

31<sup>st</sup> July 2024

An Bord Pleanála.  
64 Marlborough St.,  
Rotunda,  
Dublin 1,  
D01 V902

SLR Project No.: 501.V00727.00008

Client Reference No.: Knockanarragh Wind Farm

An Bord Pleanála No.: 319448-24

**RE: Response to third party observations.**

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Dear Sir/Madam

Thank you for the opportunity to submit a response to the observations received under the current SID application before An Bord Pleanála (ABP), ABP reference 319448-24.

## 1.0 Introduction

This document is a response to the third party observations received on Knockanarragh Windfarm, ABP reference 319448-24. SLR Consulting (SLR) act as agent for Knockanarragh Windfarm Ltd and have prepared this response on their behalf.

At the time of writing ABP have made SLR aware of 25 observations, including observations from Statutory Consultees.

It should be noted that this response is not a formal Further Information (FI) submission, and its purpose is instead to address the points raised by observations and provide clarification on how issues raised have already been addressed in the Planning Application and EIAR. No new information will be presented as part of this response.

An extension of the submission time for this response was granted by An Bord Pleanála until the 31<sup>st</sup> of July 2024.

## 1.1 Summary of Observations

A total of 25 observations were received during the consultation period, including two reports submitted by the relevant Local Authorities under Section 37E(4) of the Planning and Development Act 2000, as amended and 6 observations from the following Statutory Consultees

1. An Taisce
2. Department of Defence
3. Fáilte Ireland
4. Irish Aviation Authority
5. TII
6. Uisce Éireann

In preparing this response, SLR has carried out a review of each observation and provided a response. This has been set out in Sections 2 and 3 below. Where a point has been raised by more than one consultee, the response is prepared on a topic by topic basis. For example, similar points were raised by the following observations and this has been dealt with on a topic by topic basis in Section 3.

7. Annemarie & Niall McGuinness
8. Breda and Rachel Mulligan
9. Darran Monaghan
10. Edel Mulligan
11. Eugene Carr
12. JJ and Margaret Monaghan
13. Lorrain and Martin Kenny
14. Patrick and Mary Fox
15. Shane Murray
16. Sinead and Michael Kenny
17. Eco Advocacy
18. Noelle Tobin
19. Triona Ni Fhionnain
20. Patrick and Angela Dalton
21. Deidre Carr
22. David Garry
23. Elizabeth Goff

## **2.0 Response to Observations:**

SLR Consulting, on behalf of Knockanarragh Wind Farm Ltd, has prepared a response to the issues raised which is structured as follows:

1. Westmeath County Council
2. Meath County Council
3. Air Corps -Department of Defence & Irish Aviation Authority
4. An Taisce
5. Failte Ireland
6. TII
7. Uisce Eireann

Issues raised by other 3<sup>rd</sup> Parties

8. National Wind Energy Development Guidance
9. Cumulative Effects
10. Shadow Flicker
11. Ecology and Ornithology Impacts
12. Inadequate Community Engagement and Data Gathering
13. Impact on Private Wells
14. Appeal for Planning Rejection

## 2.1 Westmeath County Council

The Westmeath County Council Chief Executives Report provides an assessment of the proposed SID development.

The Report outlines that the

*“proposed wind farm development is considered to comply with national and regional energy and climate action policies..... 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 suitability for large wind farm developments”.*

Section 10.10 of the report (Conclusion and Recommendation), concludes that the proposed development would be in accordance with the Section 28 Wind Energy Guidelines, national and local policy, and if permitted would:

*“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 to have significant adverse impact on any designated site or on the conservation objectives pertaining to same*
- *Would not be likely to adversely affect archaeological or natural heritage in the area”.*

*With regard to Policy Objective 10.146<sup>1</sup> of the Westmeath County Development Plan 2021-2027, the Planning Authority state the following:*

*“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”.*

The Planning Authority recommends refusal on the basis that the proposed development is located on *“predominately agriculture grassland and forestry”* and thus, materially contravenes CPO 10.146 of the Westmeath County Development Plan 2021-2027.

### Response

In An Bord Pleanála’s letter to the Applicant dated 25<sup>th</sup> of August 2023, ABP confirmed that the Proposed Development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Planning & Development Act, 2000 (as amended), and, as a result, is considered to be a Strategic Infrastructure Development.

To qualify as Strategic Infrastructure Development, Section 37A(2) of the Planning and Development Act, 2000 (as amended) stipulates that a project:

- i. *falls within the scope of one or more of the development classes identified in the Seventh Schedule and any thresholds provided therein:*
- ii. *would satisfy one or more of the following criteria:*
  - a. *It is of strategic economic or social importance to the State or the region in which it would be situate;*

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<sup>1</sup> Policy on large-scale energy production projects (CPO 10.135 in the Draft Westmeath County Development Plan 2021-2027) which was renumbered CPO 10.145 in the adopted CDP, not CPO 10.146.

- b. *It would contribute substantially to the fulfilment of any of the objectives of the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which the development would be situate;*
- c. *It would have a significant effect on the area of more than one planning authority.*

The Proposed Development, consisting of a 52.8 to 57.6MW wind farm is covered by the class of development identified under the heading of 'Energy Infrastructure' in the Seventh Schedule of the Planning and Development Act 2000 (as amended).

Furthermore, in assessing the Proposed Development, An Bord Pleanála's letter dated the 25<sup>th</sup> of August 2023, considered that the Proposed Development is of "*strategic importance by reference to the requirements of Section 37A(2)(a), Section 37A(2)(b) and Section 37A(2)(c) of the Planning and Development act 2000, as amended*", i.e. it is of "*strategic importance*" and it will "*contribute substantially to the fulfilment of the objectives of the National Planning Framework*" and will "*have a significant effect on the area of more than one planning authority*".

When assessing an application for Strategic Infrastructure Development, the Board is permitted to exercise its discretion under the criteria set out in Section 37(2)(b) of the Planning and Development Act (as amended). Having considered the policies and objectives of the local development plan when making its decision, the Board has the power to materially contravene the county development plan depending on the circumstances of the case.

### **2.1.1 The Proposed Development in Terms of European Policy**

The Proposed Development is classified as a Renewable Energy Plant<sup>2</sup> which is considered a project<sup>3</sup> of "*overriding public interest*" as set out in the REPowerEU Plan of May 2022.

The revised Renewable Energy Directive (RED III) came into force on the 20<sup>th</sup> of November 2023. It aims to promote the expansion and increased uptake of energy from renewable sources across all sectors (including industry, transport, buildings, heating and cooling, and the production of hydrogen).

RED III aims to increase the share of renewable energy in the EU's overall energy consumption to 42.5% by 2030, with an additional 2.5% indicative top-up that would allow the overall share to reach 45%. Additionally, the negotiators agreed a series of sectoral targets (for industry, transport, buildings, heating, and cooling), including some which would be legally binding.

RED III states that there is a presumption that renewable energy plants, connection to the grid and storage are of overriding public interest, except where:

- there is clear evidence that those projects have significant adverse effects on the environment which cannot be mitigated or compensated for, or
- Member States decide to restrict the application of that presumption in duly justified and specific circumstances to certain parts of their territory, certain technologies or certain projects in accordance with the priorities set out in their national plans. Member States are required to inform the Commission of any such restrictions and the reasons therefore.

The Climate Action Plan 2023 follows the Climate Action and Low Carbon Development (Amendment) Act 2021, which commits Ireland to a legally binding target of net-zero greenhouse gas emissions no later than 2050, and a reduction of 51% by 2030. These targets are a key pillar of the Programme for Government. Among the most important measures in CAP23 is to increase the proportion of renewable electricity to up to 80% by 2030. Notably Section 11 Electricity of CAP23 provides a Key Performance Indicator (KPI) of providing 9 GW Onshore wind by 2030.

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<sup>2</sup> REPowerEU [https://commission.europa.eu/publications/key-documents-repowerEU\\_en](https://commission.europa.eu/publications/key-documents-repowerEU_en) (accessed 16/6/2023)

Furthermore S.15 of the 2015 Climate Act as amended which requires:

*“inter alia, An Bord Pleanála to perform its functions in a manner consistent with ”: “(a) the most recent approved climate action plan, (b) the most recent approved national long term climate action strategy, (c) the most recent approved national adaptation framework and approved sectoral adaption plans (d) the furtherance of the national climate objective and (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.”*

The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan. The Plan was approved by Government on 20 December 2023, subject to Strategic Environmental Assessment, Appropriate Assessment, and public consultation.

CAP24 reiterates the European Green Deal commitment to delivering net-zero GHG emissions at EU level by 2050; with Ireland committed to achieving a 51% reduction in emissions from 2021 to 2030, and to achieving net-zero emissions no later than 2050 and the need for action to reduce emissions to be significantly accelerated in the period to 2030.

CAP24 reiterates the targets of

- increasing renewable generation to supply 80% of demand by 2030 through the accelerated expansion of onshore wind and solar energy generation, developing offshore renewable generation, and delivering additional grid infrastructure.
- delivering 9 GW from onshore wind by 2030

During its operation, it is estimated for assessment purposes that the Proposed Development will generate 52.8 to 57.6 MW of electricity which would be sufficient to supply between 33,037 to 39,645 Irish households with renewable electricity per year, based on the average Irish household using 4.2 MWh of electricity, as stated in Chapter 2 of the EIAR. The Proposed Development has the potential to displace between 1,678,665 and 1,834,432 tonnes of CO<sub>2</sub> over the operational lifetime (35 years). Thus, this energy will be used to offset the same amount of energy that would otherwise be generated from energy sources with higher GHG emissions. Therefore, the Proposed Development supports the delivery of targets within CAP 23 and CAP 24.

This clearly places the onus on ABP to assess applications in accordance with National Policy.

The Proposed Development is of strategic economic and social importance as it could contribute to renewable electricity generation and carbon reduction targets set out by European and National policies and would contribute towards objectives set out in the Climate Action Plan 2023 and 2024, REDIII and REPowerEU European Commission statement.

It is requested that the Board have due regard to the European and National legislation while examining the Westmeath County Development Plan and exercise its discretion under Section 37(2)(b) of the Planning and Development Act (as amended).

### **2.1.2 Supporting the Fulfilment of the National Planning Framework**

As a strategic development framework, Project Ireland 2040: The National Planning Framework (NPF), demonstrates an approach that joins up ambition for improvement across the different areas of our lives, bringing the various government departments, agencies, State owned enterprises and local authorities together behind a shared set of strategic objectives for rural, regional and urban development.

In addition to legally binding targets agreed at EU level, it is a national objective for Ireland to transition to be a competitive low carbon, economy by the year 2050. The National Policy Position 42 establishes the fundamental national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050.

The Proposed Development contributes substantially to the fulfilment of the following outcomes and objectives in the National Planning Framework:

- National Strategic Outcome 8: ‘Transition to Sustainable Energy’ through more renewable focused energy generation systems.
- National Policy Objective 54 which seeks to reduce our carbon footprint as well as greenhouse gases.
- National Policy Objective 55: Promote renewable energy use and generation to meet national objectives towards achieving a low carbon economy by 2050.

The Proposed Development could displace up to 1,831,375 tonnes of CO<sub>2</sub> during its operational period thus contributing to the reduction in our national carbon footprint. The proposed development will therefore significantly reduce the national carbon footprint and will provide a renewable energy source that is in compliance with national objectives.

The Revised National Planning Framework reiterates these policy objectives and includes:

- National Policy Objective 71: Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a zero carbon economy by 2050.

In relation to the delivery of the regional renewable electricity capacity allocations indicated for onshore wind, National Policy Objective 75 states that

Each Regional Assembly must plan, through their Regional Spatial and Economic Strategy, for the delivery of the regional renewable electricity capacity allocations indicated for onshore wind and solar reflected in Table 9.1 (of the Draft NPF), and identify allocations for each of the local authorities, based on the best available scientific evidence and in accordance with legislative requirements, in order to meet the overall national target.

National Policy Objective 76 then also states that

Local Authorities shall plan for the delivery of Target Power Capacity (MW) allocations consistent with the relevant Regional Spatial and Economic Strategy, through their City and County Development Plans.

In Westmeath, current policy Objective 10.145 of the Westmeath County Development Plan 2021-2027 is

*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.*

....

*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.*

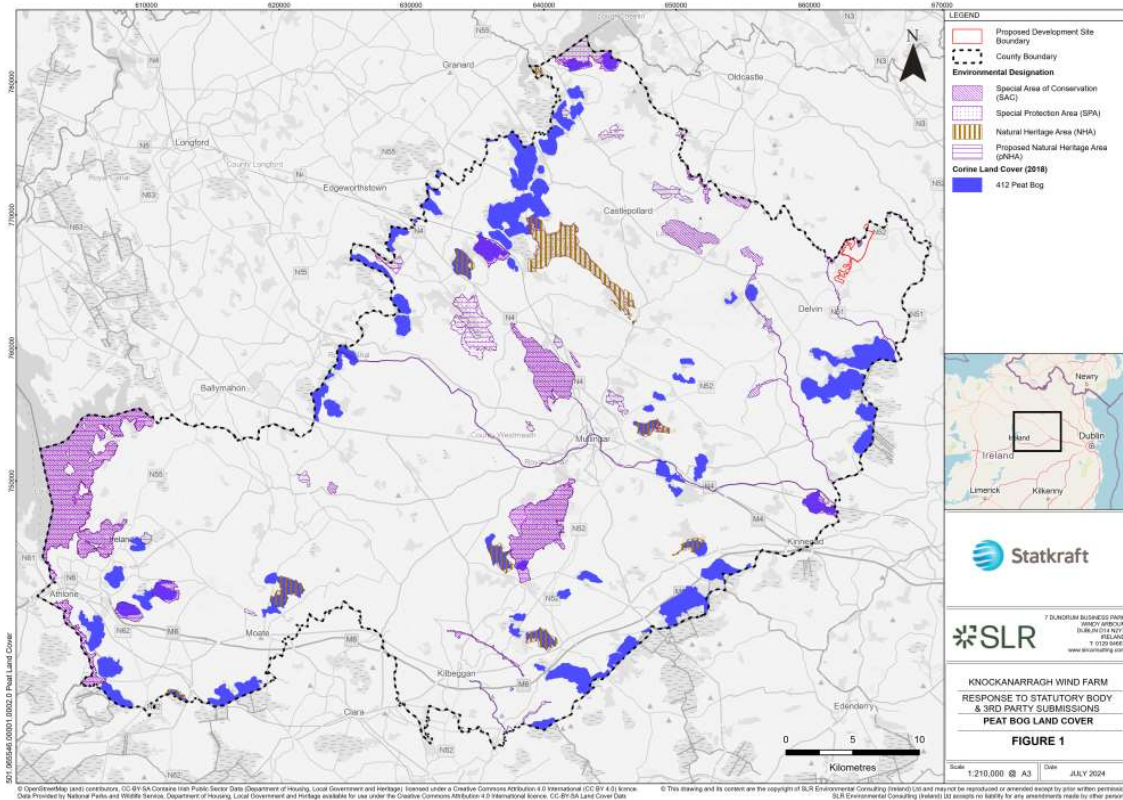
In planning for the delivery of Target Power Capacity (MW) allocations as will be required by National Policy Objective 75 and 76, it is clear that strict adherence to this policy objective is no longer practical. Of the 11,350 hectares of peat bog in Westmeath only 9,232 ha are left unconstrained by Natural Heritage Areas, Special Protection Areas and Special Areas of Conservation designations, see **Figure 1** below. If a 720m housing buffer is applied in addition to these constraints, there is only 5,167ha available for wind farm development in these areas which represents only 2.8% of the County Westmeath area. This is not to mention the further significant reduction in this area due to other constraints as well as the significant carbon emissions balance issues arising from the development of such sites.

The RSES outlines that;

*“Local authorities should harness the potential of renewable energy in the Region across the technological spectrum from wind and solar to biomass and, where*

*applicable, wave energy, focusing in particular on the extensive tracts of publicly owned peat extraction areas in order to enable a managed transition of the local economies of such areas in gaining the economic benefits of greener energy.”*

While the RSES calls for a focus on publicly owned peat extraction areas as suitable areas for renewable energy developments, it does not call for them to be strictly directed to peatlands. It could be suggested that Westmeath County Council’s Policy Objective CPO 10.145 is overly prescriptive and does not accord with national policy.



**Figure 1: Peat Bog Land Cover Map**

## 2.1.3 Planning Precedent

SLR has carried out a review of a number of decisions relating to Wind Farm development in the Republic of Ireland. The snapshot below highlights consistency in thinking amongst An Bord Pleanála inspectors and the Board. There is a general consensus that there is an overarching requirement to facilitate renewable energy development, in particular, onshore wind energy in order to meet targets in the Climate Action Plan and comply with Section 15 of the 2015 Climate Action and Low Carbon Development Act (as amended). Section 15 requires inter alia, An Bord Pleanála to perform its functions in a manner consistent with

- (a) the most recent approved climate action plan,
- (b) the most recent approved national long term climate action strategy,
- (c) the most recent approved national adaptation framework and approved sectoral adaption plans
- (d) the furtherance of the national climate objective and
- (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.”

Legally binding objectives are also set out in the Climate Action and Low Carbon Development (Amendment) Act 2021. This Act established legally binding frameworks and commitments to achieve targets. All planning applications are determined on their individual merits with due consideration given to the overall planning balance of a scheme.

In this context we refer to An Bord Pleanála's assessment criteria concerning recently permitted Wind Farms in applying this approach, we note the following:

**Reg. Ref: ABP -311565-21: Bracklyn Wind Farm Limited**, located in Westmeath and Meath County Council. This development consists of a Wind Farm Development including 9 turbines with a hub height of 104 metres and a rotor diameter of 162metres, providing an overall tip height of 185 metres together with all associated works. This development was granted permission on the 7th of July 2022 with conditions.

Westmeath County Council recommended refusal, due to concerns that the proposed development is contrary to many policies within the WCDP and contrary to the Wind Energy Guidelines.

*"8.2.7 It is clear from the above, that national policy acknowledges that significant increase in wind energy capacity will be required to meet the mandatory targets set out in the national targets on climate change. ....Additional wind generated energy will enable the decarbonisation of the electricity sector in line with European and national climate strategies."*

*"8.2.9 The Regional Spatial and Economic Strategy for the Eastern and Midlands Region.....specifically, RPO10.22 seeks to support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate the planned growth and transmission and distribution of renewable energy."*

*"8.2.11 -It is noted that notwithstanding the above policies contained in the development plan, Westmeath County Council recommended that planning permission be refused specifically on the basis that the proposed development contravenes CPO10.1.45".(Which seeks to direct largescale energy projects such as wind farms into areas of cutover and cutaway peatlands. The proposal is located on pastureland and forestry lands and therefore contravenes this policy)."*

*"8.2.12 -However, having regard to the overarching policy statements contained in the various documents at national and local level, it is reasonable to assume that the proposed development, subject to qualitative safeguards is acceptable in principle and in accordance with the overall goal of reducing reliance on fossil fuels and promoting and development in more sustainable forms of renewable energy within the State".*

In assessing the development against the provisions of CPO10.145<sup>4</sup>, the An Bord Pleanála inspector noted the following:

*"8.3.14 As in the case of Policy Objective 143, the requirement to limit wind farm development within the county to areas of cutover/cutaway peatlands severely curtails the potential of the county to meet national renewable energy targets. It is clear and unambiguous from the Draft Ministerial Direction, that it is both envisaged and required that County Westmeath contribute in delivering its share of overall government targets in respect of renewable energy and climate change. While the Board must have regard to policy provisions contained in the development plan, it is not required to slavishly adhere to all such policy statements. In the case of ordinary planning applications and appeals the Board is permitted to exercise its discretion under the criteria set out in Section 37(2)(b) of the Planning and Development Act 2000 where the Planning Authority has issued as refusal on the basis that the proposal materially contravenes*

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<sup>4</sup> Policy on large-scale energy production projects (CPO 10.135 in the Draft Westmeath County Development Plan 2021-2027) which was renumbered CPO 10.145 in the adopted CDP.

*a policy statement contained in the development plan. It is respectfully suggested that if the criteria set out in Section 37(2)(b) were to be applied in this instance, it could be reasonably argued that the proposal complies with the criteria set out under:*

- Section 37(2)(b)(i) – in that the proposed development is of strategic or national importance,*
- Section 37(2)(b)(ii) – in that there are conflicting objectives in the development plan insofar as the proposed development is concerned. In this regard I refer the Board to the previous section of my assessment which indicates that there are many policy statements and objectives contained in the development plan that generally support the provision of wind energy.*
- Section 37(2)(b)(iii) – in that the proposed development should be granted having regard to Regional Planning Guidelines for the area and other National Policy Guidelines (referred to in Section 7 above) including the Climate Action Plan and the National Planning Framework.*

*8.3.15. On the basis of the above, I consider that the Board, notwithstanding the provisions of CPO10.146 can consider granting planning permission primarily on the basis of the overarching national policy objectives in relation to the promotion of renewable energy targets within the State.*

*8.3.16. Therefore, if the Board do come to the conclusion that the proposal is a material contravention of the plan, it can grant planning permission in light of the provisions of S.37(2)(b) of the Act.”*

The Inspector is clearly outlining the urgency and the need at European and National level in providing renewable energy development to provide energy security and move away from fossil fuels. The Inspector has taken the view that European and national policy can weigh heavily in favour of granting planning permission, even where it is contrary to local policy “subject to assessing the development in the context of its impact on residential amenity and other environmental qualitative safeguards”.

The Inspector recommended granting permission for the proposed development and the Board decided to grant permission generally in accordance with the Inspectors Report and on the basis that the proposed development ‘*would make a positive contribution to Ireland’s national strategic policy on renewable energy and its move to a low carbon future.*’

**Reg. Ref: 301619-18: Moanvane Windfarm** comprising 12 no. turbines and all associated works in Offaly County Council. This application was granted by Offaly County Council and An Bord Pleanála. In consenting the Moanvane Wind Farm Project, the Planning Inspector in Section 11 of the Planning Report considered the compliance of the project with national policy as an important factor before outlining the acceptability of impact at a local level, therefore balancing national need against local impacts.

**Reg. Ref: ABP 308885 Coom Green Energy Park, located in Cork.** The proposed development is for the construction of up to 22 no. wind turbines and all related site works and ancillary development. This application was granted permission by An Bord Pleanála on the 9th of November 2023. In assessing the application, the Inspector noted the following:

*“It would contribute to the achievement of European and National renewable energy targets, and in particular the objectives of the Climate Action Plan (2023) which seeks to reduce the State’s greenhouse gas emissions by 51% by 2030 and increase the proportion of renewable electricity to up to 80% by 2030, including a target of 9 GW from onshore wind. Providing the physical infrastructure, in this instance onshore wind turbines, to facilitate the achievements of this measure is critical thereby providing a demonstrable need for the proposed development.”*

With regard to the location of the proposed development, the Inspector made the following observation:

*“While it is noted that many of the submissions reference their agreement in principle in respect of merits of renewable energy, there is resistance to the location of such a proposal within the locality for the range of reasons outlined in the summary of submissions received above. In order to address Climate Change, I would suggest that other elements of our environment and the context within which the environment is perceived must also change. This includes in particular the visual context of an area which cannot be expected to remain unchanged in perpetuity but particularly within the context of a climate emergency.”*

## 2.1.4 Recent Court Decisions

In recent months there have been a number of decisions which have caused some confusion as to the discretion available to ABP to materially contravene a County Development Plan (CDP). In the **Save Roscam v An Bord Pleanála (No. 6) [2024] IEHC 335<sup>5</sup>**, decision, handed down by Humphreys J on 7 June 2024, clarity is provided around the interpretation of the law that respects the discretion of ABP in making decisions based on an appreciation of its expert analysis of the documents to which they must have regard.

Particular attention is drawn in the response to the fact that the Board’s views can differ from the Council’s views in making a decision (Summary of Sub-ground 3.1 as repeated at paragraph 91 of the judgment). In response, the court held as follows:

*‘...the fallacy there is that the council’s views at the stage of adoption of the development plan are not binding on the board. A council can’t at the level of principle preclude the board from allowing a departure from a plan merely by factoring in guidelines when the plan is made.’*

It was found in this case that ABP is not precluded from taking a view which is different to the Council’s view, para 50 of the Board decision outlines that;

*“the Board can adopt a different view as to what permission should be granted to serve such policies, and this has been lawfully done here.”*

This ruling postdates the decisions of the Umma More decision of An Bord Pleanála on the 12<sup>th</sup> of February 2024 and specifically its reference to the Brophy v. An Bord Pleanála [2015 IEHC 433] and Murtagh v An Bord Pleanála (unreported High Court March 29th 2023) cases.

The Save Roscam v An Bord Pleanála (No. 6) [2024] IEHC 335 decision is directly aligned with the wording of Section 37G (2) of the Planning and Development Act, 2000 (as amended).

## 2.1.5 Conclusion

An Bord Pleanála has confirmed that the Proposed Development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Planning & Development Act, 2000 (as amended), and, as a result, is considered to be a Strategic Infrastructure Development.

The Proposed Development aligns with European and national policy goals. It is classified as a Renewable Energy Plant<sup>6</sup> which is considered a project<sup>7</sup> of “*overriding public interest*” as set out in the REPowerEU Plan of May 2022 and will support the EU’s aim to increase the share of renewable energy consumption to 42.5% by 2030.

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<sup>5</sup> [pdf \(courts.ie\)](https://courts.ie)

CAP23 and CAP24 reiterates the European Green Deal commitment to delivering net-zero GHG emissions at EU level by 2050. During its operation, it is estimated for assessment purposes that the Proposed Development will generate between 52.8 to 57.6 MW of electricity, which has the potential to displace between 1,678,665 and 1,834,432 tonnes of CO<sup>2</sup> over the operational lifetime (35 years). Therefore, the Proposed Development supports the delivery of targets within CAP 23 and CAP 24, which ABP must take cognisance of when making their decisions.

The Meath & Westmeath CDP outlines its support for the development of wind energy and seeks to align with the national objective of delivering Ireland's legally binding targets with regard to increased renewable energy share that will allow us to obtain 80% of our energy needs from renewable energy by 2030.

In the Meath County Council submission, the Planning Authority has considered that:

*"the nature of the wider development is supported in National, Regional and Local Planning Policy"* and that the policies and objectives set out in the Meath County Development Plan 2021-2027, *"supports this type of development"*.

Within the Westmeath County Council submission, the Planning Authority considered that the:

*"proposed wind farm development is considered to comply with national and regional energy and climate action policies.....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 suitability for large wind farm developments"*.

Section 10.10 of the Westmeath County Council submission (Conclusion and Recommendation), concludes that the proposed development would be in accordance with the Section 28 Wind Energy Guidelines, national and local policy, and if permitted would:

*"make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future"*.

While it could be considered that the Proposed Development does not sit within an area specifically designated within the CDP for wind energy, as a result of Policy Objective 10.146, it is located in an area where there is wind capacity in accordance with the WCDP Wind Capacity Map 48, and it has been designed to avoid and mitigate likely significant effects on the environment as set out in the EIAR, to ensure consistency with the proper planning and sustainable development of the area. This includes compliance with European and National Policy, , regard for biodiversity and the protection of flora and fauna.

As outlined in the recent *Save Roscam v An Bord Pleanála* (No. 6) [2024] IEHC 335 decision, which predates the decisions of the *Umma More* decision of An Bord Pleanála on the 12<sup>th</sup> of February 2024 and specifically its reference to the *Brophy v. An Bord Pleanála* [2015 IEHC 433] and *Murtagh v An Bord Pleanála* (unreported High Court March 29th 2023) cases, **ABP is not precluded from taking a view which is different to the Council's view.**

It follows, therefore, that while ABP must recognise the overarching importance of the CDP, as outlined in the cases of *Brophy and Murtagh*, for instance, it is not bound by the CDP policies but must **consider** them. The Board is also required to consider submissions and observations made in respect of the planning application and the consequences of the proposed development for proper planning and sustainable development in the area, the likely effects of the project on the environment and the Board's own view of the government policy and guidelines that were had regard to by the Council when drafting the Development Plan in accordance with the findings of the High Court in the *Save Roscam* (*Save Roscam v An Bord Pleanála* (No. 6) [2024] IEHC 335) decision handed down on 7 June 2024.

This ruling reiterates the right of the Board to itself consider 'regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the

statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government' in accordance with the terms of Section 37(2)(b) of the Planning and Development Act 2000 as amended.

The Proposed Development:

- Is a Strategic Infrastructure Development within the scope of paragraphs 37A(2)(a), (b) and (c) of the Planning & Development Act, 2000 (as amended).
- Is of Overriding National Interest, as set out in European Policy.
- Supports the delivery of targets within CAP 23 and CAP 24, with potential to displace between 1,678,665 and 1,834,432 tonnes of CO<sub>2</sub> over the operational lifetime (35 years).
- Complies with the Section 28, Wind Energy Guidelines 2016 and the Draft Wind Energy Guidelines 2018.
- *".....is supported in National, Regional and Local Planning Policy"* and that the policies and objectives set out in the Meath County Development Plan 2021-2027, *"supports this type of development"*, (Extract from MCC submission).
- Will *"make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future"* and is in accordance with the policies and objectives of the Westmeath County Development Plan with the exception of WCDP Policy Objective 10.146, (Extract from WCC submission)
- Has been designed with the context of the area with the benefit of bespoke mitigation measures as set out in the EIAR to ensure consistency with the proper planning and sustainable development of the area. This includes regard for biodiversity and the protection of flora and fauna.

Having considered the policies and objectives of the local development plan when making its decision, the Board has the power to materially contravene part of the development plan depending on the circumstances of the case. It is requested that the Board consider the broader context of national policy, such as the Climate Action Plan and the Regional Planning Guidelines and the positive comments made by both Westmeath County Council and Meath County Council in their assessment of the application, as noted in the bullet points above, and planning precedents in assessing the Proposed Development.

On the basis of consideration of all of the materials listed in s. 37G(6) Planning and Development Act 2000, the Board is therefore invited to exercise its discretion to materially contravene the development plan if, indeed, the project is considered by the Board to constitute a material contravention of the CDP.

We would respectfully request that An Board Pleanála use its powers under the Act in this instance and grant permission for the Proposed Development.

## **2.1.6 Other Comments Westmeath County Council**

### *Property values*

Westmeath County Council have referred to property values in view of the 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.

### **Response**

Table 4-1 of Chapter 4 of the EIAR (Population and Human Health) summarised feedback obtained during the two rounds of consultation (March 2023 and August/September 2023). Some of the concerns raised related to a perception that the Proposed Development would lead to change in the area and an impact on property values.

As referred to in the Community Engagement Report, included as Appendix 1-4 of the EIAR, the question was raised during the consultation process regarding the potential effect that nearby wind farm developments would have on property values.

In response to concerns from local property owners, the Community Liaison Officer (CLO) advised that there was no research that shows a decrease in property values as a result of wind farms.

The Applicant is satisfied that this continues to be the case with the bulk of research on the effect on property prices from onshore wind turbines suggesting there is little to no negative impact. In research which has found negative impacts, they are identified as generally disappearing over time.

The Research on Wind Turbines and House Prices along the West of Ireland<sup>8</sup> also concluded that any impacts “attenuate over time, becoming insignificant beyond 10 years post-connection”. It is also worth noting the limitations of this report in that it looked at just over 64,000 listings, only 225 of which are within 1 km of a turbine, between 2016 and 2021. For comparison, a recent 2024 study in the United States looked at 300 million house sales from 1997 to 2020 of which 250,000 transactions are within 1.5 km of a turbine. Closer to home a 2016 study in Scotland looked at more than 500,000 property sales between 1990 and 2014. Both of these studies, which are far more comprehensive and carried out over a much longer time, found little to no evidence of a negative impact on property prices.

It is the purpose of the EIAR as submitted with this application to objectively assess the likely significant effects on the environment inclusive of any effects on the nearest receptors to the Proposed Development. Likely significant effects on residential amenity are assessed and detailed in Chapters 4, 7, 9, 10 and 11 together with the wider community benefit from the Proposed Development.

### *Appraisal of the volumes of materials*

WCC has sought a full appraisal of the volumes of materials required for the construction of the internal site roads/accommodation tracks is required.

### **Response**

An estimate of the aggregate material quantities required to facilitate the construction of all elements of the Proposed Development is set out in paragraphs 2.53 to 2.55 of Chapter 2 of the EIAR.

It is expected that material won from the on-site borrow pits and the excess from the cut and fill requirements is likely to result in all aggregate material being won from within the Proposed Development Site.

However, to ensure a robust assessment with the EIAR, it has been assumed that the type of aggregate required for construction may be imported. Based on the quantities set out in Chapter 2, Chapter 14 of the EIAR assesses the impact of the volume of material required during the construction stage of the Proposed Development. Table 14-11 provides a summary of the material quantities (aggregates only) required on site. The aggregate quantities have been distributed according to the construction activities set out in the programme (Table 14-9).

Paragraph 14.73 of Chapter 14 states that

The total number of HGV trips predicted to arise during the construction phase of the Proposed Development has been calculated based on estimated material quantities provided in Table 14-12. These have been doubled to provide the two-way movements that would occur from delivery and then returning vehicles, as shown in Table 14-13.

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<sup>8</sup> Centre for Economic Research on Inclusivity and Sustainability, 2023, Research on Wind Turbines and House Prices along the West of Ireland

Table 14-14 in Chapter 14 shows that the maximum level of trip generation would occur during month five to seven of the construction period, when various construction activities would coincide, the worst case month being month five with 135 two-way HGVs generated per day. In addition, months 8 to 11 would be high also with 104 two-way HGVs per day predicted.

An appraisal of materials has therefore been carried out in the EIAR submitted with this application.

### ***Survey of local roads***

The district engineer report requests a Traffic Management Plan to address the shortfall in sightlines from the N52 site access no. 3 in which 230m sight distance in both directions is required. This entrance is temporary and achieve a sight distance of 160m.

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 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. A number of additional conditions are also recommended by the District Engineer in the event of a grant of permission.

### ***Response***

The Applicant is agreeable to the requests outlined by the District Engineer but would emphasis that sightlines are considered sufficient given the low usage of the proposed access.

### ***Shadow flicker***

In relation to shadow flicker, it is recommended that it is recommended that a condition should be imposed, in respect of wind turbines located within 10 x rotor diameter of a sensitive receptors, shall include an automatic shadow flicker control mechanisms which will ensure that if shadow flicker occurs and impacts existing properties, the relevant wind turbines must be shut down.

### ***Response***

The Applicant is agreeable to a condition in relation to shadow flicker. Please also see Section 3.3 below.

## **2.2 Meath County Council**

The Meath County Council Chief Executives Report provides an assessment of the SID planning application. With respect to the principle of development, the Report outlines that the Planning Authority has considered that,

*“the nature of the wider development is supported in National, Regional and Local Planning Policy”* and that the policies and objectives set out in the Meath County Development Plan 2021-2027, *“supports this type of development”*.

With respect to the Westmeath County Development Plan 2021-2027, and any material contravention of the CDP, the Report outlines that

*“It is a matter for ABP to determine if this proposal constitutes a material contravention of the Westmeath CDP under Section 37(2)(b)”*.

In the concluding remarks of the CE Report, Meath County Council acknowledge that:

*“wind energy development is supported by national and regional policy in the context of climate change and reducing greenhouse gas emissions”* and *“supports the principle*

*of the construction of wind energy development and supporting infrastructure as per the Meath County Development Plan 2021-2027”*

The archaeology department of MCC requests additional information in the EIAR on the basis that the cultural heritage chapter was inadequate at addressing the potential cultural heritage impact of the proposed scheme and proposed mitigation. It requests that consideration should be given to revision and further details on known and presumed heritage. The Applicant is advised to follow Guidelines for NRA in this regard and ABP is invited to consider requesting 26 no points of additional information from the Applicant.

MCC have also recommended that further information be requested by An Bord Pleanála with respect to protected views and cultural heritage sites, *“to ensure a complete and comprehensive assessment of the proposed development”*.

MCC request that no excavated soil should be stored in flood risk areas. In the event of a permission ABP are requested to include a condition to that effect.

MCC also propose that ABP should consider whether access tracks could be used for recreational use to the benefit of the local community.

Having regard to comments from the transportation department of Meath County Council it is considered that the Proposed Development will not have a negative impact on access, traffic and movement in the vicinity of the Meath Co. Co. however Westmeath Co. Co may have concerns that ABP may wish to consider. Transportation Dept. of MCC recommends that access to the substation site be revised, should permission be granted.

In relation to the substation compound and palisade fencing, it is recommended that matt green dark paint is applied on all exposed metal work, service buildings, cabins, gates and fences. In the event of a grant of permission, ABP is invited to condition same. ABP is also requested to condition the applicant to direct all lighting inward to the development, avoiding spill/glare into the surrounding environment. It is noted that there are no CCTV Pole/other structure elevation details submitted for the substation area. MCC also refer to the dimensions of the substation compound.

The observation from MCC also states that ABP may wish to seek a draft Decommissioning Plan from the applicant in advance of deciding on the application, or include a condition in this regard, in the event of a grant of permission.

In Section 7, *Conclusions and Recommendations*, MCC has proposed a schedule of conditions.

- **Condition 17:** The applicant should submit a revised site layout for agreement prior to commencement, relocating the entrance to the 110kV substation, and the underground cable to the southeast corner of the site. The applicant shall obtain a road opening licence to facilitate works in the public road.
- **Condition 20:** Prior to commencement of the development, the developer shall submit the following for agreement, to the satisfaction of the Planning Authority:
  - (a) Road safety Audits in respect of works to be carried out on the local road network.
  - (b) Details of all signage, crash barriers, poles, etc. to be removed on the local road network to facilitate the abnormal loads to be delivered on site
- **Condition 21:** Prior to the commencement of development, a traffic management plan for the construction phase shall be submitted for the agreement of the Planning Authority.
- **Condition 22:** 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 road survey and scheme of works detailing works to repair any damage to these routes shall be submitted

to and agreed in writing with the planning authority. All works arising from the aforementioned arrangements shall be completed at the developer's expense within 12 months of cessation of each road used as a haul route for the proposed development. Agreed remedial works will be undertaken within agreed timescales

- **Condition 23:** The public road shall be maintained clean and free of any dirt or debris created as a result of the proposed development.

## **Response**

### **Transport**

The Applicant will ensure that all licences and approvals are obtained prior to commencing any work on site. In the context of the comments in relation to site access, the Applicant would be agreeable to reviewing the access arrangement as proposed by MCC however would like to point out that the current proposal was designed to avoid an impact on the property to the south of the road and to make use of an existing agricultural entrance, thereby reducing the amount of hedgerow to be removed.

### **Substation**

The Applicant notes that MCC invites a condition in the event of a grant of permission to ensure the palisade fencing, exposed metal work, service buildings, cabins, gates and fences are provided is a matt dark green as proposed in the application. The Applicant has no objection to same.

The Applicant has no objection to MCC proposal to direct all lighting inward to the development and will accept a condition with respect to this.

With regard to elevation details of all structures proposed, the Applicant refers ABP to the drawings prepared by MWP Engineering and Environmental Consultants and in particular the 'Schedule of Drawings' which outlines the drawings submitted with the application. In relation to the dimensions of the substation compound, please refer to DRG ABP-314271-22-MWP-001 for confirmation of same.

The Applicant confirms acceptance of a condition requiring a Decommissioning Plan to be submitted and agreed with the Local Authority prior to the commencement of development.

### **Hub Height**

ABP are advised that the correct range of dimensions is as per the public notices, which states that the 8 no wind turbines will have a "hub height ranging from 97.5m too 99m inclusive".

## **Archaeology and Architectural Heritage**

### **Further detail to known/presumed heritage.**

Details of the known and potential archaeological remains within the Site have been assessed in sections 12.86 – 12.94 of the EIAR. This has been based on the outline baseline study set out in sections 12.66 – 12.85 of the EIAR. The sources consulted to contribute to this baseline assessment were listed in paragraph 12.54.

Whilst potential archaeological features were anticipated within the Site, it was concluded that later activity would have entirely removed these features, including any previous vernacular buildings and field systems and Rosmead Estate features which would likely be superficial. It is also suspected that the ringfort within the Site (WM009-018) is a feature related to Rosmead House and Estate rather than a ringfort earthwork; the woodland, landscaping of the Rosmead Estate and later agricultural activity would have impacted the asset and any associated remains. Therefore, whilst impacts on unknown remains were not ruled out, there were none

identified, as outlined in Potential Construction Effects, paragraphs 12.103 – 12.111 of the EIAR.

Supporting illustrations should be provided.

Meath County Council's submission requested that supporting illustrations be provided. These have been provided within the EIAR; Figures 12-1 and 12-2. Visualisations to facilitate the assessment of indirect impact upon NIAH assets were also produced; VP23, VP25 and VP18. The locations of these viewpoints can be found within LVIA Photomontages, Book 2: VP17 – VP35.

Incorrect assumptions that impacts could only affect known heritage, unsubstantiated statements regarding lack of heritage of higher ground, lack of sizing details, lidar data and other records of potential features/buildings of vernacular architecture haven't been explored"

As outlined in paragraph 12.84 of the EIAR, LiDAR was addressed. It states that:

*"There is a lack of available LiDAR data for the Site, and therefore only satellite and historical satellite imagery has been used to try to identify any unrecorded archaeological features within the Site."*

Historic mapping was consulted to identify features which are no longer extant. This included identifying vernacular buildings within the Site which have since been demolished. The removal of these buildings would have been thorough in order to use the land for continued agricultural purposes. Any remains would contribute no further to our understanding of these post-medieval to modern buildings. Where vernacular buildings of cultural heritage value are still extant within the Site, they were avoided. Those which were to be excluded from indirect assessment within the EIAR were outlined during scoping, which provided consultees the opportunity to agree with the methodology employed or request their inclusion within further assessment.

The Applicant is not aware of any statement in the EIAR which states that there is a lack of heritage within the higher ground of the Site. In the context of the Archaeological Baseline. Chapter 12 does state that:

*"The landscape within the Site and within 1km has been modified due to intensive agricultural development including cultivation, land improvement, drainage and ancient forestry."*

No evidence to suggest that a thorough walkover of the site and survey has been carried out.

A walkover was completed by a qualified cultural heritage consultant from SLR Consulting in April 2022, both an assessment to identify known archaeological features within the Site, their condition and extent, any unknown features within the extent of the proposed infrastructure and a settings assessment, as outlined in Paragraph 12.58 of the EIAR. Photographs to facilitate the setting impacts upon Rosmead House, the Triumphant Arch and the Estate have been included in EIAR – Volume 3: Appendix 12.3.

Other types of archaeological mitigation measures should be considered. Mitigation is only proposed for the substation Site.

Mitigation within the wind farm site was carried out through design and micro-siting, ensuring that no known assets within the Site were impacted by the Proposed Development. This included the avoidance of felling trees within the Zone of Protection of the ringfort (WM00529) and any groundworks within this buffer. Mitigation was not proposed within the Main Wind Farm Site as there were no direct impacts upon any potential archaeology which would have resulted in greater than a minor significance of effect.

*Proposals for in-situ archaeological heritage to be protected, must be provided and a Castle site is to be explored further. There is potential to impact on subsurface earlier settlement in the Clonmellon Area.*

Evidence for remains of the Clonmellon settlement was limited, and any settlement would have been thoroughly removed for the reuse of the land for agricultural purposes. The predicted area of the Newtown Castle (WM009-004) has been avoided; Turbine 1 was relocated away from this asset. No groundworks will be undertaken within the vicinity of this asset, and therefore no impacts were predicted; no evidence of any related archaeological features associated with the castle were evident within any areas of groundworks.

*The impact on a vernacular bridge must be considered.*

It is presumed that the bridge this comment relates to is the Snipes Bridge (15400917). There would be no direct impacts upon the bridge, and any indirect impacts through the change of its setting were excluded from further assessment during the scoping exercise due to the lack of any potential impact on the ability to understand, appreciate and experience its setting with the introduction of the Proposed Development. This setting comprises the bridge's contextual relationship with the river and the surrounding agricultural field systems in which the bridge connected. The introduction of turbines within this setting would not prevent the ability to understand, experience or appreciate this setting.

*Detailed map regression analysis is required, and the stray finds database should be consulted.*

Detailed historic map regression analysis and discussion of the historic land-use assessment have been outlined in paragraphs 12.77 – 12.82 of the EIAR. The *excavations.ie* and National Monuments Service websites were utilised to identify any archaeological information which may contribute to our archaeological understanding of the Proposed Development Site.

*A borrow pit is proposed beside a large ringfort but there is not survey of this site.*

The ringfort, or landscape feature as part of the Rosmead estate, has undergone landscaping as part of the historical Rosmead house estate. On the C. Westmeath Sheet 9 1837 OS map (6-inch) map, trees have been planted forming a corridor to the asset and around two rings forming earthworks. By the Westmeath Sheet 9 1911 OS map (6-inch) the circular feature and the planted trees have been removed. Either the ringfort was incorporated as a feature within the estate, and underwent significant damage through alterations and tree planting, or originated as a created feature within the estate.

It is likely that, should the asset predate the estate, any remains would be severely truncated due to the landscaping works, removal of trees, growth of the existing woodland, and the following agricultural use. Whilst the borrow pit would be proximate to the asset, it would not intrude on the Zone of Protection, and would be unlikely to truncate any intact archaeological features which would contribute further to our understanding. Such potential harm has not been identified to the ringfort within the Substation Site, located within County Meath.

*The RMP, RPS and NIAH must be provided and considered.*

These datasets have been considered, including assessment through the scoping exercise and those with potential impacts further assessed within Chapter 12 of the EIAR. Assets which have been assessed further are outlined within Chapter 12 of the EIAR, with Figures 12-1 and 12-2 providing their locations and extents in relation to the Proposed Development.

Regarding the potential indirect impacts upon the following assets:

- Tower of Lloyd (NIAH: 14401601), 10.25km northeast
- Hill of Tara (WX007-014), over 28km southeast
- Lough Crew Cairns complex, over 9km northwest

- Skryne Church (ME032-047003), over 31km southeast

It is important to note that change within an asset's setting does not mean harm unless that aspect of setting contributes to how we understand, experience and appreciate the asset. If views toward the Proposed Development Site were intended from these assets, and therefore these assets were positioned in such a way that views toward the Site would contribute to how they are understood, experienced and appreciated in their setting relating to their cultural heritage, then they would need to be assessed. These assets were included in an appraisal during the scoping exercise and were excluded from further assessment during the scoping stage, where consultees were asked whether they agreed with the methodology set out or provide input to what should be included in the assessment.

Any effects the turbines would have whilst experiencing assets within a wider landscape, including historic landscapes and key routes through them, which does not include points of appreciation, approaches to the asset and key views from the asset which contribute to how the asset is understood, experienced or appreciated, come under the remit of landscape and visual.

In relation to Landscape and Visual Impact, the assessment in Chapter 10 is based on the Zone of Theoretical Visibility (ZTV) which extends 20km representing a worst-case visibility scenario. This ZTV informed the selection of viewpoints for the Landscape and Visual Impact Assessment (LVIA). Any assets located outside 20km Zone of Theoretical Visibility do not require further assessment within Chapter 12 of the EIAR. ***Tower/Spire of Lloyd***

The tower was constructed in order provide a better view of horse riding and hunting in the 18<sup>th</sup> century. This would have taken place within the immediate vicinity of the tower; however the horse racing and hunting areas are no longer present within the tower's views. The tower's historic context never intended to have views over 10km to the southwest toward the landscape within the Site. Whilst a way to experience and appreciate the tower in a modern context is its wide scoping views of the surrounding landscape, this does not contribute to the tower's setting comprising part of the tower's cultural heritage significance. Therefore, the effects of the turbines upon the asset are not considered to be related to the cultural heritage significance of the asset, but rather effects upon landscape and visual setting. As the turbines would not be present in any views which comprise the asset's historic setting, no effects were predicted, and it was scoped out of further assessment.

In relation to Landscape and Visual, the assessment in Chapter 10 has considered the impact on the Tower of Lloyd under viewpoint 2 (VP2). VP2 is identified as one of the 'Key Views' within the study area however the magnitude of impact at VP2 is assessed as Low-negligible. This is due the fact that there are trees and other features in the foreground which interrupt the line of the horizon, and the view features more modern landscape features and visible structures (paragraph 10.131).

### ***Tara Historic Landscape***

Tara comprises the Castleboy Hillfort within the south and a number of mounds to the north forming barrows containing burials. The complex of assets are considered to be highly significant. The hillfort takes the highest position within the north and the barrows sit along the ridge to the north, sitting slightly lower. The position would have provided the hillfort with wide views and the ability to control and defend its position and surroundings, whilst the barrows would have been ritual burials provided with a view of the landscape in which they inhabited. This landscape, which contributes to ability to understand, experience and appreciate why the hillfort and the burial barrows were positioned on the elevated ridge, does not extend to the landscape within or around the Site and is located over 28km to the northwest.

As set out in Chapter 10, the Landscape and Visual assessment is based on the Zone of Theoretical Visibility (ZTV) which extends over 20km representing a worst-case visibility scenario. Views of the turbines within the Site over 28km would be indiscernible due to the

distance, and any views would not impact landscape around the assets which contribute to their setting. Therefore, the asset was not considered for further assessment within Chapter 12 of the EIAR.

### ***Lough Crew Cairns***

The series of megalithic tombs, cairns, rock art and standing stones sit along the top of a ridge, significantly elevated and situated above an otherwise flat landscape. The position of these ritualistic monuments were clearly placed along the ridge, relating to one another and intended to have long distance views over the surrounding landscape, and being visible landmarks from the lower landscape.

Prehistoric burials typically focus on high points within the landscape for reasons believed to be related to the dead's relationship with the landscape and the sky. Standing stones are typically believed to frame specific views or have relationships with both landscapes and astronomy and can have close relationships with burial monuments.

The Site, being located over 9km to the southeast, does not contribute to the setting of these assets. The views toward the landscape within the Site does not contribute toward how the ritual prehistoric assets along the ridge are understood, appreciated and experienced; the presence of any visible turbines within this view would be minor, almost indiscernible, due to the distance, and would not cause any effects to its setting. Therefore, the asset was not considered for further assessment within Chapter 12 of the EIAR.

In relation to Landscape and Visual, the assessment in Chapter 10 has considered the impact on the Lough Crew Cairns, this is summarised in Section 2.5 of this submission.

### ***Skryne Church***

The monument is a Church dating to the medieval period with alterations dating through to the 17<sup>th</sup> century. It is located on Skreen Hill, a prominent position which provides views outward and makes it visible from the surrounding landscape. The position of the church was likely chosen for its well-draining soil but also would have been a landmark within the landscape for those who would travel to the church as a place of worship. Whilst the views from the church to the surrounding landscape are aesthetic, this does not contribute to the setting of the church; views outward from the church do not contribute to how we understand, experience and appreciate the asset, unlike views toward the church and its location on Skreen Hill. Whilst it is unlikely that any of the proposed turbines would be visible due to the 31km distance between the asset and the Site, should they be visible, they'd be indiscernible due to the great distance, and would not impede on any views.

This is consistent with Chapter 10, the Landscape and Visual assessment which is based on the Zone of Theoretical Visibility (ZTV) extending over 20km. This represents a worst-case visibility scenario. Assets located outside 20km Zone of Theoretical Visibility do not require further assessment within Chapter 10 or Chapter 12 of the EIAR.

### ***Recreational Use***

The scope to use the Proposed Development site for recreational purposes was considered by the Applicant early on the development process. The option of recreational use was considered and then discounted on the basis of segmented nature of the site, the number of landowners involved and difficulties in obtaining agreement across all landowners due to the ongoing use of some areas of land within the site for farming and agricultural purposes.

In relation to access for walkers, there is also limited suitable access points, with safety being a concern at some of these locations as well as a lack of parking and safe locations to pull in.

### ***Ecology***

"AA Screening and NIS: The Applicant may need to consider other wind farms referenced in the Planning Statement and other renewable energy projects (e.g. solar farms)"

The only two wind farms considered in the Planning Statement but not the AA Screening and NIS are Derryadd Wind Farm and Moanvane Wind Farm. These two projects were mentioned in the Planning Statement in the context of design flexibility and planning precedent only. There was no indication within the Planning Statement that they should be considered for in combination assessment within the AA Screening and NIS. The criteria for inclusion within in combination assessment are clearly outlined in NIS section 4.8.1 and there is no basis by which Derryadd and Moanvane should have been included, as they are outside the zone of influence for the Proposed Development. The Applicant is confident that all relevant wind farms have been included for in combination assessment.

There are no planning applications for renewable energy projects (e.g. solar) either in proximity to the Proposed Development or with obvious shared connectivity to European Sites on Meath County Council and Westmeath County Council's ePlan websites, or on the *EIA Portal* website.

Therefore, we have considered all relevant projects and plans as part of the AA Screening and NIS in combination assessment.

*AA Screening and NIS: ...there are some differences of opinion regarding survey work as advised by the DAU; and what the applicant carried out.*

It is assumed that the differences of opinion mentioned refer to the DAU's request that avian radar systems and avian acoustic meters be used to investigate nocturnal flight activity, particularly in relation to migration.

The DAU consultation response was not received until after bird survey work was complete. However, the consultant carrying out the bird surveys followed NatureScot (2017) best-practice guidance for bird surveys for onshore wind farms and consulted with NPWS throughout the multi-year bird surveys. Therefore, NPWS had opportunity throughout the 2.5-year survey period to shape the scope of surveys. The contents of the DAU consultation response have been addressed in full in AA Screening Table 2.1.

In short, avian radar systems and acoustic meters are not standard practice and are only recommended by NatureScot (2017) guidance where there is likely to be high levels of nocturnal activity of important species, such as SPA qualifying species. Based on the results from multi-year bird surveys, there was no indication that this was the case. In addition, avian radar systems and acoustic meters suffer from limitations, which are outlined in AA Screening Table 2.1.

As a precaution, nocturnal migration was accounted for in the collision risk model by assuming additional levels of nocturnal flight activity for species with diurnal flights (e.g. whooper swan), per NatureScot (2017) standard practice. In addition, nocturnal migration was also considered for species with no recorded diurnal flights, such as Eurasian coot, as shown in the AA Screening and NIS section 4.7.3.1.

Therefore, while there were differences in opinion regarding the need for avian radar and acoustic meter surveys, nocturnal flight activity and migration has been assessed in full within the AA Screening and NIS, and do not represent a lacuna.

"AA Screening and NIS / EIAR: ABP must satisfy itself that the list of experts involved... have the appropriate competence and experience, including relevant qualifications for the part which they have contributed..."

The list of experts involved in the preparation of the assessments along with their experience and qualifications is given in EIAR Chapter 5 Table 1.3 and section 5.7, and AA/NIS section 1.4. Information on the competency of MKO personnel is provided in Technical Appendix 5.2 for each baseline bird report. All experts involved have the appropriate competence and experience.

“EIAR: It is recommended that...aviation lights on wind turbines should be flashing to reduce likelihood of collisions with bird species”.

Aviation lights on the proposed turbines are dictated by the requirements of Irish Aviation Authority (IAA) and the Department of Defence (DOD). In consultation received from the latter on 17th April 2024, the DOD requested the following:

“All turbines should be illuminated by Type C, Medium intensity, Fixed Red obstacle lighting with a minimum output of 2,000 candela to be visible in all directions of azimuth, and to be operational H24/7 days a week. Obstacle lighting should be incandescent or, if LED or other types are used, of a type visible to Night Vision equipment. Obstacle lighting used must emit light at the near Infra-Red (IR) range of the electromagnetic spectrum, specifically at or near 850 nanometres (nm) of wavelength. Light intensity to be of similar value to that emitted in the visible spectrum of light.”

We therefore assumed that static lights would be present on the turbines as part of the EIAR and collision related effects on birds were assessed in this context.

No significant residual effects of collision were predicted for any avian feature and so no additional mitigation is required.

“EIAR: Many of the wildlife / geology sites identified through survey... can function as important stepping-stones and ecological corridors (Article 10 of the Habitats Directive)...”

Stepping stones are considered in EIAR Chapter 5 Table 5.1 and linear habitats that could act as ecological corridors were assessed in Table 5.12 of the same. We have avoided loss of stepping stone habitats such as broadleaved woodlands, ponds and alkaline fen, and damage to ecological corridors such as watercourses, hedgerows and treelines via ‘mitigation by design’. Some temporary loss of linear features such as hedgerows and treelines are unavoidable, so an extensive suite of compensation and enhancement measures will be implemented to maximise ecological connectivity both inside and outside the Proposed Development as shown in Technical Appendix 10.10.

No significant residual effects are predicted for any nature conservation site.

“EIAR: ABP are requested to apply planning conditions to implement the mitigation and monitoring outlined in Chapter 17 of the EIAR, together with any other mitigation outlined in this Chief Executive’s Report/Referral Reports of Meath County Council internal departments.”

The Applicant is happy to accept the planning conditions outlined, other than changes to the aviation lights as outlined above.

The NRA guidelines mentioned relates to roads. As the Proposed Development is a wind farm, it is more appropriate that Marnell et al. (2022) ‘Bat Mitigation Guidelines for Ireland – v2’ are followed and that the requirement for licencing follows the approach outlined in section 2.2.2 of the same.

“EIAR: ABP is requested to invite the applicant to submit details regarding lighting at the proposed development, and particularly address the impact of same on birds/ bats, etc. This should include aviation lights on wind turbines, sub-station compound lighting proposals, etc. All lighting should be directed inward to the development, avoiding spill / glare into the surrounding environment. Further consideration may need to be given by ABP to lighting in its NIS/EIAR.”

The effect of lighting on bats was assessed in EIAR Chapter 5 paragraph 5.690, which stated that no night working is proposed but, if necessary, cowled light would be used in line with Bat Conservation Ireland (2013) guidance, which would minimise any disturbance potential effects on bats. This will also minimise potential disturbance to birds and other species.

We did not undertake additional assessment of lighting on birds and bats within the EIAR or NIS because such effects did not fall within the scope of likely significant effects of either assessment, so did not warrant additional examination.

This approach is reinforced by the NatureScot (2024) pre-application guidance for wind farms which states: “It is reasonable to exclude consideration of the impact of turbine lighting on birds in most circumstances” and “... we do not advise that developers need to carry out any additional survey or assessment to determine the impacts of turbine lighting on bats.”

For the purposes of the EIAR and NIS assessment, we assumed that any aviation lights would be static, as required by the IAA.

The conclusions of the EIAR and NIS still stand i.e. no significant residual effects on bird and bat populations due to collision is predicted. As there are no significant effects of collision predicted for birds or bats, no additional mitigation regarding aviation lighting is required.

**Potential locations for off-site forestry that is proposed should be outlined in the EIAR**

The approach to replant lands is outlined in EIAR Chapter 5 paragraphs 5.3, and 5.25 to 5.30. In short, the ex-situ replant lands will not be located within the same hydro- or hydrogeological sub-catchment as the Proposed Development and will therefore have no connectivity to the same. As outlined in paragraph 5.27, it is environmentally prudent to process felling and afforestation licences closest to the time when these activities are to occur. The Applicant commits to there being no likely significant cumulative residual effects between the Proposed Development and replant lands. The replant lands will therefore be further assessed as part of a licencing process by the DAFM, when the exact location is identified.

## **2.3 Air Corps - Department of Defence & Irish Aviation Authority**

The observation received from the Minister of Defence outlines their responsibility for the regulation of military aviation, whereas the Irish Aviation Authority is responsible for the safety regulation of civil aviation including aerodromes.

The Minister of Defence, and specifically the Air Corps has provided no objection to the proposal during the scoping process and has suggested a condition be attached to any approval for the installation of safety lighting on all turbines. The observation from the Irish Aviation Authority also proposes a condition of this nature. These additional conditions relate to the communication of details concerning the wind turbine format and 30-days prior notification of intention to erect cranes.

### **Response**

The Applicant has no objection to the imposition of conditions similar to what has been suggested in the observation.

## **2.4 An Taisce**

In an observation made by An Taisce, the following points were raised. The first related to the proximity of the Proposed Development to Native and potential long established ancient woodland. An Taisce recommends that native woodland survey is consulted and the mitigation of any adverse effects to these woodlands.

The second point refers to the proximity of the Proposed Development to SAC/ pNHA and the need to ensure requirements of Article 6(3) of the Habitats Directive are satisfied. It also notes that the biodiversity chapter omits consideration of the Lough Shesk pNHA

## **Response**

### ***Ancient woodland***

The native woodland, and potential ancient and long-established woodland datasets mentioned were consulted at an early stage in the design process and were used both for field surveys and in preparation of the EIAR.

The native woodland inventory shows that the native woodland habitats mentioned are located almost entirely outside the planning boundary for the Proposed Development to the west. All woodland habitats were checked against the types listed in this dataset during field surveys. Some of the woodland habitats mapped during field surveys along the western edge of the Proposed Development accords with those shown in the native woodland dataset (see Figure 5.5.d of EIAR Chapter 5). For example, small sections of bog woodland and mixed oak-hazel-ash woodland were present. However, these were bounding habitats only and were not within the development footprint.

The Proposed Development was carefully designed to avoid the possible ancient woodland (PAW) areas, as outlined in the EIAR Chapter 5 and shown in Figure 5.5.b. We also used a suite of mitigation measures including root protection zones to avoid damage to any PAW areas as outlined in paragraph 5.714. Bat mitigation buffers were located to avoid damage to PAW areas.

Therefore, we consulted the relevant native woodland and PAW datasets, and designed mitigation measures to avoid negative effects on these important woodland areas.

### ***Proposed Development to SAC/ pNHA***

The AA Screening and NIS has fully considered possible effects of the Proposed Development on the River Boyne and River Blackwater SAC and has outlined an extensive suite of mitigation measures in section 4.11, which includes protection of water quality.

The conclusion of the NIS was: "With the identified mitigation measures in place, it can be concluded, beyond all reasonable scientific doubt that the Proposed Development, either alone or in combination with other plans or projects will not undermine the conservation objectives of any European Sites. It can therefore be concluded that the Proposed Development will not have an adverse effect on the integrity of any European Site".

### ***Lough Shesk pNHA***

SACs are designated nature conservation sites and are therefore afforded strict legal protection, whereas pNHAs are not afforded the same level of protection. Lough Shesk pNHA overlaps entirely with the River Boyne and River Blackwater SAC, which is mentioned in Chapter 5 of the EIAR paragraph 5.176. This SAC (and by extension, Lough Shesk pNHA) was considered fully in the NIS including connectivity to the Proposed Development and mitigation measures required.

The conclusion of the NIS was: "With the identified mitigation measures in place, it can be concluded, beyond all reasonable scientific doubt that the Proposed Development, either alone or in combination with other plans or projects will not undermine the conservation objectives of any European Sites. It can therefore be concluded that the Proposed Development will not have an adverse effect on the integrity of any European Site".

The conclusions from the NIS were included within EIAR Chapter 5.

Therefore, no additional impact assessment for Lough Shesk pNHA was required for the EIAR and there has been no omission of Lough Shesk pNHA.

## 2.5 Failte Ireland

Failte Ireland has requested that ABP consider the potential impact of the proposed wind farm development on a range of cultural and tourism assets including Fore Abbey and its surrounds, Lough Lene, Loughcrew Megalithic Cemetery, Rosmead, Killua Castle, Ballinalough Castle and Spire of Lloyd.

The following concerns were raised in relation to how the impact on tourism is addressed in the EIAR which accompanies the application:

- The lack of detail and considered assessment of the impact of the proposed development on tourism including on local and wider tourism sites
- The visually open, exposed and unspoilt character of this natural landscape, where wind farm development is unfamiliar and where negative impacts would be intensified.
- The siting of the proposed development in the plain overlooked from the Loughcrew Megalithic Site, a place of significant cultural heritage, landscape and tourism value and the
- Underrepresentation of the likely significant impacts on cultural heritage and on the landscape and environment, which are important to developing and supporting the local and wider tourism product.

### Response

Paragraphs 4.186 to 4.189 of Chapter 4 of the EIAR sets the context for the assessment in relation to tourism and captures research in relation to Wind Farms and Tourism Trends. It concludes that research in Scotland finds no correlation between wind farm development and performance in the tourism sector with recent Failte Ireland research concluding that the majority of visitors did not appear to notice the majority of development – even very large and visually prominent structures such as wind turbines and powerlines.

For reference, the paragraphs state that

*4.186 Recent independent research conducted by BiGGAR Economics in 2016 entitled 'Wind Farms and Tourism Trends in Scotland', assessed the relationship between wind farm developments and the tourist industry in Scotland. An analysis was carried out on eight local authorities which had witnessed a higher increase in wind energy developments than the Scottish average. Of the eight local authorities, five also witnessed a greater increase in sustainable tourism employment than that of the National Average with just three witnessing less growth than the Scottish average.*

*4.187 The research concluded that at local authority level, no detrimental impact occurred on the tourism sector as a result of wind energy development, rather that, in the majority of cases, sustainable tourism employment performed better than other areas.*

*4.188 Fáilte Ireland conducted research titled "Visitor Attitudes on the Environment", which was first published in 2008 and updated in 2012. The research surveyed both domestic (25%) and overseas (75%) holidaymakers to Ireland to determine their attitudes to wind farms. The survey results indicated that most visitors were broadly positive towards the idea of building more wind farms on the island of Ireland. A minority (one in seven) were negative towards wind farms in any context.*

4.189 Updated research was undertaken by Fáilte Ireland in 2018 to assist it, in its capacity as a prescribed body under planning legislation, to understand how much the visual impacts from development affect visitors impressions of the quality of the landscape. Detailed research was undertaken, involving a range of specialists in market research, visual impact analysis, landscape architecture, environment,

planning and impact assessment. The research was designed to avoid prompting responses is considered to have led to bias by respondents in previous studies. One of the main findings of the research was that the majority of visitors did not appear to notice the majority of development – even very large and visually prominent structures such as wind turbines and powerlines. For example, the percentage of visitors reporting that they noticed substantial wind development around the tourist attraction of Gougane Barra was less than 5%.

Chapter 4 of the EIAR acknowledges that the Boyne Valley is a main tourism hub along with other heritage sites such as the Hill of Tara and Trim Castle are 42 km and 21km from the Proposed Development Site respectively. Similarly Athlone Castle Visitor Centre, Belvedere House, Gardens and Park, the Luan Gallery, The Hill of Uisneach, Tullyally Castle Gardens, Kilbeggan Distillery and Fore Abbey are considered to be at a significant distance from the Proposed Development,

The basis for the findings concerning impacts on tourism assets are based also on the Chapter 10 and 12 of the EIAR, covering landscape and cultural heritage respectively.

In relation to Landscape and Visual, the assessment in Chapter 10 is based on the Zone of Theoretical Visibility (ZTV) which extends 20km. This represents a worst-case visibility scenario and has informed the selection of viewpoints for the Landscape and Visual Impact Assessment (LVIA).

### ***Boyne Valley***

Chapter 10 of the EIAR also assesses Landscape Character Value and Sensitivity of the Wider Study Area (10-20km). Landscape Character Area 5 Boyne Valley is considered as part of this assessment. Chapter 10 notes that it is located within 15.8km of the Proposed Development and is arguably the most significant and highly valued landscapes in the county because it contains the Bru na Boinne World Heritage Site. It is also noted that Bru na Boinne, the key site of the Boyne Valley, is located c. 39km to the west, 19km outside the 20km study area).

### ***Loughcrew and Slieve na Calliagh Hills***

Relevant views assessed within the wider (10-20km) study area include VP1, within 'Loughcrew and Slieve na Calliagh Hills' LCA and VP32 within the Boyne Valley LCA at Trim.

VP1 at Loughcrew Cairns experiences the highest magnitude of impact (Low), with expansive views across the study area to the south allowing clear views of the Proposed Development with no other vertical features across the horizon or enclosing the view; the residual impact is deemed to be Moderate-slight.

Chapter 10 of the EIAR also identified Fore Abbey (VP5) and the Hill of Ward (VP27), as heritage/amenity receptors. VP27/Hill of Ward is also a designated view. Of these, the Hill of Ward has clear, elevated views over the Proposed Development and surrounding landscape; however, these are mitigated by distance, resulting in Low-negligible magnitude and Slight significance.

### ***Ballinlough Castle and Rosmead Country House***

The cultural heritage assessment predicted a long-term, reversible, slight effect on the setting of heritage assets of the Rosmead Country House and Estate ruins and Ballinlough Castle (NIAH building ca. 1km to the northwest) due to the intrusion of turbines within the views from the features during the operational phase of the Proposed Development. These are not considered to represent a significant impact in terms of tourism. Rosmead House and Estate is also privately owned and not open to the public.

The cultural heritage and landscape and visual assessments found that the development of the wind farm would have a slight impact on setting of heritage assets Ballinlough Castle

(15400906) within Ballinlough Estate or Rosmead Country House (15400921), the Triumphant Arch (15400904) and the Rosemead estate curtilage buildings, and the series of Ringforts across the landscape. The potential impact to recreation, amenity and tourism are considered to be imperceptible.

### **Fore Abbey**

Chapter 4 and paragraph 4.197 cross refers to Chapter 10 of the EIAR sets out the potential landscape and visual impacts of the Proposed Development and describes the setting of the Proposed Development Site in relation to tourism features such as Fore Abbey. The assessment concludes that there will be no significant impacts and consequently it is considered that there will be no significant tourism impacts.

### **Lough Lene**

A number of 'Areas of High Amenity' are also designated in County Westmeath, three of which are located within the outer north-western quadrant of the study area and include, Lough Lene, Lough Derravaragh and Lough Owel. Scenic View 30 which is the View from Lough Lene Parking and Picnic area is designated in the Westmeath County Development Plan 2021 – 2027 with a view direction that is away from the site. The Lough Lene area is therefore not impacted.

## **2.6 TII**

TII referred to the following items in their observation - National Road Access, National Road Scheme Planning, Proposed Turbine Haul Route, Structures, Cabling / Trenching, HDD and Water Crossings.

### **2.6.1 National Road Access**

The TII refers to the policy conflict arising from proposed direct access to the N52 national road. In relation to the subject application it is noted that the current Westmeath County Development Plan has not provided any agreed exceptional circumstances cases for development accessing the national road such as that proposed in the SID Development Application.

### **Response**

SLR prepared scoping material for discussion with the determining authority and with other relevant stakeholders and organisations, including Transport Infrastructure Ireland, Westmeath and Meath County Councils Roads Departments. A scoping report was distributed to consultees in November 2022.

As also outlined in Chapter 1, in response to the scoping consultation, TII noted that the site adjoins the N52 national road and highlighted the associated policy concerning access to national roads. The TII requested that the Applicant carry out consultations with Local Authority/National Roads Design Office regarding the N52 Cavestown to Kilrush Scheme.

Meetings were held with the National Roads Design Office of Westmeath County Council on the 29th of September 2022 and 16th of February 2022, with parties requested to review the proposed access arrangements for the N52 and local road (L5542). It was confirmed that the proposed route and access arrangements were generally acceptable.

During these meetings it was requested that: Grid connection and cable routing to be developed to safeguard the N52 realignment road scheme. Methods/techniques for any works traversing/in proximity to the national road network were agreed in principle with the Road Design office. The Applicant was also asked to consider whether a Road Safety Audit is required for any of the temporary works proposed.

Further correspondence dated 21<sup>st</sup> November 2022 was sent to TII in order to provide additional information outlining proposed access arrangements. On 5<sup>th</sup> December, 2022 TII22-120879 and acknowledge of this correspondence was received and the contents were noted. In reply, the applicant was advised that Transport Infrastructure Ireland (TII) as a statutory consultee, submissions or comments to planning authorities, including An Bord Pleanála, on planning applications, if any, and on proposed development represent TII's primary input to the planning process.

TII also stated that as planning and roads authority for the area concerned, any information considered relevant to the SID application concerned was most appropriately referred to Westmeath County Council and that Westmeath County Council can liaise directly with TII in accordance with established practice, if necessary, to discuss any matters relating to national roads and TII will be available to assist the Council.

### ***Exceptional Circumstances***

In relation to the impact on the N52, as set out in Chapter 14, the numbers of vehicles likely to travel to the Proposed Development once the site is operational is limited and significantly lower than those predicted during the construction stage, with less than 10 visits likely per week. As such, there is no impact predicted and so no significant effects are anticipated, indirect or otherwise. The need to apply exceptional circumstances is therefore not required.

In terms of the policy conflict arising from proposed direct access to the N52 national road as is recognised in the Planning Statement submitted with the application, the Proposed Development will require a new access onto the N52 to facilitate construction. Once construction is complete this access point will only be used to facilitate maintenance works. Any works to the N52 will be carried out in agreement with the TII and Local Authorities and details of the proposed works will be agreed as part of the Construction and Traffic Management Plan which will be submitted and agreed prior to any commencement of works on site.

Reg. Ref: ABP -311565-21: Bracklyn Wind Farm Limited, located in Westmeath and Meath County Council is also cited in the Planning Statement. This development was granted permission on the 7th of July 2022 with conditions. As part of this permission, access onto a national road was granted on the basis that the impact arising on the national road will be on a temporary basis, during the construction phase and that this would be mitigated via the preparation of a traffic management plan. In the case of the Proposed Development, and its construction and operational phases, the main impact also arises during the construction phase and there will be no long term material impact on the capacity of the N52.

### **2.6.2 National Road Scheme Planning**

It is noted by the TII that proposed development is in the constraints study area for the N52 improvement scheme and that national road schemes should be safeguarded from development. The EIAR is unclear how this issue has been considered and addressed in terms of adhering to official policy.

### ***Response***

The Applicant held meetings with the Roads Design Office (29<sup>th</sup> September 2022 and 16<sup>th</sup> February 2023) during which the Road Design Office requested that: Grid connection and cable routing to be developed to safeguard the N52 realignment road scheme and Methods/techniques for any works traversing/in proximity to the national road network were agreed in principle.

As set out in Chapter 14 of the EIAR, a setback distance between the National road and the proposed turbines was provided. The minimum requirement is for this setback to equate to the height of the turbine to the tip of the blade plus 10%, or 198m based on the maximum height of the turbine within the range. The setback provided for by the Proposed Development

from the closest turbine to the N52 is 225m, 27m greater than the minimum requirement this greater distance was provided for in response to meetings with the Roads Design Office in order to safeguard the N52 realignment road scheme.

In terms of maintaining the strategic capacity of the N52, the Proposed Development will require new access onto the N52 to facilitate the construction and operational phases of the Proposed Development. Once construction is complete this access point will be used to facilitate maintenance works for 1 no. turbine which will result in minimal traffic movements and no impact on the strategic capacity of the N52

In relation to National Strategic Outcome 2, Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements, the Proposed Development maintains adequate flexibility to facilitate the realignment of N52.

In relation to maintaining safety of the national road, the Applicants response is detailed below.

### **2.6.3 Proposed Turbine haul route**

The TII has commented that any Proposed works to the national road network to facilitate turbine component delivery to site shall comply with TII Publication and shall be subject to Road Safety Audit as appropriate. Subject to the outcome of Road Safety Audit, works should ensure safety for all road users.

TII requests referral of all proposals agreed between the road authority and the applicant impacting on national roads. Mitigation measures identified by the Applicant should be included as conditions in any decisions to grant permission. Any damage caused to the pavement of the national road due to the turning movements of abnormal 'length' loads (e.g. tearing of the surface course) shall be rectified in accordance with TII pavement Standards and details in this regard shall be agreed with the Road authority prior to the commencement of any development on site.

The Applicant/Developer should consult with all PPP companies MMarC Contractors and road authorities over which the haul route traverses to ascertain any operational requirements such as delivery timetabling etc. and to ensure that the strategic function of the national road network is safeguarded.

Where temporary works within any MMarC Contract Boundary are required to facilitate the transport of turbine components to site, the applicant/developer shall contact [thirdpartyworks@tii.ie](mailto:thirdpartyworks@tii.ie) in advance, as a works specific deed of indemnity will be needed by TII before the works can take place.

### **Response**

Licences and permits to move abnormal loads shall be applied for by the relevant haulage company prior to movement.

All structures along the abnormal load route will be reviewed and assessed to determine that they can carry the abnormal loads.

In the context of the Proposed Development, the Applicant is agreeable to conditions seeking completion of a Road Safety Audit prior to commencement of development.

### **2.6.4 Cable Trenching**

The submission notes that 2.5km of cabling will be installed accommodating 3no cable jointing bays and 1 no water crossing. The works will be carried out using single lane closure over a 26 week installation period. The TII state that the works outlined have the potential to significantly impact the levels of safety and strategic function of the national road network in this area.

TII has identified a number of significant implications for TII and road authorities in the management and maintenance of the strategic national road network resulting from laying of high voltage electricity cabling in the national road reservation, including:

- Impacts on embankments, bridges and road furniture infrastructure leading to future maintenance liabilities
- Impediments to future maintenance and operations activities such as safety barrier repair and French drain renewal
- Impediments to future routine road network improvements such as pavement overlay and strengthening, installation of new verge side signs and other road furniture.
- Impacts on network traffic flows during installation
- Impediments to future on-line upgrades of national roads because of the implications to road authorities/TII in having to incur the additional costs of moving underground cables in order to accommodate the road improvements.

TII is of the opinion that the developer has not provided evidence to demonstrate that the routing proposed represents the optimal routing solution especially in relation to technical road safety issues such as differential settlement due to backfilling trenches, impact on ability and cost of general maintenance upgrades and safety works to existing national roads on this important national road route, etc.

The cable is proposed to be installed in the verge or carriageway of the N52 road at a depth, greater than 2m to ensure that it is located beneath the road pavement and any related infrastructure.

The cable will be installed by specialist machinery that will excavate the trench and lay the cable immediately. The cable will have appropriate bedding material and the trench will be backfilled with compacted granular material to the underside of the road pavement. The trench through the road pavement will be backfilled using concrete, and the surface finished with an appropriate tarmac material.

### ***Response***

The proposed cable will be installed in the verge or carriageway of the N52 at a depth greater than 2m to ensure that it is located beneath the road pavement and any related infrastructure. This depth was agreed in principle with the Roads Design Office and will ensure that the cable is installed at a sufficient depth to avoid any impact on future works that TII need to carry out in the area.

The cable will be installed by specialist machinery that will excavate the trench and lay the cable immediately. The cable will have appropriate bedding material and the trench will be backfilled with compacted granular material to the underside of the road pavement. The trench

through the road pavement will be backfilled using concrete, and the surface finished with an appropriate tarmac material.

The cable is to be installed using a lane closure controlled by signals operating a shuttle system. With the length of the controlled section being kept as short as possible for each day's work.

A diversion route shall be signed from Delvin using the N51, turning onto the R154 to return to the N52 north of Clonmellon. Alternatively traffic may remain on the N51 to reach the M3 south of Navan. All temporary traffic control shall be in accordance with TII standards.

### **HDD and water crossings**

Where the board is satisfied that the proposed HV routing utilising the national road corridor is the optimal solution following a full assessment of alternatives and associated implications, TII requests as a condition of any permission granted, in relation to national road structures, that all crossings on the national road are by HDD and, in addition that full proposals from the applicant shall be submitted to the road authority for TII structures section approval. Confirming the proposed location of all services and the construction methodology in the vicinity of all national road structures. No works should commence in the vicinity of any national road structure pending agreement from the road authority in consultation with TII structures section and the requirements of TII Publications.

#### **Response**

The road and all structures along the cable route shall be surveyed and included in the road condition surveys as previously detailed. This will include a full utility service survey and report along the road to determine the presence and location of all services along the cable route corridor. The construction methodology will be determined once all details are known. All approvals shall be obtained before the cable laying commences.

## **2.7 Uisce Eireann**

Uisce Eireann request further information to identify, survey and map the Irish Water assets relative to proposed development to determine protection measures.

#### **Response**

Chapter 13 Material Assets of the EIAR considers the impact on Water Supply and Sewerage infrastructure assets. During the scoping stage of the EIA, searches of existing utility services were carried out to identify areas where existing major assets exist such as water supply and wastewater infrastructure is located. Should permission be granted, further checks will be carried out prior to commencement of development.

## **3.0 Other Submissions**

Seventeen of the 25 observations were received from members of the public and local groups. In preparing this response, SLR has carried out a review of these submissions as received from ABP. Whilst it would be ideal to provide a response to each individual observation, it is not feasible to do so and the response has been grouped by topic. Below is a summary of these observations on a topic by topic basis.

1. **National Wind Energy Development Guidance Planning Guidance** Several submissions express concern that the Proposed Development is misaligned with national wind energy planning guidance.
2. **Cumulative Effects:** The observations request further consideration of the effects of the Proposed Development, combined with other nearby renewable energy projects.
3. **Shadow Flicker:** There's shared concern amongst several observations in relation

- to noise disturbances and shadow flicker doubting effectiveness and/or seeking reassurance on mitigation measures', given the turbines' proximity to residences. Contributors also cite a number of physical and mental health concerns.
4. **Ecology and Ornithology Impact:** Concerned about potential adverse effects impacts on designated sites and protected species, particularly water and wetland bird populations.
  5. **Adverse Visual Impact and Threat to Heritage and Tourism:** All observations raise their concerns that the project will have a significant effect on the landscape's aesthetics and historical and intangible heritage. The observations highlight concern that the impact on some protected views and national monuments was not fully assessed in the EIAR.
  6. **Inadequate Community Engagement and Data Gathering:** A common concern raised within the observations is the lack of meaningful public participation.
  7. **Impact on Private Wells:** several submissions raised concerns about the impact on private water supply.
  8. **Appeal for Planning Rejection:** Many of the observations conclude with a request to ABP to refuse permission for the Proposed Development, citing various concerns and non-compliance with planning guidance.

### 3.1 National Wind Energy Development Guidance

Submissions referred to a perceived misalignment with national guidelines and stated that the Wind Energy Development Guidelines 2006 are no longer appropriate for the advances in technology and scale of the Proposed Development.

#### **Response**

Compliance with the Wind Energy Development Guidelines (2006) and Draft Wind Energy Guidelines (2019) is set out in Table 4-1 of the Planning Statement.

At the time of writing the Wind Energy Development Guidelines 2006 remain adopted, and as set out in the Planning Statement, the Proposed Development has been designed in accordance with these guidelines which are the current statutory Section 28 Ministerial Guidelines.

The Applicant is aware that these guidelines are subject to a targeted review and therefore the design of the Proposed Development has also adhered to the Draft Revised Wind Energy Development Guidelines, published by the Department of Housing, Planning and Local Government (December 2019), where it is considered to represent best practice.

The provisions of the Draft Guidelines are addressed in the planning statement submitted with the application and also referred to in Chapter 9 – Noise and Vibration in relation to the methodology for this aspect of EIA. Here it is noted that the Draft Guidelines may be subject to further revisions following public consultation and are not considered to represent current best practice in relation to noise. As such, the noise limits from the 2006 guidelines form the basis of the assessment as supplemented by ETSU-R-97 and IOA GPG.

### 3.2 Cumulative Effects

It is submitted that the cumulative effects of the Proposed Development has not been assessed adequately in the EIAR. The observations refer to the Landscape and Visual Impact Assessment in Chapter 10 of the EIAR and the associated wire line view (VP4) from the N52. VP4 shows the cumulative impact of proposed turbines from other development at this location. With particular reference to VP4, the observation is concerned that cumulative effects have not been assessed adequately and the impact is not in keeping with the proper planning and sustainable development of the area.

## **Response**

Cumulative effects of the Proposed Development have been assessed throughout the EIAR and in Chapter 10 of the EIAR with respect to the Landscape and Visual Impact Assessment. VP4 is one of the viewpoints selected for the Landscape and Visual Impact Assessment and located within the *Meath Landscape Character Area 17, the South West Kells Lowlands*. This character area is described as a large rural area characterised by rolling lowland farmland with remnants of parkland landscapes.

The assessment characterised the sensitivity of this receptor as medium/low and the magnitude of visual impact as negligible and the visual impact significance as imperceptible/neutral/long term. An additional viewpoint, SB VP4 was also assessed at this location. The sensitivity of this receptor was characterised as medium/low and the magnitude of visual impact as low-negligible and the visual impact significance with imperceptible/negative neutral/long term. VP4 is highly screened (Negligible visual impact) and results in the imperceptible significance of a neutral quality.

Cumulative Impact was assessed in Chapter 10 by way of an assessment that was broken down into two sections: permitted baseline and potential future baseline.

As part of the permitted baseline assessment, the highest likelihood of both developments being viewed in combination is from locally elevated parts of the landscape, specifically to the north of the study area. VP1, VP2, and VP3 are examples of this, where slightly elevated broad views are afforded across the wider landscape. Nevertheless, even if the visibility of both developments is afforded from here, both wind energy developments will present as two distinct developments in VP1 and VP2.

In relation to the Potential Baseline scenario, the proposed Ballivor Wind Farm development is included. The combined scale of both the proposed Bracklyn and Ballivor Wind Farms is highlighted in views to the north, in particular VP1 and VP2, where the density and lateral spread of potentially visible turbines has dramatically increased from the above 'Permitted' cumulative scenario as a result. Overall, in this potential baseline scenario, it is considered that the Proposed Development will contribute an additional cumulative effect that is in the order of Medium with respect to the impact classification due to the scale and extent of the Ballivor application, which is mitigated by the separation from the Proposed Development, and clustering with the permitted Bracklyn Wind Farm.

The Applicant therefore considers that the cumulative effects of other wind farm developments in the area has been assessed adequately in the EIAR and no significant effect has been identified in relation to VP4.

## **3.3 Shadow Flicker**

There is a shared concern amongst several of the observations that it is not possible to have zero shadow flicker. The observations request that further information is provided in relation to shadow flicker. Concern is raised in relation to noise disturbance from the Proposed Development and the possible effect this may have on those with Autism and hearing aids in the area, the proximity of St. Mary's Special School to the Proposed Development is also mentioned in the submission.

## **Response**

A shadow flicker assessment was carried out and submitted as Chapter 11 of the EIAR. Up to 211 receptors within 10 rotor diameters of the proposed turbines were assessed, under two study area scenarios. When considering likely significant effects, 18 receptors are predicted to exceed more than 30 hours per year under Scenario 1, and 23 properties are predicted to exceed more than 30 hours per year under Scenario 2.

The applicant is committed to implementing a zero-shadow flicker approach and this will be undertaken by shutting down turbines during times when wind and climactic conditions are such that shadow flicker could occur, using appropriate mitigation measures such as the turbines inbuilt shadow flicker control module. The module will control a specific turbine (or turbines) which would be programmed to shut down on specific dates at specific times when the sun is bright enough, there is sufficient wind to rotate the blades and the wind direction is such that nuisance shadow flicker could occur.

The implementation of the proposed mitigation measures, namely a zero-shadow flicker approach, will ensure that shadow flicker at all buildings is eliminated resulting in no impacts to receptors.

This is enabled by a SCADA electronic control system which can be programmed to shut down individual turbines in certain weather conditions which are likely to result in shadow flicker, for a limited period of time that shadows might be cast on nearby properties. By introducing these technologies through the SCADA system, Knockanarragh Wind Farm Ltd can guarantee zero shadow flicker, ensuring that turbines do not operate during conditions that would result in shadow flicker.

### **3.3.1 Health Concerns**

Wind Turbine Syndrome is a concern for residents in the area and those with hearing aids.

#### ***Response***

Chapter 4 of the EIAR includes a human health assessment of the Proposed Development. As part of this assessment an analysis of peer-reviewed literature on potential health impacts arising from wind energy projects was undertaken. Anecdotal reports were identified of negative health impacts in people living in close proximity to wind turbines, however, the literature review demonstrates that peer-reviewed research has not supported these statements.

As stated in this Chapter, the review of literature did not find any published, credible scientific sources that link wind turbines to adverse health effects. The key documents that have been taken into consideration with respect of potential effects on human health are as follows:

- 'Wind Turbine Syndrome – An independent review of the state of knowledge about the alleged health condition', Expert Panel on behalf of Renewable UK, July 2010.
- 'Wind Turbine Sound and Health Effects - An Expert Panel Review', American Wind Energy Association and Canadian Wind Energy Association, December, 2009.
- 'A Rapid Review of the Evidence', Australian Government National Health and Medical Research Council (NHMRC) Wind Turbines & Health, July 2010.
- 'Position Statement on Health and Wind Turbines', Climate and Health Alliance, February 2012.
- 'Wind Turbine Health Impact Study - Report of Independent Expert Panel' – Massachusetts Departments of Environmental Protection and Public Health, 2012.
- 'Wind Turbines and Health, A Critical Review of the Scientific Literature Massachusetts Institute of Technology', Journal of Occupational and Environmental Medicine, Vol. 56, Number 11, November 2014.
- 'Wind Turbine Noise and Health Study', Health Canada, 2014.
- 'Wind Turbines and Human Health', Front Public Health, 2014

- 'Position paper on wind turbines and public health', Health Service Executive, February 2017.

The Chapter further refers to an Expert Panel which undertook a review on behalf of Renewable UK in July 2010 to assess the available scientific evidence relating to infrasound generated by wind turbines. This report was entitled 'Wind Turbine Syndrome – An Independent Review of the State of Knowledge about the Alleged Health Conditions'. This report followed a previous negative publication by Dr. Pierpont entitled 'Wind Turbine Syndrome' in 2009. The 2010 report assesses the impact of low-frequency noise from wind turbines on humans. The principal conclusions drawn by this expert panel are:

*"The scientific and epidemiological methodology and conclusions drawn (in the 2009 book) are fundamentally flawed;*

*The scientific and audiological assumptions presented by Dr. Pierpont relating infrasound to 'wind turbine syndrome' are wrong; and*

*Noise from Wind Turbines cannot contribute to the symptoms reported by Dr. Pierpont's respondents by the mechanisms proposed"*

Please refer to Chapter 4 as submitted for further information on health effects.

### **3.4 Ecology and Ornithology Impacts**

#### **3.4.1 AA Screening and NIS**

##### **3.4.1.1 EU Law**

Submissions mention that the AA Screening and NIS need to be compatible with EU law.

The AA Screening and NIS were carefully prepared to ensure compatibility with EU law including case law.

##### **3.4.1.2 Location of Proposed Development and SAC**

Submissions mentioned concerns that three turbines are located within the River Boyne and River Blackwater SAC, that there might be impacts on the same and the importance of ex situ habitats.

Contrary to what is stated by the submissions, turbine locations Turbine 1, Turbine 2 and Turbine 3 are not within the River Boyne and River Blackwater SAC. A full suite of mitigation measures has been set out within the NIS, which fully considers ex situ habitats and potential groundwater links to the SAC.

The conclusion of the NIS was: "With the identified mitigation measures in place, it can be concluded, beyond all reasonable scientific doubt that the Proposed Development, either alone or in combination with other plans or projects will not undermine the conservation objectives of any European Sites. It can therefore be concluded that the Proposed Development will not have an adverse effect on the integrity of any European Site".

#### **3.4.2 National Designated Sites**

##### **3.4.2.1 Lough Shesk pNHA**

Submissions mention the apparent lack of assessment of Lough Shesk pNHA, stating that there is potential for significant adverse effects, either on the pNHA itself or adjacent habitats. Others state that it contravenes council guidelines to allow a wind farm to be placed within a pNHA site, citing the importance of the pNHA as the only place in Co. Meath with alkaline fen vegetation.

The Proposed Development is not located within Lough Shesk pNHA and possible effects on the pNHA have been fully assessed.

The pNHA fully overlaps with the River Boyne and River Blackwater SAC. Any pNHAs or NHAs fully overlapping with European Sites were therefore considered within the AA Screening and NIS, as a greater level of legal protection is afforded European Sites. The NIS considered all direct and indirect effects on the SAC / pNHA.

The conclusion of the NIS was: "With the identified mitigation measures in place, it can be concluded, beyond all reasonable scientific doubt that the Proposed Development, either alone or in combination with other plans or projects will not undermine the conservation objectives of any European Sites. It can therefore be concluded that the Proposed Development will not have an adverse effect on the integrity of any European Site".

The assertion that Lough Shesk pNHA is the only place in Co. Meath with alkaline fen vegetation is untrue, as shown by NPWS Article 17 maps .

### **3.4.3 Birds**

#### **3.4.3.1 Whooper Swan**

Submissions state that the Proposed Development and surrounds is an important location for breeding whooper swan, which come from Greenland and are present in larger numbers than stated in the EIAR and AA Screening / NIS. They also state that there will be an unacceptably high level of collision risk presented to the species from the Proposed Development.

Whooper swan are winter migrants from Iceland and therefore do not breed in Ireland . The baseline bird surveys followed NatureScot (2017) best-practice guidance for wind farms and were carried out by competent experts. The level of survey effort exceeds the minimum required (2.5 years vs. 2 years).

Like most ecological surveys, the baseline bird surveys provide a representative sample of baseline conditions. While it may be possible that whooper swan were present in larger numbers on occasion, it is unlikely that they were consistently present in such numbers, otherwise they would have been detected by the extensive surveys.

The collision risk model showed that collision would not have an appreciable effect on the wintering population of whooper swan at the national or county / regional scale.

### **3.4.4 Bird Surveys**

Submissions state that a lack of pictorial flight paths makes it impossible to assess collision effects on birds and that as survey findings differ significantly from local knowledge, independent study is needed.

Flight lines are shown in baseline bird reports contained in Technical Appendix 5.2. They were used to populate a collision risk model.

As stated previously, the level of survey effort exceeded that required by best-practice guidance and so the survey results are representative of baseline conditions. The surveyors are independent professionals, meaning the survey results are objective.

#### **3.4.4.1 Hen harrier**

Submissions state that there would be unacceptable effects on hen harrier because of the Proposed Development.

Hen harrier were fully considered in EIAR Chapter 5 including the effects of collision risk, disturbance and displacement.

There is no ecological connectivity between the Proposed Development and any SPAs for hen harrier.

No sensitive locations for hen harrier (breeding locations or winter roosts) were identified during an extensive suite of bird surveys. Therefore, no significant disturbance or displacement was predicted.

In terms of collision, the number of flight lines through the collision risk zone was so low that collision risk was not-significant.

Therefore, there is no meaningful way in which the Proposed Development could have any significant effect on hen harrier populations.

#### **3.4.4.2 Other species**

Submissions mentioned negative effects on other species such as coot, kestrel and mute swan.

The effects on all species have been assessed fully in the EIAR Chapter 5 and in the AA Screening / NIS for coot. No significant effects were predicted.

#### **3.4.4.3 Cumulative Effects**

Submissions stated that cumulative effects on birds would be significant.

Cumulative effects on birds were fully considered within EIAR Chapter 5 paragraphs 5.604 to 5.618, and the AA screening / NIS. No significant effects were predicted.

#### **3.4.5 Bats**

Submissions stated concerns about the effects on the roost at Rosmead House, loss of habitat, operational effects and cumulative effects. Concerns about mitigation were also raised.

Baseline bat studies followed NatureScot (2021) good-practice guidance. Contrary to what is stated in submissions, eight species were recorded in the area.

The impact assessment set out in the EIAR Chapter 5 paragraphs 5.380 – 5.388, 5.542 – 5.572, and 5.619 – 5.626 fully identified all possible effects on bat populations.

Rosmead House was identified as a bat roost in the baseline bat report (C. 360 m SW of turbine T8) and EIAR Chapter 5 paragraph 5.246. Effects on bat roosts, including that at Rosmead House were fully considered in EIAR Chapter 5, paragraph 5.381. The conclusion was that, as no confirmed bat roosts were recorded within the footprint of the Proposed Development, and there would be no direct effects on any bat roost, which therefore includes that at Rosmead House roost.

As described in EIAR Chapter 5 paragraphs 5.385 and 5.386 there will be some loss of commuting and foraging habitat, which is shown in EIAR Chapter 5 Table 5.12, will be compensated for with replacement and additional hedgerows and treelines proposed to enhance connectivity and habitats for bats (see Technical Appendix 5.10). Consequently, there will be no significant adverse effects on bat populations arising from loss of habitat, including those roosting at Rosmead House.

Operational effects of the wind turbines on bats have also been fully assessed in EIAR Chapter 5 paragraphs 5.542 to 5.572.

Cumulative effects on bats have been fully considered in of Chapter 5 of the EIAR paragraphs 5.625 to 5.625.

An extensive suite of mitigation measures (see EIAR Chapter 5 paragraphs 5.708 to 5.715) and post-construction monitoring was recommended. Depending on the results of the post-

construction monitoring, additional mitigation including blade feathering and turbine curtailment was recommended (see EIAR Chapter 5 paragraphs 5.716 to 5.720).

Bat felling buffers were also proposed following NatureScot (2021) best practice guidance. This is a widely-used and accepted means of mitigation against collisions of bats with operational turbines. Their purpose is to ensure any linear features, such as forest edge, are set back from turbines sufficiently that any commuting or foraging bats are kept outside the rotor swept area.

The conclusion of Chapter 5 was: “Assuming that the mitigation measures in this Chapter are adopted in full, there are not likely to be any significant residual effects on important ecological features....”

### **3.4.6 Terrestrial Mammals**

Submissions raised concerns on the effects of the Proposed Development on rare and protected mammals, such as badger, hedgehog and red squirrel.

As stated in EIAR Chapter 5, a dedicated mammal survey was completed to search for rare and protected mammals.

Effects on mammals have been fully assessed within the EIAR, with an extensive series of mitigation measures recommended. With the implementation of mitigation, no significant effects on mammals are predicted.

### **3.4.7 Marsh Fritillary**

Submissions mentioned the need to avoid negative effects on marsh fritillary butterfly.

Best-practice marsh fritillary surveys were implemented with details provided in EIAR Chapter 5 paragraph 5.97. Mitigation by design was implemented to avoid negative effects on marsh fritillary butterfly, with the breeding locations shown in Figure 5.8.

An extensive suite of measures was proposed to enhance a marsh fritillary habitat as outlined in Technical Appendix 5.10. With the implementation of these measures, a positive net effect was predicted for marsh fritillary butterfly.

### **3.4.8 Aquatic Ecology**

Submissions mentioned concerns that the Proposed Development would have negative effects on river lamprey, otter and in particular, Atlantic salmon.

Triturus Environmental Ltd conducted catchment-wide aquatic surveys following IFI (2016) guidance, which included electro-fishing.

Lamprey, otter and Atlantic salmon were fully considered in EIAR Chapter 5 e.g. salmon are discussed in paragraphs 5.397, and 5.401 to 5.407.

An extensive suite of mitigation measures to protect water quality and therefore, lamprey, otter and salmon populations were provided in paragraphs 5.662 to 5.665.

Following implementation of mitigation, no significant residual effects to river lamprey, otter and Atlantic salmon were predicted.

### **3.4.9 Round-leaved Wintergreen**

Submissions mentioned that round-leaved wintergreen had been recorded near Lough Shesk and cited possible concerns that the Proposed Development could have negative effects on this plant species.

Round-leaved wintergreen was searched for during dedicated botanical surveys by an expert botanist (see Technical Appendix 5.9) and none were found within the search area. The

habitat near Lough Shesk pNHA where this plant is likely present (i.e. outside our search area) is not predicted to be affected by the Proposed Development.

No significant, residual negative effects on this species were predicted.

#### **3.4.10 Japanese Knotweed**

A submission mentioned potential for Japanese knotweed to spread because of the Proposed Development.

No Japanese knotweed is present within the Proposed Development but it has been identified nearby to the proposed underground grid connection route.

A full suite of mitigation measures to prevent its accidental spread is included in Technical Appendix 5.10.

#### **3.4.11 Woodland Habitats**

Submissions mentioned concerns over loss of high-value woodland and other important habitats, such as a hedgerows, due to the Proposed Development.

The Proposed Development was designed to avoid felling possible ancient woodland and other high-value forestry, with most of the felling to occur in lower value, commercial conifer plantation, which will be replaced both in situ and ex situ. The Proposed Development was designed to minimise loss of hedgerow and tree line. Any loss of hedgerow and treelines will be replaced like for like. Additional tree planting proposed as part of HSMP would result in net gain of hedgerows and treelines (see Technical Appendix 5.10).

#### **3.4.12 Fen Habitats**

Submissions mentioned concerns over damage to fen habitats because of the Proposed Development, including possible disruption to groundwater levels.

Fen Habitats were fully considered within EIAR Chapter 5. The layout was designed to avoid negative effects on all fen habitats, and the Proposed Development is committed to an extensive suite of mitigation measure to avoid disruption to groundwater levels and associated effects on fen and other wetland habitats.

Moreover, an extensive suite of measures will be adopted to enhance high-value habitats, such as alkaline fen (see Technical Appendix 5.10).

As a result, the conditions of fen habitats are likely to improve because of the Proposed Development.

### **3.5 Inadequate Community Engagement and Data Gathering**

A concern raised within the observations is the lack of meaningful public participation. Communities feel sidelined in a decision crucial to their environment and quality of life and raise concerns about the completeness of certain datasets having foregone community engagement.

#### **Response**

The approach to community engagement is detailed in Volume 3, Appendix 1-4 of the EIAR.

Initial public consultation for a wind energy proposal at this location began at a very early stage in the development process. Engagement with the local community started during initial feasibility and scoping stages back as far as 2013 when the proposed wind farm encompassed part of the much larger proposed Greenwire wind development. At that time, a nominated Community Liaison Officer (CLO) was appointed to the area. This larger proposed

development was ultimately put on hold but Knockanarragh as a standalone development has now been progressed through design and to pre-planning stage.

Public consultation specific to the proposed Knockanarragh Wind Farm commenced in March 2023 at an early stage in its development process. At that time, a Community Liaison Strategy (CLS) was established and set in motion, with a newly nominated CLO being appointed for this specific project. Since then, this CLO has been the main point of contact with the local community. Engagement with the CLO was conducted over the following months and included meeting with those in the local community to deal with queries and feedback. A second round of consultations consisting of in-person calls to all houses in the area took place in August and September 2023. Engagement will be ongoing throughout the lifetime of this proposal, continuing during development and extending into construction and operations where the project comes to fruition.

The CLS is based on the 'Code of Practice for Wind Energy Development in Ireland Guidelines for Community Engagement'. The Code's core fundamentals are to engage with the local community in an open, honest, and transparent manner with the aim of providing clear and understandable information on a project, and for getting feedback from, and the views of, the local community and to use this information to inform the design and development process. This gives the local community a chance to have input in the project development path and influence the final project design. The CLS was based on the fundamental principle of active engagement with all households within a minimum of 1.6km of the design layout under consideration, with the view to opening a two-way dialogue with people in this area. To date, 157 houses in this area have been visited, with project information and contact details provided. In all, 196 face-to-face meetings have been held with residents in the local area. Some of these meetings were held on an individual level, while others involved meeting small groups of people. The form that the meetings took in terms of numbers was dictated by the residents; it was important to facilitate their schedules and preferred format in all cases, with the CLO engaging with everyone who made contact about the proposal. Wider access to information was made and is available via the project website and virtual consultation room facilities.

There are 54 houses within 1km of the proposed development. Of these, 60% met and engaged with us. Residents in all houses within 1.6km of the proposed layout, totalling 144 houses (including the 54 properties within 1km), were provided with project information, with engagement extending to residents in 11 properties beyond 1.6km (13 houses were derelict/vacant/without post box). Where it was not possible to engage directly with residents as they were not home, *Sorry we missed you* cards, featuring contact details and QR codes to the community consultation portal and Knockanarragh website, were left at the property. In total, 90 of these cards were left at properties over the consultation period. Over 35 people requested meetings after we left these cards at properties.

The core objective of this consultation approach was to provide information on what was being considered and to receive feedback from people in the local community that would be used to inform the design process.

An important aspect of the community engagement strategy was the distribution of project information and the gathering of feedback. In total, 350 project booklets and 155 newsletters were distributed across the local and wider area.

The following information was provided within the consultation area:

- Contact details for contacting the CLO at any time
- 2 project booklets (310 distributed to local residents)
- Details on the dedicated project website
- Details on the virtual consultation room

- Newsletter update prior to planning submission
- Information about the Community Benefit Fund was provided to local community groups

This approach is consistent with best practice as outlined by the Wind Energy Guidelines 2006 and Appendix 2 of these guidelines. Further information or clarification can be provided if requested by An Bord Pleanála.

### **3.6 Impact on Private Wells**

Several submissions raised concerns about the impact on private water supply.

#### ***Response***

Water supply in the application area is provided through the Ballany Public Drinking Water Supply scheme. Chapter 7 of this EIAR provides details of private well and abstraction sites in the surrounding region that are available in national database records. Figure 7-6 of this chapter identifies GSI Groundwater Supply Wells. No GSI Groundwater Supply Wells are located within the Proposed Development Site.

As set out in this Chapter 7, during the construction phase, there is the potential for pollution to affect surface water and local groundwater bodies impacting on their water quality. This risk relates to the potential contamination of surface water runoff from machinery, leakage and spills of chemicals from vehicle use and the construction of hardstanding. Potential pollutants include oil, fuels and cement.

Without mitigation, this may have a negative effect on the receptor and the resulting degradation of the water quality could impact on any unlisted private water supplies abstracting from the watercourse/aquifer. Mitigation measures for the construction phase are set out in paragraphs 7.159 to 7.161 of Chapter 7 and for groundwater levels are set out in paragraphs 7.163 to 7.169 of Chapter 7.

In relation to private water supplies and a request for a well survey, no long term dewatering is required as a result of the Proposed Development, so no direct impact is anticipated. Nevertheless, Appendix 2-2 of the EIAR is the Construction Environmental Management Plan (CEMP) and Section 8.1 of this CEMP provides details of the Private Water Supply (PWS) Action Plan. This will be developed and agreed prior to commencement of development and will include details regarding all water monitoring and reporting, pollution incident reporting and emergency mitigation measures to address a temporary or permanent material change in either the quality or quantity of an existing private water supply.

### **3.7 Appeal for Planning Rejection**

As ABP is aware, each planning application is assessed on its own merits. As the competent authority, ABP is responsible for evaluating the likely significant effects of the Proposed Development and considering the development in light of the proper planning and sustainable Development of the area. This application includes a comprehensive EIAR and any shortcomings identified by the Competent Authority can be addressed with additional information. We request that ABP seek further details on any items requiring clarification after reviewing the submitted documents.

#### **3.7.1 10 year Permission Sought**

Submissions refer to ten year construction phase and the impact this have on various receptors.

## **Response**

The Applicant is seeking a ten year permission and not a ten year construction period. As detailed in Chapter 2 of the EIAR (paragraph 2.101) states that 'It is envisaged that the construction period will take place over a period of 18-24 months.'

## **3.8 Other Responses**

### **3.8.1 Eco Advocacy**

This observation considers the application premature pending implementation of new wind energy guidelines. Other issues were raised around noise, visual impact on views and prospects, consideration of other wind installations, permitted, in planning, granted or built, habitats, sources of aggregates, scale, shadow flicker, depth of peat, traffic and transportation, tourism and amenity, decommissioning, EU and Irish Law – SEA Directive, Health and safety, Habitat Directive, Materials and employment.

## **Response**

Concerns raised with regard to visual impact on views and prospects and consideration of other wind installations permitted, in planning, granted or built are addressed in Section 3.2.

A response to concerns raised on the impact on habitats is set out in Section 2.4

A response to concerns raised on shadow flicker is set out in Section 3.3.

The depth of peat was assessed by was of a Peat Landslide Hazard & Risk Assessment included in Appendix 6-1 of the EIAR. Chapter 6 of the EIAR assessed the likely significant effects of the Proposed Development in the context of this assessment.

Consideration of the issues raised in relation to tourism and amenity is set out in Section 2.5

Water and wetland birds have been dealt with in Section 3.4.

A response to comments on the hen harrier is set out in Section 3.4.4.1.

In relation to potential adverse impacts through ecological connectivity on Lough Derravarragh SPA, potential adverse impacts upon mobile ex situ qualifying interests for Lough Derravarragh SPA have been fully considered in the NIS.

The conclusion of the NIS was

“With the identified mitigation measures in place, it can be concluded, beyond all reasonable scientific doubt that the Proposed Development, either alone or in combination with other plans or projects will not undermine the conservation objectives of any European Sites. It can therefore be concluded that the Proposed Development will not have an adverse effect on the integrity of any European Site”. “

The effect on groundwater levels is dealt with in Chapter 7 of the EIAR and NIS. The impact will be mitigated via a full suite of mitigation measures which have been set out within the NIS and the CEMP. These measures consider ex situ habitats and potential groundwater links to the SAC.

### **3.8.2 Triona Ni Fhionnain**

The submission consisted of three main points.

The first was that potential negative effects on Greenland white-fronted geese were not fully considered. The second was that three-years of avian post-construction monitoring was not enough and that a longer period would be required. The third related to the unacceptable loss of wet woodland near Turbine 3 and its effect on breeding woodcock. The fourth stated that

turbines 1, 2, 3 should be excluded from the Proposed Development given the proximity and hydrological connections to the River Boyne and SAC, and resultant risk to salmon spawning.

## **Response**

### ***Greenland white-fronted geese***

Effects relating to Greenland white-fronted geese have been addressed in full within the EIAR and AA Screening / NIS in the table responding to consultees (Tables 5.1 and 2.1, respectively). It is acknowledged that Greenland white-fronted geese may overfly the midlands en route to their breeding grounds.

The submission contradicts itself by stating that VP surveys do not cover the night-time period when 30% of migratory flights take place, yet states that the species has been discounted from ecological assessments due to a lack of daytime flight activity. Logically, if any significant migratory activity had taken place, then at least some of it ought to have been detectable by diurnal VP surveys, because this is when 70% of migratory flights take place. While VP surveys only provide a snapshot of the baseline conditions, the same is true for all ecological surveys. The required level of survey effort recommended by NatureScot (2017) guidance was undertaken, with VP surveys carried out across a range of start times, which ought to have maximised the chance of detecting any migratory goose flights, if present.

It is therefore untrue that the species has been discounted from ecological assessments; rather, a justification as to why no significant effects are likely has been given.

### **Ornithology – general**

The lifespan of the post-construction monitoring programme was developed following best-practice guidance (NatureScot, 2009).

As stated in EIAR Chapter 5 paragraph 5.736, “Proposed mitigation and monitoring measures will be agreed with the Planning Authority prior to implementation”.

Therefore, there is scope for the Planning Authority to implement a more extensive monitoring programme should it choose to do so.

### **Woodcock**

While this species is thought to have undergone significant declines, no national population estimates are available yet and therefore, the importance assigned to the woodcock population at the Proposed Development is likely to be highly precautionary.

It was assessed that felling of woodland to accommodate bat mitigation buffers for Turbine 3 could result in the loss of one woodcock territory under a worst-case scenario.

To help compensate for the loss of this woodland habitat, a detailed Habitat and Species Management Plan (Technical Appendix 5.10) was submitted along with EIAR Chapter 5 which outlines the establishment, monitoring and remedial actions required to secure success of compensatory afforestation. These measures were based upon the British Association for Shooting and Conservation guidance.

Following implementation of these compensation measures, the residual effects of the Proposed Development on woodcock was assessed to be ‘significant at the local scale’. This is a low level of significance.

### **Turbines 1, 2 and 3**

The AA Screening and NIS has fully considered possible effects of the Proposed Development on the River Boyne and River Blackwater SAC and has outlined an extensive suite of mitigation measures in section 4.11, which includes protection of water quality and quantity.

The conclusion of the NIS was: “With the identified mitigation measures in place, it can be concluded, beyond all reasonable scientific doubt that the Proposed Development, either

alone or in combination with other plans or projects will not undermine the conservation objectives of any European Sites. It can therefore be concluded that the Proposed Development will not have an adverse effect on the integrity of any European Site”.

### **3.8.3 Sinead and Michael**

This observation raised concerns in relation to effects to bird populations, invertebrate habitat present in the Proposed Development Site, and conservation status of hen harrier.

Other issues were raised in relation to drainage, cumulative effects on groundwater levels within the cSAC, potential adverse impacts through ecological connectivity - Lough Derravarragh SPA, water and wetland birds as well as lack of Public Consultation.

### **Response**

The lack of public consultation has been addressed in Section 3.5.

Water and wetland birds have been dealt with in Section 3.4.

A response to comments on the hen harrier is set out in Section 3.4.4.1.

In relation to potential adverse impacts through ecological connectivity on Lough Derravarragh SPA, potential adverse impacts upon mobile ex situ qualifying interests for Lough Derravarragh SPA have been fully considered in the NIS.

The conclusion of the NIS was

“With the identified mitigation measures in place, it can be concluded, beyond all reasonable scientific doubt that the Proposed Development, either alone or in combination with other plans or projects will not undermine the conservation objectives of any European Sites. It can therefore be concluded that the Proposed Development will not have an adverse effect on the integrity of any European Site”. “

The effect on groundwater levels is dealt with in Chapter 7 of the EIAR and NIS. The impact will be mitigated via a full suite of mitigation measures which have been set out within the NIS and the CEMP. These measures consider ex situ habitats and potential groundwater links to the SAC.

Invertebrate habitat within the Proposed Development Site with respect to Marsh Fritillary has been assessed in Chapter 5 of the EIAR. A summary of the approach is set out in Section 3.4.7.

## **4.0 Conclusion**

An Bord Pleanála has confirmed that the Proposed Development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Planning & Development Act, 2000 (as amended), and, as a result, is considered to be a Strategic Infrastructure Development.

As set out in the introduction to this response, this submission summarises the observations received on this SID planning application from prescribed bodies and other third-party observations. The observations cover a spectrum of concerns, including cumulative impact, visual and heritage considerations, community engagement, and appeals for planning rejection.

It is noteworthy however that in the Westmeath County Council submission, the Planning Authority considered that the:

*“proposed wind farm development is considered to comply with national and regional energy and climate action policies.....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 suitability for large wind farm developments”.*

Section 10.10 of the Westmeath County Council submission (Conclusion and Recommendation) also concludes that the proposed development would be in accordance with the Section 28 Wind Energy Guidelines, national and local policy, and if permitted would:

*“make a positive contribution to Ireland’s national strategic policy on renewable energy and its move to a low energy carbon future”.*

And that within in the Meath County Council submission, the Planning Authority has considered that:

*“the nature of the wider development is supported in National, Regional and Local Planning Policy”* and that the policies and objectives set out in the Meath County Development Plan 2021-2027, *“supports this type of development”.*

In its consideration of the policies and objectives of the local development plan, it is therefore requested that the Board consider the broader context of national policy, such as the Climate Action Plan and the Regional Planning Guidelines and the positive comments made by both Westmeath County Council and Meath County Council in their assessment of the application.

On the basis of consideration of all of the materials listed in s. 37G(6) Planning and Development Act 2000, the Board is therefore invited to exercise its discretion to materially contravene the development plan if, indeed, the project is considered by the Board to constitute a material contravention of the CDP. In the event the Application is granted by ABP, the Applicant also wish to confirm that they are agreeable to the conditions proposed by Statutory Consultees in response to this application.

Thank you for your consideration of this planning application. We look forward to the forthcoming stages of this planning application process in due course.

**SLR Environmental Consulting (Ireland) Ltd**