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An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

05 October 2021
Our Ref: BRK001
Your Ref: --/--

Dear Sir/Madam,

Re: Planning Application for a Wind Farm Development and all associated works at Ballagh (Mullingar Rural E.D.), Billistown, Ballynacor, and Bracklin, County Westmeath; and Coolronan, Co. Meath

On behalf of our client, Bracklyn Wind Farm Limited ('the Applicant'), please find enclosed a Strategic Infrastructure Development (SID) planning application for the abovementioned proposed development submitted in accordance with Section 37E of the Planning and Development Act 2000 (as amended) ('the Act').

This planning application is being made directly to An Bord Pleanála ('the Board') following its determination of 4 August 2021 that the proposed development constitute SID and that the application must be made directly to it in the first instance (Reference ABP-306261-19).

1.0 Description of the Proposed Development

This planning application seeks permission for a 10-year planning permission for a proposed development, generally described as follows:-

i. 9 no. wind turbines with hub height of 104 metres, a rotor diameter of 162 metres and an overall tip height of 185 metres;
ii. All associated foundations and crane hardstanding areas;
iii. All associated underground electrical and communications cabling;
iv. Construction of internal wind farm access tracks and use of, and upgrades to, existing on-site agricultural/forestry tracks and existing site entrance from the L5508 local public road;
v. 1 no. site control building with a Gross Floor Area of 131 square metres;
vi. 1 no. free-standing meteorological mast with an overall height of 104 metres;
vii. 1 no. temporary construction compound;
viii. Felling of 28 hectares of commercial forestry plantation to facilitate the construction of wind farm infrastructure;
ix. The storage of excavated material at 2 no. spoil deposition areas;
x. A 110 kilovolt (kV) 'loop-in/loop-out' Air-Insulated Switchgear (AIS) electrical substation, including 2 no. single-storey control buildings (with a Gross Floor Area of 622 square metres) and all associated electrical equipment, services, lighting, and an electricity storage system within a fenced compound (with a total footprint of 15,400 square metres);

xi. 6.3 kilometres of 110kV underground electricity lines accompanied by 2.5km of associated access track, 1 no. site entrance from the L5508 public road and 2 no. site entrances from the L80122 public road;
xii. 2 no. lattice-type end masts with a height of 16 metres to facilitate connection of the proposed electrical substation to the existing 110kV Mullingar-Corduff overhead electricity transmission line;
xiii. All associated and ancillary site development, excavation, construction, landscaping, and reinstatement works, upgrade works to public roads along the turbine component haul route, the provision of site drainage infrastructure and environmental mitigation measures; and
xiv. A 30-year operational life from the date of commissioning of the entire proposed development.

2.0 Planning History

There has been one recent planning application on the subject site and its immediate environs of relevance to the proposed development. In July 2021, the Board granted retention permission, on third party appeal, for an existing 80 metres(m) high temporary meteorological mast on the subject site and to extend the height of the mast to 100m (Reference ABP-308608-20). The planning authority, Westmeath County Council, had also granted planning permission (Reg. Ref. 20/6221).

In granting planning permission, the Board had regard to the provisions of the Westmeath County Development Plan 2021-2027, and considered that the temporary meteorological mast would not seriously injure the visual amenities of the area, would not significantly impact on the ecological or cultural heritage of the area or significantly affect any European designated nature conservation site in view of its conservation objectives, and would be consistent with the proper planning and sustainable development of the area.

3.0 Legislative & Policy Context

This planning application is being made within the following important legislative and policy context:-

3.1 European & National Climate & Energy Policy

Current European Union (EU) and national policy in respect of the promotion of alternative and indigenous energy production and the reduction of greenhouse gas emissions are all collectively highly supportive of the increased generation of electricity from renewable resources so as to rapidly transition energy production away from fossil fuels in response to the global threat of anthropogenic climate change.

The scale, urgency and primacy of deploying low-carbon, renewable energy sources is now universally acknowledged in all EU and national legislation and policy, including in response to the landmark United Nations Framework Convention of Climate Change (UNFCCC) international Paris Agreement which aims to limit global warming to well below 2°C and pursuing efforts to limit it to 1.5°C above pre-industrial levels. In 2015, the Climate Change & Low Carbon Development Act was enacted by Government to legally mandate and drive this transition through primary legislation in accordance with binding EU emissions targets. Ireland, however, continues to lag significantly behind in reducing greenhouse gas emissions. The Environmental Protection Agency (EPA) has confirmed that the State failed to

meet its legally required 2020 emissions target set under the EU Effort Sharing Decision(ESD)(No 406/2009/EC), achieving reductions of just 2-4% below 2005 levels, as compared to a target of 20%[1]. As a consequence, Ireland will need to avail of flexibilities under EU rules in order to comply with its mandatory obligations, which are estimated to cost in the region of €6-13 million.

The successor EU Effort Sharing Regulation (ESR) EU/2018/842, which will govern EU emission reductions for the 2020-2030 period in the non-Emissions Trading Scheme (ETS)[2] sectors, has subsequently prescribed Ireland with a 30% emissions reduction target for 2030, again as compared to 2005 levels. This target will also shortly be amended following the European Council's decision in 2020 to increase the EU-wide emissions reduction ambition to at least 55%, compared to 1990 levels, in response to increasing knowledge of the unfolding severity of the global climate crisis and the Paris Agreement goals. In June 2021, the European Council adopted a new 'European Climate Law' to achieve this, which will be obligatory for all EU Member States, including Ireland. According to the EPA, however, with the implementation of all existing measures, Ireland's ESR emissions are projected to be just 6% below 2005 levels in 2030. Even with the full and early implementation of all of the measures included in the Climate Action Plan 2019, Ireland would only achieve a maximum reduction of 23%, or an annual average reduction of 2.9%.

Given this projected shortfall, the recently adopted Climate Change & Low Carbon Development (Amendment) Act 2021 has enshrined a new target for Ireland of at least 51% emissions reductions by 2030 across the whole economy (i.e., both ESR and ETS emissions). This will require annual average emissions reductions of at least 7% in order to put Ireland on a trajectory to become a climate neutral economy and society by 2050. In practice, this will necessitate more than a doubling of all of the mitigation efforts included in the current Climate Action Plan 2019. This is to be achieved through new legally enshrined five-year carbon budgets, the first of which are due to be published imminently alongside a new Draft Climate Action Plan 2021, which will set out the policy roadmap to achieve these budget allocations. The realisation of these very challenging and timebound targets will require an unprecedented, transformational step change in the implementation and ambition of Irish climate mitigation policy in a very short period of time (<9 years).

Electrification is recognised as the lynchpin for all climate mitigation measures. In order to achieve the scale and speed of the emissions reductions required, all energy systems will need to be electrified from non-fossil fuel sources, including transport, industry, and heat. Therefore, a major plank in the national policy to realise the emissions reduction target is the Government's renewable electricity generation goal of at least 70% by 2030, through the addition of 12 gigawatts (GW) of capacity to national electricity supply. This target has been included in Ireland's first Draft National Energy & Climate Plan (NECP) 2021-2030, submitted to the European Commission in 2020 in accordance with the Regulation on the Governance of the EU Energy Union and Climate Action (EU)2018/1999, and which entered into force in 2018 as part of the 'Clean Energy for all Europeans' legislative package.

1 EPA (2021); Ireland's Greenhouse Gas Emissions Projections 2020-2040

2 Commission Delegated Regulation (EU) 2021/1416 of 17 June 2021 amending Directive 2003/87/EC of the European Parliament.

The current National Renewable Energy Action Plan submitted under Article 4 of Renewable Energy Directive 2009/28/EC had included a 2020 target for Ireland to source 16% of all energy consumed from renewable sources. This was to be met by 40% from renewable electricity (RES-E), 12% from renewable heat (RES-H) and 10% from the renewable transport (RES-T) sector. However, while the scale of RES-E generation capacity deployment over the past decade has been unparalleled, the vast majority of which has come from onshore wind energy generation (ca. 85%), according to the Sustainable Energy Authority of Ireland (SEAI), only 33.2% RES-E penetration was achieved by 2020 with just 11% of all energy consumed from renewable resources[3]. This failure to meet RES-E 2020 targets, alongside shortfalls in also meeting targets in respect of RES-H (6.5%) and RES-T (7.2%), has meant that Ireland is now required to purchase statistical transfers from other EU Member States at an annual cost of approximately €50 million.

Under the EU's Clean Energy Package, Member States must, from 2021 onwards, maintain the 2020 renewable energy baseline figure (16% in Ireland's case for RES-E, RES-H & RES-T). In addition, national governments must progress along an indicative trajectory to achieve enhanced targets as set out in the Draft NECP, with reference points in 2022, 2025, and 2027. If Ireland falls below its baseline, or falls below one or more of its national reference points, it will be required to ensure that rapid additional measures are implemented within one year to cover the gap. These additional measures include increasing the national deployment of renewable energy, as well as making a voluntary financial payment to an EU renewable energy financing mechanism, and the purchasing of further statistical transfers from other Member States.

As can be seen from the above brief synopsis, EU and national policies in respect of climate change and renewable energy are progressing at a remarkable scale, urgency, and ambition in response to the growing climate crisis, imposing binding obligations for renewable energy penetration. Indeed, in the revised National Development Plan 2021-2030, published on 4 October 2021, the Government increased the level of ambition in respect of renewable electricity generation to 80% by 2030, noting this as "*an unprecedented commitment to the decarbonisation of electricity supplies*". Failure to achieve these targets imposes significant financial risks to the Irish national Exchequer. For example, according to research by the Institute for International and European Affairs (IIEA), it has been estimated that between €3 and €6 billion of Exchequer funds could be required to pay for a failure to meet emissions and renewable targets in 2030[4].

At the same time, with the continued decarbonisation of society, projected economic growth and electrification of transport, industry and heat, the SEAI forecast that demand for electricity will continue to increase rapidly. Indeed, Eirgrid's All-Island Generation Capacity Statement, published in September 2021, projects that long-term electricity demand will increase by between 28% and 43% between 2021 and 2030, also partly due to the expected expansion of large energy users (e.g. data centres). EirGrid caution that this could result in significant dispatch difficulties in meeting demand in the absence of enhanced supply, all of which is required to be from renewable electricity sources

[3] SEAI (2020); Renewable Energy in Ireland, 2020 Report

[4] Curtain, Joe (2016); How much of Ireland's "fiscal space" will climate inaction consume?

While the overall performance by Ireland in the achievement climate targets has been widely recognised as very poor, renewable electricity production has, however, been the 'shining light' and Ireland has become a world leader, almost exclusively driven by onshore wind generation. Ireland has the 2nd highest share of wind generated electricity in the EU at 28%. The all-time record for renewable electricity generation was broken in February 2020, with well over half of all electricity generated in the State coming from wind and Ireland now regularly achieves monthly averages that exceed 40% penetration and, on an instantaneous level, greater than 60%. The SEAI estimate that in 2018 wind energy displaced 1.3 Mtoe of fossil fuel and avoided 3.1 $MtCO_2$, or 64% of the total CO_2 avoided by renewables. 82% of the CO_2 emissions avoided by renewable energy was from renewable electricity, again the vast majority of which was onshore wind. Incorporating such a large share of wind energy onto the Irish electricity network has required the Irish grid operator, EirGrid, also to become a world leader in managing variable electricity loads through the DS3 programme. By 2030, Eirgrid's ambition is to accommodate instantaneous penetrations of 95% of demand from variable renewable energy sources[5].

Given the success of Ireland's onshore wind generation, to achieve 2030 renewable energy targets, the Government White Paper 'Irelands Transition to a Low Carbon Energy Future 2015-2030' recognises that onshore wind energy, as a proven and cost effective technology in the context of Ireland's abundant wind resource and the cheapest form of renewable energy, will continue to be the major contributor, resulting in a lower cost of support. While it is envisaged that offshore wind (3.5 GW) and solar (1.5GW) will begin to deliver increasing supply in the longer term, the Climate Action Plan 2019 and the Draft NECP 2021-2030 provides that onshore wind will continue to provide, by far, the largest source and do the heavy lifting over the short-to-medium term to 2030, with up to 8.2GW of capacity prescribed to meet Ireland's demanding targets.

To date, Ireland currently has an approximate installed capacity of 4.3GW of onshore wind energy, thus requiring the delivery of a further 3.9GW to 2030 to achieve the 8.2GW target, amounting to an effective doubling of the currently installed capacity. The SEAI projects that the build rate of onshore wind would therefore need to increase to at least 300-350 Megawatts (MW) of capacity per year, far exceeding the current five year historical average. This could be achieved by installing approximately 60 turbines per annum, each with an output capacity of c.5-6 MW, similar to the proposed development.

In this context, the Government has committed to supporting the roll-out of onshore wind energy infrastructure through a new system for connecting projects to the national grid under the auspices of the Commission for the Regulation of Utilities' (CRU) Electricity Connection Policy (ECP). A prerequisite for achieving a grid connection offer from the CRU is firstly securing planning permission for the renewable energy generating infrastructure. A new Renewable Energy Support Scheme (RESS) was also put in place in 2018 to incentivise the introduction of sufficient renewable electricity generation to deliver the RES-E target. This new scheme replaces the previous support mechanism for renewable electricity, known as the Renewable Energy Feed-in Tariff (REFIT), and marks a shift from guaranteed

[5] Eirgrid (2021), Shaping our Electricity Future

fixed prices for renewable generators to a more market-oriented mechanism i.e., an auction-based scheme where the cost of support will be determined by competitive bidding between renewable energy generators, resulting in a lower cost of support. This means that all wind energy projects which are submitted for planning permission must be located and designed to be fully viable, buildable and to be competitive in an open market competition.

In the context of the above policies, it is evident that all new proposed onshore wind electricity generation capacity will be urgently needed to reach Ireland's challenging 2030 targets. The proposed development of 9 no. turbines has been located and designed to be highly competitive in a RESS auction, the next of which is anticipated to take place in 2022, and, with a projected output of 54 MW, can be constructed in the short term and therefore has the capacity to make a very significant contribution to the achievement of Ireland's binding 2030 national decarbonisation targets. It will therefore help drive continued progress towards a low-carbon economy, reduce dependence on fossil fuels and the decarbonisation of the electricity sector, fully in line with all European and national climate and energy legislation and policy.

3.2 National, Regional & Local Planning Policy Context

In national spatial planning policy, the crucial role of onshore wind energy development, as described above, in the transition to a low carbon society and economy is also recognised in the National Planning Framework (NPF) (National Policy Objective 55) and in the concomitant National Development Plan 2021-2030[6]. The NPF and NDP, jointly referred to as 'Project Ireland 2040', include ten common goals, known as National Strategic Outcomes (NSO's), and NSO 8 is the 'Transition to a Low Carbon and Climate Resilient Society', including the significant expansion of onshore renewable energy generation in accordance with overarching national energy policies.

At a regional level, the principal purpose of the Eastern and Midlands Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support the implementation of Project Ireland 2040 through translating the NSO's to a regional scale. The RSES includes sixteen Regional Strategic Outcomes (RSO's) aligned to the UN Sustainable Development Goals, the EU thematic objectives for regional policy and national policy to embed a coherent policy hierarchy and to ensure that future investment is targeted towards identified strategic policy goals. It is recognised in the RSES that there is over-reliance on non-indigenous supplies of fossil fuel energy and that there is a need to better leverage natural resources to increase the share of renewable energy. RSO 9 therefore supports this transition to low carbon and clean energy through pursuing, "*climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050*".

In support of the RSO's, a series of Regional Policy Objectives (RPO's) have been established which are intended to set the framework for lower tier county development plans to support the increase in the amount of new renewable energy sources in the region, including the development of onshore wind energy at a larger

[6] Supersedes the National Development Plan 2018-2027.

scale on appropriate sites. Since 2010, it is a legal requirement that county development plans are consistent with the RSES and NPF, as higher tier plans in the hierarchy. RPO 7.36 states that, "*[p]lanning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and any other relevant guidance which may be issued in relation to sustainable energy provisions.*"

The Government's Wind Energy Development Guidelines for Planning Authorities 2006, issued under Section 28 of the Act, and subsequent updated Draft Revised Wind Energy Development Guidelines, published in 2019, establishes a land-use planning framework whereby planning authorities can proactively support the development of wind energy at appropriate locations. Section 3.5 of the 2006 Guidelines sets out a step-by-step guide for the designation of suitable areas for wind energy in statutory county development plans through the use of a series of criteria including, *inter alia*, available wind resources, grid accessibility, landscape capacity, natural heritage, noise, archaeology etc.

In accordance with these overarching national and regional policies, the recently adopted Westmeath County Development Plan (CDP) 2021-2027 is also generally supportive of wind energy development at suitable locations within County Westmeath. Section 10.23 of the CDP recognises the vital role that wind energy development can play in achieving national targets in relation to reductions in fossil fuel dependency, and therefore greenhouse gas emissions, and seeks to enable the wind energy resources of the county to be harnessed in a manner that is consistent with proper planning and sustainable development.

However, while the CDP states that the Westmeath County Council has had regard to the Wind Energy Development Guidelines for Planning Authorities 2006, it has not applied the criteria for the designation of appropriate locations for wind energy development. As a result, the Wind Energy Capacity Map (Volume 2, Map 69) shows almost the entire county as being designated as having 'Low' capacity for wind energy development, with a small area in the vicinity of the Hill of Uisneach designated as having 'None'. No policies are prescribed as to what 'Low' capacity means. Furthermore, Policy CPO 10.143 of the CDP institutes separation distances between proposed wind turbines and residential dwellings which would have the *de facto* effect of precluding wind energy development form the entirety of County Westmeath. Policy CPO 10.146 also requires that all large-scale wind farm projects be strictly limited to cutaway peatlands, again severely limiting the potential for the siting of new wind energy developments in the County, and for which there is no planning or environmental rationale provided.

As a result, there are a series of internal inconsistencies within the CDP which, on the one hand, states that the Westmeath County Council is highly supportive of wind energy development but, on the other hand, includes policies which fully excludes wind energy development from the county. The Office of Planning Regulator consistently advised Westmeath County Council, during the course of the preparation of the CDP, that Department Circular PL5/2017 and the Specific Planning Policy Requirements (SPPR) within the Interim Guidelines on Statutory Plans, Renewable Energy and Climate Change (2017), issued under Section 28 (1C) of the Act, requires that the CDP must indicate how its implementation will contribute to

realising the overall national targets on renewable energy and climate change mitigation and, in particular, wind energy production and the potential wind energy resource (in MW). Nevertheless, these advices were not heeded by Westmeath County Council in the adoption of the CDP.

Consequently, in April 2021 the Minister issued a Section 31 Direction requiring Westmeath County Council to take such steps as are necessary to identify, on an evidential basis, and using appropriate and meaningful metrics, the wind energy production (MW) which County Westmeath can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period. The Direction further required that this be accompanied by revisions to the Wind Energy Capacity Map (Map 69) and Landscape Character Assessment, and the coordination of the objectives for wind energy development with those of the neighbouring counties. At the time of submitting this planning application, Westmeath County Council had not published any revised wind energy policies in conformance with the Section 31 Direction.

According to Wind Energy Ireland, there are just over 300 operational wind farms in the State. County Westmeath, however, is one of three counties which currently has no operational wind farms whatsoever. Furthermore, presently there is just one consented wind farm within the county, Coole Wind Farm, comprising 13 no. turbines (Reference: ABP-300686-18 & Reg. Ref. 17/6292), and which is currently the subject of an ongoing judicial review. A subsequent replacement planning application for SID consent on the same site has also been lodged with the Board for 15 no. wind turbines and a generating capacity of 90MW but, as yet, has not been determined (Reference: ABP-309770-21). Given the total national installed capacity in the State is c.4,300MW, it is evident that there is very significant untapped potential within County Westmeath to deliver further wind energy generation capacity and to fulfil the county's obligation to contribute meaningfully to meeting national targets for the production of renewable electricity and the abatement of greenhouse gas emissions.

4.0 Site Selection & Justification

Having regard to the absence of any wind energy policies in the CDP which conform with national renewable energy policy, this section sets out the justification for the selection of the proposed development site for a wind energy development in the context of national planning policy guidelines, specifically the Wind Energy Development Guidelines for Planning Authorities 2006, issued under Section 28 of the Act, and subsequent updated Draft Revised Wind Energy Development Guidelines, published in 2019.

As set out in **Section 5.0** below, the Board has determined that the proposed development, if granted planning permission, would be on strategic importance to the State and contribute substantially to the fulfilment of national and regional policy objectives as set out in the NPF, NDP and RSES. In such circumstances, the Applicant submits that the Board may, pursuant to Section 37G(6) of the Act, decide to grant a permission for development, even if the proposed development contravenes materially the CDP.

Therefore, given the ambiguous and conflicting policies in the adopted CDP in respect of wind energy development; which are not clearly stated as far as the proposed development is concerned; at variance with clearly articulated national policies and currently subject of an ongoing formal Section 31 intervention by the

Minister; it is submitted that the Board has the full jurisdiction to assess this proposed development on its own individual merits and in a national, strategic policy context. It is noted that this is precisely the approach taken by the Board, in similar circumstances, when granting planning permission for Coole Wind Farm, the only wind energy development to be thus far granted planning permission in County Westmeath (Reference: ABP-300686-18)

Having regard to the urgent, timebound need for increased renewable electricity generation, as outlined in **Section 3.1** above, the Applicant therefore submits that the proposed development more properly falls to be assessed within an overarching national strategic context and is fully justified on this basis, including in respect of Guidelines issued under Section 28 and SPPR issued under Section 28 (1C), the statutory obligations of Westmeath County Council, and all other relevant policies of the Government. Moreover, for the reasons set out below, the Applicant submits that, had Westmeath County Council applied the correct procedures and criteria for designating suitable locations for wind energy development, as specified in national policy guidelines, the proposed development site should be designated as a generally suitable location for wind energy development.

As also noted in **Section 3.2** above, there are currently no operational wind farms within County Westmeath and, as a result, the County is not presently making any contribution whatsoever to national energy decarbonisation efforts. Even if the permitted/proposed Coole Wind Farm is constructed, the County will account for just 2% of national wind energy supply. Having regard to the general absence of wind energy developments, the Applicant identified the County as a potentially suitable location, with significant untapped capacity, including grid capacity. Section 10.23 of the CDP, and policies CPO 10.142 and CPO 10.147, provide that, in general, Westmeath County Council will encourage wind energy, provided such developments would not have an adverse effect on residential amenities, tourism amenities, special landscape character, views or prospects, Natura 2000 sites, protected structures, aircraft flight paths or by reason of noise or visual impact. It is further stated that planning applications for wind energy development will not be encouraged in Areas of High Amenity. These development control criteria generally comply with the 2006 Guidelines and 2019 Draft Guidelines, as referenced above.

On the basis of a strategic site search of possible suitable locations within County Westmeath, two possible strategic areas were identified as potentially suitable in the east of the county for a wind energy development. Subsequent to further evaluation, the proposed development site was selected for the following reasons:

- The proposed development site as an average wind speed of approximately 7.1m/s at c. 100m height which is sufficient to ensure the viability of a wind energy development, and which has been verified by the on-site met mast. The site is also located proximate (c. 5km) to the Corduff-Mullingar 110kV overhead electricity transmission line which can facilitate the efficient export of the renewable electricity generated directly to the national grid.
- The land use context is benign, generally consisting of flat or gently undulating and heavily managed pasture and arable farmland, typical of the midlands region, fringed by some broadleaved woodland and commercial forestry plantations, with extensive areas of cutaway bog associated with former Bord na Móna activities in the wider environs.

- The proposed development site comprises a land bank of a suitable scale in single ownership to allow for the development of a smaller number of larger turbines, thereby maximising electricity generating yield and efficiency, while also maximising setback distances to third party landholdings.
- The environs of the proposed development site generally has a low population density with a low number of residential properties and, again, appropriate setback distances are therefore available to dwellings. The nearest urban settlement is approximately 3km distant. The Draft Revised Wind Energy Development Guidelines 2019 propose a setback distance of 4-times overall tip height between a wind turbine and the nearest point of the curtilage of any residential property, subject to a mandatory minimum setback of 500 metres. Given the size of the available landbank, these setback distances can be achieved at this location and there is no 'non-involved dwellings' within 1km any proposed turbine. This will ensure that there is unlikely to be any significant impact on local residential amenity, particularly in respect of noise and shadow flicker (including in respect of the revised criteria included in the Daft 2019 Guidelines).
- There is a general absence of sensitive habitats, including any European designated nature conservation sites (Natura 2000) or other national nature conservation designations in the wider vicinity of the proposed development site. The nearest Special Area of Conservation (SAC) and Special Protection Area (SPA) is the upper reaches of the River Boyne & River Blackwater SAC (Site Code: 002299) and SPA (Site Code: 004232) located c.1km to the west of the subject site.
- The proposed development site is not the subject of any specific protective landscape designations in the CDP. The site is located within the 'River Deel Lowlands' Landscape Character Area which does not contain any Areas of High Amenity. Additionally, there are no designated scenic views or prospects in the wider vicinity.
- There are no major watercourses within the site and its environs, and the surface water features which are present are lower-order streams and agricultural/man-made drainage features. There is also an absence of any karst features and extensive peat, notwithstanding the proximity to former Bord na Móna peat extraction activities to the immediate east and south.
- While the subject site is surrounded by peatlands, there is very limited presence of peat on the site, and it is not located in areas of deep peat. This represents a significant advantage in the proposed development of the subject site as there will be no disturbance of peatlands which are recognised in the National Peatland Strategy 2015-2025 as a carbon sink for the sequestration, storage and reduction of emissions. As a consequence, the overall carbon balance will be positive. The consideration of wind farm development on peatlands, as distinct from non-peatland areas, also reduces potential constraints including, *inter alia,* the potential impact of site development works on fisheries habitat, including river and streams; the management of extracted peat; and prevention of the potential hazard of bog flows, peat stability and peat failures and risks that might result from same.
- The proposed development site is located in a partial demesne setting which contains a number of heritage features and protected structures, albeit the historic integrity and sensitivity has been very significantly modified and diminished due to subsequent intensive agriculture and commercial forestry

plantations. The historic integrity of the demesne is really only discernible in the southwestern portion of the demesne, while the north-eastern portion, where the proposed development is situate, reads as farmland typical of this locality. Due to this setting however, and, in particular, its single ownership and size, sufficient land is available within the land bank to ensure the footprint of the proposed development fully avoids any heritage features and significant setbacks can be provided to features of archaeological and historic interest, particularly in the vicinity of Bracklyn House and its entrance gate in the southwestern portion of the demesne.

- The subject site is well served by the national road network, with ease of access via the motorway and national road network, with the N52 located c.2km to the north. A network of local roads traverse the general area to provide suitable access during the construction and operational phases of development. Some road upgrades to accommodate the delivery of turbine components would be necessary, particularly along a short section of local roadway immediately adjacent to the proposed main site entrance; however, these would not be significant or extensive.
- There is an absence of any constraints in respect of aviation or telecommunications.
- There are no other wind energy developments in the vicinity of the proposed development site. The closest operational wind farm is Mount Lucas Wind Farm which comprises 28 no. turbines and is located c. 30km southwest of the proposed development site. The consented/proposed Coole Wind Farm is located c. 25km to the northwest. The Yellow River Wind Farm is a consented (pre-construction) project consisting of 29 no. wind turbines located c.17km southwest in County Offaly.

Having regard to the above, the Applicant submits that the proposed development site is an eminently suitable location for a wind energy of this general scale, and which is viable and buildable in the short-term to positively contribute to 2030 decarbonisation targets. Full details of the site selection process and assessment of reasonable alternative locations, layouts and designs for the proposed development are provided in **Chapter 2** of the Environmental Impact Assessment Report (EIAR) submitted with this planning application.

5.0 SID Determination & Prospective Application Consultations

5.1 SID Determination

The proposed development is a wind energy development which has a total output which exceeds 50MW and comprises a class of development which is listed in the Seventh Schedule of the Act, and therefore subject to the SID provisions as prescribed on the legislation. Accordingly, as is required, the Applicant entered into prospective application consultations with the Board in December 2019, pursuant to Section 37B, to determine whether the proposed development constituted SID (Reference ABP-306261-19). The proposed development also includes a 110kV electricity substation and associated grid connection infrastructure which would, in its own right, separately constitute SID pursuant to Section 182A of the Act.

It should be noted that, the Applicant originally entered prospective application consultations with the Board on the basis of an emerging preferred design of an 11 no. wind turbine layout each with a height of 180m. However, as is normal and best practice, during the course of an iterative environmental constraints, consultative

and technical design process, the design and layout of the proposed development evolved and was subsequently amended to 9 no. turbines, each with a height of 185m. Each turbine will have an output of 6 megawatts (MW) and, as such, the overall output of the proposed development will be 54MW and is, therefore, above the SID threshold, as prescribed in the Seventh Schedule of the Act.

Similarly, the design and location of the 110kV substation and associated grid connection infrastructure also evolved during the prospective application consultation process. The final proposed development will comprise a loop-in/loop-out substation within the wind farm site itself, connecting to the existing Corduff-Mullingar 110kV overhead line at Coolronan, County Meath via 6.3km of underground electricity cabling and 'breaking in' to the existing line via 2 no. lattice type end masts (16m in height). Accordingly, the proposed development will be located within the planning authority jurisdictions of both Westmeath County Council and Meath County Council.

Following the completion of the prospective application consultations, on 4 August 2021 the Board served notice of its determination that the proposed development did constitute SID and that a planning application for same must be made directly to it pursuant to Section 37E of the Act and not to the relevant local planning authority (see **Annex 1** enclosed). Accordingly, the Board has determined that the proposed development, if granted planning permission, would:

(a) Be of strategic economic or social importance to the State and the Leinster region due to its scale, location, and the contribution that it would make to the provision of renewable energy and reducing the State's carbon footprint (Section 37A(2)(a)).
(b) Contribute substantially to the fulfilment of national and regional spatial planning objectives as set out in the NPF, NDP and RSES in relation to sustainable development of rural areas, sustainable management of national capital, renewable energy generation and carbon footprint (Section 37A(2)(b)).
(c) Have a significant effect on the area of more than one planning authority due to its connection to the national grid within the adjacent County Meath (Section 37A(2)(c)).

5.2 Matters to be Considered

During the course of the prospective application consultations, the Board's representatives also provided guidance to the Applicant, in accordance with Section 37B(3), as to what considerations relating to proper planning and sustainable development and the environment may, in the opinion of the Board, have a bearing on its decision in relation to a planning application pursuant to Section 37E, alongside the procedures involved in making such an application. The matters that the Applicant was advised to consider and address in the planning application included:-

- Potential impacts on the landscape, views, and scenic routes; archaeology and built heritage; peat stability, drainage, and water management; the road network (including bridges); ecology, including proximity the River Boyne and River Blackwater SAC and SPA; along with an assessment of alternative grid connection options.
- The policies of the CDP which identifies the proposed development site as a 'Low' capacity site for wind energy development and which seeks to direct

wind energy developments to cutover peatland sites (also addressed in **Section 3.0** & **4.0** above).

- A comprehensive and detailed EIAR should be prepared and submitted with the planning application with particular regard to the impact of the proposed development on ecology and biodiversity (aquatic and terrestrial, including birds), archaeology and built heritage, peat stability, drainage and water quality, and traffic management (including any new or modified road proposals). This should include a separate standalone document which incorporates all of the mitigation measures included in the EIAR, in the interest of convenience and for ease of reference.
- Screening for Appropriate Assessment (AA) pursuant to the EU Habitats Directive (92/43/EEC) and Bird Directive (2009/147/EC) should be undertaken having regard to the presence of European designated nature conservation sites in the surrounding area and a comprehensive and detailed Natura Impact Statement (NIS) should be prepared, if deemed necessary.
- Consideration should be given to in-combination effects on the environment with other existing and proposed developments in the wider area, including the immediately adjacent proposed Ballivor Wind Farm which is also at prospective application stage with the Board (Reference: ABP-307472-20)
- Detailed assessment of construction, design and phasing of the project.
- Public consultation should be as extensive as possible and take place with prescribed bodies and the local community, including the National Parks & Wildlife Service (NPWS) and Inland Fisheries Ireland (IFI) in relation to potential impacts on the River Boyne and River Blackwater River SAC and associated watercourses, and potential impacts on mobile species from European sites further afield; Transport Infrastructure Ireland (TII); and Westmeath and Meath County Councils, with particular regard to the road network and haul routes.

Each of these abovementioned issues has been fully addressed in the enclosed planning application, including in this Cover Letter; the EIAR and NIS submitted; and all other plans and particulars with the application.

It was also confirmed during the course of the prospective application consultation that a single Section 37A planning application will be submitted, as opposed to a concurrent Section 182A application in respect of the 110kV substation and associated grid connection infrastructure, as the electricity grid connection infrastructure is considered to be an integral component of the Section 37A planning application, and not development in its own right. Accordingly, it was considered reasonable to assess the proposed development collectively under a single planning application[7].

6.0 Stakeholder Consultations

6.1 Community Consultations

In advance of the submission of this planning application, the Applicant undertook extensive public and community consultation. In compliance with COVID-19 public health guidance, the Applicant sought to facilitate the majority of public

[7] This was also the approach that the Board adopted, for example, in respect of the SID Determination for a similarly proposed wind farm and grid infrastructure development at Castlebanny, Co. Kilkenny (Case Reference: ABP-306229-19).

consultation remotely, which generally comprised written correspondence (via email) or telephone correspondence. Door-to-door engagement, undertaken in accordance with all relevant health and safety protocols, was limited to 173 no. households within two kilometres of the proposed development site during September 2020. This process subsequently ceased in October 2020 in line with the then increased COVID-19 restrictions nationwide.

Three public consultation days were also held in St. Patrick's Community Hall, Delvin and at Bracklyn Estate in July 2020 (appointment only clinics due to the ongoing public health restrictions) whereby members of the public were afforded the opportunity to discuss the project directly with the project team. A full 'Community Report' documenting the entire public consultation process is presented at **Annex 1.7** (**Volume II**) of the EIAR.

The community consultation process, which has been undertaken in accordance with the Draft Revised Wind Energy Development Guidelines 2019 and the Department of Environment, Climate and Communication's Code of Practice for Wind Energy Development, facilitated the early identification of potential concerns of the public in respect of the proposed development and a more focused consideration of likely significant effects, including the identification of design modifications and opportunities to incorporate mitigation measures into the design process.

6.2 Planning Authority Consultations

A series of consultation meetings were also held with both Westmeath County Council and Meath County Council. Full details of all meetings, including dates and summaries of the consultations and follow-up correspondence, are provided in **Chapter 1** of the EIAR submitted.

Overall, Westmeath County Council did not express any significant concerns in respect of the proposed development and noted that they were favourably disposed to renewable energy development, and that care should be taken to avoid any potential planning or environmental impacts. It was also highlighted that their preference was that the grid connection cables are not placed within the public road network within their jurisdiction. The proposed development was subsequently amended to ensure that the grid connection cables were placed on private lands adjacent to the public roads, insofar as possible, within County Westmeath. Following the amendments to the layout of the proposed development during the course of the consultation process, the revised plans were issued to Westmeath County Council, but no further substantive comments were received.

Similarly, Meath County Council did not express any significant concerns in respect of the proposed development. It was also noted that a Flood Risk Assessment would be required due to the location of the proposed substation in a flood risk zone. Following the completion of a preliminary Flood Risk Assessment by the Applicant, the location of the proposed substation was altered such that it would no longer be located within the flood risk zone. The amendments to the proposed development were subsequently issued to Meath County Council who noted the revised location of the proposed substation outside the flood risk zone within the proposed wind farm site and raised no further comments. Effects of the proposed development on the water environment have been considered in full and included in **Chapter 7 (Volume I)** of the EIAR.

6.3 Stakeholder & Prescribed Body Consultations

A wide range of statutory and non-statutory organisations, including all bodies prescribed in the Planning & Development Regulations 2001 (as amended) ('the Regulations') and those listed in the Board's pre-application consultation meeting minutes and determination, were contacted in writing at early stage in the scoping process to gather their views on the EIAR scope and the likely significant environmental effects of the proposed development.

Again, all details are furnished in **Chapter 1** of the EIAR submitted, including all feedback received, which was fully incorporated into the evolving design and layout of the proposed development. Consultees were consulted on two separate occasions. Initially, consultation requests were issued in March 2020 and, following revisions to the proposed site layout, a subsequent consultation request was issued in January 2021.

7.0 Environmental Impact Assessment

7.1 Overview

A full EIAR has been submitted with this planning application to inform the Environmental Impact Assessment (EIA) to be carried out by the Board. All matters raised by the Board during prospective application consultations are addressed in the EIAR (See **Section 5.2** above). The EIAR is presented as two volumes, which should be read in conjunction with each other, as follows:-

- **Volume I** comprises the main EIAR text and follows a 'grouped format' structure where each environmental factor is assessed and presented as a separate chapter. The EIA Directive prescribes the range of environmental factors which should be used to organise descriptions of the environment and likely environmental effects. These have been supplemented with additional environmental factors owing to the characteristics of the project under assessments, as follows:-
  - Chapter 1: Introduction;
  - Chapter 2: Assessment of Project Alternatives;
  - Chapter 3: Description of the Proposed Development;
  - Chapter 4: Population & Human Health;
  - Chapter 5: Biodiversity;
  - Chapter 6: Land & Soils;
  - Chapter 7: Water;
  - Chapter 8: Air Quality & Climate;
  - Chapter 9: Landscape;
  - Chapter 10: Cultural Heritage;
  - Chapter 11: Noise & Vibration;
  - Chapter 12: Shadow Flicker;
  - Chapter 13: Material Assets; and
  - Chapter 14: Interactions of the Foregoing; and
- **Volume II** comprises a range of annexes, including technical data and reports, which informed the impact assessment provided in **Volume I** so as to ensure the EIAR is transparently supported by evidence.

A Non-Technical Summary of the EIAR is also provided as a separate standalone volume in order to facilitate the wider public concerned in their involvement in the statutory consultation during the planning application determination stage.

Furthermore, all environmental mitigation measures, as prescribed within the EIAR, have also been compiled into a standalone document and submitted with this planning application. The mitigation measures have been compiled in this way in the interests of convenience and ease of reference, as requested in the Inspectors Report associated with the prospective application consultation process for the proposed development (see **Annex 2** enclosed).

As is required, the EIAR will be uploaded to the EIA Portal that provides users with access to applications for development consent accompanied by an EIAR. An EIA Portal submission confirmation notice accompanies this planning application in accordance with the Regulations. Some key environmental matters pertaining to the proposed development are addressed and summarised below.

7.2 Biodiversity

A comprehensive biodiversity study of the proposed development site and its environs was undertaken by Woodrow Sustainable Solutions Limited in accordance with all best-practice survey methods related to wind energy developments, and a detailed report on the likely significant effects of the proposed development is included at **Chapter 5** of the EIAR.

The proposed development is not located on a highly ecologically sensitive site or located within or immediately adjacent to any European or nationally designated nature conservation site. The habitats present on the subject site are assessed to be of Local (Lower Value) Importance, including existing tracks, improved grassland, tillage, and commercial forestry plantations. For sections of treelines, hedgerow, older growth broadleaf (non-plantation) beech dominated woodland and non-Annex I bog woodland which fringe the proposed development site, the habitat is assessed to be of Local (Higher Value) Importance. Where removal of this habitat cannot be avoided as part of the proposed development, compensatory planting and woodland enhancement measures are proposed. These measures are fully outlined in the Habitat Management Plan (HMP) included at **Annex 5.6 (Volume II)** of the EIAR.

There are a limited number of European and national sites designated for nature conservation in the wider environs of the proposed development site. For the majority of these relatively distant sites, there is no ecological connectivity with the proposed development site. Where there are potential ecological links, these are via lower-order watercourses which connect to the River Boyne and Blackwater SAC and SPA (Site Codes: 002299 & 004232) located c.1km to the west of the proposed development site. The likelihood of significant effects on European designated sites is fully assessed in the NIS submitted with the planning application (See also **Section 8.0** below). It is concluded that, with the implementation of all mitigation measures, any likely significant adverse effects on downstream Natura 2000 sites will be full avoided.

The proposed development site is not documented as supporting nationally or internationally important numbers of wintering waterbirds or any sensitive wintering wetland species, especially whooper swans or Greenland white-fronted geese, which are particularly susceptible to collision risk. The wider area wintering water bird surveys also did not record any Greenland white-fronted geese in the environs of the

proposed development site, and it is not an important location for any overwintering flocks of foraging or roosting Greenland white-fronted geese, and is beyond the zone of influence for any known sites utilised by this species. The surveys also conclude that the proposed development site is not a habitual foraging or roosting habitat for whooper swans, there are no regularly used flight paths across the site between roosts and foraging locations and is considered to be beyond the zone of influence of any site which regularly supports the foraging and roosting of this species, including any designated nature conservation sites. Similar findings were concluded in respect of golden plover, lapwing, and snipe.

Wider area breeding raptor surveys and hen harrier winter roost searches covering suitable habitat out to 2km from the proposed turbine locations did not record any hen harriers, breeding or wintering. In fact, no hen harriers were recorded over the first two-years of bird surveys, within either the 500m or 2km turbine buffers. Therefore, beyond providing habitat for the occasional, transient foraging bird over the winter, the proposed development site and surrounding area was not found to be important for hen harriers.

The potential likely significant effects of the proposed development on bird populations is therefore restricted to the assemblage of local breeding populations of woodcock, kestrel, lapwing, and a range of red/amber listed breeding passerine, especially those nesting in woodland/scrub in the environs of the proposed development site. However, this is assessed to be low/very low significance. As part of the design process ('designed-in' mitigation), areas of old growth woodland have been avoided and will be retained, where possible, with enhancement measures proposed at selected locations. As well as protecting the habitats, this also ensures the that best areas for associated wildlife have been retained, including for breeding birds such as woodcock and mammals, including badgers and bats. Furthermore, to avoid direct and indirect disturbance to breeding birds during construction, site clearance works (vegetation removal) will be undertaken outside the bird breeding season.

Mitigation measures are also proposed to minimise collision risk for kestrel by limiting foraging activity around turbines. This will be achieved through habitat management targeted at reducing prey availability in an area of 80-100m around turbines. The provision of nest boxes is also proposed as a compensatory measure to increase productivity in the area and offset the potential negative effects due to collision risk. Woodland enhancement detailed in the Habitat Management Plan (**Annex 5.6, Volume II of the EIAR**), will ensure the protection of woodland habitats for breeding woodcock and habitat management measure will improve cover and create foraging opportunities for this species.

It is therefore concluded that, with the full implementation of all mitigation measures, there is unlikely to be any likely significant effects on any important ecological habitats or species, including mobile bird species which are the qualifying species for European sites within the wider environs of the proposed development site.

Several badger setts were identified within the proposed development site and have been fully avoided by the footprint of the proposed infrastructure. Indirect and direct disturbance of badger setts during construction will be avoided by ensuring appropriate exclusion zones are implemented during construction, as per TII (formerly NRA) (2006) Guidelines for the Treatment of Badger prior to the Construction of National Road Schemes.

A very comprehensive bat survey of the subject site was undertaken, and the results presented in **Annex 5.5 (Volume II)** of the EIAR. No bat roosts were identified within the proposed works corridor and the older growth woodland with the potential to support significant maternity or hibernation roosts has been avoided by the proposed development. Pre-construction roost surveys will be undertaken to identify and protect any bats occupying roosts in vegetation earmarked for removal, including implementation of exclusion zone buffers, re-scheduling of works and if required a derogation license application process (from the NPWS) to undertake appropriate mitigation actions, to ensure the conservation of bats. Trees requiring felling, and identified as having moderate-to-high Potential Roost Features, but where surveying proves inconclusive, will be 'soft felled', as outlined in the TII (formerly NRA) (2005) Guidelines for the Treatment of Bats prior to the Construction of National Road Schemes.

The primary mitigation measure employed to avoid collision and negative effects on bats relates to the design of the proposed development to avoid features utilised by foraging/commuting bats, A 50m separation distance from habitat features used by bats and the blade tips of wind turbines will be implemented to limit bat flight activity within the collision risk zone around turbines. Felling plans for the proposed development allow for a maximum buffer of 104m around turbine towers. This will facilitate a 50m blade-tip to vegetation feature separation distance for features up to 25m in height. The area where trees/scrub is cleared to create the bat feature buffers will be rendered as unfavourable for bats as possible and maintained as such over the lifetime of the proposed development. It is anticipated that implementing bat feature buffers will limit bat activity in the vicinity of turbines and will be effective in reducing the potential for collision risk. Replacement planting of treelines and hedgerows will be undertaken to compensate for lengths removed during infrastructural felling. Likewise, compensatory measures are proposed to offset loss semi-natural woodland through the enhancement measures in woodland adjacent to the proposed development.

The overall assessment, included at **Chapter 5** of the EIAR, concludes that the introduction of the proposed mitigation measures in full will limit residual effects on biodiversity to negligible/not significant.

7.3 Land, Soil & Water

The overburden geology of the proposed development site typically comprises peaty topsoil over firm to very firm silt/clay with cobbles and boulders. There is very limited deep peat on the subject site. Construction of the wind farm infrastructure will require the removal of peaty topsoil, soil, subsoil and sometimes bedrock to a competent base layer. Importation of bedrock from an off-site local borrow pit will provide material for access road, turbine base and general hard-standing construction. Relatively minor excavation works will be required for the grid connection options (cable trench/end masts) and haul route works. Excess overburden/spoil that remains after landscaping and reinstatement will be placed in dedicated on-site peat and spoil storage areas. Other potential effects such as soil erosion and compaction are expected to be negligible.

During the prospective application consultations, the Board advised that the EIAR should take due cognisance of any proposals by Bord na Móna for the rehabilitation and rewetting of the boglands which border the proposed development site. However, it is noted that Bord na Móna is also progressing proposals for a wind farm

on these lands which is also subject to prospective application consultations with the Board (ABP-307471-20), it is assessed as unlikely that any rehabilitation plans will affect the hydrology of the proposed development site.

7.4 Landscape & Visual Impact

A full set of photomontages/visual representations of the proposed wind turbines are provided in **Annex 9.1 (Volume II)** of the EIAR. These photomontages were prepared to inform a landscape and visual impact assessment, provided at **Chapter 9** of the EIAR. The landscape and visual impact assessment concludes that the highest level of impact significance is a 'Moderate' visual impact significance and is representative of views from the local community (within 5km).

Outside of the central study area, the significance of impacts considerably reduces and ranges between 'slight' and 'imperceptible' due to the flat nature of the study area and dense layers of vegetative screening. When coupled with the assessed landscape impact and cumulative impacts, it is assessed that the proposed development will not give rise to significant landscape and visual impacts or cumulative impacts.

7.5 Cultural Heritage

A full cultural heritage assessment of the proposed development has been carried out by Dermot Nelis Archaeology and included at **Chapter 10** of the EIAR. The cultural heritage assessment concludes that the effect of the proposed development on archaeological, architectural, and cultural heritage resources will in general be long-term, reversible and will vary from imperceptible to significant.

It is recognised that the proposed development site is located within a partial demesne setting, which includes Bracklyn House and its associated gate lodge and mausoleum, albeit its historic significance has been significantly diminished. This setting provides significant advantages, in terms of providing setback distances to dwellings and a large landbank in single ownership, but also presents some sensitivities in respect of built heritage. Accordingly, the Applicant commissioned, and has submitted, a specialist Architectural Heritage Assessment carried out by Headland Archaeology and included as **Annex 10.1 (Volume II)** of the EIAR.

This assessment concludes that the proposed development would likely have an adverse impact on the setting of Bracklyn House (moderate effect) and the associated gate lodge (slight effect) and the historic character of the area of the demesne that lies between these two protected structures. It would, however, have no impact on the setting of the mausoleum. These effects are closely related to the greater survival of the southwestern part of the demesne and the partial retention of the 19th Century parkland character, particularly the sequential views towards Bracklyn House along the main driveway, while the remainder of the demesne landscape, where the proposed development is situate, has been very significantly eroded over time due to intensive agricultural and forestry activities.

Specific photomontages are provided at **Annex 10.2 (Volume II)** of the EIAR to illustrate the impact. It is concluded, however, that while there would be moderate and slight effects on the visual setting of Bracklyn House and the associated gate lodge, these effects would last the operational lifetime of the proposed turbines (30-years) and will be fully reversed upon their decommissioning. The proposed development has been designed to maximise the setback distances to all heritage

features, and which is achievable due to the size of the landbank available, in single ownership.

7.6 Noise

According to the Wind Energy Development Guidelines for Planning Authorities 2006, in general, noise is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive locations is more than 500 metres. In the case of the proposed development, all noise sensitive locations are in excess of 500m from a proposed turbine. Notwithstanding this, 78 no. noise sensitive locations within ten times overall tip height of the proposed turbines (1,850 metres) were surveyed to assess the likelihood for noise impacts and the results provided at **Chapter 11** of the EIAR. Using sound emission data specific to the selected turbine model, and a proven noise propagation model, the operational noise levels at the noise sensitive locations have been predicted. In all cases, predicted noise levels are within the adopted noise criteria, including when the proposed development is assessed cumulatively with the adjacent proposed Ballivor Wind Farm. The noise impact of the development is not, therefore, assessed as not likely to be significant.

An assessment into the level of vibration likely to occur as a result of the proposed development, particularly along the haul route adjacent to the proposed main site entrance due to construction traffic, has also been carried out and also included at **Chapter 11** of the EIAR. With prescribed mitigation and monitoring measures in place, the likelihood of any damage to buildings, in particular residential dwellings, due to vibration will not be significant.

7.7 Shadow Flicker

The Wind Energy Development Guidelines for Planning Authorities 2006 provide that shadow flicker is also not normally an issue where setback distances are more than 500m. Nevertheless, the EIAR assesses the potential number of shadow flicker hours per year likely to be experienced under 'expected' and exceptional 'worst-case' scenarios on dwellings within 1,850m from the proposed wind turbines. As presented in **Chapter 12** of the EIAR, the 'worst case' results indicate that 9 no. receptors are likely to experience shadow flicker in excess of 30-minutes per day. Where shadow flicker levels are proven to be in excess of the recommended limits, the turbines can be simply programmed to automatically shut down and this curtailment approach will be implemented, should it be necessary. As a consequence, routine, proven and widely used technological mitigation measures exist to entirely exclude any adverse impact from shadow flicker on residential properties in the environs of the proposed development site in respect of shadow flicker. It can be confirmed, therefore, that the proposed development will not give rise to shadow flicker levels in excess of 30-minutes per day or 30-hours per year at any dwelling and, therefore, it is assessed that a likely significant effect will not occur.

7.8 Cumulative Assessment

The EIAR has considered the likelihood of the proposed development, in its totality including secondary and off-site developments, acting in combination with other existing, permitted, and proposed developments in the wider vicinity of the proposed development site, to result in likely effects on the environment which, when combined, may result in impacts which are cumulatively significant.

In particular, and as appropriate, the cumulative assessment included in the EIAR assesses the likely significant in-combination effects of the proposed Ballivor Wind

Farm which, as discussed above, is currently in prospective application consultation stage the Board (Reference: ABP-307471-20). The precise design and layout of the proposed Ballivor Wind Farm may remain subject to change. However, during consultation between the Applicant and the promoter of the proposed Ballivor Wind Farm (Bord na Móna Powergen Ltd.), current turbine coordinates and preferred turbine specifications have been provided for use in cumulative assessments, and which are provided in each individual chapter of the EIAR, as appropriate.

8.0 Appropriate Assessment

Following the completion of a Stage 1 Appropriate Assessment Screening Assessment, a full Natura Impact Statement (NIS) (Stage 2) has been prepared by Woodrow Sustainable Solutions Limited and submitted with this planning application. The NIS is presented as a separate, standalone document and submitted to inform a Habitats Directive Appropriate Assessment to be carried out by the Board pursuant to Council Directive 92/43/EEC and Bird Directive 2009/147/EC. The NIS addresses the entirety of the project, including relevant cumulative, off-site, and secondary developments.

The NIS concludes that the proposed development, individually or in combination with other plans or projects, will not have a direct, indirect, or cumulative adverse effect on the conservation status or integrity of any European (Natura 2000) sites, having regard to their conservation objectives.

9.0 Permission Period

A ten-year planning permission is being applied for in respect of this proposed development. That is, planning consent would remain valid for ten years following the final grant of planning permission. We note that the Wind Energy Development Guidelines state that, "*Planning Authorities may grant permission for a duration longer than 5 years if it is considered appropriate, for example, to ensure that the permission does not expire before a grid connection is granted. It is, however, the responsibility of the applicants in the first instance to request such longer durations in appropriate circumstances*".

A ten-year planning permission is considered appropriate for a development of this nature and scale so as to ensure all required supplementary statutory consents and grid connections can be put in place, and the proposed development can participate in RESS auctions.

10.0 Operational Duration

The operational lifetime of the proposed development is 30-years from the date of full and final commissioning. Prior to the expiry of this period, the Applicant will decide whether to replace or decommission the turbines. For the purposes of the EIAR, decommissioning is assumed. It should be noted that the Wind Energy Development Guidelines for Planning Authorities 2006 state that, '*[t]he inclusion of a condition which limits the life span of a wind energy development should be avoided, except in exceptional circumstances*'.

The Applicant therefore requests that, subject to a grant of permission, a 30-year operational period from the date of full and final commissioning of the wind farm be provided by way of condition of consent.

The proposed electricity substation (and ancillary electrical infrastructure) will, once operational, become a 'node' on the national electricity network and will be largely

operated and maintained by EirGrid as part of the national electricity network. As a result, the proposed substation does not have a specified operational period and it is highly likely that operations will continue, even following the decommissioning of the Bracklyn Wind Farm i.e., after its 30-year operational period has expired. Therefore, decommissioning of the proposed electricity substation is not proposed.

11.0 Site Notices

14 no. site notices have been erected in respect of this proposed development and appropriate locations, including at the main entrance to the proposed development sites and along all adjacent public roads so as to be easily visible and legible by persons using the public road and the public concerned.

The site notices will be monitored on a regular basis by the Applicant to ensure, to the best possible extent, that they remain *in situ* and are not otherwise defaced or become illegible. In the event that notices are removed or tampered with, the Applicant will seek to ensure that they are replaced as quickly as possible.

12.0 Planning Application Documentation

The Board will find enclosed all of the required planning application plans and particulars, which includes:-

- Completed planning application form;
- Site notice;
- Copy of each newspaper notice (2 no.);
- EIA Portal Confirmation Notice;
- Planning Application Fee (€100,000);
- Planning Application Notification Letter issued to Westmeath County Council and Meath County Council;
- Planning Application Notification Letter issued to each prescribed body;
- Planning Application Drawings (see Schedule of Drawings attached to the Planning Application Form);
- Environmental Impact Assessment Report;
  - Volume I – Assessment of Proposed Development;
  - Volume II – Technical Annexes in support of Volume I;
  - Non-Technical Summary;
- Natura Impact Statement; and
- Schedule of Mitigation Measures

As instructed during the prospective application consultation process, we have provided 2 no. hard copies and 1 no. electronic copies of all planning application plans and particulars. In addition, 3 no. hard copies and 1 no. electronic copy have been furnished to the Planning Authority of Westmeath County Council, and 6 no. hard copies and 4 no. electronic copies have been submitted to the Planning Authority of Meath County Council. Furthermore, all planning application and associated documentation is available to view at the dedicated project website www.bracklynwindfarmplanning.ie .

The Applicant was also instructed by the Board in its SID determination to furnish copies of the planning application to each of the prescribed bodies listed at **Table 1**. Each of the prescribed bodies, including Westmeath County Council and Meath County Council, were consulted regarding the preferred method of receiving the planning application documentation. Where a response has not been received, each body has been advised via written correspondence of the URL of the project

website, where all planning application documentation can be viewed and downloaded.

Prescribed Body	Response Received	Number of Copies	Date Issued
Minister for Housing, Local Government & Heritage	15 September 2021	1 no. electronic copy and notified of URL of dedicated project website	05 October 2021
Minister for Tourism, Culture, Arts, Gaeltacht, Sports & Media	N/A	Notified of URL of dedicated project website	05 October 2021
Minister for Agriculture, Food & the Marine	N/A	Notified of URL of dedicated project website	05 October 2021
Minister for Environment, Climate & Communications	15 September 2021	Notified of URL of dedicated project website	05 October 2021
Minister for Transport	N/A	Notified of URL of dedicated project website	05 October 2021
Eastern & Midland Regional Assembly	N/A	Notified of URL of dedicated project website	05 October 2021
Meath County Council	16 September 2021	6 no. hard copies and 4 no. electronic copies have been provided.	05 October 2021
Westmeath County Council	28 September 2021	3 no. hard copies and 1 no. electronic copy have been provided.	05 October 2021
Irish Water	N/A	Notified of URL of dedicated project website	05 October 2021
Inland Fisheries Ireland	N/A	Notified of URL of dedicated project website	05 October 2021
Transport Infrastructure Ireland (TII)	17 September 2021	Notified of URL of dedicated project website	05 October 2021
Environmental Protection Agency	17 September 2021	1 no. electronic copy and notified of URL of dedicated project website	05 October 2021
The Heritage Council	N/A	Notified of URL of dedicated project website	05 October 2021
An Taisce	20 September 2021	1 no. electronic copy and notified of URL of dedicated project website	05 October 2021
An Chomhairle Ealaíon	15 September 2021	Notified of URL of dedicated project website	05 October 2021
Fáilte Ireland	16 September 2021	Notified of URL of dedicated project website	05 October 2021
Irish Aviation Authority	N/A	Notified of URL of dedicated project website	05 October 2021
Health and Safety Authority	N/A	Notified of URL of dedicated project website	05 October 2021

Table 1: Notified Prescribed Bodies

13.0 Conclusion

This planning application is being lodged with Board following a determination that the proposed development constitutes SID and, if granted planning permission, would be of strategic importance to the State and the region due to its scale, location, and the contribution that it would make to the provision of renewable energy and reducing the State's carbon footprint. It would also contribute substantially to the fulfilment of national and regional spatial planning objectives as set out in the NPF, NDP and RSES in relation to sustainable development of rural areas, sustainable management of national capital and renewable energy generation.

Current government policy recognises that onshore wind energy, as a proven and cost-effective technology in the context of Ireland's abundant wind resource, will continue to be the major contributor to Ireland's renewable electricity generation to

2030. Currently County Westmeath has no operational wind farms, and it is therefore submitted that, given the urgent, timebound and supreme national imperative for the State to achieve its binding and unprecedented 2030 renewable energy and emissions reductions targets, the proposed development should properly fall to be assessed on its individual merits and in the context of its strategic importance to the State and national energy and planning policies. Accordingly, the arbitrary, unclear, and conflicting policies of Westmeath CDP 2021-2027 in relation to wind energy development should be discounted. The Applicant submits that, for the reasons set out herein, the proposed development site is an eminently suitable location for a wind energy development of this general scale.

The EIAR submitted with this planning application provides a comprehensive assessment of the likelihood of significant environmental effects to arise as a result of the proposed development, both individually and in-combination with other existing, permitted, and proposed developments, including the proposed, adjacent Ballivor Wind Farm. Overall, the EIAR has concluded that any likely adverse environmental effects resulting from the proposed development can be adequately mitigated such that there is no likely significant environmental effects, including in-combination effects, including in respect of biodiversity, landscape, noise, and shadow flicker. The NIS submitted with the application also concludes that any likely significant effects on European designated nature conservation sites can be fully excluded.

It is acknowledged that the most likely significant effect of the proposed development are localised cultural heritage impacts on Bracklyn House and its attendant architectural heritage features and visual setting. Nevertheless, these moderate and slight effects must be assessed against the operational lifetime of the proposed wind turbines (30-years), which will be fully reversed upon decommissioning, and where the proposed development can make a very sizable contribution, in the short-to-medium term, to Ireland's urgent national decarbonisation efforts, which is an unparalleled national policy priority.

Having regard to the above, we respectfully request that the Board grant planning permission for the proposed development. We trust that the plans and particulars submitted are in order and sufficient for your consideration of this planning application. Should you have any queries in relation to any of the information enclosed, please do not hesitate to contact this office.

Yours sincerely,

Galetech Energy Services

Galetech Energy Services Ltd.

Annex 1 –

Strategic Infrastructure Development Determination

Annex 2 –

Strategic Infrastructure Development Determination – Inspectors Report