains which may be unsafe or turbines, etc. Safe routes should be set out on amenity signage also. The locations of proposed signage and the proposed dimensions should be agreed with the Planning Authority, in the event of a grant of permission.

Section 3.1.6 (p.97) confirms the size of the electrical substation as 11,600m² and advised that CCTV details were included with the application (Drawing No. 191137-63).

Section 3.1.8 (p.98) refers to hydrology and hydrogeology and the conditions which were proposed by MCC in the Chief Executive's Report in the event of a grant of permission. The applicant refers to the site within a FZC as per its Flood Risk Assessment and this is noted. The applicant is advised to submit all relevant information to the OPW so that such mapping can be updated.

It is considered that the recommendations already made by the Environment and Water Services Sections of MCC do not impact on the proposal, so no change is recommended.

Noting the response of the applicant to the issues raised, ABP are respectively invited to consider the comments above and the recommendations of the Chief Executive's Report and by the Elected Members of MCC, prior to making its decision in relation to the proposed development.

Should you have any queries, please don't hesitate to contact me.

Mise le meas,


A handwritten signature in black ink, appearing to read 'P. Maguire', is written over a light blue rectangular background.



Pádraig Maguire,







Senior Planner.

Appendix 1 – Internal Referral (Archaeology)

240208 Ballivor Wind Farm Further Information




Niall Roycroft
To  Teresa O'Reilly
Cc  Christine Noble

 Reply Reply All Forward

Thu 08/02/2024 10:43

Retention Policy MeathCoCo Retention (3 years)Expires 07/02/2027

 230428 Ballivor Wind Farm EIAR Heritage comments.pdf
950 KB

Hi Teresa

I had a look at the FI produced in January 2024 for the Ballivor Wind Farm.

The FI reviewed the DAU responses, but does not address those I made in April 2023.

Furthermore, the FI also disputes the DAU request for advance archaeological testing: because the Developers Archaeologist considered that construction monitoring was a sufficient mitigation strategy.

The EIAR Cultural Heritage should present a comprehensive mitigation strategy and 'construction monitoring' does not cover the whole subject: especially when the EIAR says there is a high potential for archaeological remains.

I would therefore, repeat the recommendations made in April 2023 as per attached.

Regarding the whole visual impact issue: the FI does not qualify their conclusions and assumes the 'worst case' will never happen: how can the Project possibly ensure that?

However, the standard view is often not really whether a new development is visible or not.

It's the impact that development has on the quality experience and setting of the heritage monument.

In other words, if someone went to the monument and looks around and thinks 'I wish they hadn't done that' – then that is bad!

Present view to SW from Hill of Ward is obscured by vegetation, so we do not really know how that area fits or fitted into the heritage panorama of the site.

I don't think the windfarm would get into that category, but a photo-montage without vegetation might help to see how the wind turbines impact on the horizon – should the Hill of Ward vegetation be felled?

Regards
Niall