



An  
Bord  
Pleanála

## Inspector's Report ABP-306261-19

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<b>Development</b>	Windfarm and 110kV Loop-in/Loop-out substation.
<b>Location</b>	Bracklyn, Co. Meath
<b>Planning Authority</b>	Westmeath County Council
<b>Prospective Applicant</b>	Bracklyn Windfarm Ltd.
<b>Inspector</b>	Karla Mc Bride
<b>Date of site inspection:</b>	11 <sup>th</sup> March 2020

## 1.0 Introduction

- 1.1. Bracklyn Windfarm Limited requested Pre-Application Consultations under Section 37B of the Planning and Development Act, 2000, as amended, for the proposed development of a windfarm at Bracklyn, County Westmeath. Pre-Application Consultations took place between An Bord Pleanála (the Board) and the prospective applicant on 14<sup>th</sup> May 2020 by Virtual Skype for Business (see appended signed Record). The applicant was represented by Gaeltech Energy Services.
- 1.2. The primary purpose of the meeting was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006, and to consider matters relating to the proper planning and sustainable development of the area or the environment which may have a bearing on the Board's decision, and procedures involved in making the application.
- 1.3. This Report provides an overview of the proposed project, a summary of the meeting and the advice provided by the Board, the legislative provisions, and it recommends a list of Prescribed Bodies that should be forwarded copies of the application.

## 2.0 Site Location

The windfarm site is located in county Westmeath to the N of Kinnegad and W of Ballivor in County Meath, and the surrounding area is predominantly rural in character. The site comprises a mix of agricultural and forestry lands that are located to the E of Bracklyn House and the site boundaries are mainly defined by hedgerows. The site is bound to the W and N by local roads and to the E by an extensive series of cutover bogs that have been industrially extracted by Bord na Mona for fuel and horticulture purposes. Access to the site is off the local road network to the N. The 110kV Finglas to Mullingar electricity transmission line is located to the S of the site. There are some features of archaeological and historic interest in the vicinity including Bracklyn House and its entrance gate. There are

several sensitive heritage sites in the surrounding area (including the River Boyne and River Blackwater SAC & SPA) along with some protected bogs.

### **3.0 Proposed development**

3.1. The proposed development would comprise:

1. 11 x 180m high turbines (c.60MW)
2. 3 x potential grid connection options connecting to the Finglas – Mullingar 110kV overhead line to the S.
3. Site works & a community benefit scheme.

3.2. The prospective applicant proposed the following amendments by way of a letter received by the Board on 4<sup>th</sup> February:

- Number of turbines reduced to 9.
- Number of grid connection options reduced to 1.

### **4.0 Prospective applicants' case**

4.1. Bracklyn Windfarm Ltd. is proposing to develop a windfarm at the lands described in section 2.0 above which would comprise the works described in section 3.0 above.

4.2. The key elements of the prospective applicant's submission in support of the case being designated as strategic infrastructure are summarised as follows:

- It exceeds the statutory thresholds as specified in Class 1 of the Seventh Schedule of the 2006 Planning and Development Act as amended by S.78 of the 2010 Act, and it would comprise:
  - 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 50MW.
- It satisfies criteria (a), (b) and (c) of S.37A (2) of the 2006 Act and supports national, regional and local policies and objectives.

- (a) It would be of strategic economic or social importance to the State and the Leinster region.
- (b) It would contribute substantially to the fulfilment of national and regional spatial planning objectives as set out in the National Planning Framework, National Development Plan and the Regional Planning Guidelines in relation to sustainable development of rural areas, sustainable management of national capital, renewable energy generation and carbon footprint.
- (c) It would have a significant effect on the area of more than one planning authority.

4.3. Proposal is of a class of development falling within the Seventh Schedule and complies with all criteria set out in section 37(A)(2) of the Act, and the proposed development should be deemed a SID.

## **5.0 Pre-Application Consultations**

- 5.1. One Consultation meeting was held virtually on 14<sup>th</sup> May 2020. The prospective applicant described the site and surroundings, outlined the main elements of the proposed development and provided an update on the status of the project. The policy context for the project was explained (including European, national regional and local policy), the major constraints and options considered were identified, and the consultations undertaken to date were outlined. The status of the ongoing environmental surveys was outlined (including bats & birds). Regard will be had to the draft amendments to the 2006 Wind Energy Guidelines.
- 5.2. The Board representatives identified several areas of concern (including potential impacts on: - the landscape, views & scenic routes; archaeology & built heritage; peat stability, drainage & water management; the road network and ecology including proximity the River Boyne and River Blackwater SAC and SPA, along with alternative grid connection options). It was also noted that the Westmeath Development Plan seeks to direct windfarms to cutover peatland sites and that the project would be located within an area identified as low capacity for windfarms. It was confirmed that initial discussions had taken place with Westmeath Council and a preliminary public consultation exercise was undertaken.

5.3. The Board's advice to the prospective applicant during the pre-application consultation meetings is summarised below:

- (a) Consult with the NPWS and IFI in relation to potential impacts on the River Boyne and River Blackwater River SAC and associated watercourses, and potential impacts on mobile species from afield European sites; examine all potential visual impacts on sensitive landscapes, views and scenic routes; and potential impacts on built heritage and the local rural road network (including bridges) should also be assessed.
- (b) Consult with TII and Westmeath & Meath County Councils, with particular regard to the road network and haul routes.
- (c) Detailed assessment of construction, design and phasing of the project is required.
- (d) A comprehensive and detailed EIAR should be prepared which has particular regard to the impact of the proposed development on ecology and biodiversity (aquatic & terrestrial including birds), archaeology and built heritage, peat stability, drainage and water quality, and traffic management (including any new or modified road proposals).
- (e) Screening for AA should be undertaken having regard to the presence of European sites in the surrounding area, and a comprehensive and detailed NIS should be prepared if deemed necessary.
- (f) Consideration should be given to in-combination effects on the environment with other existing and proposed developments in the wider area.
- (g) Public consultation should be as extensive as possible and consultations should take place with Prescribed Bodies and the local community.

5.4. The prospective applicant, in a letter received by the Board on 4<sup>th</sup> February 2021, outlined the following amendments to the project:

- Number of turbines reduced from 11 to 9, and height increased from 180m to 185m with an output of not less than 50.4MW.
- Number of grid connection options reduced from 3 to 1, which will comprise a Loop-in-Loop-out substation at Coolronan, Co. Meath via a c. 6.9km underground cable (split between the public road & private lands).

- Updated layout in Annex 4 which will be reflected in the EIAR, with no substantial changes to the planning application anticipated.
- Further public consultations were undertaken with the local community; consultations took place with Westmeath and Meath County Councils, and no significant concerns were raised, other than a preference for underground cabling and the submission of a Flood Risk Assessment; and the amended layout was submitted to the Prescribed Bodies for comment.
- Full NIS will be prepared and submitted with the application & the EIAR will take account of BnM proposals for the neighbouring peatlands.
- A single 37A planning application will be submitted as per a recent pre-ap consultation decision by the Board (ABP-306229-20), as opposed to a concurrent S182A application in respect of the transmission arrangements.

5.5. The prospective applicant, in a letter received by the Board on 29<sup>th</sup> April 2021, outlined the following further amendments to the project:

- The substation will now be located within the windfarm site and connected to the existing Corduff- Mullingar 110kV overhead via an underground cable (c.7km) to the existing line via 2 x lattice type end masts (c.16m).
- All the works will be within Counties Westmeath and Meath, the respective planning authorities have been advised of the revised layout, and their response comments are attached in Annex 2.
- The details of the project are now finalised and will not materially alter for the purposes of submitting a planning application.
- Following on from previous correspondence (02/01/21 & 22/03/21), the applicant now requests the formal closure of the pre-application process.

## 6.0 Legislative provisions

6.1. The Board is asked to decide if the proposal is or is not Strategic Infrastructure Development as defined by Section 37A of the Planning and Development Planning 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.

6.2. Strategic Infrastructure is defined in the Seventh Schedule of the 2006 Act as amended by S.78 of the 2010 Act and under Class 1 as:

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 50MW.

6.3. Section 37A of the Planning and Development Act, 2000, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006 and the Local Government Reform Act 2014, requires that any development specified in the Seventh Schedule should be made to the Board if the proposed development falls within one or more of the following:

- (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 spatial and economic strategy in force in respect of the area or areas in which it would be situate;
- (c) the development would have significant effect on the area of more than one planning authority.

## 7.0 Assessment

- 7.1. In my opinion the proposed development comprises a Seventh Schedule development as it meets the Class 1 threshold requirement for windfarms as set out in section 6.1 above as it would comprise the construction of a windfarm having a total output greater than 50MW.
- 7.2. I consider that the proposed development meets the requirements of condition (a) of Section 37(A) (2) of the Planning and Development (Strategic Infrastructure) Act 2006 as it would be of strategic economic importance to the state and region due to its scale, location and the contribution it would make to the provision of renewable energy and reducing the States carbon footprint.
- 7.3. Section 37(A) (2) (b) of the above Act requires the development to contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy (Project Ireland 2040-National Planning Framework, February 2018) or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate.
- 7.4. European and national policy seeks to ensure that Ireland promotes renewable energy generation and reduces its carbon footprint. In my view the proposed development is of a scale that would substantially contribute to the spatial, economic and energy objectives for the region as set out in Section 37(A)(2)(b).
- 7.5. The proposed development, which would connect to the national grid in an adjacent county, would also serve the economies of and have a significant effect on more than one planning authority, having regard to Section 37(A) (2) (c) of the above Act.

## 8.0 Recommendation

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 37(B)(4) Planning and Development Act 2000, as amended, stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development for the following reason:



## Reasons and considerations

Having regard to the size, scale and location of the proposed windfarm and related development it is considered that the proposed development comprising the development of a 9 x turbine windfarm with associated infrastructure and site works at Bracklyn, County Westmeath constitutes development that falls within the definition of strategic infrastructure in the Seventh Schedule and is considered to be of strategic importance by reference to the requirements of Section 37A (2) (a), (b) & (c) of the Act. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under S.37E of the Act.

### 9.0 Prescribed Bodies

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

- i. Minister for Housing, Local Government and Heritage
- ii. Minister for Tourism, Culture, Arts, Gaeltacht, Sports and Media (DAU)
- iii. Minister for Agriculture, Food and the Marine
- iv. Minister for Environment, Climate and Communications
- v. Minister for Transport
- vi. Eastern and Midland Regional Assembly
- vii. Meath County Council
- viii. Westmeath County Council
- ix. Irish Water
- x. Inland Fisheries Ireland
- xi. Transport Infrastructure Ireland
- xii. Environmental Protection Agency
- xiii. The Heritage Council
- xiv. An Taisce
- xv. An Chomhairle Ealaíon
- xvi. Failte Ireland

- xvii. Irish Aviation Authority
- xviii. Health & Safety Authority

Further notifications should also be made where deemed appropriate.

**Note:** The prospective applicant should be advised to submit a separate document (to the EIAR) with the planning application which outlines the mitigation measures, in the interest of convenience and ease of reference.

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Karla Mc Bride  
Senior Planning Inspector  
15<sup>th</sup> July 2021