Planning and Environmental Consultants

Response to Submissions

Umma More Renewable Energy Development (ABP Ref: 321595-25)

DOCUMENT DETAILS

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Prepared By:	**MKO** **Tuam Road** **Galway** **Ireland** **H91 VW84**

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1. INTRODUCTION

1.1 Background

Umma More Ltd. (the Applicant) of Lissarda Business Park, Lissarda, Cork applied to An Bord Pleanála for planning permission to construct a renewable energy development which will comprise 9 No. wind turbines, and associated infrastructure in the townland of Umma More, and adjacent townlands, in Co. Westmeath on the 16th March 2023 (ABP Pl. 316051). The application meets the threshold for wind energy set out in the Seventh Schedule of the Planning and Development Act 2000, as amended, on foot of a notice issued by An Bord Pleanála and was therefore submitted directly to An Bord Pleanála as a Strategic Infrastructure Development (SID) in accordance with Section 37E of the Planning and Development Act 2000, as amended.

On 19th February 2024, An Bord Pleanála issued a decision to refuse planning permission for the Umma More Renewable Energy Development, generally in accordance with the Inspector's recommendations, for the following two reasons and considerations:

1. *The proposed development by reason of its height (185 metres ground-to-blade tip height), scale(nine turbines) and output (55.8 MW overall generating capacity) when taken in conjunction with the location on lands outside of cutover cutaway peatlands, would be contrary to Policy Objective CPO10.145 of the Westmeath County Development Plan 2021-2027, that seeks to strictly direct large-scale energy production projects in the form of wind farms onto cutover cutaway peatlands in the county. In the context of this policy, industrial scale/large-scale energy production projects are defined as follows:*

   Projects that meet or exceed any of the following criteria:
   - *Height: Over 100 metres to blade tip, or*
   - *Scale: More than five turbines, or*
   - *Output: Having a total output of greater than 5 megawatts.*

   Accordingly, the Board was not satisfied that, notwithstanding the benefits of renewable energy proposals and the policy support otherwise, that the proposed development would in this instance be plan led as it would not be in accordance with the stated policy objective of the statutory development plan for the subject site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *The Board was not satisfied that the methodology applied to the collision risk of birds with turbines, that led to the screening out by the applicant of the Blackheaded Gull (Special Conservation Interest Middle Shannon Callows Special Protection Area (Site Code: 004096)) and Lapwing (Special Conservation Interest Lough Ree Special Protection Area (Site Code: 004064)) from the need for Stage 2 Appropriate Assessment, was scientifically robust for the reasons set out in Section 13.5 of the Inspectors report and which the Board agreed with. Accordingly, the Board did not consider that the screening out of these two SCIs from the need for Stage 2 Appropriate Assessment can be relied on with scientific certainty. Accordingly, the Board cannot be satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of Lough Ree Special Protection Area (Site Code: 004064) and Middle Shannon Callows Special Protection Area (Site Code: 004096) alone or in combination with other plans and projects. Consequently, on the basis of the information provided with the application, including the Natura Impact Statement and submissions received, and in light of the Inspector's assessment, which the Board agreed with, the Board was not satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of the above-mentioned sites, in view of these sites' conservation objectives with*

respect to the Black-headed Gull (Special Conservation Interest Middle Shannon Callows Special Protection Area (Site Code: 004096)) and Lapwing (Special Conservation Interest Lough Ree Special Protection Area (Site Code: 004064)).

An Bord Pleánala also included the following Note in the Board Direction:

Note:

The Board concurred with the inspector that while the Hill of Uisneach has been included on Ireland's 2020 UNESCO World Heritage Tentative list for World Heritage Site Status, it is not yet a UNESCO site, however, it would be best practice for the EIAR to have had regard to both the UNESCO Guidance and Toolkit for Impact Assessment in a World Heritage Context and the UNESCO Guidance for Wind Energy Projects in a World Heritage Context. The Board agreed with the inspector that further information would be required to address this matter in the event that the Board was minded to grant permission. As the Board agreed with the inspector's recommendation to refuse permission, the Board did not pursue this matter further.

The An Bord Pleanála decision was quashed by order of the High Court, where the Court ordered that the case be remitted back to An Bord Pleanála for a new decision. The case has since been remitted back to An Bord Pleanála and is now a live case, with a new case number assigned (ABP-321595-25).

On 7th February 2025, An Bord Pleánala confirmed that the original decision was quashed by order of the High Court and the case has been remitted back to An Bord Pleanála for a new decision, under the new case reference number ABP-321595-25. The applicant was invited to make any further submissions/observations that they may have on the planning application and specifically on the submission received from the DAU on 22nd May 2023, in accordance with section 37F (1) (c) of the Planning and Development Act 2000, as amended. On the 21st May 2025, An Bord Pleánala requested a response to the submissions that were made on the application following its remittal to An Bord Pleánala in early 2025 (ABP-321595-25).

1.1.1 References to Proposed Development

The following text in relation to references to the Proposed Development has been reproduced from Chapter 1, Section 1.1.1, of the Environmental Impact Assessment Report (EIAR).

The Proposed Development is known as the 'Umma More Renewable Energy Development'.

For the purposes of this document:

- Where the 'Proposed Development' is referred to, this relates to all the project components described in detail in Chapter 4 of the EIAR i.e Wind Farm Site and Grid Connection as detailed below.
- Where 'the Site' is referred to, this relates to the primary study area for the EIAR, as delineated by the EIAR Site Boundary in green as shown on Figure 1-1 in Chapter 1 of the EIAR.
- Where the 'Wind Farm Site' is referred to, this refers to turbines and associated foundations and hard-standing areas, meteorological mast, junction accommodation works, access roads, temporary construction compound, underground cabling, spoil management, site drainage, tree felling and all ancillary works and apparatus. The planning application for the Wind Farm Site is made to An Bord Pleanála in accordance with the provisions of Section 37E of the Planning and Development Act 2000, as amended.
- Where 'Grid Connection' is referred to, this refers to the temporary construction compound and 110kV onsite substation, and associated underground 110kV cabling connecting to the existing Thornsberry 110kV substation, subject to a future planning application under Section 182A of the Planning and Development Act, 2000, as amended.

1.2 Proposed Development

The Proposed Development will comprise the construction of 9 No. wind turbines with a blade tip height of 185 metres and all associated works, and a 110 kV substation and associated works, including underground 110kV cabling to connect to the national grid at Thornsberry 110kV substation. The full description of the Proposed Development is detailed in Chapter 4 of the EIAR. The current planning application, relating to the Wind Farm Site, is being made to An Bord Pleanála under Section 37E of the Planning and Development Act, 2000, as amended.

The development description for the current planning application as appears in the public notices is as follows:

The proposed development will consist of the provision of the following;

i. *9 No. wind turbines with an overall ground-to-blade tip height of 185 metres; a rotor blade diameter of 162 metres; and hub height of 104 metres, and associated foundations and hard-standing areas;*
ii. *A thirty-year operational life from the date of full commissioning of the wind farm and subsequent decommissioning;*
iii. *A meteorological mast with a height of 30 metres, and associated foundation and hard-standing area;*
iv. *Junction accommodation works and temporary access roads to facilitate turbine delivery to an existing entrance on L5363.*
v. *Upgrade of existing entrance on L5363 for provision of site entrance;*
vi. *Upgrade of existing tracks/ roads and provision of new site access roads, junctions and hardstand areas;*
vii. *Underground electrical (33kV) and communications cabling;*
viii. *A temporary construction compound;*
ix. *Spoil Management;*
x. *Site Drainage;*
xi. *Tree Felling;*
xii. *Operational stage site signage; and*
xiii. *All ancillary works and apparatus.*

The application seeks a ten-year planning permission.

The Grid Connection, which will be subject to a separate planning application, includes for a 110kV on-site substation compound (2 no. control buildings with welfare facilities, all associated electrical plant and apparatus, security fencing, underground cabling, waste water holding tank, site drainage and all ancillary works), a temporary construction compound and approximately 31km of underground 110kV electrical cabling connecting the proposed on-site substation to the existing Thornsberry 110kV substation, near Tullamore, Co. Offaly.

Current and future wind turbine generator technology will ensure that the wind turbine model, chosen for the Proposed Development, will have an operational lifespan greater than the 30-year operational life that is being sought as part of the planning application.

The layout of the Proposed Development has been led by consideration of constraints and facilitators, thereby avoiding the environmentally sensitive parts of the Site. The roads layout for the Wind Farm Site makes the use of the existing onsite access roads and tracks where possible, with approximately 1.1 kilometres of existing roadway/ tracks requiring upgrading and approximately 7.6 kilometres of new access road to be constructed.

There are 44 inhabitable dwellings located within 1 kilometre of the proposed turbine locations with 8 of those properties belonging to the landowners who form part of the Proposed Development. The closest

inhabitable dwelling is located approximately 757 metres from the nearest proposed turbine location (T1).

1.3 Submissions

There were 83 no. submissions received on the application including third party observers and prescribed bodies during the 2023 public consultation and during the additional consultation period opened by An Bord Pleanála following the remittal of this case. Full details of the names and addresses of the third-party observers and the prescribed bodies are included in Appendix 5 of this Submission.

MKO have undertaken a detailed review of the content of all of the submissions received. In order to provide a concise response to the concerns raised. For the purposes of this document, the matters raised within the third-party submissions have been categorised under common theme headings as follows;

- Hydrological and Ecological Impacts
- Residential Amenity & Human Health
- Community Engagement
- Planning Policy
- Landowner Consents

The content of the Statutory Body submissions is presented under the following headings:

- Traffic and Transport
- Landscape and Visual, and Cultural Heritage
- Planning Policy
- Nature Conservation

A detailed response in respect of each of these headings is set out in Section 4 and Section 5 below.

1.4 Purpose of the Response to Submissions Document

The purpose of this response to submissions document (hereafter referred to as 'Response to Submissions Document') is to address the matters raised in the submissions that have been made on the Proposed Development planning application during both the 2023 and 2025 public consultation periods, and in particular the submission made by the National Parks and Wildlife Service (NPWS). This document is structured as follows:

- **Planning Policy Context**– to reflect the current policy background and account for changes or new additions in the intervening years (Section 2)
- **Need for Proposed Development** – to identify the policy and legal obligations of An Bord Pleánala in coming to a decision (Section 3)
- **Response to Submissions** – to categorise and provide a response on the key topics raised in all submissions made on the planning application (Section 4)
- **Reasons for Refusal** – to provide a response to the reasons for refusal previously issued by An Bord Pleanála. This Response to Submissions Document takes the opportunity to address each of the issues raised, and demonstrates that the Proposed Development aligns with relevant planning and environmental considerations. (Section 5)
- **Board Direction Note on Hill of Uisneach** - provide a response to the submissions pertaining to the Hill of Uisneach, in particular the Department of Housing, Local Government and Heritage (DoHLGH) submission and to address the recommendations made in the note included in the Board Direction on the assessment of impacts on the Hill of Uisneach (Section 6)

There are six supporting appendices to this Response to Submissions Document:

- **Appendix 1: EIAR Addendum Report**
  - The EIAR Addendum Report presents relevant updates, to be read in conjunction with the submitted EIAR, giving due regard to updates in the baseline environment, in surveys and assessments, and in policy, regulations and guidance.
- **Appendix 2: Revised Natura Impact Statement (NIS)**
  - The Revised NIS presents relevant updates in the submitted NIS giving due regard to updates in the baseline environment in surveys and assessments, and in policy, regulations and guidance.
- **Appendix 3: Technical Report on the Hill of Uisneach**
  - The Technical Report on the Hill of Uisneach specifically responds to issues raised in submissions made pertaining to the Hill of Uisneach. The Report presents updates in the baseline environment, in surveys and the assessment on the potential for the Proposed Development to have landscape, visual, archaeological and cultural heritage impacts on the Hill of Uisneach.
- **Appendix 4: Photomontage Booklet**
  - Supporting photomontage visualisations for Appendix 3.
- **Appendix 5: List of Submissions**
- **Appendix 6: Tree Felling and Hedgerow Replanting Planning Drawing**

2. PLANNING POLICY CONTEXT

2.1 Introduction

As outlined in Section 1.1 above, Umma More Ltd. applied to An Bord Pleanála for planning permission to construct a renewable energy development which will comprise 9 No. wind turbines, and associated infrastructure in the townland of Umma More, and adjacent townlands, in Co. Westmeath on the 16th March 2023 (ABP Pl. 316051). Given that over 2 years have passed, MKO is providing an updated planning policy context summary in respect of the Proposed Development to reflect the current policy background, and to account for changes or new additions in the intervening years. This updated context is set out in Section 2.2, note that only new and/or updated policy context is provided in Section 2.2. MKO would recommend that the Board review this Section in conjunction with Chapter 2 of the EIAR submitted with the original planning application.

2.2 Policy Overview

The following section provides a summary of the planning, renewable energy and climate policy context relevant to the Proposed Development. It is clear from the policies outlined below that the Proposed Development is strongly supported in principle by policy at all levels, with the exception of the unfavourable County Development Plan wind energy zoning that applies to the subject Site. The following section contains a synopsis of the current policies in place and their relevance to the Proposed Development.

The Proposed Development sits within a policy framework characterised by several recent crises, which have significantly influenced policy changes in recent years. These crises have heightened the imperative to transition towards a renewable energy-focused electricity grid and have emphasised the necessity for diversifying our energy sources.

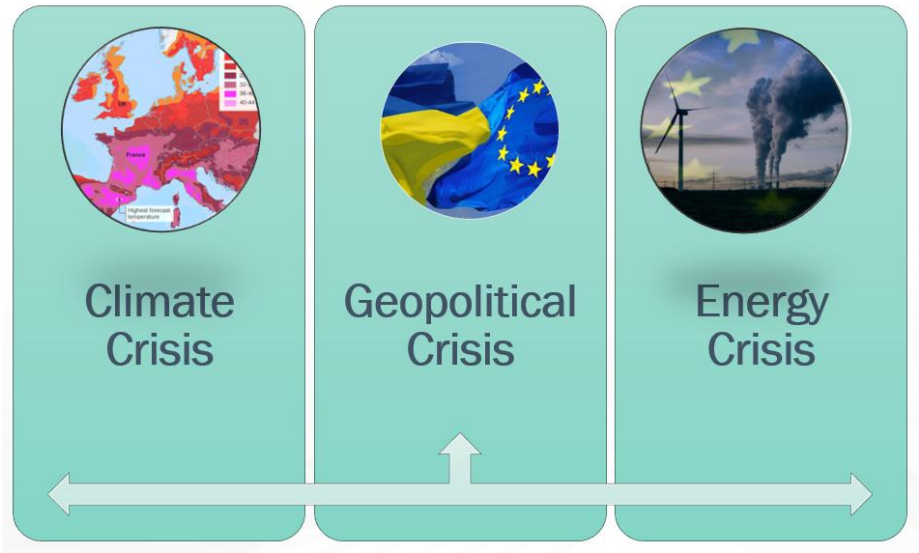

Figure 1: Main climate and renewable energy policy drivers

COP28 Dubai

COP28 took place in Dubai, United Arab Emirates was held from the 30th of November until the 13th December 2023. The Conference recognised the urgent need to reduce GHG emissions and emphasised the importance of mitigating climate change. The agreement reached at the COP provided a significant boost to renewable energy industries and set the stage for countries to prioritise clean and sustainable

energy generation. By committing to this transition, the international community took a crucial step towards addressing climate change and creating a more sustainable future. Key actions arising from COP28 include:

- Adoption of enhanced climate commitments and targets by participating countries, aimed at limiting global temperature rise to 1.5 degrees Celsius above pre-industrial levels.
- Development of mechanisms and strategies for implementing these commitments, including the mobilisation of financial resources to support developing nations in their climate mitigation and adaptation efforts.
- Advancing the implementation of the Paris Agreement, with a focus on transparency, accountability, and reporting of progress.
- Accelerating the global transition to clean, renewable energy sources and phasing out fossil fuel subsidies.
- Promoting nature-based solutions and conservation efforts to mitigate climate change and preserve biodiversity.
- Addressing the impacts of climate change, such as adaptation measures for vulnerable communities and sectors.
- Collaborating on international climate finance mechanisms, carbon pricing, and technology transfer to support climate action globally.
- Strengthening international partnerships and cooperation to foster shared responsibility and collective action in addressing climate change.

The final COP28 text includes a pledge whereby signatory countries commit to work together to triple the world's installed renewable energy generation capacity to at least 11,000GW by 2030, taking into consideration different starting points and national circumstances.

COP29 Baku

COP29 took place in Baku, Azerbaijan between the 11th and 22nd of November 2024. There was a central focus on climate financing with agreements being reached on tripling finance to developing countries to help them protect their people and economies from climate-related disasters and also sharing the benefits of the boom in renewable energy. Key actions arising from COP29 include:

- Launch of the COP29 Global Energy Storage and Grids Pledge which commits signatories to a collective goal of deploying 1,500 GW of energy storage globally by 2030.
- COP29 Green Energy Pledge: Green Energy Zones and Corridors which promotes the connection of green energy zones and corridors to communities in need through the development of intraregional and interregional interconnected electricity grids.
- Call to action for an equitable and renewable energy transition and increased renewable energy capacity globally.

Progress was also made on carbon markets and how they will operate under the Paris Agreement. Article 6 of the Paris Agreement allows countries to trade carbon credits, which are produced through reducing GHG emissions, to support other countries to meet their climate goals. Country-to-country trading and a carbon crediting mechanism have been made fully operational through agreements at COP29.

Renewable Energy Directive & REPowerEU

In November 2023, a revision of the Renewable Energy Directive[1] (RED III), came into force. RED III increases the EU wide renewable energy target from 32% set under the previous revision of the directive to at 42.5%, with an ambition to reach 45% by 2030. This increase comes following the Russian invasion

[1] *Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast)*

of Ukraine and the publication of REPowerEU plan in May 2022. REPowerEU aims to make Europe independent from Russian fossil fuels including oil and gas by rapidly transitioning to renewable energy. The plan aims to accelerate the scale up of renewables by speeding up the permitting process and placing renewable energy developments in the category of overriding public interest.

Climate Action Plan

Originally published in 2019 and subsequently revised in 2021, 2023, 2024 and 2025, the Climate Action Plan (CAP) underscores the growing imperative to increase the presence of renewable energy generators on the national grid. Under Climate Action Plan 2025 (CAP 25), the state has committed to achieving 6 GW of onshore wind energy by 2025 and 9GW by 2030. To achieve emissions abatement targets, CAP 24 has identified that an approximate eight-times increase of renewable energy deployment to 2.3 GW annually would be needed between 2024 and 2030.

Project Ireland 2040

'Project Ireland 2040' comprises the National Planning Framework (NPF) and the National Development Plan (NDP) 2021 – 2030, both of which stress the urgency required to decarbonise Irish society. This is reflected in the NPF through National Strategic Outcome 8: *"Transition to a low carbon and climate resilient economy".* The NDP emphasises the importance of addressing climate change, stating *"The next 10 years are critical if we are to address the climate crisis and ensure a safe and bright future for the planet, and all of us on it".* The NDP sets out a Renewable Electricity Share (RES-E) target of 80% by 2030, calling for an "*unprecedented commitment to the decarbonisation of electricity supplies".*

The first draft of the revised National Planning Framework, published in July 2024, includes national policy objectives that support the accelerated roll-out of the renewable electricity and the development of national electricity grid infrastructure. The draft revision also includes regional renewable electricity allocations, for which the southern region has an allocation of installing a further 978MW of onshore wind energy by 2030.

National Planning Framework First Revision (2025)

On the 8th of April 2025, the Government approved the National Planning Framework First Revision (Revised NPF) which was subsequently passed through both Houses of the Oireachtas. The Revised NPF aims to address changes that have occurred in Ireland since 2018.

The Revised NPF provides an updated projection for the population of Ireland, with the population expected to increase to 6.1 million by 2040. This population growth will place further demand on both the built and natural environment, and subsequently, the services required to meet said demands. In order to strengthen and facilitate more environmentally focused planning at the local level, the Revised NPF states that future planning and development will need to:

> *"Tackle Ireland's higher than average carbon-intensity per capita and enable a national transition to a competitive low carbon, climate resilient and environmentally sustainable economy by 2050, through harnessing our country's prodigious renewable energy potential."*

National Strategic Outcome 8 (Transition to a Carbon Neutral and Climate Resilient Society) notes that in creating Ireland's future energy landscape, new energy systems and transmission grids will be necessary to enable a more distributed energy generation which connects established and emerging energy sources, i.e. renewables, to major sources of demand.

Chapter 9: Climate Transition and Our Environment, aims to address key national environmental challenges including the transition to a climate neutral economy, sustainable land management, renewable energy and resource efficiency. As per NPO 70, the Revised NPF highlights the importance of renewable energy infrastructure to achieve national climate action targets.

"Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050."

Regional Renewable Energy Capacity Allocations have been introduced under the Revised NPF. This was one of the key actions under CAP24 and is supported within CAP25. The Northern and Western Region, in which the Proposed Development is located, is allocated a target of installing an additional 1,389 MW of onshore wind energy by 2030.

Under NPO 74 Regional Assemblies are required to plan for the delivery of the regional renewable electricity capacity allocations outlined in the Revised NPF and identify allocations for each of the local authorities within their RSES. Furthermore, NPO 75 requires Local Authorities to plan for the delivery of Target Power Capacity (MW) allocations consistent with the relevant RSES, through their City and County Development Plans. At the time of writing, no local Target Power Capacity allocations have been established, however it is clear from the regional allocation that the Northern and Western Region is set to deliver a significant amount of onshore wind energy in the coming years.

The introduction of renewable energy targets represents a more active and prescriptive approach to land use planning for renewable energy development. The Revised NPF aligns the national target of 9GW of onshore wind energy with the policies and objectives of Local Authorities. In regard to this, it is clear that the provision of new renewable energy generation through the Proposed Development is in line with aims and objectives of the Revised NPF, which seeks to transition to a carbon neutral economy.

National Energy and Climate Plan (NECP) 2021-2030

Published by the Department of Communications, Climate Action and Environment in 2021 and updated in July 2024, the National Energy & Climate Plan (NECP) was produced in accordance with EU Regulation 2018/1999 on the Governance of the Energy Union and Climate Action. The NECP identifies 5 *'dimensions'* which form the basis of the policies and measures outlined in the plan. These dimensions have associated key objectives to be achieved over the NECPs lifetime. Most relevant to the Proposed Development are the dimensions relating to decarbonisation and energy security, the key objectives are outlined below.

- Ireland has established an objective of achieving a 43% share of renewable energy in energy consumption by 2030.
- Increase electricity generated from renewable sources to 80%.
- Onshore wind capacity of up to 9 GW.
- Ireland is committed to maintaining the security of our energy system in the most cost-effective manner.

The Proposed Development will progress the key objectives of the NECP, particularly the dimensions relating to decarbonisation and energy security, by adding a new renewable electricity generator to the national grid.

Programme for Government – Securing Ireland's Future (January 2025)

The Programme for Government 2025 – Securing Ireland's Future (January 2025) places specific emphasis on climate change, recognising that time is critical in addressing the climate crisis. The Programme states that the Government is committed to taking *"decisive action to radically reduce our reliance on fossil fuels and to achieve a 51% reduction in emissions from 2018 to 2030, and to achieving net-zero emissions no later than 2050".*

The Programme states that the next ten years are a critical period in addressing the climate crisis, and therefore, a deliberate and swift approach to reducing more than half of Ireland's carbon emissions over the course of the decade (2020-2030) must be implemented. The programme states that the Government

are committed to reducing GHG emissions by an average 7% per annum over the next decade in a push to achieve a net zero emissions by the year 2050.

Regarding renewable energy generation, the Programme notes that the Government is committed to the rapid decarbonisation of the energy sector. The Programme states the Government's ongoing support and commitment to take "*the necessary action to deliver at least 70% renewable electricity by 2030*". This target has been updated by subsequent Climate Action Plans.

Energy Security in Ireland to 2030 – Energy Security Package

Published in November 2023, the energy security package titled 'Energy Security in Ireland to 2030' builds on the policies set out in the NESF. The energy security package is based on the recognition of the following fact:

> *"Ireland's future energy will be secure by moving from an oil-, peat-, coal- and gas-based energy system to an electricity-led system maximising our renewable energy potential, flexibility and being integrated into Europe's energy systems."*

Independent research undertaken as part of the package, McCarthy Report[2], provides an analysis of developments in the electricity sector in Ireland. The McCarthy Report makes the following observation in relation to the consenting process:

> *"The problem of delays encountered by major infrastructure projects, including in the electricity system, due to planning and environmental consent issues was evident. They had been commented upon by the International Energy Agency in its 2019 review of Ireland which named planning delays as the principal challenge to delivery of policy for the sector."*

A key finding from the technical analysis conducted as part of the energy security package is the interdependence of energy security on two essential pillars*: 'harnessing our indigenous renewable energy resources at speed and at scale and the rapid electrification of energy demand'*. As such, the energy security package provides additional measures to supplement the existing measures introduced under previously published government policy documents. Those additional measures most relevant to the Proposed Development is Action 10 which is *"To implement Planning and Consenting System Reforms and provide greater certainty to the sector."*

The energy security package aims to ensure that the planning system is fully aligned and resourced to fully support accelerated renewable energy development. It also aims to ensure renewable energy projects are prioritised in line with the recast Renewable Energy Directive and RePowerEU.

The Proposed Development will support the government's objectives in ensuring the State's energy security. The Proposed Development serves as a domestic renewable energy generator capable of providing clean electricity to the national electricity grid, contributing to a renewables-led system.

Ireland's Greenhouse Gas Emissions Projections 2024-2055 (May 2025)

In May 2025, the EPA published an updated report on Ireland's Greenhouse Gas Emission Projections, titled 'Ireland's Greenhouse Gas Emissions Projections 2024—2055'.

The main findings of the report are the following:

- *Ireland is not on track to meet the 51 per cent emissions reduction target (by 2030 compared to 2018) which include many 2024 Climate Action Plan measures. Greenhouse gas emissions are*

[2] *https://www.gov.ie/pdf/?file=https://assets.gov.ie/276441/eb496e01-5c01-4594-af09-74342b4ac971.pdf#page=null*

projected to be 9 to 23 per cent lower by 2030 (compared to 2018) which places Ireland further from the 2030 national climate target compared to previous assessments.

- *Budget period 1 (2021-2025) of 295 Mt CO2eq is projected to be exceeded by between 8 to 12 Mt CO2eq. Budget period 2 (2026-2030) of 200 Mt CO2eq is also expected to be exceeded by a significant margin of 77 to 114 Mt CO2eq (with carryover from Budget period 1).*
- *Sectoral emissions ceilings for 2030 are projected to be exceeded by the Buildings, Electricity, Industry and Transport sectors;*
- *Ireland is not projected to meet its EU target, set under the Effort Sharing Regulation, of a 42 per cent emissions reduction by 2030 (compared to 2005) even with flexibilities applied. This assessment shows that greenhouse gas emissions will be reduced by 10 to 22 per cent by 2030 (compared to 2005) without the use of flexibilities and by 13 to 26 per cent with the use of flexibilities.*
- *Additional measures and accelerated implementation of existing measures is necessary to meet both National and EU targets. Projected gaps to National and EU 2030 targets reported this year are larger than last year due to more conservative delivery of measures and associated estimates of emission reductions by 2030.*
- *From 10.6 Mt CO2eq in 2018, emissions from the Energy Industries sector are projected to decrease to between 3.4 and 4.4 Mt CO2eq in 2030 (a 59 to 68 per cent reduction). Renewable energy generation at the end of the decade is projected to range from 60 to 68 per cent of electricity generation.*

It is stated in the report that the target of 80% share renewable electricity (RES-E) is not projected to be reached. In addition to this, the CAP25 target of 9GW of onshore wind, is projected to fall short in the WAM scenario, with a predicted 7.1MW delivered.

National Energy Projections (November 2024)

The National Energy Projections report, published by the SEAI in November 2024, sets out the most recent updates to Ireland's progress towards its binding European and National renewable energy targets.

In 2023 RED II set an EU wide target for overall RES of 32% RES in 2030. Member states set their national contributions to the EU-wide target, with Ireland setting it's at 34.1% in 2030. RED III increased the binding EU-wide target for overall RES to at least 42.5% with Ireland subsequently increasing the target to 43% in 2030.

The decarbonisation of the electricity generation is critical considering the need to electrify other sectors such as heating and transport in order to achieve the sectoral decarbonisation targets. By 2030, renewable energy sources are anticipated to dominate electricity generation, particularly experiencing a significant surge later in the decade attributed to the integration of substantial offshore wind projects.

The most notable conclusion drawn from the report is the significant gap between projections across both the WEM and WAM scenarios and the legally binding national and EU emission reductions targets. The report states that even with full implementation of CAP24, Ireland is projected to miss its agreed national and EU 2030 targets for energy efficiency, renewable energy share and greenhouse gas emissions reduction.

Figure 1.27 of the report, copied below, clearly illustrates the gap between the current installed wind capacity and the relevant Climate Action Plan (CAP) targets.

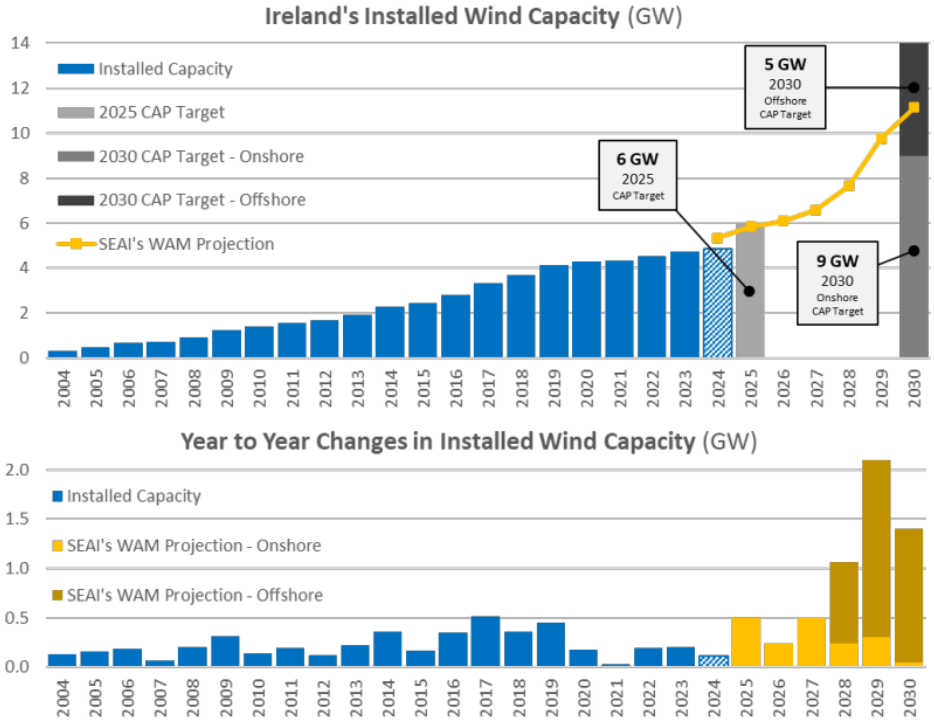

Figure 2-2: Ireland's installed wind capacity with 2024 estimates, projections to 2030, CAP targets

The SEAI projections explore the risk scenarios WEM and WAM, the aim being to address the gap between current policy trajectories and the most ambitious planned policies scenarios. The SEAI scenario modelling do not consider the CAP24 but rather CAP23. The SEAI projections under the WAM scenario indicate a total installed capacity of 11.2GW by the end of 2030. The Report goes on to note that "*Over the last 10 years, Ireland has added wind capacity at an average rate of 0.26GW per annum, although this has dropped to a rate of 0.14GW over the last 5 years. To align with the pace of the WAM projections needed to deliver on the 80% RES-E target, the roll out of onshore wind capacity needs to return to the rate previously achieved between 2016 and 2019...*"

The Report projects GHG emissions under the WEM and WAM scenarios. It notes that since April 2023 there has been a "*significant increase in net electricity imports across the interconnectors with the UK*" and "*electricity net-imports were far higher than other years, and higher than projected in the WEM or WAM scenarios...*". The report considers the emission ceiling of the first two carbon budget periods – caron budget 1 (CB1) ceiling 2021-2025 (five year cumulative) (MtCO2eq) and carbon budget 2 (CB2) ceiling 2026-2030 (five year cumulative) ($MtCO_2eq$) in both the WEM scenario and WAM scenario. In the WEM scenario, total greenhouse gas emissions exceed CB1 by 9% by 2025. This overshoot means that 13% of the CB2 budget is consumed before the CB2 period begins. The second sectoral ceiling is then breached during 2028, with the exceedance reaching 27% by 2030. Under the WAM scenario the CB1 ceiling is exceeded by 6% and this overshoot means that 9% of the CB2 budget is consumed before the CB2 period begins. In this scenario the CB2 ceiling is exceeded by 17% by 2030.

It is clear from the projections outlined above that unprecedented action is required as soon as possible: *"Where any exceedance occurs, steeper reductions are required to compensate, leading to a larger reduction required by 2030."*

Energy in Ireland (December 2024)

In December 2024, the Sustainable Energy Authority of Ireland (SEAI) released an annual publication '*Energy in Ireland*' report which looks at trends in national energy use and at the underlying driving forces, such as the economy and weather, and more recently the impacts of high energy prices. It also

examines GHG emissions from energy use, energy security, cost competitiveness, and Ireland's progress towards EU renewable energy targets.

The report identifies that Ireland's national energy-related emissions in 2023 were at their lowest level in over 30 years. Energy-related emissions in 2023 were 31.4 $MtCO_2eq$, down 8.3% on 2022 levels, and lower even than those observed during the height of COVID impacts in 2020. Energy-related emissions fell by over 2.8 $MtCO_2eq$ in 2023 - the largest annual reduction observed in 12 years. The following are some of the key points, relating to renewable energy and energy emissions:

- Ireland's national energy-related emissions have fallen for seven of the last ten years.
- 14.1% of Ireland's primary energy was renewable in 2023, with fossil fuel remaining the dominant source of Ireland's energy.
- Wind generation provided 33.7% of electricity supply in 2023.
- 2023 electricity emissions were 7.6 MtCO2eq, the lowest on record, down 22% on 2022 levels.
- 2023 was the first year in which fossil fuel generation accounted for less than half of Ireland's gross electricity supply.
- In 2023, Ireland had 4.74 GW of installed wind capacity, up 4.5% on the previous year.

The report states that over the last 10-years, Ireland has added wind capacity at an average rate of 0.26 GW per annum, although this has dropped to a rate of 0.14 GW over the last 5-years. To align to the pace of the WAM scenario projections needed to deliver on the 80% RES-E target, the roll-out of onshore wind capacity needs to return to the rate previously achieved between 2016 and 2019. The report then goes on to state the following**:**

> *"**Increasing wind generation through added wind infrastructure is key to decarbonising Ireland's electricity supply.** The decarbonisation of electricity maximised the positive impact of sustainability technologies like heat pumps and electric vehicles. The recent slow-down in added wind capacity is impacting Ireland's transition to a sustainable energy future. **Renewable capacity must be added faster than electricity demand increases. We must do everything we can to support the roll-out of both onshore and offshore wind** and grid-connected solar PV capacity".* (emphasis added)

The Climate Change Advisory Council Annual Review 2024

The Climate Change Advisory Council (CCAC) open their 'Annual Review 2024-Summary for All' quite starkly, stating *"... **progress to reduce emissions is not sufficient for Ireland to meet its national and EU climate obligations.** Reliance on fossils fuels needs to end, and urgent action is required to ensure that people, places and nature can adapt to the changing climate and prepare for rapidly emerging climate risks. **The current rate of policy implementation is too slow and fragmented,** and more effective engagement across all segments of policy and society is required to empower sustainable decision-making and to understand and remove barriers to action."* (emphasis added)

In addition, the standout recommendation from the CCAC is that *"So that Ireland can end its reliance on fossil fuels, Government should cease subsidising fossil fuel consultation and increase funding and make it more accessible to enable and accelerate the rapid uptake of low-carbon technologies and alternatives across all sectors."*

In relation to the electricity sector specifically planning reform continues to be cited as a key area requiring urgent attention.

The Climate Change Advisory Council Annual Review 2025 – Electricity

The CCAC published its annual review in April 2025 where it outlines detailed observations and recommendations for the Electricity sector in Ireland. This review emphasises the urgent need for Ireland

to accelerate its transition to renewable energy to meet its 2030 electricity capacity targets and adhere to sectoral emissions ceilings. The CCAC states:

> *"To meet the carbon budgets, emissions from the Electricity sector will need to reach zero by the end of the 2030s. In 2024, electricity emissions fell by approximately 7% relative to 2023, reaching the lowest level since record-keeping began in 1990. This was driven by a continued decline in the use of coal for electricity generation, coupled with a notable rise in imported electricity for the second consecutive year. Renewable energy is still not being rolled out fast enough, and insufficient investment in the electricity grid means that some of the renewable energy we currently generate cannot be used. Emissions are currently projected to exceed the sectoral emissions ceiling, even in the most optimistic scenario."*

Key observations in relation to Renewable Electricity are outlined below:

- In 2024, 1.6 GW of onshore wind (0.7 GW) and solar (0.9 GW) projects received planning permission, but only 0.5 GW (0.2 GW wind, 0.3 GW solar) were connected, which is well below the 1.8 GW annual target needed to achieve 2030 targets.
- Grid constraints led to 1,266 GWh (10.1% of the total available wind energy) of wind and energy being curtailed.
- During 2024, an additional 0.5 GW (0.2 GW wind and 0.3 GW solar) of new utility-scale renewable capacity was connected, representing a decrease compared with the 0.6 GW connected in 2023 and significantly below the 1.8 GW annual average increase in capacity that is required to meet 2030 targets.

Ireland's Climate Change Assessment (January 2024)

In January 2024, the EPA published Irelands Climate Change Assessment (ICCA). This assessment provides a comprehensive overview and breakdown of the state of knowledge around key aspects of climate change with a focus on Ireland. The ICCA report is presented in four volumes.

- Volume 1: Climate Science – Ireland in a Changing World
- Volume 2: Achieving Climate Neutrality in 2050
- Volume 3: Being Prepared for Irelands Future
- Volume 4: Realising the Benefits of Transition and Transformation

The ICCA Synthesis Report states that having peaked in 2001, Irelands GHG emissions have reduced in all sectors except agriculture. However, Ireland currently emits more GHGs per person than the EU average. The ICCA Synthesis Report goes on to state that there has been an identified gap in policy that indicates that Ireland will not meet its statutory GHG emission targets. Achieving net zero carbon dioxide emissions by 2050 requires significant and unprecedented changes to Ireland's energy system. Policies tailored to suit different stages of technology development are critical for achieving a net zero energy system. Established technologies, such as wind energy, solar photovoltaics and bioenergy will be key in meeting short-term emission reduction targets (i.e. 2030), whereas offshore wind infrastructure is expected to be the backbone of future energy systems. This can only be achieved with appropriate support schemes, regulation and investments for synergistic growth of offshore wind and other renewable technologies.

In relation to Ireland's target of achieving net zero carbon dioxide emissions by 2050 and the role renewable energy will contribute to this; the ICCA Synthesis Report states the following:

"There are well-established 'no-regret options' that need to happen now, which can get us most of the way to net zero carbon dioxide emissions. Beyond that, there are 'future energy choices' relating to the scale and magnitude of technologies that will help get us all the way. Ireland's no-regret options are demand reduction (e.g. through energy efficiency and reduced consumption), electrification (e.g. electric vehicles and heat pumps), deployment of market-ready renewables (e.g. wind energy and solar

photovoltaics) and low-carbon heating options (e.g. district heating), while our future choices include hydrogen, carbon capture and storage, nuclear energy and electro fuels. Renewable energy can increasingly provide our future energy needs but will need to be complemented with carbon dioxide removals to achieve a net zero energy system in hard-to-abate sectors".

3. NEED FOR THE PROPOSED DEVELOPMENT

In July 2021, the Climate Action and Low Carbon Development (Amendment) Act 2021 was signed into law, committing Ireland to reach a legally binding target of net-zero emissions no later than 2050, and a cut of 51% by 2030 (compared to 2018 levels). On this pathway to decarbonisation, the Government published the Climate Action Plan 2021[3] announcing a renewable electricity target of 80% by 2030, without compromising security of energy supply. The Proposed Development is expected to be operational between 2030-2035 and would therefore contribute to the 2030 target or energy targets beyond 2030. In October 2021, the EPA[4] reported that Ireland had a cumulative carbon emissions reduction target exceedance over the period 2013-2020, despite climate action measures in the National Development Plan[5] and Climate Action and Low Carbon Development (Amendment) Act 2021. As such, the Proposed Development is critical to helping Ireland address these challenges as well as addressing the country's over-dependence on imported fossil fuels.

The need for the Proposed Development is driven by the following factors:

1. *A legal commitment from Ireland to limit greenhouse gas emissions under the Kyoto protocol to reduce global warming;*
2. *A requirement to increase Ireland's national energy security as set out in the Energy White Paper;*
3. *A requirement to diversify Ireland's energy sources, with a view to achievement of national renewable energy targets and an avoidance of significant fines from the EU (the EU Renewables Directive);*
4. *Provision of cost-effective power production for Ireland which would deliver local benefits; and*
5. *Increasing energy price stability in Ireland through reducing an over reliance on imported gas.*

Ireland's CAP 25 sets ambitious yet essential targets for renewable energy, including 9GW of onshore wind capacity-with at least 5GW to be delivered by 2030-and an 80% share of renewable electricity by the same year. However, multiple assessments, including the Climate Change Advisory Council (CCAC) Annual Review and the Environmental Protection Agency (EPA) emissions projections, confirm that Ireland is not on track to meet these targets. Significant gaps remain in renewable energy deployment, particularly in grid capacity expansion and wind farm development, while continued reliance on fossil fuels threatens national and EU climate commitments.

3.1 An Bord Pleanála's Legal Obligations

The Board will be aware of certain legal obligations in respect of the processing of certain planning applications and appeals for renewable wind energy developments, in particular:

1. Certain obligations under the Climate Action and Low Carbon Development Act 2015 (as amended) (the "Climate Act") imposed on the Board when exercising its decision-making functions in relation to planning applications for renewable wind energy developments.
2. Certain discretionary powers under the Planning and Development Act 2000 (as amended) (the "Planning Act") which must be exercised subject to the mandatory obligations set out in the Climate Act when the Board is exercising its decision-making functions in relation to planning applications for renewable wind energy developments.

[3] *Government of Ireland (2021) Climate Action Plan 2021*
[4] *EPA (October 2021) - Ireland's Provisional Greenhouse Gas Emissions 1990-2020*
[5] *Government of Ireland (2021) National Development Plan 2021-2030*

3. The specific circumstances in which the Board has a discretion to grant permission for a wind farm development which materially contravenes a development plan, which discretion must be exercised subject to the mandatory obligations set out in the Climate Act.

Obligations under the Climate Act and the Planning Act

When exercising its decision-making powers under the Planning Act, the Board is obliged to perform its decision-making function (in so far as practicable) 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 adaptation 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.*

Specifically, Section 15(1) of the Climate Act provides that:

> *"A relevant body shall, in so far as practicable, perform its functions in a manner consistent with-*
>
> - *the most recent approved climate action plan,*
> - *the most recent approved national long term climate action strategy,*
> - *the most recent approved national adaptation framework and approved sectoral adaptation plans,*
> - *the furtherance of the national climate objective, and*
> - *the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State." (the "National Climate Policies and Objectives")*

The above requirement is a mandatory obligation.

The National Climate Policies and Objectives all support the development, and by implication the consenting, subject to proper planning, of wind farm developments.

The mandatory obligation of the Board to exercise its decision-making functions "in a manner consistent with" National Climate Policies and Objectives takes precedence over the lessor obligation to merely "have regard to" the policies and objectives set out under Section 143(1) of the Planning Act.

Section 143(1) of the Planning Act provides that:

> *"The Board shall, in the performance of its functions (other than functions conferred by Chapter III of Part XXI), have regard to-*
>
> a) *the policies and objectives for the time being of the Government, a State authority, the Minister, planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns or other areas, whether urban or rural,*
> b) *the national interest and any effect the performance of the Board's functions may have on issues of strategic economic or social importance to the State, and*
> c) *the National Planning Framework and any regional spatial and economic strategy for the time being in force."*

In effect, this means that the provisions of the Climate Act take precedence over the policies and objectives of planning authorities set out in development plans.

In practical terms, this means that where the Board is determining whether or not to grant consent to a wind farm development, it is obliged to make its decision in a way in which is consistent with the National Climate Policies and Objectives.

This is in a context where a development plan is mandated by the Planning Act to be consistent with such national plans, policies or strategies as the Minister determines relate to proper planning and sustainable development (insofar as is practicable) and where local authorities have an obligation under the Climate Act to exercise their development-plan making functions "in a manner consistent with" the National Climate Policies and Objectives (as far as practicable).

More broadly, the Board is obliged to have regard to the national interest and any effect the performance of its decision-making functions may have on issues of strategic economic or social importance to the State. The accelerated deployment of renewable energy developments is precisely such an issue of strategic economic and social importance to the State.

Given the critical role of wind energy in meeting national climate commitments, it is essential that national climate commitments take precedence over the more limited obligation to merely "have regard to" local planning policies.

Implications of refusals with respect to Ireland's climate action targets

The refusal of well-planned, appropriately located renewable energy projects, such as the Proposed Development, threatens not only Ireland's ability to meet CAP 25 targets but also its legal commitments under national and EU law. CAP 25, the CCAC Annual Reviews for 2023 and 2024, and Ireland's Updated National Energy and Climate Plan (NECP) 2021-2030 (published in July 2024) all highlight the central role of renewable energy targets in addressing climate change.

Reports from the CCAC and the Environmental Protection Agency's 2023 and 2024 emissions projections indicate that the electricity sector is not on track to meet these targets. Accelerated deployment of onshore wind is essential if Ireland is to reach the CAP 25 goal of 9GW of onshore wind capacity-of which at least 5GW must be delivered by 2030-and an 80% share of renewable electricity by the same year.

Failure to meet binding EU targets will expose Ireland to financial penalties, increased carbon credit costs, and continued dependence on fossil fuel imports-posing serious risks to energy security and economic stability. Furthermore, Ireland's national interest, as outlined in Section 143(1) of the Planning Act, requires the rapid expansion of renewable energy, making this a matter of strategic economic and social importance.

Beyond environmental and energy security concerns, the economic consequences of ongoing refusals are severe. Investors require certainty before committing to renewable infrastructure projects. Prolonged planning delays create uncertainty, discouraging investment and undermining job creation and regional economic growth. Under Section 143(1) of the Planning Act, the Board is obligated to consider the national interest and the strategic economic and social significance of renewable energy projects. Given the direct link between wind energy expansion and Ireland's economic resilience, energy independence, and compliance with EU climate mandates, rejecting projects that align with national policies represents a failure to uphold this statutory duty. Every viable renewable energy project plays a crucial role in meeting Ireland's climate targets. The approval of well-planned, appropriately located renewable energy projects, such as the Proposed Development is not just beneficial, it is imperative. Without decisive action to facilitate renewable energy deployment, Ireland risks missing national and EU commitments, incurring financial penalties, and undermining energy security.

4. RESPONSE TO SUBMISSIONS

4.1 Response to Submissions

The following section outlines the key points that have been raised in the third-party submissions to the Proposed Development. MKO have provided a response in respect of each of these matters in the following sections.

4.1.1 Hydrological & Ecological Impacts

4.1.1.1 Biodiversity

The Proposed Development will involve the removal of trees and hedgerows to facilitate the construction of new and upgraded roads within the Wind Farm Site which has given rise to concerns by local residents on the potential impact on biodiversity in the area.

It has been stated that the Wind Farm Site is located within a historic floodplain that has potential for ecological restoration. The Proposed Development is claimed to contradict national biodiversity goals aimed at preventing species extinction and promoting habitat conservation

4.1.1.1.1 *Response*

An assessment of effects of the Proposed Development on biodiversity is addressed in Chapter 6: Biodiversity of the EIAR and further augmented by Section 6 of the **EIAR Addendum Report**, Appendix 1 of this Report. All multidisciplinary walkover surveys, dedicated habitat and faunal surveys including bats, were undertaken during the optimal survey periods and in line with best practice guidance. A comprehensive impact assessment of the potential for effects on species is supported by detailed surveys, mapping and bat collision risk modelling, and where the potential for negative effects is identified, detailed mitigation and monitoring measures have been identified.

MKO are confident that all ecological receptors within the Site were accurately identified, and that a thorough and robust assessment of potential impacts there-on was undertaken.

The Wind Farm Site is located within the historic Brosna Arterial Drainage Scheme and Section 6.6.2 in Chapter 6: Biodiversity of the EIAR identifies the habitats associated with these flood plains present within the Site, which is predominantly comprised of Improved Agricultural Grassland (GA1), Arable Land (BC1) and Wet Grassland (GS4). As identified in Chapter 1.1.1 in Chapter 1 of the EIAR, '*The EIAR Site Boundary encompasses an area of approximately 94.9 hectares. The permanent footprint of the Proposed Development measures approximately 8.2 hectares, which represents approximately 0.9% of the Site.*' The Wind Farm Site footprint itself comprises a relatively small percentage of the three habitats located within the historic floodplains leaving large remaining areas within the Wind Farm Site available for its current land-use and alternative land-use, such as ecological restoration, in the future.

Section 6.8 of the EIAR, presents the cumulative and in-combination assessment of the Proposed Development with other plans and projects. The plans considered in this assessment include that of the Westmeath and Offaly County Development Plans, the Eastern and Midlands Regional Assembly Strategy and the National Biodiversity Action Plans. The review focused on policies and objectives that relate to designated sites for nature conservation, biodiversity and protected species. Policies and objectives relating to the conservation of wetlands, waterways and sustainable land use were also reviewed, particularly where the policies relate to the preservation of surface water quality.

It was identified that

> *The Proposed Development has been designed in order to avoid loss of sensitive habitats where possible and where some loss has been identified; appropriate mitigation and enhancement measures have been incorporated into the Proposed Development through a Biodiversity Management and Enhancement Plan.*
>
> *The Proposed Development is located outside of any Nationally designated sites, as described in Section 6.5.1.1. and no significant residual effects have been identified in relation to sites of this nature.*
>
> *No potential for negative cumulative impacts when considered in conjunction with the current proposal were identified. No projects identified within the Development Plan were found to occur in the wider area surrounding the Proposed Development.*

Section 6 of **Appendix 1: EIAR Addendum** identify multidisciplinary walkover surveys, and dedicated bat surveys that have been ongoing at the Wind Farm Site since the submission of the Proposed Development application in March 2023.

A multidisciplinary walkover survey was undertaken on 9th June 2025 to determine whether there have been any changes to the baseline environment since the surveys undertaken in 2021 and 2022. During the updated multi-disciplinary walkover survey of the Wind Farm Site undertaken in 2025, no significant changes to the baseline environment were recorded. The results of the surveys were in agreement with those undertaken in 2021 and 2022 to inform the EIAR.

An Addendum Bat Report is included as Appendix 6-2a to this EIAR Addendum Report. This report is to be reviewed in conjunction with Chapter 6: Biodiversity of the EIAR and Appendix 6-2: Bat Report of the EIAR. The Addendum Bat Report incorporates new survey data collected during the survey period April 2024 and September 2024 and considers relevant updates to guidance documents.

The primary purpose of the 2024 bat surveys is to supplement the 2022 baseline dataset with updated seasonal bat data, reassess previously identified Potential Roost Features (PRFs), and incorporate any relevant changes in survey guidance or policy that have occurred since the original assessments.

The 2024 bat surveys and EcoBat analysis reaffirm the Medium Site Risk classification for the Proposed Development, with high seasonal peaks in median activity. No substantive changes to impacts on commuting, foraging habitats, or roost availability are anticipated relative to the EIAR. Continued implementation of established mitigation and a robust monitoring regime will facilitate adaptive management to ensure protection of bat populations. In summary, the Proposed Development will not result in significant adverse effects on local bat assemblages when mitigation and monitoring measures are applied.

The findings of the assessment of the potential effects of the Proposed Development on biodiversity remain the same as identified in the submitted EIAR, no significant effects on ecological receptors will occur.

Appendix 3: Revised NIS presents relevant updates in the submitted NIS giving due regard to updates in the baseline environment. The conclusions of the NIS remain as follows:

> *This NIS has provided an assessment of all potential direct or indirect adverse effects on European Sites whether considered individually or in combination with other plans and projects.*
>
> *Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report and its appendices. The*

measures ensure that the construction and operation of the Proposed Development does not adversely affect the integrity of European sites.

Therefore, it can be objectively concluded that the Proposed Development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site

4.1.1.2 Birds

Submissions suggest that the Proposed Development will have an impact on bird species such as lapwing and kingfisher which are present along the Dungloman River. The submissions raise concerns regarding the assessment of Hen Harriers and Barn Owls in the area, claiming that the environmental reports do not include appropriate assessment of these species and the impacts of the Proposed Development on their habitats. The assessment used in the EIAR have been criticised by those who submitted responses, believing that outdated conservation objectives and inappropriate bird surveys were used.

4.1.1.2.1 *Response:*

An assessment of effects of the Proposed Development on birds is addressed in Chapter 7: Birds of the EIAR. All dedicated bird surveys were undertaken during the optimal survey periods and in line with best practice guidance. A comprehensive impact assessment of the potential for effects on species is supported by detailed surveys, mapping and collision risk modelling, and where the potential for negative effects is identified, detailed mitigation and monitoring measures have been identified.

MKO is satisfied that all avian receptors within the Site were accurately identified, that a thorough and robust assessment of potential impacts there-on was undertaken.

Section 7 of **Appendix 1: EIAR Addendum** identify the dedicated bird surveys that have been ongoing at the Wind Farm Site, during the survey period October 2022 – March 2025, consisting of three winter seasons and two breeding seasons.

Section 7: Birds, identified the updated baseline information and an updated collision risk assessment has been carried out incorporating the data presented in the EIAR as submitted, in addition to the updated 2.5 years of survey data

The results of the updated 2.5 years of survey data are not significantly different for the identified KORs in comparison with results from the EIAR as submitted and, as such, broadly corroborate the findings of the EIAR as submitted. The key exceptions to this were observed for golden plover (wintering), lapwing (breeding), snipe (breeding) and kestrel (all seasons). Targeted breeding hen harrier surveys were conducted during the 2024 breeding season at two additional survey locations following receipt of information (in the DAU) on breeding hen harrier in the wider area. Breeding barn owl surveys were undertaken at the site and within a 2km radius. The survey aimed to identify breeding barn owl territories near or within the site by locating nest sites.

To account for these changes, an updated impact assessment is provided in Section 7 of the EIAR Addendum Report. Based on the detailed assessment, it is considered that the potential effects of the Proposed Development upon birds will not be significant. Effects associated with habitat loss, disturbance/displacement, collision risk and cumulative effects have been assessed to be no greater than long-term slight negative effect (EPA, 2022) and low effect significance (Percival, 2003). In conclusion, no significant effects as a result of the Proposed Development are foreseen on KORs and relevant species of the Wind Farm Site.

The findings of the assessment of the potential effects of the Proposed Development on birds remain the same as identified in the submitted EIAR, no significant effects on avian receptors will occur.

4.1.1.3 Hydrology, Flood Risk, and Water Quality

Some third-party submissions raise concerns about potential groundwater contamination from construction or turbine operation, including risks from heavy metals, toxins, and radon gas.

4.1.1.3.1 *Response*

A comprehensive assessment of the potential effects of the Proposed Development on water aspects (hydrology and hydrogeology) is included in Chapter 9:Water, of the EIAR and is supported by a range of baseline monitoring, surveys and site investigations alongside a Flood Risk Assessment (included as Appendix 9-1 of the EIAR), a Water Framework Directive (WFD) Assessment (included by Appendix 9-2) and Drainage Design (Appendix 9-4).

As identified in Section 9 in **Appendix 1: EIAR Addendum Report**, due to the time elapsed, an update to the baseline hydrological and hydrogeological environment has been identified. This includes updates to:

- Q-rating status data for EPA monitoring points,
- Surface waterbody status to the Inny River
- GSI mapped karst features
- Groundwater wells

In addition, a revised WFD Assessment Report has been completed for the Proposed Development (Wind Farm Site and Grid Connection) and is included as EIAR Addendum Appendix 9-2 Revised WFD Compliance Assessment Report.

The potential of ground water contamination, as a result of the Proposed Development construction phase, is assessed in Section 9.5.2.3 of the EIAR. Similarly, the potential for release of hydrocarbons during construction and potential effects on human health, including groundwater contamination is assessed in Section 9.5.2.4 and Section 9.5.2.11 respectively.

During each phase of the Proposed Development (construction, operation and decommissioning) a number of construction related activities will take place on the Wind Farm Site and Grid Connection which will have the potential to affect the hydrological regime or water quality at the site or its vicinity. These potential effects generally arise from sediment input from runoff and other pollutants such as hydrocarbons and cement-based compounds, with the former having the most potential for impact. These potential effects are similar to any construction site and have been fully assessed in the documentation accompanying the application.

Surface water drainage measures, pollution control and other preventative measures have been incorporated into the Proposed Development design to prevent adverse effects on water quality and downstream designated sites. There will be no direct discharges to any existing natural watercourse from the Proposed Development construction, operation or decommissioning works.

An assessment of the Proposed Development construction stage, operational stage and decommissioning stage has been completed, along with a cumulative assessment for each stage. Based on the assessment presented in Chapter 9, and with implementation of the outlined mitigation measures, no significant effects on the surface water and groundwater environments will occur.

The findings of the assessment of the potential effects of the Proposed Development on water aspects (hydrology and hydrogeology) remain the same as identified in the submitted EIAR, no significant effects on the surface water and groundwater environments will occur.

4.1.2 Residential Amenity and Human Health

4.1.2.1 Visual Intrusion: Residential Visual Amenity

Concerns are raised about the visual impact of the Proposed Development. The proposed nine turbines, each 185 meters tall, are considered 'out of scale' with the surrounding rural landscape. It has been noted by submissions that there are no visual montages from local viewpoints including the Hill of Uisneach.

4.1.2.1.1 *Response*

An assessment of effects of the Proposed Development on residential visual amenity is addressed in Chapter 12 of the EIAR which comprises a Landscape and Visual Impact Assessment (LVIA) of the Proposed Development. The LVIA was informed by many best practice and objective LVIA tools to demonstrate the nature of effects on residential visual amenity, including ZTV mapping, field surveys, a route screening analysis and verified photomontages.

Section 12.1.4 of the LVIA identifies that through the iterative Proposed Development design process, the layout incorporates the following design measures with respect to residential amenity:

- *The 'L-shaped' Layout is sympathetic to the shape and characteristics of the landform of the Wind Farm Site and siting of the proposed turbines at a low elevation relative to surrounding receptors often causes a disproportionate screening effect reducing visual exposure of the proposed turbines within the wider landscape.*
- *Siting of the proposed turbines at a lower base elevation relative to receptors (and viewpoints) reduces their visual prominence and visual effects in the landscape, as demonstrated by the photomontages included in the EIAR Volume 2: Photomontage Booklet.*
- *Siting of proposed turbines adheres to the minimum 500 metre set back distance in the Guidelines (DoEHLG, 2006) and also the 4 times tip height set-back distance explicitly set out for residential visual amenity prescribed by the Draft Revised Wind Energy Development Guidelines (hereafter referred to as the draft Guidelines) (Department of Housing, Planning and Local Government (DoHPLG, 2019)).*

Section 12.7.3.2.3 in Chapter 13 presents a comprehensive written analysis of effects on Residential Visual Amenity which was informed by site visits, visualisations and route screening analysis. The LVIA concluded that:

> *Considering the limited visibility of the proposed turbines from distant receptors, the assessment of visual effects focussed on locally sensitive residential receptors and rural settlement clusters which will have views of the proposed turbines. A large number of viewpoints (9 of the 16) were captured within 3.5km of the Wind Farm Site, four of the nine recorded 'Moderate' residual visual effects within close proximity (3.5km) to the Wind Farm Site where most visibility and substantial change is likely to occur. VP07, VP09, VP10 and VP12 photomontage viewpoints are located within 1.5 km of the proposed turbines and were all taken from local roads in townlands adjoining the Wind Farm Site. These viewpoints were specifically selected to assess the visual effects on residential amenity and receptors of local community importance in close proximity to the Wind Farm Site.*

Overall, as reported in Section 12.8 of Chapter 12, the LVIA assessment concluded that no 'Profound', 'Very Significant' or 'Significant' effects occurred at any of the 16 viewpoints. Residual effects of 'Moderate' occurred at six of the 16 No. viewpoints. All other viewpoints were assessed as resulting in 'Slight' residual effects (6) or 'Not Significant' (4). 'Moderate' residual visual effects were recorded in consideration of the various factors set out previously, the specific design interventions and most notably that the project design has met the mitigation requirements explicitly set out for residential visual amenity

(4x tip height set back distance) in benchmark best practice guidance for the design of wind energy developments in Ireland.

Matters raised with respect to the Hill of Uisneach are addressed in Section 6 below and detailed in Appendix 4: Technical Note on the Hill of Uisneach.

4.1.2.2 Shadow Flicker

Some third-party submissions identify concerns with regard to the shadow flicker methodology and shadow flicker modelling results claiming the data is 'biased' and 'unreliable'. Additionally, a number of local residents identify their concerns with the incorrect identification of participating properties in the shadow flicker modelling results and mitigation tables.

4.1.2.2.1 *Response*

A comprehensive shadow flicker assessment for the Proposed Development is detailed in Chapter 5 of the EIAR: Population & Human Health. Section 5.7 details the best practice guidance for the assessment of shadow flicker, the assessment methodology and criteria with associated assumptions and limitations. For the purposes of the shadow flicker assessment, the software package ReSoft WindFarm Version 5.0.1.2 has been used to predict the level of shadow flicker associated with the Wind Farm Site. WindFarm is a commercially available software tool that enables developers to analyse, design and optimise proposed wind farms. This is a well established software tool that is utilised in the modelling of shadow flicker occurrences on identified sensitive properties and is used across the wind energy industry in shadow flicker assessments.

Following lodgement of the Proposed Development planning application to An Bord Pleanála on 16th March 2023, it was identified that there was a formatting error within Table 5-9 in Chapter 5 of the EIAR. The formatting error in question is in Table 5-9 '*Maximum Potential Daily & Annual Shadow Flicker – Proposed Umma More Renewable Energy Development'* and is relating to the identification of participating properties in the Proposed Development. Tables 5-10 (Daily) and Table 5-11(Annual) presents the shadow flicker mitigation strategy for the Proposed Development, identifying properties that are not participating in the Proposed Development. Due to the formatting error in identifying participating properties in Table 5-9, this carried through to Table 5-10 and Table 5-11.

As identified in Section 12.3.16 in the Inspectors Report, a submission was made by the Applicant on 5th April 2023 to correct the formatting error and is available on the ABP case file. The clarification document stated '*For clarification, the shadow flicker assessment results, including the modelling presented within Chapter 5 of the EIAR are accurate and the above tables do not present any changes in the residual impact assessment. The formatting error which gave rise to the incorrect identification of participating properties in Table 5-9 and subsequent updates to Table 5-10 and Table 5-11 has been rectified and updated tables are presented in this briefing note. The Likely Significance of Effects and Associated Mitigation Measures (EIAR Chapter 5, Section 5.9.3.10) remains the same, as does the findings of the shadow flicker assessment.'*

As identified in Section 5.2.1 in **Appendix 1: EIAR Addendum Report**, due to the time elapsed, an updated search of Westmeath County Council planning portal, and nationwide Eircode database was undertaken in June 2025. There are 3 no. new inhabitable dwellings that have been identified within 2.5km of proposed turbines. All three properties are located within the Shadow Flicker Study Area and have been modelled for potential shadow flicker. They are included as property no. 342, no. 343 and no. 344 on the updated dwellings list. For completeness, the shadow flicker assessment results and mitigation tables identified in the clarification briefing note are included in Section 5.7.6 of the **Appendix 1 EIAR Addendum Report**, as well as the modelling results for the 3 no. new properties identified in the updated property search.

Assuming theoretical precautionary conditions, of the 118 properties modelled, a total of 73 properties may experience daily shadow flicker in excess of the Guidelines threshold of 30 minutes per day. Of these 73 properties, 1 is derelict, and 7 no. inhabitable dwellings are Participating Properties. The Guidelines total annual guideline limit of 30 hours is exceeded at 9 properties once the regional sunshine average of 30.07% is considered. Of these 9 properties, 8 properties are inhabitable dwellings and 7 of which are third party properties, and 1 no. property is derelict. Following the implementation of the identified suite of mitigations measures, the Guidelines limit of 30 mins per day or 30 hours per year will not be exceeded and this will result in a long-term, imperceptible negative residual effect from shadow flicker on human health.

4.1.2.3 Noise & Vibration

It has been claimed within a submission that a nearby quarry was omitted from the cumulative impact assessments despite its continued operation within the local area.

4.1.2.3.1 *Response*

A comprehensive assessment of the potential noise & vibration impacts at the nearest Noise Sensitive Receptors (NSRs) to the Proposed Development, during the construction, operation and decommissioning phases, was carried out and is detailed in Chapter 11 of the EIAR: Noise & Vibration.

Section 11.6.6 "Potential Cumulative Impacts" of the EIAR states that

> *In respect to the quarry that is located adjacent to the Wind Farm Site at its north-eastern boundary, there is the potential for cumulative effects to occur due to the concurrent operation of Proposed Development and the nearby quarry. It is not appropriate to consider the cumulative impacts in relation to the limits set in accordance with the Guidelines as they are specific to wind turbine noise. Conversely it is not appropriate to consider wind turbine noise in the context of any noise and vibration limits set for the quarry. The Proposed Development turbine noise will have a different characteristic than existing nearby sources such as the quarry, and will vary significantly with wind speed, just as quarry activities vary day by day. Once each development, (i.e. the Proposed Development and the quarry) is within its respective noise criteria, the potential for cumulative noise effects is unlikely.*

As identified above and in Section 5.2.1 in **Appendix 1: EIAR Addendum Report**, due to the time elapsed, 3 no. new noise sensitive receptors have been identified within 2.5km of proposed turbines. All three properties have been modelled for potential noise effects.

As identified in Section 11.1.2 of the EIAR Addendum Report, predicted Proposed Development turbine operational noise levels at all the Nosie Assessment Locations and Noise Sensitive Receptors are below the *Wind Energy Development Guidelines for Planning Authorities'* (DoEHLG, 2006) daytime and nighttime Noise Limits, there will be **no significant residual effects**.

4.1.2.4 Human Health

Some third-party submissions raise concerns in relation to the potential for negative health effects associated with the Proposed Development due to the scale of the turbines proposed and proximity to local residents and local communities including Ballymore as well as the wide range of organisations, schools, clubs and other associated activities. Concern was raised regarding potential for noise pollution, infrasound, health effects, and shadow flicker and impacts on mental health.

As discussed in Section 5.5 of **Appendix 1: EIAR Addendum Report**, while there are anecdotal reports of negative health effects on people who live very close to wind turbines, peer-reviewed research has not

supported these statements. There is currently no published credible scientific evidence to positively link wind turbines with adverse health effects.

Extensive research has been carried out in the US, Canada, UK, Australia, and by the World Health Organisation (2018) and the HSE (2017). All studies conclude that that exposure to wind farms does not trigger adverse health effects.

The Health Service Executive (HSE) 'Position Paper on Wind Turbines and Public Health' was published in February 2017 to address the rise in wind farm development and concerns regarding potential effects on public health. The paper discusses previous observations and case studies which describe a broad range of health effects that are associated with wind turbine noise, shadow flicker and electromagnetic radiation

None of the submissions received in relation to this topic area have set out any clear and credible evidence which in any way alters the findings of the EIAR in this regard. As such, it is concluded that the information contained within the EIAR remains valid and robust.

Please refer to Chapter 5 of the EIAR and Section 5 of **Appendix 1: EIAR Addendum Report** for further details.

4.1.2.5 Construction Traffic and Road Capacity

Concerns were raised about significant disruption to the local community caused by construction traffic. The area is served primarily by narrow, rural roads that are not designed to accommodate the increased volume and heavy loads associated with wind farm construction. The potential for road deterioration and traffic-related safety impacts are noted in the submissions.

One of the third-party submissions noted their close proximity to a proposed construction route, highlighting that the temporary road could cause disruption to their house during the construction phase. It has also been highlighted that the area is already prone to flooding and there is a concern regarding the temporary road and exacerbating this existing issue.

4.1.2.5.1 *Response*

A comprehensive assessment of the effects on roads and traffic and transport of the traffic movements that will be generated during the construction, operational and decommissioning phase of the Proposed Development is included in Section 14.1 'Traffic and Transport' in Chapter 14 of the EIAR.

During the construction stage of the Proposed Development, traffic impacts will vary depending on the phase of work. The traffic generation estimates are based on a total construction period of 18-24 months. For assessment purposes a standard 255 working days per annum was adopted equating to 383 working days for over an 18-month construction period.

As identified in Section 14.1.11.2 in Chapter 14:

> *During the 9 days when the concrete foundations are poured, the effect on the surrounding road network will be negative, resulting in an increase in traffic levels ranging from +1.4% on the N6 west of Athlone, to +5.0% on the N55 north of the R390, to 15.0% on the R390 leaving Athlone, to 29.5% on the R390 approaching the Wind Farm Site. On the L5363 leading to the Wind Farm Site, it is forecast that traffic flows will increase by 188% on these 9 days. This will have a temporary imperceptible negative effect on the M6, a temporary slight negative effect on the R390, and a temporary slight to moderate negative effect on the L5363.*
>
> *During 341 days for the remaining site preparation and ground works and Grid Connection underground electrical cabling route construction it is forecast that the increase in traffic volumes*

on these days will range from +0.5% on the N6 west of Athlone, to +1.8% on the N55 north of the R390, to +5.3% on the R390 leaving Athlone, to 10.4% on the R390 approaching the Wind Farm Site. On the L5363 leading to the Wind Farm Site, it is forecast that traffic flows will increase by 66%. This will have a temporary negative effect on the M6, and a temporary slight negative effect on the rest of the delivery route. With respect to the traffic volumes that will be generated during the construction of the underground electrical cabling route, it is estimated that there will be approximately 14 daily return trips made by a truck transporting materials, and made by a minibus to transport construction staff, to and from the Site. By its nature the impacts of these additional trips on the network will be transient, and will therefore be temporary and slight.

During the 24 days when the various component parts of the wind turbine plant are delivered to the Wind Farm Site using extended articulated HGVs, the effect of the additional traffic on these days will be slight to moderate along the turbine delivery route due to the size of vehicles involved, resulting in increased traffic volumes ranging from +0.2% on the N6 west of Athlone, to +0.7% on the N55 south of the R390, to 2.7% on the R390 exiting Athlone, to +5.3% on the R390 approaching the Wind Farm Site. On the L5363 leading to the Wind Farm Site it is forecast that traffic flows will increase by +34%. It is forecast that there will be a temporary. Imperceptible to slight negative effect on traffic flows as the delivery of the abnormally sized loads is undertaken at night.

During the 9 days of the turbine construction stage when general materials are delivered to the Wind Farm Site, the increase in traffic volumes on these days will range from +0.1% on the N6 west of Athlone, to +0.4% on the N55 south of the R390, to 1.7% on the R390 leaving Athlone, to 3.2% on the R390 approaching the Wind Farm Site. On the L5363 leading to the Wind Farm Site it is forecast that traffic flows will increase by 21%. This will have a temporary imperceptible negative effect on the N6, and temporary slight negative effect on the rest of the delivery routes.

As shown above, during the majority of the construction phase, the effects on existing traffic on the road network surrounding the Wind Farm Site will be slight. This will increase to a moderate effect on just 9 days or 3.5% of the construction phase.

It is acknowledged in Chapter 15 of the EIAR that there will be a temporary, slight to moderate negative effect on local traffic during the construction phase of the Proposed Development due to the increase in traffic volumes utilising the local road network around the Site. Following the implementation of all the management measures outlined in the Traffic Management Plan (detailed in Section 14.1.11.6 of the EIAR), this level of effect over the short-term duration of the construction phase is deemed acceptable.

With respect to the concern raised regarding flooding associated with the construction of access roads, Appendix 9-1 of the EIAR provided a detailed Flood Risk Assessment whereby the Proposed Development infrastructure within the Wind Farm Site have been the subject of site specific flood risk modelling. This analysis has concluded that 1 no. 110m section of the access road within the Wind Farm Site will be located within a modelled flood risk zone. In order to mitigate against the risk of flooding, the affected section of access road will be raised at least 500mm above the 1000-year flood level. Section 7.1 of Appendix 9-1 concludes that any potential upstream of downstream flood impacts associated with the Proposed Development will be imperceptible. In addition to the Stage III Flood Risk Assessment for the Wind Farm Site, the potential for flooding along the Grid Connection underground electrical cabling route has also been reviewed. In summary, there are areas along the underground electrical cabling route which may be prone to flooding, principally along the N52 near the Silver River and the Tullamore River and near the River Brosna. Due to the depth of the underground electrical cabling route, this will have no impact during the operational phase of the Proposed Development. During the construction phase, works along the underground electrical cabling route may have to be postponed following heavy rainfall events which could cause flooding in these areas.

Therefore, it is considered that the Proposed Development accords with the provisions set out in *The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009),* which provides the benchmark assessment tool for Local Authorities and An Bord Pleanála as it relates to flood risk.

4.1.2.6 Impacts on Property Prices

Concerns have been raised about the potential for the Proposed Development to have adverse effects on the value of properties of local residents.

4.1.2.6.1 *Response*

This issue has been addressed in Section 5.6 of Chapter 5 of the EIAR and addressed further detail in Section 5.6 and Section 5.9.3.5 in **Appendix 1: EIAR Addendum Report.**

As outlined in the EIAR Addendum Report, the only Irish study, a 2023 working paper by the Centre for Economic Research on Inclusivity and Sustainability (CERIS), suggests a potential 14.7% decrease in property values within 1km of a turbine. However, the study is based on a small sample of 225 houses and acknowledges that no significant price reductions were found beyond 1km, with any observed effects diminishing over time. Given its limited dataset and working paper status, further research is needed before drawing firm conclusions.

Extensive research in the United States provides a broader perspective. The 2009 and 2013 studies by the Lawrence Berkeley National Laboratory (LBNL) analysed thousands of home sales near wind farms and found no measurable, consistent impact on property values. A 2023 study published in *Energy Policy* reported temporary value decreases post-announcement but found these effects faded once the wind farms became operational.

In the UK, studies commissioned by RenewableUK (2014) and Climate Exchange (2016) concluded that wind farms do not have a consistent negative impact on property prices. Instead, county-wide market trends drive local house prices rather than the presence of wind farms.

Overall, the existing body of research, particularly large-scale, peer-reviewed studies, does not support claims that wind farms significantly devalue nearby properties in the long term. While localized impacts may occur in specific cases, the evidence suggests these effects are not widespread or long-lasting, with house prices instead reacting negatively to the expectation of likely impacts and construction, but these prices recover during the operational phase.

4.1.3 Community Engagement

Concerns have been raised regarding the lack of community consultation process undertaken as part of this project. Submissions have claimed that there was a lack of meaningful public engagement withheld information, and ineffective communication.

4.1.3.1 Response

Chapter 2 and Appendix 2-1 of the EIAR provides comprehensive detail on the extensive community consultation that has occurred over the lifespan of the Proposed Development.

To inform local residents about the Proposed Development, a project Community Liaison Officer (CLO) was appointed and an introductory information pack was delivered via door-door consultation to all householders within a c.2km radius of the area of the site in April 2021. Following the initial notification of the proposal to the local community, the CLO liaised with interested parties in helping them to understand the proposal and respond to any queries or concerns raised. The consultation effort comprised of door to door visits, letter-drops, and four public exhibition events.

James Crowley continues to be the dedicated CLO to the project and is available to address any queries or concerns that may be raised by the community in relation to the Proposed Development. In light of the recent activity on the Proposed Development, i.e it's remittal to An Bord Pleanála and reactivating as a live planning application, the applicant issued a letter in June 2025 to the local residents to update them on the project. In this letter, the applicant identified the response to submissions that will be submitted to An Bord Pleanála and reiterated the CLO's contact details for any queries that may arise.

In addition, a dedicated project website remains active and remains an additional communication channel to keep members of the public informed about the Proposed Development (https://ummamoreinfo.com/).

In conclusion, active engagement and consultation with the local community has taken place from an early stage during the pre-application phase of the Proposed Development through to the current post-lodgement phase of the Proposed Development. The consultation process has been an extremely valuable exercise and has provided a detailed, and enhanced understanding of the key issues and concerns of the local community, whilst also keeping them informed of current project status. It is the intention of the applicant to continue this active consultation for the entire lifespan of the Proposed Development

Please refer to Chapter 2 and Appendix 2-1 of the EIAR for further details.

4.1.4 Planning Policy

4.1.4.1 Site Suitability

It is stated in submissions that the EIAR does not include an assessment of alternative sites and why they were not chosen as the location for the Proposed Development. The adequacy of the wind speed at the site was queried by one submission, with reference to the Sustainable Energy Authority Ireland (SEAI) Wind Atlas, which indicates low wind speeds in the area of the Site.

4.1.4.1.1 *Response*

Chapter 3 of the EIAR: Site Selection and Reasonable Alternatives , contains a description of the reasonable alternatives that were studied by the developer, which are relevant to the Proposed Development and its specific characteristics, in terms of site location and other renewable energy technologies as well as site layout incorporating size and scale of the Proposed Development, connection to the national grid and transport route options to the Site. It provides an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. The consideration of alternatives is an effective means of avoiding environmental impacts.

The process of identifying a suitable wind farm site is influenced by a number of factors. While wind speeds, the area of suitable or available land, proximity to a grid connection point and planning policy are all very important, a wind farm project must be commercially viable/competitive, as otherwise it will never attract the necessary project finance required to see it built.

The site selection exercise in respect of the Proposed Development is informed by a number of key criteria as follows:

- Site location relative to Westmeath County Development Plan Wind Energy Capacity's classification of areas considered to have capacity for wind farm development from a planning policy perspective;
- Access to national electricity grid within a viable distance;
- Located outside areas designated for protection of ecological species and habitats;

- Sufficient area of unconstrained land that could potentially accommodate a windfarm development and turbine spacing requirements;
- Consistently high average annual wind speeds;
- Low population density, and;
- Limited visual impact

From the review of the criteria set above, the Wind Farm Site was identified as a suitable location for the provision of a renewable energy development of the scale proposed. The Wind Farm Site is located on agricultural land which allows the site to take advantage of the existing access roads (some of which will be upgraded) and highlights the suitability of the Wind Farm Site as it can make sustainable use of established items of infrastructure. The Wind Farm Site is not located within or adjacent to EU or National protected areas, nor does it contain any EU designated Annex I Habitat. The Wind Farm Site is located primarily on agri-pastoral lands, of low ecological value, within a rural setting. Required setbacks from sensitive receptors, as set out above are achievable.

With respect to wind speeds at the site, Section 3.2.3 identified that:

> *The Irish Wind Atlas produced by Sustainable Energy Ireland shows average wind speeds for the country. Wind speeds in the midlands are typically between 7 – 8 m/s. While the wind resource of Ireland's midlands is lower than that of coastal and elevated regions, it is still very good in comparison with many parts of Europe. On-site monitoring of the wind resource, which is ongoing, will further verify that with a sufficient turbine height and blade diameter, the wind resource of the site is commercially viable.*

An alternative to the above approach would be to propose and develop a project at a site that did not fit the criteria of a suitable site and would therefore have a much greater potential for significant, adverse environmental effects.

In conclusion, the site selection process for the Proposed Development was guided by a nationwide analysis of suitable lands, balancing key facilitators and constraints. The chosen site meets critical criteria, including environmental sensitivities, grid connectivity, adequate setbacks from sensitive receptors, and sufficient land availability. The site is located on low ecological value agricultural land and benefits from existing infrastructure while avoiding EU and National protected areas. The proposed underground grid connection has been designed to minimise environmental impact through horizontal directional drilling. Overall, this location represents a sustainable and viable choice for renewable energy development.

Contrary to the content of the submissions, Section 3.2.3.1 of the EIAR submitted with the planning application sets out an extensive rationale for the subject site location. MKO consider that this represents an extensive and comprehensive justification for the development location in the context of the principles of proper planning and sustainable development.

4.1.4.2 Contravention of Local Planning Policy

The Wind Farm Site is said to contravene Objective 10.045 of the Westmeath County Development Plan 2021-2027, which states that wind energy developments, such as Umma More, should be located on cutaway or cutover peatland areas.

4.1.4.2.1 *Response*

This is discussed in detail below in Section 5.2 as part of the response to An Bord Pleanála's first refusal reason – Planning Policy Contravention.

4.1.4.3 Planning Drawing – Tree Felling

An observation received by the Board identifies that a planning drawing for tree felling was not included in the application.

4.1.4.3.1 *Response*

It is noted that details on Tree Felling are provided in Section 4.3.1.6 in Chapter 4 and Section 6.6.3.1.2 and Appendix 6-2 to Chapter 6 in the EIAR. Figure 4-12 identifies the forestry felling footprint for the Proposed Development, whilst the Biodiversity Management Enhancement Plan included as Appendix 6-4 details treeline and hedgerow removal, and hedgerow enhancement proposals.

In the interest of completeness, a planning drawing of Tree Removal and Hedgerow Replanting is provided as Appendix 6 to this Response to Submissions Document.

4.1.5 Landowner Consent

Some observations received by the Board suggest that the applicant has not included requisite letters of consent in respect of the extent of the planning application site.

4.1.5.1 Response

The Board should note that the applicant is satisfied that they have presented the necessary legal consent to make the subject planning application. The Board will also note Section 31(13) of the Planning and Development Act 2000 (as amended) which states the following:

'A person shall not be entitled solely by reason of a permission under this section to carry out any development.'

The inference of this provision of the legislation is that a grant of planning permission does not facilitate a developer undertaking works on land outside their ownership based solely on a grant of planning permission. The planning application process is not the forum in which to resolve conflicts pertaining to land ownership, that is a civil matter in respect of which ample recourse is available to relevant parties, should it be necessary.

4.2 Statutory Body Submissions

Six statutory bodies wrote submissions to the Proposed Development; these are summarised below. These bodies are as follows:

- Transport Infrastructure Ireland (TII)
- Offaly County Council
- Westmeath County Council
- Office of Public Works (OPW)
- Development Applications Unit – NPWS
- Development Applications Unit- Heritage

The content of these submissions is presented under the following headings:

- Traffic and Transport
- Landscape and Visual, and Cultural Heritage
- Planning Policy
- Nature Conservation

4.2.1 Traffic and Transport

4.2.1.1 Impact on National Road Infrastructure

Transport Infrastructure Ireland (TII) and Offaly County Council both express concerns about the proposed grid connection for the Proposed Development, particularly where it intersects with the N52 national road. Both submissions state that routing 8.3km of high-voltage cabling along this road could be problematic. They argue that such development would interfere with existing and planned national road projects and compromise the strategic function of the N52. This route is part of the Kilbeggan to Tullamore Link Road Scheme, a project considered vital at both regional and national levels.

TII specifically warns that the cabling would interfere with road safety and future maintenance, potentially increasing costs and operational burdens. Offaly County Council similarly notes that this routing could negatively impact the future construction of the N52 upgrade and therefore should be avoided entirely.

Both TII and Offaly County Council recommend that an alternative grid connection route be identified. They argue that rerouting the cabling to avoid national roads entirely would safeguard the strategic function and future development of the national road network. TII adds that any proposed route must not only avoid physical impacts on roads but also ensure compliance with all relevant safety, engineering, and planning standards.

4.2.1.1.1 *Response*

Alternative grid connection route options for the Proposed Development are considered in detail in Section 3.2.8 in Chapter 3 of the submitted EIAR. This initial assessment was completed to examine all feasible options for the connection of a wind energy development in terms of location, available existing infrastructure, site constraints and ESBN Guidelines related to contestable infrastructure (i.e. infrastructure which is delivered by a project developer but once delivered is owned, managed, and maintained by ESBN).

As detailed in Chapter 3, the chosen grid connection route was chosen due to the fact that the N52 underpass is serviced by two roundabouts and the underpass would give rise to less obstructive works to the road network.

Chapter 4 (Description) of the submitted EIAR provides detail regarding the design, construction methodologies and mitigation for the construction and operation of the Grid Connection underground electrical cabling route. The Grid Connection underground electrical cabling route has been comprehensively described, detailed and assessed as part of the EIAR and NIS. It has been demonstrated that the Grid Connection underground electrical cabling route will have no significant direct or indirect effects on the environment, traffic safety and road users.

As identified in Section 4.7.7.1 in Chapter 4, before works commence, updated surveying will take place along the proposed cable route, with all existing culverts identified. All relevant bodies i.e. ESB, Westmeath County Council, Offaly County Council etc. will be contacted and all up to date drawings for all existing services sought. When the cable is located on public roads, a traffic management plan will be prepared prior to any works commencing.

It should be noted that any works within the public road corridor will be subject to a Road Opening Licence. This is a formal process through which the specific requirements of the Road Authority will be agreed. The Road Opening Licence process includes for a long-term impact and reinstatement fees, that are held for a minimum of two years following the completion of works, to cover any road maintenance works that may be required. Also, once the Grid Connection underground cabling route works have

been completed, it will be become an ESBN asset and be treated no differently to any other existing service or utility within the public road corridor.

An assessment of the potential for cumulative effects arising from the Proposed Development and the N52 Tullamore to Kilbeggan Link Scheme id detailed in Section 14.1.11.15 in Chapter 14 identifying that should the construction timeframe for both the Proposed Development and the N52 Tullamore to Kilbeggan Link Scheme coincide, given the low traffic volumes generated during the construction of the Grid Connection underground electrical cabling route and general construction traffic for the Proposed Development, the potential for cumulative impacts between the Proposed Development and N52 Tullamore to Kilbeggan Link Scheme will be imperceptible to slight.

4.2.1.2 Construction Traffic and Road Safety Concerns

The proposed haul route for wind turbine components includes sections of national roads such as the M6, N6, and N55. TII notes that abnormal loads traveling these routes must comply with strict transport and safety protocols. Westmeath County Council also states in its submission that more clarity is needed regarding road safety and haulage routes.

A Construction Traffic Management Plan (CTMP) will be required, and it must be agreed in writing with TII, An Garda Síochána, and Westmeath County Council. The CTMP must detail all transport logistics, compliance with TII engineering standards, and consultations with relevant authorities. Additionally, any road damage caused by heavy or unusually long loads must be repaired in accordance with TII pavement standards.

TII raises concerns regarding the integrity of national road structures affected by the proposed cabling. One such structure is the Silver River Bridge (Structure ID OY-N52-015.00), which would be crossed by the grid connection. TII notes that no technical acceptance has been granted for these works, and that insufficient design information has been submitted to demonstrate that these structures can safely accommodate the proposed loads.

Moreover, the proposed Horizontal Directional Drilling (HDD) under the M6 motorway near Junction 5 would require consent under Section 53 of the Roads Act. TII states that full construction and design details must be submitted for review and approval to avoid damage to motorway infrastructure.

Westmeath County Council also raise concerns regarding some of the bridge structures, haulage routes and road capacities

4.2.1.2.1 *Response*

It should be noted that Appendix 4-2 of the EIAR is a Construction and Environmental Management Plan (CEMP), has been prepared for the Proposed Development, and is included in Appendix 4-2 of the EIAR. The proposed procedures for the implementation of the mitigation measures outlined in a CEMP and their effectiveness and completion is typically audited by the ECoW on behalf of the Project Developer, in an objective manner. The basis for auditing is presented in Section 6 of the CEMP which effectively lists all mitigation measures prescribed in any of the planning documentation. Following confirmation that the mitigation measure has been implemented, the effectiveness of the mitigation measures has to be the subject of regular review and audit during the full construction stage of the project. The CEMP includes details of drainage, spoil management, waste management, traffic management etc, and describes how the above-mentioned audit will function and how the findings are presented.

In the event planning permission is granted for the Proposed Development, the CEMP will be updated prior to the commencement of the development, to address the requirements of any relevant planning conditions, including any additional mitigation measures which are conditioned and will be submitted to the Planning Authority for written approval.

The on-site construction staff will be responsible for implementing the mitigation measures specified in the EIAR and compiled in Section 6 of the CEMP. Their implementation will be overseen by the ECoW or supervising hydrogeologists, environmental scientists, ecologists or geotechnical engineers, depending on who is best placed to advise on the implementation. The system of auditing referred to above ensures that the mitigation measures are maintained for the duration of the construction phase, and into the operational phase where necessary.

A detailed Traffic Management Plan (TMP), incorporating all the mitigation measures set out in the CEMP included as Appendix 4-2 of this EIAR, will be finalised and confirmatory detailed provisions in respect of traffic management agreed with the roads authority and An Garda Síochána prior to construction works commencing on Site. Illustrations for the traffic arrangements and diversion routes identified for the Grid Connection works are included in Appendix 14-2: Grid Connection Traffic Arrangements and Diversion Routes, and identifies sections along the Grid Connection underground electrical cabling route where there will be road and pedestrian footpath closures, diverted traffic, and Stop/Go or traffic lights.

A competent Traffic Management Co-ordinator will be appointed for the duration of the construction of the Proposed Development and this person will be the main point of contact for all matters relating to traffic management. A pre-condition survey of roads associated with the Proposed Development will be carried out prior to construction commencement to record the condition of the road. A post construction survey will be carried out after works are completed. Where required the timing of these surveys will be agreed with the local authority.

It is confirmed that no abnormal weight loads will be associated with the Proposed Development and therefore, a technical load assessment was not deemed necessary as part of the scope of the traffic and transport assessment.

Furthermore, as no abnormal weight loads or loads exceeding those permissible under the Road Traffic Regulations will be required during the construction, operation or decommissioning of the Proposed Development, it is not deemed necessary to undertake a full assessment of all structures on the national road network along the turbine delivery route or other construction material haul routes.

In the event planning permission is granted for the Proposed Development, the final Traffic Management Plan will address the requirements of any relevant planning conditions, including any additional mitigation measures which are conditioned.

4.2.1.3 Greenway Infrastructure Considerations

TII advises that any proposed works near Greenways should be subject to consultation with the relevant project or design teams within Offaly and Westmeath County Councils. This is to ensure that the proposed development does not negatively impact recreational or active travel infrastructure.

4.2.1.3.1 *Response*

The closest Greenway to the Proposed Development is approximately 10km by road, the Old Rail Trail between Athlone Marina and Mullingar. Due to the significant separation distance between the closest Greenway and the Proposed Development, MKO would contend that the Proposed Development will have no material impact on any existing greenway infrastructure. Therefore, the Proposed Development will not cause any potential for negative impacts on recreational or active travel infrastructure.

4.2.2 Landscape and Visual, and Cultural Heritage

In the submission made by Westmeath County Council concerns are raised regarding the potential impact that the Proposed Development may have on the Hill of Uisneach, stating that the lack of

photomontages and other assessments have not fully considered the impact on the protected views and archaeological sites.

The submission from the Development Applications Unit (DAU) highlights potential shortcomings in the overall methodology and scope of the Archaeological Impact Assessment (AIA). Specifically, it notes that the EIAR references the outdated 2010 World Heritage Tentative List, whereas the current Tentative List, published in August 2022, should have formed the basis for the assessment.

The DAU advises that, as a matter of best practice, the assessment should have taken into account the UNESCO Guidance and Toolkit for Impact Assessments in a World Heritage Context (available at: https://whc.unesco.org/en/guidance-toolkit-impact-assessments/). Furthermore, given the nature of the proposed development, the UNESCO Guidance for Wind Energy Projects in a World Heritage Context (available at: https://whc.unesco.org/en/wind-energy) should also have been consulted.

In relation to the Landscape and Visual Impact Assessment (LVIA), the DAU notes that no photomontages were prepared from the Hill of Uisneach. Instead, the assessment relies solely on a digitally rendered wireframe model. While the Department acknowledges that this limitation may have arisen due to circumstances beyond the applicant's control, it expresses concern that the level of visual assessment provided may be insufficient, particularly given the cultural and visual sensitivity of the Uisneach site.

4.2.2.1.1 *Response*

We would refer the Board to the *Hill of Uisneach Technical Report* enclosed with this submission as a response to the issues raised in Section 4.2.5 above.

4.2.3 Planning Policy

Offaly County Council and TII argue that the proposed grid connection conflicts with statutory planning policies. Offaly County Council states that the proposal violates Objective SM AO-18 of the Offaly County Development Plan 2021–2027, which seeks to protect route corridors designated for national road schemes. Allowing development along these corridors, before a final route has been approved by An Bord Pleanála, could prejudice future infrastructure projects.

TII supports this position by citing the Section 28 Ministerial Guidelines on Spatial Planning and National Roads (2012), which clearly advise against developments that might interfere with route selection or planned upgrades.

Westmeath County Council argues that the proposal contravenes the Westmeath County Development Plan 2021-2027 as CPO 10.146 states that large scale wind development such as this should be restricted to cutaway peatland.

4.2.3.1 Response

The concerns listed above by TII and Offaly County Council have been noted. However, the proposed grid connection has been designed to avoid prejudicing future alignments. The Grid Connection underground electrical cabling route design and identified construction methodologies are in accordance with the requirements and specifications of ESB Networks, industry best practice and has due consideration of the Guidelines.

The Ministerial Guidelines advocate avoiding interference with route selection but also recognise the importance of enabling strategic infrastructure. The grid connection is essential in delivering the Proposed Development in line with the National Planning Framework and Climate Action Plan.

A response to the Proposed Development directly contravening the Westmeath County Development Plan is addressed in detail below, in Section 5.2.

4.2.4 Nature Conservation

The DAU state that in the EIAR, only county-level bird population data was used in the assessments and recommend that it should have assessed the local populations and territory-specific impacts of the Proposed Development. DAU also note that Hen Harriers and Barn Owls were not assessed in the EIAR despite the presence of known, active nests within close proximity to the site.

DAU also remind An Bord Pleanála of its legal obligations to ensure that there will be no adverse effects on habitats. Westmeath County Council also raised concerns regarding potential impacts on biodiversity as a result of the Proposed Development.

4.2.4.1 Response

Section 7 of **Appendix 1: EIAR Addendum** identify the dedicated bird surveys that have been ongoing at the Wind Farm Site, during the survey period October 2022 – March 2025, consisting of three winter seasons and two breeding seasons.

The results of the updated 2.5 years of survey data are not significantly different for the identified KORs in comparison with results from the EIAR as submitted and, as such, broadly corroborate the findings of the EIAR as submitted. The key exceptions to this were observed for golden plover (wintering), lapwing (breeding), snipe (breeding) and kestrel (all seasons). Targeted breeding hen harrier surveys were conducted during the 2024 breeding season at two additional survey locations following receipt of information (in the DAU) on breeding hen harrier in the wider area. Breeding barn owl surveys were undertaken at the site and within a 2km radius. The survey aimed to identify breeding barn owl territories near or within the site by locating nest sites.

To account for these changes, an updated impact assessment is provided in Section 7 of the EIAR Addendum Report. Based on the detailed assessment, it is considered that the potential effects of the Proposed Development upon birds will not be significant. Effects associated with habitat loss, disturbance/displacement, collision risk and cumulative effects have been assessed to be no greater than long-term slight negative effect (EPA, 2022) and low effect significance (Percival, 2003). In conclusion, no significant effects as a result of the Proposed Development are foreseen on KORs and relevant species of the Wind Farm Site.

The findings of the assessment of the potential effects of the Proposed Development on birds remain the same as identified in the submitted EIAR, no significant effects on avian receptors will occur.

5. REASONS FOR REFUSAL

5.1 Introduction

This section sets out a response to the reasons for refusal previously issued by An Bord Pleanála. The opportunity is taken to address each of the issues raised, with the objective of demonstrating how the Board's concerns have been addressed and the Proposed Development aligns with relevant planning and environmental considerations.

Section 5.2 addresses Refusal Reason No. 1. Section 5.3 responds to Refusal Reason No. 2. Section 5.4 considers the additional note appended by the Board in relation to the potential impacts on the Hill of Uisneach.

5.2 Refusal Reason No.1 – Planning Policy Contravention

The wording of the Bord's first refusal reason is as follows:

> *The proposed development by reason of its height (185 metres ground-to-blade tip height), scale(nine turbines) and output (55.8 MW overall generating capacity) when taken in conjunction with the location on lands outside of cutover cutaway peatlands, would be contrary to Policy Objective CPO10.145 of the Westmeath County Development Plan 2021-2027, that seeks to strictly direct large-scale energy production projects in the form of wind farms onto cutover cutaway peatlands in the county. In the context of this policy, industrial scale/large-scale energy production projects are defined as follows:*
>
> *Projects that meet or exceed any of the following criteria:*
> - *Height: Over 100 metres to blade tip, or*
> - *Scale: More than five turbines, or*
> - *Output: Having a total output of greater than 5 megawatts.*
>
> *Accordingly, the Board was not satisfied that, notwithstanding the benefits of renewable energy proposals and the policy support otherwise, that the proposed development would in this instance be plan led as it would not be in accordance with the stated policy objective of the statutory development plan for the subject site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

The first reason for refusal, states that the Proposed Development contravenes the Westmeath County Development Plan 2021-2027. The Board states that the Proposed Development would materially contravene the policy and objective CPO10.146 of the Westmeath County Development Plan (WCDP), which has since been changed to CPO10.145 following Ministerial Direction on the development plan.

The Wind Farm Site lies within lands currently used for agriculture, forestry and pasture. While this does not comply with CPO10.145, only 9% of the land within Westmeath County is cutover and cutaway peatland, which significantly limits the potential locations for viable wind farms within the county. The WCDP was adopted following evaluation by the Office of the Planning Regulator (OPR) and is aligned with broader climate policy. Yet, this restrictive policy for the location of large-scale wind farms has brought with it, opposing views regarding the need for renewable energy projects within Ireland, such as the Proposed Development, and their alignment with local policy.

There is an increased urgency for the accelerated delivery of renewable energy projects, like the Proposed Development, in order to meet national and international renewable energy targets as set out in the

Climate Action Plans (2021, 2023, 2024 and 2025) whereby the Irish Government has committed to achieving 9 GW of onshore wind and 80% of energy to be from renewable sources by 2030.

While Westmeath is only the 22nd largest county in Ireland, it has a high population density of almost 55 people per km^2, which is significant compared to the national average of 73 persons per km^2. While the WCDP does not set out specific targets for wind energy production, Westmeath still has a contribution to make to the national targets, as stated above. The lifetime of the Westmeath CDP (2021-2027) is arguably the most critical period in which mitigation measures must be taken to avoid catastrophic impacts and to keep global warming to less than 1.5°c. Westmeath currently has no operating wind farms meaning that the Proposed Development would be crucial for the county to help meet national and international targets for wind energy production. When considering this fact alongside the urgency of the transition to a low carbon society, it is clear that the location of this Proposed Development, should not hinder the development of wind energy in the County.

In the assessment of this Proposed Development, the Inspector referred to significant case law underscoring the legal primacy of development plans. In Brophy v An Bord Pleanála [2015] IEHC 433, Baker J affirmed that, in cases of conflict between national guidance (such as Ministerial Guidelines) and local development plan policy, the latter must take precedence. Similarly, in Murtagh v An Bord Pleanála (Unreported, High Court, 29 March 2023), the court found that even the National Planning Framework (NPF) cannot override the provisions of an adopted development plan. The Inspector, applying these decisions, concluded that "*To permit this development would be a material contravention of this policy objective. Having regard to recent case law, I consider that the proposed development should be refused on this basis.*"

It should be noted that the Proposed Development was submitted under 37(E) of the Planning and Development Act 2000 as it constitutes a Strategic Infrastructures Development (SID). The case law stated by the inspector relates to section 34 of the Act as opposed to section 37. In this context, the relevant legislative provision is Section 27G (6), which empowers the Board to grant permission for development, even where it materially contravenes the relevant development plan:

> *"The Board may decide to grant a permission for development, or any part of a development, under this section even if the proposed development, or part thereof, contravenes materially the development plan..."*

The Bracklyn Wind Farm (ABP-311565), which involved the development of nine turbines across Counties Meath and Westmeath, was granted planning permission by An Bord Pleanála (ABP) on 7 July 2022. Notably, this development contravened the same Westmeath County Development Plan (WCDP) policy-Policy CPO10.146 (now CPO10.145)-as the Proposed Development.

In the case of the Proposed Development, the Inspector referenced Section 37(2) of the Planning and Development Act 2000, as amended, which applies to appeals. However, this section is not relevant in the context of the Proposed Development, as it concerns a Strategic Infrastructure Development (SID) application made under Section 37(E) of the Act. Section 37(2)(a) provides that the Board may, in determining an appeal, grant permission even where the proposed development materially contravenes a development plan. The Inspector noted that the Board could consider the application under Section 37(2)(a), notwithstanding their own view on relevant case law.

However, the applicable statutory provision in this instance is Section 37G (6), which specifically governs decisions by the Board on SID applications. This section states:

> *"The Board may decide to grant a permission for development, or any part of a development, under this section even if the proposed development, or part thereof, contravenes materially the development plan relating to any area in which it is proposed to situate the development."*

Although the Board cited Section 37G in its order, suggesting that it may have considered its discretion to override the development plan, it ultimately did not take that course of action. This omission is difficult to understand, particularly given that the Bracklyn Wind Farm was approved in similar circumstances, despite materially contravening the same WCDP policy.

The Inspector's Report in the Bracklyn case acknowledged that the restrictive policy-limiting wind farm development to cutover and cutaway peatlands-significantly limits the county's ability to contribute to national renewable energy targets. As noted in paragraph 8.3.14 of that report:

> *"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 to 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."*

Further, in paragraph 8.3.18, the Inspector concluded that, while the development might contravene certain statements in the development plan, these statements-including Policy CPO10.146-must be assessed in light of national climate priorities. These include the global energy crisis and the need to reduce greenhouse gas emissions by supporting renewable energy projects. The Inspector did not consider the proposed development to be contrary to wind energy policy overall.

This context underscores the broader obligations imposed on the Board. Under Section 143(1) of the Planning and Development Act 2000, as amended, the Board is required to have regard to:

a) *the policies and objectives for the time being of the Government, a State authority, the Minister, planning authorities and any other body which is a public authority whose functions have, or*
b) *may have, a bearing on the proper planning and sustainable development of cities, towns or other areas, whether urban or rural, the national interest and any effect the performance of the Board's functions may have on issues of strategic economic or social importance to the State, and*
c) *the National Planning Framework and any regional spatial and economic strategy for the time being in force.*

This statutory duty must also be read in conjunction with the obligations under the Climate Action and Low Carbon Development Act. In particular, national climate policies and objectives must be given effect in the Board's decision-making. These policies are not merely advisory but represent legally binding commitments intended to guide public authorities, including planning bodies.

The Board is legally required to implement planning decision-making tasks, particularly for renewable energy developments, in a manner that is consistent with the Climate Act. This includes an obligation to align decisions, as much as possible, with the following:

- The most recent Climate Action Plan,
- The National Long-Term Climate Action Strategy,
- The National Adaptation Framework and sectoral plans,
- The National Climate Objective (net-zero by 2050), and
- The overall goal of mitigating greenhouse gas emissions and adapting to climate change.

This duty takes precedence over the Board's obligation under Section 143(1) of the Planning and Development Act 2000 to "have regard to" government and local planning policies. Therefore, the Climate Act can override inconsistencies in local development plans if a project supports national climate objectives.

The Board must also recognise that renewable energy projects like wind farms are essential for meeting Ireland's 2030 climate targets, including a 51% reduction in emissions and 80% renewable electricity. Ireland is currently off track to achieve these goals.

Refusing well-planned renewable energy developments, such as the Proposed Development, undermines national and EU climate commitments. Under Section 143(1) of the Planning Act, the Board must also consider strategic economic and social priorities, including energy independence and resilience.

Therefore, the Board is legally obliged to support well-planned renewable energy projects that advance national climate objectives, even where they may not align with local development plans, such as the proposed development.

5.3 Refusal Reason No.2 – Impact on SPA Conservation Objectives

The wording of the Board's second refusal reason is as follows:

1. *The Board was not satisfied that the methodology applied to the collision risk of birds with turbines, that led to the screening out by the applicant of the Blackheaded Gull (Special Conservation Interest Middle Shannon Callows Special Protection Area (Site Code: 004096)) and Lapwing (Special Conservation Interest Lough Ree Special Protection Area (Site Code: 004064)) from the need for Stage 2 Appropriate Assessment, was scientifically robust for the reasons set out in Section 13.5 of the Inspectors report and which the Board agreed with. Accordingly, the Board did not consider that the screening out of these two SCIs from the need for Stage 2 Appropriate Assessment can be relied on with scientific certainty. Accordingly, the Board cannot be satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of Lough Ree Special Protection Area (Site Code: 004064) and Middle Shannon Callows Special Protection Area (Site Code: 004096) alone or in combination with other plans and projects. Consequently, on the basis of the information provided with the application, including the Natura Impact Statement and submissions received, and in light of the Inspector's assessment, which the Board agreed with, the Board was not satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of the above-mentioned sites, in view of these sites' conservation objectives with respect to the Black-headed Gull (Special Conservation Interest Middle Shannon Callows Special Protection Area (Site Code: 004096)) and Lapwing (Special Conservation Interest Lough Ree Special Protection Area (Site Code: 004064)).*

This response to the DAU submission relates solely to ornithology and herein sets out the response to all the matters raised. The response to these issues has been prepared by the MKO Ornithology team who wrote the Ornithology Sections of the EIAR. This response has been prepared by Project Ornithologist, Donnacha Woods (B.Sc., M.Sc.) and Principal Ornithologist, Padraig Cregg (B.Sc., M.Sc.) of MKO. Both of whom are suitably qualified, competent, professional ornithologists with extensive experience in completing avifaunal assessments and are competent experts for the purpose of the preparation of this response.

The Department's key concern relates to collision risk. The Department critiques the Ornithology Chapter of the Environmental Impact Assessment Report (EIAR) for its handling of methodology concerning bird mortality from turbine collisions. They argue that there is an inaccurate application of Percival's (2003)[6] methodology for assessing the significance of potential bird fatalities. Percival suggests that an impact is negligible if it does not exceed a 1% increase in natural mortality rate, emphasizing the

[6] *Please see Section 7.2.5.3 of the EIAR for a summary of Percival (2003) guidance.*

importance of correctly defining the affected bird population. The relevant text from the DAU submission dated 23 May 2023 includes the following:

> *"For example, with respect to peregrine falcon the proposed development will result in the annual collision of 0.144 birds. The annual adult mortality is considered to be 19%. A county level population is then derived by taking the national population and dividing it by 26 (16 pairs I 32 birds). Consequently, Section 7.5.2.1 concludes that the proposed application would result in an increased annual mortality of 2.4% which can be considered of low magnitude. However, Percival's methodology requires an analysis to determine what discrete population the peregrines recorded within the application site are likely associated with. During the breeding season peregrines occupy a distinct nesting territory and this territory may also be occupied during the non-breeding season. This nesting territory surrounds suitable nesting sites, consisting of natural or man-made ledges (quarries, church towers etc.). While peregrine falcons are common throughout the country they are not homogenously distributed as suitable nesting sites/ territories are not located evenly throughout the countryside. Two breeding sites are located in the wider area of the proposed development and represent the only locations in the western half of County Westmeath outside of Athlone (NPWS, 2017) consequently, any predicted loss due to collision should be assessed in the context of such distinct nesting territories. The predicted losses may or may not undermine the viability of such a nesting territory and effectively lead to the absence of this species from a suitable nesting territory. After such an analysis is undertaken it should then be contextualised in the wider geographical context."*

In summary, the DAU highlights how the choice of reference population can impact the outcome of the impact assessment. The DAU also request that the "analysis to determine" the reference population be provided.

This response refutes the claim of an inaccurate application of the impact assessment methods. In response, for each relevant species[7], a justification for the choice of reference population is first provided, followed by a detailed discussion of the collision risk assessment. Please note that an EIAR Addendum Report is also included in the overall response documents, which includes updates for birds. Relevant information from that document is referenced in this response text.

5.3.1 Choice of Reference Population

To address this point, the key question is what is the "*bird population against which the degree of impact should be judged*" (Percival 2003). Why this is important when considering collision risk is outlined as follows.

A collision risk impact assessment is informed by the predicted number of collisions, however, a meaningful impact assessment cannot be undertaken with the predicted number of collisions alone. Context is needed. For example, one predicted collision for a population of one would be catastrophic, whereas the same number of collisions is less important for a large population. In deciding what is an appropriate reference population for the impact assessment, a key consideration is whether the birds encountered onsite are part of a discrete local population or a larger population present throughout (suitable habitat) in the wider surroundings. Several other factors are typically considered, such as the behaviour of the species in question (are they a wide-ranging species), their habitat preference, whether the habitat is abundant and whether there is connectivity within the habitat. A relevant section in the impact assessment guidance produced by Percival (2003) outlines how "*one issue in this process concerns the precise area or bird population against which the degree of impact should be judged. For protected SPAs this is usually quite straightforward, comprising simply the populations for which that site has been designated".* Outside of protected sites, Percival (2003) recommends that the *"populations of each important species at the wind farm within this zone should be estimated using the best available*

[7] *Relevant as per the DAU submission is defined as any KOR species for which collision risk is predicted.*

data-on bird densities and habitat availability. These populations then constitute the baseline against which the magnitude of any predicted effects should be judged".

As peregrine falcon, black-headed gull and lapwing are specifically mentioned, these three species are first discussed followed by the other key ornithological receptors for which collision risk has been predicted (as per the DAU request). The below species accounts provide justifications for the chosen reference population against which impacts were judged and the results of an updated collision risk assessment[8]. Section 5.3.1.10 then provides a summary of significant effects.

5.3.1.1 Peregrine falcon

The position of the Bird Chapter of the EIAR (Section 7.4.1) is that the birds encountered at the site are part of a wider county population. The rationale for this position is in line with Percival's (2003) guidance and as requested, information on habitat availability and bird density is provided to justify this position:

Habitat Availability

- There is abundant suitable habitat (e.g. agricultural grassland that contains prey species) throughout the county that could be utilised by this species. Peregrines favour all open-ground habitat types that contain avian prey species.
- There is no barrier to connectivity within this (largely contiguous) suitable habitat; it is therefore reasonable to assume that there is likely the exchange of individuals within the county, particularly as this is a wide-ranging species capable of travelling considerable distances. The species has a maximum foraging range of 18km (SNH, 2016)[9].
- There is nothing unique about the agricultural grassland within the Wind Farm Site, it is, therefore, reasonable to assume that the occurrence of this species within the grassland of the proposed development is indicative of similar occurrences throughout similar habitats in other areas of the county. Particularly as there is abundant agricultural grassland throughout the county.

Best available data on bird density

- In the specific case of the uneven regional distribution (as noted in the DAU submission) of peregrine, further consideration has been given to the occurrence (density) of the species in the county. While there are no published figures for the County Westmeath population of peregrine, the Bird Atlas (2007 – 2011) includes occurrence information. In particular, it provides breeding and wintering distribution maps for birds in Ireland. Using these maps, and using the national population estimate for peregrine of 425 pairs, county populations can be inferred by examining distribution points for each county. The population of peregrine in Co. Westmeath is therefore estimated to be 16 birds (or 2% of the national population). This information corroborates the submission from the DAU as to the uneven distribution of peregrine. A further point for consideration is the fact that all populations will include young individuals. Given that peregrine have brood sizes of three to four chicks, and a survival rate of 60% in their first year[10], a non-breeding population of juvenile birds can be estimated at c.17 birds. The revised population estimate is thus 33 birds.
- These non-breeding individuals will not be bound to breeding sites and can disperse throughout suitable habitats.
- The revised estimated population is not significantly different from the estimate in the EIAR as submitted (i.e. 16 pairs, or 32 birds) such that there remains no change to the outcome of the

[8] *Since the EIAR was submitted 2.5 years of additional surveys were undertaken, this data informs the update to the collision risk assessment.*
[9] *SNH (2016) Assessing Connectivity with Special Protection Areas*
[10] *https://www.bto.org/learn/about-birds/birdfacts/peregrine*

collision risk impact assessment, i.e. no significant effects are predicted. Please see the EIAR Addendum Report for details.

- While the 1% increase in background mortality referenced in Percival (2003) is often set as the threshold for judging significance, it is likely quite conservative. The threshold likely originates from a hunting threshold set by the European Commission (and referenced in EC, 2008)[11] and was not intended to indicate that all increases in mortality above 1% were significant. Among other reasons, the threshold was set at 1% by the European Commission because such losses are so low that they are within the margin of error from a mathematical point of view in population dynamics modelling studies. This further limits the potential for significant collision risk effects to result. The origin of the 1% threshold is discussed at length in the recently permitted Castlebanny Wind Farm EIAR[12].

Collision Risk Assessment

- A revised collision risk assessment was undertaken incorporating data from a further 2.5 years of bird surveys that have been undertaken since the EIAR was submitted.
- There is no change to the impact assessment conclusion from the revised collision risk assessment (i.e. low (Percival, 2003)/long-term slight negative (EPA, 2022) – please see EIAR Addendum Report for further detail).

In summary, it is considered reasonable to conclude that the birds encountered at the Wind Farm Site are part of a wider county population with an exchange of individuals and thus unlikely to be a distinct local population. The outcome of the revised collision risk assessment was the prediction of no significant collision risk effect at the county or national scale.

5.3.1.2 Black-headed gull

The position of the Bird Chapter of the EIAR (Section 7.4.1) is that the birds encountered at the site are part of a wider county population. The rationale for this position is in line with Percival (2003) guidance and as requested information on habitat availability and bird density is provided to justify this position:

Bird Density

- This is a mobile and widespread species (as per the Bird Atlas 2009-11) that utilises widespread habitat types (e.g. wetlands and agricultural grassland), it is, therefore, unlikely to be a distinct local population and reasonable to conclude that there is some exchange of individuals in suitable habitat within the county. Furthermore, the species is particularly abundant during the winter season in the central midlands of Ireland including the Co. Westmeath region (as per the Bird Atlas 2009-11).

Habitat Availability

- There is abundant suitable habitat (e.g. agricultural grassland) throughout the county that could be utilised by this species. Black-headed gull utilise agricultural grassland for foraging.
- The is no barrier to connectivity within this (largely contiguous) suitable habitat, it is therefore reasonable to assume that there is likely the exchange of individuals within the county. The implication of this is that if or when a mortality event occurs the newly vacated and now available habitat could be utilised by an individual from neighbouring habitat.
- There is nothing unique about the agricultural grassland within the Proposed Development, it is, therefore, reasonable to assume that the occurrence of this species within the grassland of the Proposed Development is indicative of similar occurrence throughout similar habitats in other

[11] *EC (2008). Guidance Document on Hunting under Council Directive 79/409/EEC on the Conservation of Wild Birds "The Birds Directive" Birds Directive". European Commission.*
[12] *https://castlebannyplanning.ie/*

areas of the county. Particularly as there is abundant agricultural grassland throughout the county.

Collision Risk Assessment

- A revised collision risk assessment was undertaken incorporating data from a further 2.5 years of bird surveys that have been undertaken since the EIAR was submitted and incorporating updated information on population estimates.
- There is no significant change to the impact assessment conclusion from the revised collision risk assessment for both breeding and wintering black-headed gull (i.e. low (Percival, 2003)/long-term slight negative (EPA, 2022) - see EIAR Addendum Report for further detail).

In summary, it is considered reasonable to conclude that the birds encountered at the site are part of a wider county population with an exchange of individuals and thus unlikely to be a distinct local population.

The outcome of the revised collision risk assessment was the prediction of no significant collision risk effect at the county or national scale.

5.3.1.3 Lapwing

The position of the Bird Chapter of the EIAR (Section 7.4.1) is that the birds encountered at the site are part of a wider county population. The rationale for this position is in line with Percival (2003) guidance and as requested information on habitat availability and bird density is provided to justify this position:

Bird Density

- This is a mobile and widespread species (as per the Bird Atlas 2009-11) that utilises widespread habitat types (agricultural grassland), it is, therefore, unlikely to be a distinct local population and reasonable to conclude that there is some exchange of individuals in suitable habitat within the county. Furthermore, the species is particularly abundant during the winter season in the central midlands of Ireland including the Co. Westmeath region (as per the Bird Atlas 2009-11)[13].

Habitat Availability

- There is abundant suitable habitat (e.g. agricultural grassland) throughout the county that could be utilised by this species. Lapwing utilise agricultural grassland for foraging during the winter[14].
- There is no barrier to connectivity within this (largely contiguous) suitable habitat, it is therefore reasonable to assume that there is likely the exchange of individuals within the county. The implication of this is that if or when a mortality event occurs the newly vacated and now available habitat could be utilised by an individual from neighbouring habitat.
- There is nothing unique about the agricultural grassland within the proposed development, it is, therefore, reasonable to assume that the occurrence of this species within the grassland of the Proposed Development is indicative of similar occurrence throughout similar habitats in other areas of the county. Particularly as there is abundant agricultural grassland throughout the county.

[13] *BTO's online platform includes species-specific Bird Atlas maps: https://app.bto.org/mapstore/StoreServlet?id=171*
[14] *Gillings & Fuller (1999). Winter Ecology of Golden Plovers and Lapwings: A Review and Consideration of Extensive Survey Methods. BTO Research Report No. 224. A report by the British Trust for Ornithology.*

Collision Risk Assessment

- A revised collision risk assessment was undertaken incorporating data from a further 2.5 years of bird surveys that have been undertaken since the EIAR was submitted and incorporating updated information on population estimates.
- There is no change to the impact assessment conclusion from the revised collision risk assessment (i.e. very low (Percival, 2003)/long-term not significant negative (EPA, 2022) – please see EIAR Addendum Report for further detail).

In summary, it is considered reasonable to conclude that the birds encountered at the Wind Farm Site are part of a wider county population with an exchange of individuals and thus unlikely to be a distinct local population.

The outcome of the revised collision risk assessment was the prediction of no significant collision risk effect at the county or national scale.

5.3.1.4 Merlin

Merlin were not recorded during vantage point surveys undertaken between April 2019 – March 2021, as detailed in the EIAR as submitted, and, as such, a collision risk assessment was not required. From updated survey data collected between October 2022 – March 2025, merlin were recorded on one occasion during vantage point surveys, comprising a single bird travelling below the lowest swept height of the proposed turbine/possible collision height (PCH).

There have been no records of this species at PCH during the 4.5 years of vantage point surveys undertaken. This further corroborates the findings of the EIAR as submitted. No significant collision risk is predicted.

5.3.1.5 Mallard

The position of the Bird Chapter of the EIAR (Section 7.4.1) is that the birds encountered at the site are part of a wider county population. The rationale for this position is in line with Percival (2003) guidance and as requested information on habitat availability and bird density is provided to justify this position:

Bird Density

- This is a mobile and widespread species (as per the Bird Atlas 2009-11) that utilises widespread habitat types in the winter season (i.e. wetter parts of agricultural grassland, ditches, streams etc.), it is, therefore, unlikely to be a distinct local population and reasonable to conclude that there is some exchange of individuals in suitable habitat within the county. Furthermore, mallard is particularly abundant in Ireland during the winter, occurring in all parts of the country (as per the Bird Atlas 2009-11).

Habitat Availability

- There is abundant suitable habitat (e.g. agricultural grassland) throughout the county that could be utilised by this species. Mallard occurs on all wetland habitat types, particularly wetter parts of agricultural grassland, ditches, streams etc.
- There is no barrier to connectivity within this (largely contiguous) suitable habitat, it is therefore reasonable to assume that there is likely the exchange of individuals within the county. The implication of this is that if or when a mortality event occurs the newly vacated and now available habitat could be utilised by an individual from neighbouring habitat.
- There is nothing unique about the agricultural grassland within the Proposed Development, it is, therefore, reasonable to assume that the occurrence of this species within the grassland of the Proposed Development is indicative of similar occurrence throughout similar habitats in other

areas of the county. Particularly as there is abundant agricultural grassland throughout the county.

Collision Risk Assessment

- A revised collision risk assessment was undertaken incorporating data from a further 2.5 years of bird surveys that have been undertaken since the EIAR was submitted and incorporating updated information on population estimates.
- There is no change to the impact assessment conclusion from the revised collision risk assessment (i.e. very low (Percival, 2003)/long-term not significant negative (EPA, 2022) – please see EIAR Addendum Report for further detail).

5.3.1.6 Teal

No collisions are predicted for teal over the lifetime of the Wind Farm Site no significant effects are predicted at the county, national or international level.

5.3.1.7 Snipe

The position of the Bird Chapter of the EIAR (Section 7.4.1) is that the birds encountered at the Wind Farm Site are part of a wider county population. The rationale for this position is in line with Percival (2003) guidance and as requested information on habitat availability and bird density is provided to justify this position:

Bird Density

- This is a mobile and widespread species (as per the Bird Atlas 2009-11) that utilises widespread habitat (including agricultural grassland), it is, therefore, unlikely to be a distinct local population and reasonable to conclude that there is some exchange of individuals in suitable habitat within the county. Furthermore, snipe is particularly abundant Ireland during the winter, occurring in all parts of the country (as per the Bird Atlas 2009-11). In the absence of a wintering population estimate for snipe, the breeding population was used as the basis for population estimates. Therefore, the estimated county population is likely highly conservative.

Habitat Availability

- There is abundant suitable habitat (e.g. agricultural grassland) throughout the county that could be utilised by this species. Snipe utilise agricultural grassland for foraging, particularly wetter parts of fields and ranker swards.
- There is no barrier to connectivity within this (largely contiguous) suitable habitat, it is therefore reasonable to assume that there is likely the exchange of individuals within the county.
- There is nothing unique about the agricultural grassland within the Proposed Development, it is, therefore, reasonable to assume that the occurrence of this species within the grassland of the Proposed Development is indicative of similar occurrence throughout similar habitats in other areas of the county. Particularly as there is abundant agricultural grassland throughout the county.

Collision Risk Assessment

- A revised collision risk assessment was undertaken incorporating data from a further 2.5 years of bird surveys that have been undertaken since the EIAR was submitted and incorporating updated information on population estimates.
- There is no significant change to the impact assessment conclusion from the revised collision risk assessment (i.e. low (Percival, 2003)/long-term slight negative (EPA, 2022) – please see EIAR Addendum Report for further detail).

5.3.1.8 Kestrel

The position of the Bird Chapter of the EIAR (Section 7.4.1) is that the birds encountered at the Wind Farm Site are part of a wider county population. The rationale for this position is in line with Percival (2003) guidance and as requested information on habitat availability and bird density is provided to justify this position:

Habitat Availability

- There is abundant suitable habitat (e.g. agricultural grassland that contains prey species) throughout the county that could be utilised by this species. Kestrel favour all open ground habitat types that contain avian prey species.
- There is no barrier to connectivity within this (largely contiguous) suitable habitat, it is therefore reasonable to assume that there is likely the exchange of individuals within the county, particularly as this is a wide-ranging species capable of travelling considerable distances. Breeding kestrel have been shown to forage out to 7km (Garratt *et al*, 2010)[15].
- There is nothing unique about the agricultural grassland within the Proposed Development, it is, therefore, reasonable to assume that the occurrence of this species within the grassland of the Proposed Development is indicative of similar occurrence throughout similar habitats in other areas of the county. Particularly as there is abundant agricultural grassland throughout the county.

Best available data on bird density

- As undertaken for other species above, the distribution maps for kestrel in Ireland provided in the most recent Bird Atlas (2007 – 2011) were examined, giving an estimated county population of 363 birds (please see EIAR Addendum for further details). The revised estimated population is not significantly different from the estimate in the EIAR as submitted (i.e. 519) such that there remains no change to the outcome of the collision risk impact assessment, i.e. no significant effects are predicted – please see below.
- The population estimate above relates solely to breeding birds, however all populations will include non-breeding individuals. These individuals will not be bound to breeding sites and can disperse throughout suitable habitats. Therefore, the above estimated county population is likely highly conservative, as it is based on the number of breeding pairs in Ireland only.

Collision Risk Assessment

- A revised collision risk assessment was undertaken incorporating data from a further 2.5 years of bird surveys that have been undertaken since the EIAR was submitted, and incorporating updated information on population estimates.
- There is no significant change to the impact assessment conclusion from the revised collision risk assessment (i.e. low (Percival, 2003)/long-term slight negative (EPA, 2022) – please see EIAR Addendum Report for further detail).

5.3.1.9 Buzzard and Sparrowhawk

As outlined in the Bird Chapter of the EIAR (Section 7.4.1) buzzard and sparrowhawk are a numerous and widespread species with a favourable population trend and associated conservation status (BoCCI Green-listed). No significant collision rise effects are predicted for either species.

[15] *Garratt, C. M., Hughes, M., Eagle, G., Fowler, T., Grice, P. V., & Whittingham, M. J. (2011). Foraging habitat selection by breeding Common Kestrels Falco tinnunculus on lowland farmland in England. Bird Study, 58(1), 90–98. https://doi.org/10.1080/00063657.2010.526192*

Buzzard Collision Risk Assessment

- A revised collision risk assessment was undertaken incorporating data from a further 2.5 years of bird surveys that have been undertaken since the EIAR was submitted, and incorporating updated information on population estimates.
- There is no significant change to the impact assessment conclusion from the revised collision risk assessment (i.e. low (Percival, 2003)/long-term slight negative (EPA, 2022) – please see EIAR Addendum Report for further detail).

Sparrowhawk Collision Risk Assessment

- A revised collision risk assessment was undertaken incorporating data from a further 2.5 years of bird surveys that have been undertaken since the EIAR was submitted, and incorporating updated information on population estimates.
- There is no significant change to the impact assessment conclusion from the revised collision risk assessment (i.e. very low (Percival, 2003)/long-term not significant negative (EPA, 2022) – please see EIAR Addendum Report for further detail).

5.3.1.10 Summary of Significant Effects

No significant effects are predicted at the county, national or international level. The Wind Farm Site is predominantly characterised by improved agricultural grassland utilised for livestock grazing, and smaller areas of wet grassland and commercial forestry plantation. Improved agricultural grassland and commercial forestry are typically considered to be of low ecological value. Both habitat types are among the most abundant in Ireland, particularly so, in the case of improved agricultural grassland. Neither habitat are rare locally or uniquely occurs within the Wind Farm Site. As outlined in Section 7.2.5.1 of the EIAR as submitted, wind farms have the potential to impact birds. The Wind Farm Site will likely give rise to a measurable reduction in the distribution and abundance of birds locally within the Wind Farm Site. However (as previously stated), no significant effects are predicted at the county, national or international level.

The above (and updated collision risk analysis) serves to further corroborate the finding of no significant collision risk effects for species outlined above, as provided in the EIAR as submitted (Section 7.5.2 of the EIAR). Notwithstanding this, a comprehensive suite of commencement/pre-construction and operational phase monitoring is proposed in Appendix 7-7 of the EIAR. The proposed monitoring programme was not proposed in response to any identified significant effect but rather as a best practice measure (SNH, 2009). The monitoring is comprehensive and considered entirely adequate in this regard. The monitoring results will be reported to the Planning Authority following each monitoring year and will include recommendations that may inform additional mitigation or adaptation if required.

Adaptive management is an iterative process whereby the results of previous monitoring are analysed to inform future monitoring or mitigation as relevant. As the Bird Monitoring Programme is considered entirely adequate as currently submitted, no change will be proposed unless there is a significant change in the use of the site by the local avian community. Similarly, no requirement for additional mitigation is anticipated. However, if following monitoring, bird usage on the site changes and the potential for negative effects is identified, adaptive mitigation will be employed to avoid any potential for significant effects on avian receptors.

5.3.2 Hen Harrier and Barn Owl

The Department references both hen harrier and barn owl in the submission dated 23rd May 2023. These are outlined and responded to below.

Hen Harrier

The DAU submission dated 23rd May 2023 states that the NPWS has records of hen harrier nesting site within 5km of the Wind Farm Site and the Proposed Development is therefore within the foraging range for males during the breeding season. The submission recommended further targeted surveys for hen harrier:

> "*The Department considers that as this species is susceptible to collision mortality from wind turbines, the nesting site nearby is rare in the wider geographical area, and individuals have been recorded foraging in the vicinity of the proposed turbines, the application may benefit from further targeted surveys for this species to facilitate An Born Pleánala in making their Environmental Impact Assessment (EIA) determination*".

Following receipt of this submission, MKO submitted a new data request to the NPWS, who then provided more specific information on the location of the hen harrier breeding location (to the 2km grid square). An examination of these 2km grid squares revealed a single identifiable area of suitable habitat for breeding hen harrier. Targeted surveys for breeding hen harrier were then carried out in this area during breeding season 2024, in addition to other suitable breeding habitat situated outside of these 2km grid squares (please see EIAR Addendum Report for methodologies and results of these surveys). No hen harrier activity was recorded during these surveys. **Note**: While the results of the 2015 National Hen Harrier Survey list the hectad containing this nesting site as Confirmed (as outlined in Section 7.3.6 of the EIAR and referenced in the DAU submission), the results of the most recent 2022 National Hen Harrier Survey identify the hectad as Possible breeding[16], indicating a potential change in usage between the two survey periods.

The only observation of hen harrier from the total 4.5 years of bird surveying (i.e. between April 2019 to March 2021, as detailed in the submitted EIAR, and more recent surveys carried out between October 2022 to March 2025) comprised a single bird hunting/travelling immediately east of the Wind Farm Site in October 2022 (i.e. outside the breeding season). There have been no observations of hen harrier at the Wind Farm Site during the breeding season over the 4.5 years of surveying. There is no evidence of the Wind Farm Site being utilised by this species. The Wind Farm Site comprises predominantly improved agricultural land and does not contain suitable breeding habitat for hen harrier.

Furthermore, it is noted that the WINDHARRIER research project[17], which studied the interactions between hen harriers and wind turbines, determined that hen harrier "*are at low risk of collision with wind farm infrastructure as a result of their typically low flight height and known avoidance behaviour*". Hen harrier are typically only susceptible to collisions during display flights. The Wind Farm Site does not include breeding habitat for hen harrier and no birds were recorded at the site over the four breeding seasons surveyed. No significant effects are predicted, including collision risk.

Barn Owl

The DAU submission dated 23rd May 2023 states that the NPWS has records for two active barn owl nests that occur within the vicinity of the Wind Farm Site. The submission recommended further targeted surveys barn owl:

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[16] *Ruddock, M., Wilson-Parr, R., Lusby, J., Connolly, F., J. Bailey, & O'Toole, L. (2024). The 2022 National Survey of breeding Hen Harrier in Ireland. Report prepared by Irish Raptor Study Group (IRSG), BirdWatch Ireland (BWI), Golden Eagle Trust (GET) for National Parks*
& Wildlife Service (NPWS). Irish Wildlife Manuals, No. 147. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

[17] *Wilson* et al. *(2015). The interactions between Hen Harriers and wind turbines. WINDHARRIER Final Project Report. School of Biological, Earth & Environmental Sciences, University College Cork, Ireland.*

"*Further surveys targeting this species may be necessary in the vicinity of the application* site *to facilitate An Born Pleánala in making their EIA determination*".

Following receipt of this submission, MKO submitted a new data request to the NPWS. The data request response stated that "*the Barn Owl breeding database is managed by BirdWatch Ireland, specifically John Lusby and Alan McCarthy, and they hold the official records for breeding barn owls from the vicinity of the proposed development site. They would also hold other official raptor records for the area*". MKO subsequently requested information from the named parties, however no information was provided. Therefore, in the absence of information being provided on the location of the barn owl nest sites referred in the DAU submission dated 23rd May 2023, MKO devised a survey scope for barn owl. A bespoke survey approach was undertaken targeting suitable sites. These surveys followed best practise TII (2021) and were undertaken during breeding season (April to July) 2024 at suitable buildings within the vicinity of the Wind Farm Site, where access allowed (please see EIAR Addendum Report for methodologies and results of these surveys). No barn owl activity was recorded during these surveys.

Based on the results of surveys and following the best available information it was concluded that barn owl do not nest within the Wind Farm Site. As such, and based on the fact that there was only one observation of barn owl over the 4.5 years of surveying, which included considerable survey effort during dawn and dusk periods, no significant effects are predicted for barn owl as a result of the proposed development. Notwithstanding this, a comprehensive suite of commencement/pre-construction and operational phase monitoring is proposed in Appendix 7-7.

5.3.3 Conclusion

Refusal Reason 2 is heavily reliant on a submission provided by the DAU, acting on behalf of the Department of Housing, Local Government, and Heritage, dated May 23, 2023. The DAU raised a query regarding the methodology utilised to contextualise predicted impacts on bird species in the Environmental Impact Assessment Report (EIAR). The DAU did not identify any issues with the Appropriate Assessment Screening or Natura Impact Statement for the Proposed Development. Also, the DAU did not make any assertion that the birds recorded at the Proposed Development site were in any way connected with bird populations for which Special Protection Areas (SPAs) in the wider area are designated. The submission clearly states that the query relates to the assessment of "*distinct local populations*" provided in the EIAR.

For context, Refusal Reason 2 references Lough Ree SPA and Middle Shannon Callows SPA which are located 9km and 14.7km from the Wind Farm Site respectively. The populations of birds utilising the SPAs are geographically distinct from those occurring in proximity to the Wind Farm Site. In addition, the comprehensive suite of bird surveys undertaken at the Wind Farm Site did not identify any links between local bird populations and populations for which the SPAs are designated. This is clearly stated in the application documents and the DAU did not query the assessment methodology adopted in the AASR and NIS or the conclusions provided therein.

Since the EIAR was submitted, 2.5 years of additional bird surveys were undertaken; this data has been incorporated into and assessed in a revised AASR and NIS. The additional data collected does not alter the findings of the AASR and NIS which were prepared to support the planning application for the Proposed Development. As outlined above and within the revised AASR, the considerable distance between the Wind Farm Site and the above mentioned SPAs, and the fact that the extensive bird surveys undertaken did not identify any links between local bird populations and populations for which the SPAs are designated, means there is no potential pathway for likely significant effects on these SPAs in terms of ex-situ habitat loss, disturbance, displacement or collision risk for SCI bird species. Please see the revised NIS in Appendix 2 for further details.

6. BOARD DIRECTION NOTE ON HILL OF UISNEACH

It is noted that the Board's determination included a note as follows:

> *'The Board concurred with the inspector that while the Hill of Uisneach had been included on Ireland's 2020 UNESCO World Heritage Tentative list for World Heritage Site Status, it is not a UNESCO site, however it would be best practice for the EIAR to have regard to both the UNESCO Guidance for Wind Energy Projects in a World Heritage Context. The Board agreed with inspector that further information would be required to address this matter in the event that the Board was minded to grant permission. As the Board agreed with the inspector's recommendation to refuse permission, the Board did not pursue this matter further.'*

We refer the Board to the enclosed Appendix 3: Hill of Uisneach Technical Report and Appendix 4: Photomontage Booklet. In the preparation of the Hill of Uisneach Technical Report, the EIAR Landscape & Visual Impact Assessment (LVIA) specialist and EIAR Archaeological and Cultural Heritage Impact Assessment specialist, alongside other heritage specialists, have considered the extent to which the impact assessment carried out on the Hill of Uisneach is required to be updated.

The impact assessments carried out in the Hill of Uisneach Technical Report comprise a detailed analysis of additional mapping, modelling, drone imagery and photomontage visualisations which provide greater clarity on the likely impact of the Proposed Development on the sensitive landscape, visual and cultural heritage characteristics and attributes encompassed by the Hill of Uisneach and its assemblage of monuments. The assessments in the Hill of Uisneach Technical Report are supported by photomontage visualisations from 3 No. Viewpoints presented in Appendix 4: Photomontage Booklet.

An assessment of the potential effect of the Proposed Development on the Hill of Uisneach and any potentially interrelated monuments in the wider landscape has determined that no potential indirect (visual) effects to potential sightlines between these monuments and Uisneach will occur. In this regard, the proposed turbines do not interrupt or compromise significantly any potential visual link between the Hill of Uisneach and those monuments. Any perceived cultural or visual inter-relationship between the Hill and those sites in the wider landscape will continue despite the introduction of the Proposed Development.

While some visibility of the proposed turbines is expected from the Hill of Uisneach, the effects are not considered 'Significant' in the context of LVIA of wind energy developments in Ireland. Residual landscape and visual effects are deemed to be 'Moderate' and 'Long-Term' (EPA, 2022).

In terms of the Archaeological and Cultural Heritage assessment, a change in view from the western slopes of the Hill of Uisneach is acknowledged, which, though noticeable, does not lead to a significant loss of character, integrity and data about this cultural heritage asset. Given the very high significance of the Hill of Uisneach, which is considered of international importance, and the low magnitude of impact as a result of the Proposed Development, the overall significance of effects is considered to be 'Moderate' and 'Long-Term' (EPA, 2022).

The presence of wind turbines in long-distance views is consistent with evolving national climate policy and the changing character of Ireland's working landscapes. The Proposed Development is therefore considered acceptable in this context and is in alignment with emerging baseline trends.

It is considered that Appendix 3: Hill of Uisneach Technical Report and Appendix 4: Photomontage Booklet provides further detailed assessment of the receiving environment and the likely significant effects of the Proposed Development on the Hill of Uisneach, recognising relevant guidance, corroborating the impact assessments of the EIAR, and facilitating the competent authority's EIA of the Proposed Development.