



An
Bord
Pleanála

Inspector's Report ABP-306948-20

Development	The construction of up to 24 wind turbines, 110kV on-site substation and associated connection to the national grid.
Location	Knocknagappul, Ballynagree West, Ballynagree East, Carrigagulla and Annagannihy townlands in County Cork.
Planning Authority	Cork County Council
Applicant(s)	Ballinagree Wind DAC (for and on behalf of Coillte CGA and Brookfield Renewable Ireland Limited).
Type of Application	Pre-application Consultation.
Date of Site Inspection	8 th October 2020
Inspector	Patricia Calleary

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1.0 Introduction

- 1.1. This report is prepared in relation to a pre-application consultation under Section 37B of the Planning and Development Act, 2000, as amended (hereinafter referred to as 'the Act'), for a proposed windfarm development in County Cork. Two consultation meetings were held between An Bord Pleanála and the prospective applicant with the primary purpose of the meetings to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the Act 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 to outline the procedures involved in making the application. The prospective applicant formally requested closure of the pre-application consultation process by email correspondence dated 30th July 2021.
- 1.2. This report provides an overview of the proposed project, a summary of the meetings that took place and the advice provided by the Board's representatives at those meetings, as well as providing an outline of the relevant legislative provisions. A conclusion on the matter of whether or not the proposed development constitutes strategic infrastructure is also set out. The report should be read in conjunction with the meeting records that are on the Board's file.

2.0 Site Location and Description

- 2.1. The proposed windfarm site is located c.10km south east of Millstreet and c.10km north of Macroom, in County Cork. As set out on the documentation that accompanied the prospective applicant's request, the turbine development would potentially involve works in the townlands of: Knocknagappul, Ballynagree West, Ballynagree East, Carrigagulla and Annagannihy. The site is accessed by local roads and is bisected by the L1123, which connects to the L2551 to the south east of the site. The N22 national primary route is located 10km the south of the site at Macroom and the N72 is located c.13km to the north at Banteer. The R579 regional road is located c.5km to the east and the R582 is c.5km to the west.
- 2.2. The site comprises commercial forestry and pasture and is stated to be a combination of Coillte and private lands. There are a number of existing forestry and farm tracks running through the area in which the site is intended to be located.

- 2.3. The site soil predominately comprises quaternary deposits of Till derived from Devonian Sandstone overlain in part by a layer of peat. Areas of blanket bog are recorded in the northern portion of the site boundary. Subsoils also comprise podzols and gley soils. Surface water runoff from the site drains mainly to the River Laney and its tributaries.
- 2.4. The site and immediate area rise steeply from 250m at Ballinagree East to 630m at Musheramore Mountain in the northwest of the site. Mullaghanish to Musheramore Mountains SPA (Site Code 004162) is located immediately west of the proposed site and the Blackwater River SAC (Site Code 002170) is located c.6km to the north of the site.
- 2.5. There are a number of existing windfarms in the area (see planning history below for details).

3.0 Proposed Development

- 3.1. The prospective applicant's initial proposal was for up to 24 wind turbines, and through design refinements was reduced to 21 turbines. Subsequently, the prospective applicant advised the Board in written correspondence dated 9th June 2021 that the layout was amended to include 20 turbines. In further correspondence received by the Board on 17th August 2021, the power output is stated to be within a range of between 118MW and 132 MW, depending on whether a 5.9MW turbine or a 6.5MW turbine would be selected.
- 3.2. The proposal would also comprise an underground cable connection to the Clashavoon 220kV substations or the Ballyvouskill 220kV substation. The development would also consist of new and upgraded existing agricultural and forestry tracks along with ancillary civil and electrical infrastructure. The preferred turbine delivery route would be from the R582 near Millstreet and continuing south east along local roads to the proposed development site.

4.0 Planning History

- 4.1. There is no planning history on the pre-application site. There are however five windfarms operational and one consented within 6km of the subject site. These

include: Boggeragh Windfarm (Phase 1 and 2) sited between 1 and 2km north of the subject pre-application site, Carraigcannon Wind Farm 3.5km to the north, Carriganima Wind Farm 5km to the west and Bawnmore Wind Farm 5km to the south. Further details of these wind farms are located on the Board's file.

5.0 Legislative Provisions

- 5.1. The Board is asked to decide if the proposal, as outlined, is or is not Strategic Infrastructure Development, as defined by Section 37A of the Act.
- 5.2. Strategic Infrastructure is defined in the Seventh Schedule of the Act and Class 1 includes the following category of development: '*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*'.
- 5.3. Section 37A (2) of the Act 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 Planning Framework 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.*

6.0 Prospective Applicant's Case

- 6.1. It is the prospective applicant's case that the proposed development would fall within a class of development as specified in the Seventh Schedule under section 37A(1) of the Planning and Development Act 2000, as amended. It is also their view that the proposed development would fall within section 37A (2)(a) and (b) on the basis that it meets the legislative requirements and is supported by policy at a national and a regional level.

7.0 Pre-Application Consultations

- 7.1. Two pre-application meetings were held between the prospective applicant and the Board's representatives. The details of the meetings are set out in the records, as contained on the Board's file and summarised below.
- 7.2. At the initial pre-application meeting, the Board's representative stated its preliminary opinion that the proposed development would constitute strategic infrastructure, however, as also outlined at the meeting, this is a matter to be ultimately decided by the Board.
- 7.3. Issues discussed at the first consultation meeting (8th July 2020) included:

Prospective Applicant

- Planning Policy – Under Cork Development Plan Objective ED 3-5, commercial wind energy development is open for consideration in this location.
- Landscape Characteristics and Scenic Routes –The most southern part of the development site is characterised as high value landscape with landscape sensitivity and designated scenic routes in proximity. The proposed development would be visible from some parts of the scenic route.
- Public Consultation – Door-to-door community engagement took place in July and December 2019 and a number of local community groups were consulted. During the Covid-19 pandemic, a virtual consultation room was set up to facilitate public consultation.
- Turbine Delivery Route – Preferred turbine delivery route is from Foynes along the N72 and onto the R583 to the proposed development site.
- Grid connection – A number of grid route options (Option A to Option G) were presented and discussed. The prospective applicant is focusing on underground routes as opposed to overhead options. Clashavoon substation option is emerging as the preferred route.
- Natura 2000 Sites – Proposed site is directly adjacent to Blackwater SAC and Mullaghanish to Musheramore Mountains SPA.

- Archaeology – There are 13 no. recorded archaeological monuments within the proposed development site.

Board's representatives

- Noting the existing windfarm development within the area, it was requested that the applicant should provide additional maps with viewpoints to take existing development into account.
- Noting the sensitivities in the surrounding landscape and scenic routes, design iterations should be communicated to demonstrate how the landscape and visual impacts were (and would be) addressed.
- Noted the transport would be past a number of houses on the L1123 (before Millstreet) on the approach to the development site and these would need to be considered.
- Noted biodiversity, hydrology and geological concerns.
- Reference was made to the Wind Energy Development Guidelines 2006 and the Draft Guidelines (not yet adopted), the prospective applicant responded, stating that it would be in a position to comply with the Noise Limits set out in the Draft Guidelines.
- Clarified that the Board would be satisfied to receive the application for the windfarm and grid connection as a single application under section 37 of the Act, however, the option to pursue the two elements separately (under sections 37 and 182 of the Act would also be available).

7.4. Issues discussed at the second consultation meeting (3rd December 2020) included:

Prospective Applicant

- Provided an update on project design.
- Preferred connection is likely to be an underground cable connection to the existing Clashavoon 220kV substation. Connection to the existing Ballyvouskill 220kV substation has also been considered.
- Efforts have been made to lessen the visibility of proposed turbines in the northern area of the subject site generally, with particular regard to Scenic Route S20.

- Haul route progressed and pinch points noted and being progressed.
- Hydrological features were referenced.
- Location of peat on site (less than 2m in depth).
- No planned works within a 200-metre radius of an archaeological site but acknowledged that some indirect impacts could arise.

Board's representatives

- Noted the importance of being cognisant of matters such as temporary, ancillary and enabling works with regard to the site, which is undulating in nature.
- Peat location and depths (and peat excavation) need to be fully resolved and generally recommended further analysis and robust testing, including shear vane testing for establishment of soil strength characteristics and slope stability/potential for peat slippage would need to be addressed.
- Ruins of archaeological features (e.g., ringforts) in the area noted indicating archaeological constraints.
- Stated that 'land' as a topic is required to be considered in the EIAR in accordance with the EIA Directive.

7.5. In the correspondence received by the Board on the 9th June 2021, the following is set out:

- A total of 20 turbines are proposed and the grid connection route has been narrowed down to one main route.
- Significant geotechnical assessment of the site has been undertaken to determine slope stability characteristics.
- Following consultation with Cork County Council Archaeologist, an amenity trail is proposed as part of the development.
- The correspondence also informed the Board about a name change to Ballinagree Wind DAC for the purpose of ultimately developing the wind farm.

8.0 Assessment

8.1. Section 37A (1) – Is the development specified in the Seventh Schedule of the Act?

- 8.1.1. Based on the information submitted by the prospective applicant through the consultation process, the proposed development would include 20 turbines and a total power output ranging between 118MW and 132MW, depending on whether or not a 5.9MW turbine or a 6.6MW turbine would ultimately be used.
- 8.1.2. While the proposed development would not comprise 25 turbines, it would have a total output greater than 50MW and would therefore exceed the applicable threshold set out in the Seventh Schedule development under Class 1 (Energy Infrastructure). Therefore, the proposed development satisfies Section 37A(1) of the Act.

8.2. Section 37A (2) - Does the proposed development specified in the Seventh Schedule fall within one or more of the paragraphs referred to as (a), (b) and (c) and outlined below?

(a) – Strategic Economic or Social Importance to the State or Region

- 8.2.1. The prospective applicant's case is that the proposal satisfies section 37A(2)(a) of the Act having regard to the scale of the project and that it would produce upwards of 50MW wind energy output.
- 8.2.2. It is also submitted that the proposed development would contribute to the transition to a low carbon, climate resilient and environmentally sustainable economy in line with national policies and objectives including those set out in the Climate Action Plan 2019, the Climate Action and Low Carbon Development Act 2015, Project Ireland 2040: The National Planning Framework (NPF) and the Southern Regional Spatial Economic Strategy 2020-2032 (RSES).
- 8.2.3. It is submitted that the proposed windfarm has the potential to generate a substantial quantity of electricity from a renewable (wind) source, which in turn would contribute to Ireland's renewable energy generation and carbon-saving targets at a national level. It is also submitted that it would make a significant capital investment and that when taken in conjunction with commercial rates, financial contributions, community gain proposals and infrastructure improvements associated with the operation of the

proposed development, the project would cumulatively represent a significant economic contribution to the Region if not the State as a whole.

- 8.2.4. Having regard to the national and regional policy context and the details of the subject proposals outlined above, I am satisfied that the development would clearly be of strategic economic importance to the State and the Region and would therefore comply with the condition set out in section 37A(2)(a) of the Act.

(b) - Fulfilment of Objectives in the National Planning Framework or in any regional spatial and economic strategy.

- 8.2.5. It is the prospective applicants case that the proposal satisfies 37A(2)(b) of the Act as it would contribute to the stated policy and objectives of the NPF. Having reviewed the NPF, I note the following relevant National Strategic Outcome 8 (NSO 8) and National Policy Objectives (NPOs) 54 and 55, which aim to reduce our carbon footprint and promote renewable energy:

- **NSO 8:** (Transition to a Low Carbon and Climate Resilient Society)

New energy systems and transmission grids will be necessary for a more distributed, renewables focus energy generating system, harnessing both the considerable on-shore and off-shore potential from energy sources, such as wind, wave and solar and connecting the richest sources of that energy.

As part of this NSO, the following is set out: 'Deliver 40% of our electricity needs from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond. It is expected that this increase in renewable deployment will lead to a greater diversity of renewable technologies in the mix'.

- **NPO 54:** 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.
- **NPO 55:** 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.

8.2.6. At a regional level, consideration of policy in the RSES for the Southern region is relevant to consider and this includes the following Regional Policy Objectives (RPOs):

- **RPO 50 - Diversification:** It is an objective to further develop a diverse base of smart economic specialisms across our rural Region, including (among others listed in the Objective) renewable energy.
- **RPO 87 - Low Carbon Energy Future:** The RSES is committed to the implementation of the Government's policy under *Ireland's Transition to a Low Carbon Energy Future 2015-30 and Climate Action Plan 2019*. It is an objective to promote change across business, public and residential sectors to achieve reduced GHG emissions in accordance with current and future national targets, improve energy efficiency and increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.
- **RPO 99 - Renewable wind energy:** It is an objective to support the sustainable development of renewable wind energy (on shore and off shore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines.

8.3. The proposal to generate up to between 118MW to 132MW of renewable energy would undoubtedly help to reduce greenhouse gas emissions and would contribute significantly towards the achievement of a low carbon economy. In this regard, I am satisfied that the development would meet relevant NPOs of the NPF and would serve to fulfil the relevant RPOs of the RSES for the Southern Region within which the development would be located. The development would therefore satisfy the requirement set out in section 37A(2)(b) of the Act.

(c) - Significant effect on the area of more than one planning authority.

8.3.1. The site is fully contained within the area of one planning authority, Cork County Council. While the haul route and grid infrastructure have potential to traverse parts of other counties for a temporary period during construction, I am not of the opinion that the development would have any **significant effect** on any other planning

authority area outside of County Cork. Accordingly, I am therefore of the opinion that the proposal would not come within the scope of this requirement to be considered as complying with section 37A(2)(c) of the Act.

9.0 Conclusion

9.1. Based on the assessment above, it can be determined that the proposed development would exceed the threshold set out in the Seventh Schedule of the Act and therefore satisfies the requirements of Section 37A(1) of the Act. It can also be determined that the development is of strategic importance by reference to the requirements of Section 37A(2)(a) and Section 37A(2)(b) of the Act. Accordingly, the proposed development constitutes strategic infrastructure.

10.0 Recommendation

10.1. I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 37(B)(4) of the Planning and Development Act 2000, as amended, stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development within the meaning of Section 37A of the Act for the reasons and considerations set out below.

11.0 Reasons and Considerations

11.1. Having regard to the size, scale and location of the proposed windfarm and related development, and to the policy context, it is considered that the proposed development comprising the development of a 20 turbine windfarm with associated infrastructure and the production of an overall energy output ranging between 118MW and 132MW, as well as the associated connection to the electricity grid infrastructure constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in Section 37A(1) of the Act.

11.2. The proposed development is also considered to be of strategic importance by reference to the requirements of Sections 37A(2)(a) and 37A(2)(b) of the Planning

and Development Act 2000, as amended. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under Section 37E of the Planning and Development Act 2000, as amended.

Patricia Calleary
Senior Planning Inspector

18th August 2021

Appendix A:

Note 1: The following is a list of **prescribed bodies** considered relevant for the purposes of Section 37E (3) (c) of the Act.

- Minister for Housing, Local Government and Heritage
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.
- Minister for Agriculture, Food and the Marine
- Minister for Environment, Climate and Communications
- Minister for Transport
- Southern Regional Assembly
- Cork County Council
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Health & Safety Authority
- Office of Public Works

Further notifications should also be made, where deemed appropriate.

Note 2: The prospective applicant is advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines the mitigation and any monitoring measures that are proposed for the construction, operation and decommissioning phases of the development.

Note 3: In addition to setting out the overall height of the turbines, the prospective applicant is advised to submit drawings and documents, including turbine

dimensions, sufficient to describe the nature and extent of the development and to allow the Board to carry out an environmental impact assessment of the project.