



An  
Bord  
Pleanála

## Inspector's Report ABP-303105-18

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<b>Development</b>	Proposed wind farm of between 20 and 25 turbines with an approximate yield of 90 MW.
<b>Location</b>	Carrownagowan, Co. Clare
<b>Planning Authority</b>	Clare County Council
<b>Applicant(s)</b>	Coillte
<b>Date of Site Inspection</b>	16/01/2019
<b>Date of Meetings</b>	11/02/2019 08/08/2019
<b>Inspector</b>	Gillian Kane

## 1.0 Proposed Development and Background

- 1.1.1. The proposed development comprises the construction and operation of a wind energy development on lands near Slieve Bernagh, Co. Clare, approx. 4km north-east of the village of Broadford, 7km north-west of Killaloe and 2.5km south of the village of Bodyke. The site, on the northern slopes of Slieve Bernagh (between 130 and 450m OD) is within Coillte forestry with additional private lands.
- 1.1.2. The development as originally submitted to the Board comprised the construction of 24no. wind turbines, hardstand areas and access roads, substation within the site, borrow pits and spoil management area and meteorological masts (approx. 80m high). The development also comprises an off-site turbine haulage route, replacement lands for felled forestry and a grid connection – proposed originally either by overhead line (OHL) or underground cable (UGC) to Ardnacrusha or Ennis. and that the number of turbines had been reduced to 20 no.
- 1.1.3. The principal elements of the proposed development include (see layout map, drawing no. 19107-0050revA):
- 20 no. wind turbines with an overall height of 169m, each with an area of hardstanding to accommodate components during construction.
  - Meteorological mast of 80m,
  - Control building / substation
  - Temporary construction compound
  - Access track within the site
  - Underground cabling
  - Grid connection. At the meeting of 8<sup>th</sup> August 2019, it was indicated that underground route was chosen as the preferred option.
  - Three burrow pits / peat depositional areas
  - Three arched clear-span stream crossings

## 2.0 Applicants Case

- 2.1.1. Representatives of the Board met with the prospective Applicant on the 11<sup>th</sup> February 2019 and the 8<sup>th</sup> August 2019. The key elements of the prospective applicant's submission in support of the case being designated as strategic

infrastructure are summarised below. The signed records should be consulted for further details.

- Applicant intends to be a market leader in onshore windfarm development. It has a target to produce approx. 1,000 megawatts of wind energy by 2030.
- The subject site is entirely within the applicant's lands. The site has been identified as a strategic area, one that is capable of accommodating large / medium wind farms in the Clare Wind Energy Strategy 2017-2023.
- The proposed development would exceed 50 megawatts in terms of total output

### 3.0 Natural Heritage Designations

The subject site adjoins the Slieve Barnagh SAC (site code 002312). The NPWS describes the designated site as comprising the Slieve Barnagh mountain range, with the highest peaks at Moylussa (532 m) and Cragnamurragh (526 m), and the surrounding peatlands that flank its northern slopes. The qualifying interests for the site are: [4010] Wet Heath, [4030] Dry Heath, and [7130] Blanket Bogs (if Active)

- 3.1.1. The conservation objectives for the site are to restore the favourable conservation condition of each of the three qualifying interests, as defined by listed attributes and targets.

### 4.0 Legal Provisions

- 4.1. The pre-application consultation relates to the proposed 20 no. turbine wind energy project, with an approximate yield of 90MW including the construction of a substation and associated works. The Board is to determine whether the proposal is or is not Strategic Infrastructure Development as defined by section 37A of the Planning and Development Act 2000, as amended by section 5 of the Planning and Development (Strategic Infrastructure) Act 2006 and by section 78 of the Planning and Development (Amendment) Act 2010. The Seventh Schedule of the 2006 Act provides that the following shall be infrastructure development for the purposes of sections 37A and 37B:

*'An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts.'*

- 4.2. Section 37A(1) states that an application for permission for any development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority. Section 37A(2) states:

*That condition is that, following consultation under section 37B, the Board serves on the prospective applicant a notice in writing that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –*

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,*
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in respect of the area or areas in which it would be situate,*
- (c) the development would have a significant effect on the area of more than one planning authority.*

## **5.0 Assessment**

### **5.1. Compliance with the Seventh Schedule**

- 5.1.1. Having regard to the nature and scale of the proposed facility comprising in the region of 20-25 no. turbines and having a total power output of c. 90 MW, it is my opinion that the proposed development comes within the scope of class 1 of the Seventh Schedule of the Strategic Infrastructure Act, 2006 (as amended) being a wind farm having a total output greater than 50 megawatts.

### **5.2. Section 37A(2)(a) - Strategic Economic or Social Importance to the State or the Region**

- 5.2.1. The prospective applicant submits that the proposal will assist in meeting national renewable energy targets and will result in significant reductions in carbon emissions from electricity generation. I consider that the construction impact of the development in terms of employment and economic activity would likely be significant (estimated to be in the region of 900 employees across Ireland and the UK). In addition to economic activity related to employment creation the proposed development has the potential to have a significant impact in meeting the State's

renewable energy targets. The applicant states that they aim to be the market leader by 2030, that their land bank will support >30% of all installed onshore wind capacity to 2020. The development is therefore considered to come within the scope of section 37A(2)(a) of the Act.

### 5.3. **Section 37A(2)(b) – Contribution to the achievement of the objectives of the NSS or RPGs**

- 5.3.1. The applicant states that the proposed development would contribute to national renewable energy targets, in accordance with the NPF transition to a low carbon energy future.
- 5.3.2. It is considered that the proposed development would help fulfil National Policy Objectives under the National Planning Framework: NPO 54 to *‘Reduce our carbon footprint by integrating climate change action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions’*; and NPO 55 to *‘Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050’*. The proposed development could contribute substantially to the fulfilment of those objectives within the meaning of 37A(2)(b) of the planning act. It is my opinion that proposal would come within the scope of section 37A(2)(b) of the Act.

### 5.4. **Section 37A(2)(c) – Significant effect on the area of more than one Planning Authority**

- 5.4.1. The application site is located entirely within the administrative boundary of Clare County Council and is not proximate to other county boundaries within the State. It is stated that it is not envisaged that the proposed development would have any significant effects, either direct or indirect, on other Planning Authorities within the State.

## 6.0 **Planning and Environmental Considerations**

- 6.1.1. During the two meetings with the prospective applicant the following environmental considerations were discussed:

- The proximity of the subject site to the Slieve Bernagh Bog SAC, the qualifying interests for the designated site and the requirement for an NIS.
- The location of hen harriers on the subject site. The applicant advised that two pairs of hen harrier had been recorded on the site and that a 500m exclusion zone / buffer across hen harrier zone would be applied. The Board advised that the any potential link between the instances on site and any SPA's would need to be comprehensively addressed in any future application. Bird Surveys were stated to be in accordance with SNH guidelines.
- That the site may contain bat activity. The prospective applicant advised that surveys had been completed.
- Transport Assessment, Grid Route Assessment, Construction traffic and construction management plan have been undertaken and will be submitted with any application lodged.
- Requirement for EIAR to address indirect effects, including tree felling and replanting and cumulative impacts. Other issues discussed included the treatment of mitigation measures, peat stability assessment, slope analysis, grid connection, public consultation
- Visual Impact: 750m buffer applied to residences. Turbines confirmed to be 169m in height

## 7.0 Conclusion

- 7.1. On the basis of the above, it is my opinion that the proposed development would exceed the threshold set out in the Seventh Schedule of the Strategic Infrastructure Act, 2006, as amended by the Planning and Development (Amendment) Act, 2010 as, with the development of 20 no. turbines with a power output of c.90MW it would have a power output in excess of the 50MW specified. It is also my opinion that the development falls within the parameters of sections 37A(2)(a), (b) and (c) of the Planning and Development Act 2000 as amended by the SI Act, 2006.

## 8.0 Recommendation

- 8.1. In view of the above, it is therefore recommended that the Board determine that the development in question constitutes strategic infrastructure development as defined

by section 2(1) of the Planning and Development Act 2000, as amended by section 6 of the Planning and Development (Strategic Infrastructure) Act 2006 and that the prospective applicant be informed accordingly.

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Gillian Kane  
Senior Planning Inspector

22 October 2019

## **PRESCRIBED BODIES**

The following is a schedule of prescribed bodies considered relevant for the purposes of section 37E(3)(c) of the Principal Act:

- The Minister for Housing, Planning, Community and Local Government.
- Clare County Council
- The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
- The Minister for Communications, Energy and Natural Resources
- Transport Infrastructure Ireland
- Fáilte Ireland
- An Taisce
- Waterways Ireland
- The Irish Aviation Authority
- The Heritage Council
- The Commission for Energy Regulation
- The Minister of Transport, Tourism and Sport
- The Environmental Protection Agency
- The Minister for Agriculture, Food and the Marine
- Health Service Executive
- Irish Water