



An
Bord
Pleanála

Record of 1st Meeting
ABP-307690-20

Case Reference / Description	ABP-307690-20 Increase in size of the wind turbines part of the authorised Upperchurch Windfarm Project		
Case Type	Pre-application consultation under Section 37B of PDA		
1st / 2nd / 3rd Meeting	1 st		
Date	23/10/20	Start Time	11 a.m.
Location	Virtually	End Time	11.50 a.m.

Representing An Bord Pleanála
Staff Members
Ciara Kellett, Assistant Director of Planning (Chair)
Patricia Calleary, Senior Planning Inspector
Maeve Flynn, Ecologist
Jennifer Sherry, Executive Officer
Representing the Prospective Applicant
Phil Kenealy, Ecopower
Pat Brett, Ecopower
Julie Brett, Ecopower

The Board referred to the letter received from the prospective applicant requesting pre-application consultations and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters it wished to receive advice on from the Board. The Board mentioned general procedures in relation to the pre-application consultation process as follows:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- The Board will serve notice at the conclusion of the process as to the strategic infrastructure status of the proposed development. It may form a preliminary view at an early stage in the process on the matter.
- A further meeting or meetings may be held in respect of the proposed development.
- Further information may be requested by the Board and public consultations may also be directed by the Board.
- The Board may hold consultations in respect of the proposed development with other bodies.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or any legal proceedings.

Presentation by the prospective applicant:

The prospective applicant set out the background to Ecopower Developments Ltd as part of the Ecopower group who are 100% Irish owned and active in the on-shore wind energy sector since 1996.

The prospective applicant gave an overview of the project under the following headings:

- **Project Background** – Upperchurch Windfarm was granted planning permission by An Bord Pleanála in August 2014 for 22 number turbines (up to 126.6m tip height), 1 substation and 2 meteorological masts. This decision was subject to a judicial review which was upheld in the High Court in September 2015. Building work has not yet commenced. Other applications relevant to the Upperchurch Windfarm project are as follows:
 - a) Upperchurch Windfarm Grid Connection (current SID application PL92.306204).
 - b) Upperchurch Windfarm related works (currently on appeal PL92.303634).
 - c) Upperchurch Windfarm replacement forestry (approved).

- **Current Proposed Development** – The current proposal seeks to amend the uppermost tip height of the turbines from the approved tip height of 126.6m up to 155m with a corresponding higher hub height and larger rotor diameter. It is also intended to amend the design of the meteorological masts from tubular tower designs to a lattice tower design and to increase the height of the masts from 80m up to 99m. The prospective applicant advised the location of the proposed turbines is not subject to change and there would be no change to the footprint of the windfarm.

- **Environmental Reports** - An Environmental Impact Assessment Report is currently being prepared to focus on the impact of the change with preliminary scoping suggesting there would be no change to environmental impacts e.g. land, soils, water, roads and cultural heritage. However, there is a potential for impacts on residential amenity (noise and shadow flicker),

telecommunications, landscape, biodiversity (bats and birds), climate action as well as changes to commercial rates and community benefit. The prospective applicant advised that a Natura Impact Statement is also being prepared.

- **Consultations** – the prospective applicant is undertaking pre-planning consultations with Tipperary County Council, Development Applications Unit, Inland Fisheries Ireland and other such Bodies.
- **Legislation & Policy Context** – the prospective applicant stated that the existing permission for Upperchurch Windfarm allows for the installation for 22 number turbines with 2MW per turbine, equating to an overall output of 44MW. The current proposed larger turbines could result in an increased overall capacity of 88MW. The prospective applicant is now seeking the Board’s view on whether or not the proposed additional capacity of 44MW, which is less than the 50MW threshold set out in the Seventh Schedule and as such would the current proposal constitute strategic infrastructure development.

Discussion

The following matters were discussed:

- The Board’s representatives stated their preliminary view that the proposed development would constitute a strategic infrastructure development, as the Board’s approach is to look at the total output from the windfarm as a whole. Therefore, the overall output capacity of 88MW meets the requirements outlined in section 37A of the Planning and Development Act, 2000, as amended.
- The Board noted the original permission for Upperchurch Windfarm was granted prior to the implementation of the 2014 EIA Directive and advised the prospective applicant to be mindful of this. It also highlighted the different approaches to matters such as ‘reasonable alternatives’, ‘major accidents’ and the need to address ‘land’ as a topic its own right.

- In response to the Board's query on the matter, the prospective applicant stated it plans to present the impact of the proposed development as it was in 2014 as a baseline, and then to address if the proposed changes would alter the impact at the present time. The EIAR would also take into account the cumulative effects with other projects
- The Board's representatives advised the importance of presenting up to date information based on current wind energy guidelines, local and national policy. The structure of the EIAR should clearly set out the differences between the original permission and the proposed development.
- The Board's representatives referred to the increase in rotor diameter as substantial and advised the prospective applicant to carry out testing for bird collision paying particular attention to any changes in modelling from the surveys undertaken for the original application. The Board further set out that bat guidance in biodiversity, conservation objectives and scientific information has also changed. The prospective applicant said updated guidance and site surveys have been carried out along with a seasonal survey work for Hen Harrier. Furthermore, a Collision Risk Assessment will be carried out in 2020.
- In response to the Board's query on the matter, the prospective applicant said that the hard stand areas for the turbines have been double checked and do not need to be increased in size as they were designed with sufficient space in 2012.
- The prospective applicant agreed to forward to the Board a large-scale drawing of the site location map and a drawing with ariel imagery.

Conclusion:

The Board's representatives stated a preliminary opinion that the proposed development would constitute strategic infrastructure, noting that this is ultimately a decision for the Board.

The record of the instant meeting will issue in the meantime and the prospective applicant can submit any comments it may have in writing or alternatively bring any

comments for discussion at the time of a further meeting. The onus is on the prospective applicant to either request a further meeting or formal closure of the instant pre-application consultation process.

Ciara Kellett
Assistant Director of Planning