



An
Bord
Pleanála

Record of Meeting ABP-314463-22

Case Reference / Description	Proposed development of 11 no. wind turbines with a tip height of 169 metres in the townlands of Ballynamullagh, Kilmurry, Coolree, Mulgeeth, and Drehid, Co. Kildare.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	2 nd meeting		
Date	23/11/2023	Start Time	11:30 a.m.
Location	MS Teams	End Time	12:05 p.m.

Representing An Bord Pleanála
Stephen Kay, Assistant Director of Planning
Anthony Kelly, Planning Inspector
Donal Donnelly, Senior Planning Inspector
Ashling Doherty, Executive Officer
Lauren Griffin, Executive Officer
Breda Ingle, Executive Officer
Representing the Prospective Applicant
Brian Cronin, FTCO
Rita Mansfield, FTCO
Kevin MacMahon, Statkraft
Jane O'Connor, Statkraft
Alexander Brem, Statkraft

The meeting commenced at 11.30 a.m.

The Board welcomed the prospective applicant to the meeting and introduced those attending 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.
- 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.

This pre-application consultation meeting was held in conjunction with pre-application ABP-311394-21 which relates to a substation and grid connection to serve the proposed Drehid Windfarm.

Presentation by the prospective applicant:

The prospective applicant set the context for the subject pre application consultation request. Permission was originally granted by the Board (Ref. ABP-306500-20) for a 12 no. turbine windfarm on foot of a first party appeal against refusal of permission issued by Kildare County Council. The prospective applicant noted that this permission was subsequently quashed on judicial review for reasons relating to the detail of drawings submitted and the implications of the Derryadd judgement. It should be noted that this original application included for a sub station and grid connection.

The applicant gave an update on the proposed development. The Drehid Wind Farm is proposed to be located approximately 2.05km south of Johnstown Bridge and approximately 4.89km east of Carbury in Co. Kildare. The development is proposed to comprise 11 no. Turbines, the design of which has been narrowed down to 2 potential turbine models. Depending on the final turbine model selected the proposed development will have a capacity between 49.5 – 52.8.MW with a tip height of 169 metres. A 110kV onsite substation including control buildings, underground electrical and communications cabling, 2 no. overhead line single circuit strain towers, drainage and sediment controls, temporary site compounds, tree felling, and associated works are also proposed. Alterations to the design and layout of the overall project from the previous pre-application consultation include a reduced number of turbines from 12 no. to 11 no.,the relocation of turbine no. 5, the addition of new access track and the provision of an on site 110kv sub station with loop in connection to the Kinnegad-Rinawade 110kV overhead line .

The prospective applicants highlighted the fact that a separate pre-application consultation under section 182 of the Planning & Development Act, 2000 (as amended), is active for the proposed 110kv substation and loop in loop out connection to the Kinnegad-Rinawade 110kV overhead line, (ABP Ref. 311394-21).

The prospective applicant stated that a Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) will be submitted with the application. Surveys completed to date include breeding birds and wintering birds, aquatic ecology, terrestrial habitats, and bats. Peat probing has commenced with further such investigations required due to changes to the access tracks which have yet to be finalised.

The rationale behind the proposed development was also presented which included The Climate Action Plan 2023, and how the proposed development has the potential to provide approximately 49.5 – 52.8 MW of renewable electricity which would represent 0.8% of the 6GW national onshore target of 2025.

The prospective applicant stated that they considered that the proposed development was such as to comprise strategic infrastructure on the basis that the development comprised a wind farm development with a total output of greater than 50MW and one that would be of strategic economic importance to the State or region as well as contributing substantially to the fulfilment of objectives contained in the National Planning Framework and regional Planning Guidelines relevant to the area. The fact that the electricity generated by the proposed development could be used outside of the confines of County Kildare was also noted.

Discussion:

The Board's representatives raised the previous application (ABP Ref. 306500-20) which was quashed in a judicial review. This was an application for 12 turbines with an output of below the 50MW threshold which was why it was submitted to the Planning Authority Kildare County Council in the first instance. The revised proposal put forward at the start of this pre application consultation was for 12 turbines with an output of 60MW. As the turbine dimensions in the proposed development are the same as those provided for in the original application clarity was sought on the increase in output. In response, the prospective applicant clarified that the increased output from the development was due to increased efficiency and increased power ratings of the turbines. The prospective applicant also stated that the 2 potential turbine models currently being assessed are 4.5MW and 4.8MW ratings, with technology improving over time.

The Board's representatives noted that the design flexibility legislation provided for under the Planning and Development Maritime and Valuation (Amendment) Act, 2022 has not been commenced for Section 37 projects and advised that if a number of turbine models were to be proposed as part of an application then each turbine model will need to be presented and individually assessed in the application.

The Boards representatives highlighted the fact that as the output of the turbines could range between 49.5 – 52.8MW, the lower level would fall short of the 50MW threshold requirement under the 7th Schedule of the Act, as amended. If a maximum export capacity range was proposed which would sit on both sides of the 50MW threshold it may be difficult to appropriately decide on whether the proposed development would or would not comprise SID.

Therefore, the Boards representatives stated that the proposed development may not be such as to meet the threshold for SID and if the prospective applicant proceeded with the 4.5MW turbines the planning application should be submitted to the planning authority.

The Boards representatives noted that the particular circumstances of this case as they relate to the threshold set out in the Seventh Schedule were unusual and committed to revert to the prospective applicant in the event that they had further comments to make on this issue, (see Note 1 attached to this record).

The Board's representatives noted that there had been a relatively recent application and subsequent permission for a windfarm development very similar to that the subject of this pre application request (Kildare Co. Co. Ref. 18/1534; ABP Ref. 306500). It was advised that all issues arising in the course of the assessment of this previous application be reviewed and assessed.

The prospective applicant stated that the reason for the proposed relocation of the substation from its original position was due to peat stability and peat depth issues. It was stated that the depth of peat at the revised site is approximately 0.5 metres. The Board's representatives specifically highlighted the importance of submitting a comprehensive peat stability report with the application.

The Board's representatives highlighted the recent additions to the Fifth Schedule of the Planning and Development Regulations relating to EIA and rural restructuring.

The prospective applicant was advised to ensure that this new class was considered in the screening assessment particularly with regard to hedgerow removal. The class in the Fifth Schedule to the Regulations relating to private roadways was also highlighted to the prospective applicant.

In response to a question from the Board's representatives, the prospective applicant confirmed that the reason for the reduction in the number of turbines from 12 no. To 11 no. and revisions to access tracks was due to the withdrawal of landowner consent.

In response to a question from the prospective applicant the prospective applicant confirmed the closet residential dwelling will be 589 metres from the nearest turbine.

The Boards representatives noted the adoption of the Kildare County Development Plan, 2023 since the decision on the previous application on the site. In response to a question from the Board's representatives, the prospective applicant stated that all turbines proposed would be located within the area where wind energy development is indicated as being open for consideration in the plan.

Conclusion:

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

The meeting concluded at 12:05 a.m.



Stephen Kay

Assistant Director of Planning

Note to Record

With regard to the issue relating to the range of maximum export capacity referenced in the above Record of Meeting and the concerns raised by the Board representatives regarding the SID status of these options, it is considered that the way the application is proposed to be submitted presents a problem for the Board in determining whether the proposal comes within a class of development specified in the Seventh Schedule of the Planning and Development Regulations, 2000 (as amended). Further clarification on this issue in the form of a proposal which clearly meets a class of development in the Seventh Schedule is required from the prospective applicant.