



An
Bord
Pleanála

Inspector's Report ABP-307075-20.

Development

Proposed wind farm consisting of 20 5-6 MW turbines, 110 kV substation, permanent meteorological mast, underground cabling, new site access entrances and roads, upgrading of existing access roads, construction compounds, site drainage and all associated works.

Location

Townlands of Cronin, Gortaphuill, Mullaghardagh, Dysart, Milltown, Skeavally, Tawnagh and Tobermacloughlin, County Roscommon.

Planning Authority

Roscommon County Council

Applicant(s)

Energia-Gaitech.

Type of Application

Pre-application Consultation.

Date of Site Inspection

10th June 2020.

Inspector

Patricia Calleary

Contents

1.0 Introduction.....	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning History.....	5
5.0 Legislative Provisions	5
6.0 Prospective Applicant’s Case	6
7.0 Pre-Application Consultations.....	6
8.0 Assessment.....	8
9.0 Conclusion.....	11
10.0 Recommendation	11
11.0 Reasons and Considerations	11

1.0 Introduction

- 1.1. The Board received a written request on 31st March 2020 from MKO consultants representing the prospective applicant, Energia-Galetech, to enter into a pre-application consultation under Section 37B of the Planning and Development Act, 2000, as amended (hereinafter referred to as ‘the Act’), in relation to a proposed windfarm development in County Roscommon. Two consultation meetings were subsequently held between An Bord Pleanála and the prospective applicant on the 11th June 2020 and the 16th November 2020. The primary purpose of the meetings was 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 18th June 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 and it also provides an outline of the relevant legislative provisions. The report should be read in conjunction with the meeting records that are on the Board’s file. It recommends that the Board determine that the proposed development constitutes strategic infrastructure within the meaning of the Act.

2.0 Site Location and Description

- 2.1. The proposed windfarm site is located in a rural location in the townlands of Cronin, Gortaphuill, Mullaghardagh, Dysart, Milltown, Skeavally, Tawnagh and Tobermacloughlin, in south County Roscommon, approximately 1.5 kilometers west of the village of Dysart and 11km northwest/west of Athlone town. The site is made up of two parcels of agricultural grassland, to the north and south of the R363 regional road, which links the Ballinasloe area with Athleague in County Roscommon. The R357 regional road runs along the western and north-western sides of the site and intersects with the R363 at Dysart to the east of the site.

- 2.2. The area within which the site is located comprises an open undulating landscape with some local 'hills' particularly in the land parcel to the south and there are higher hills located c.3km further to the north of the site. The lands are in agricultural use being used almost entirely for animal grazing. Field boundaries are of stone walls with some hedgerows at field boundaries. There are single houses and farm buildings laid out along the local road network in the area.
- 2.3. There are a number of archaeological features generally in the form of ringforts located within the lands where the turbines are proposed.
- 2.4. There was no evidence of surface water drainage channels in the lands where the turbines are proposed. The Ballyglass river flows in a southwestern direction between both land parcels from Cuilleenirwan Lough flowing to the River Suck.

3.0 Proposed Development

- 3.1. The prospective applicant's initial proposal was for a 21-no. turbine windfarm, and this was subsequently revised to a 20-no. turbine layout, each with a maximum tip height of up to 180 metres, providing a power output of between 5 and 6 MW or a total power output of between 100 and 120 MW. The proposal would also comprise a 110kV onsite substation and control buildings and connecting underground cabling, provision of new site access entrances, drainage and all associated works.
- 3.2. The proposed development would be connected to the on-site substation and the existing Monksland 110kV substation located approximately 10km east/south-east of the site. Turbine components are proposed to be delivered to Galway Port and onwards via the M6 motorway, as well as the R362 and R363 regional roads.
- 3.3. It is also stated in the letter received by the Board on 21st June 2021 that the design has been refined and the proposed substation that was shown previously north-east of turbine 19 (T19) has been moved slightly to the northwest of T19. A revised layout was presented with the closure letter.
- 3.4. Details of further community consultation was also outlined and included the issuing of individual letters, advertisement of the consultations in the local newspapers, calls to local representatives, updating frequently asked questions (FAQs) on the project website and the carrying out of a scoping exercise to ascertain local community

groups to assess the needs in the area. A freephone number and email were stated to be available at all stages. It is stated that the communications team are working on a virtual exhibition and organising a final series of face-to-face consultation clinics for July 2021.

4.0 Planning History

4.1. Following appeals against Roscommon County Council's decisions to grant planning permission under planning reg refs. PI10/541 and PI11/273, permission was granted by the Board for a windfarm on the subject site, across two phases (PI20.244346 and PI20.244347). Both decisions were quashed by the High Court on judicial review (*Kelly v An Bord Pleanála* [2014] IECH 400). Subsequently, planning permission was refused by An Bord Pleanála for reasons of uncertainty that no significant adverse effects would result on the integrity of designated European nature conservation sites in the vicinity, having regard to their conservation objectives.

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, having a total output of 100-120 megawatts (MW), would exceed the stated threshold of 50MW set for Class 1 (Energy Infrastructure) of the Seventh Schedule of the Act and would also fall within the criteria set out in section 37A (2) (a) and (b) but not (c) of the Act. Consequently, it is their case that the proposal would constitute Strategic Infrastructure Development within the meaning of Section 37A of the Act.

7.0 Pre-Application Consultations

7.1. Two pre-application meetings were held between the prospective applicant and the Board's representatives on the 11th June 2020 and 16th November 2020. The details of the meetings are set out in the records, as contained on the Board's file and summarised below.

7.2. Issues discussed at the first consultation meeting (11th June 2020) included:

Prospective Applicant:

- Planning Policy – strong support at national level for development. The Development Plan's wind energy strategy map identifies the site as being in the 'most preferred' area;
- Site Selection – based on wind resource, planning policy context and environmental considerations;
- Grid connection - proposed to include the grid connection as part of the application, 2 route options were being progressed;
- Project Design/Constraints – dwellings, Natura 2000 sites, rivers/streams, neighbouring existing and/or permitted wind turbine (wind take);
- Public Consultation – overview provided;
- EIAR – a brief outline of chapters provided.

Board's representatives:

- Noted that the site location was quite a unique landscape in itself and also in visual terms with prominent features, stone walls, graveyards and archaeological features present. There were also significant hydrology and hydrological features.
- Reference was made to the Wind Energy Development Guidelines 2006. Arising from the Balz court case it was clear that regard must be had to more up-to-date scientific studies and guidelines (even if they were in draft form).

7.3. Issues discussed at the second consultation meeting (16th November 2020) included:

Prospective Applicant

- Provided an update on project design – 20 turbines now proposed;
- Preliminary traffic report completed and junction design at the site underway;
- Preparation of new Roscommon Development Plan underway. Consultation issues paper closed in July 2020;
- Proposed sub-station will be in the southern land parcel;
- Nearest grid infrastructure location at Monkstown, c. 10km east/south east of site. An existing 110kV overhead powerline located c.6.5km at its nearest point;
- Consultation with prescribed bodies continuing. Consultation took place with NPWS and further consultation will be progressed;
- Public consultation via 'virtual town hall' videos;
- EIA progressing. Two-year bird surveys completed;
- Site investigation works underway.

Board's representatives:

- Following site visit, noted that site comprises an open, elevated and distinct landscape with a number of residential dwellings in the general area

- Ruins of archaeological features (e.g., ring forts) in the area indicating archaeological constraints;
- Stated that 'land' is required to be considered in the EIAR in accordance with the EIA Directive;
- Stated that in light of the new (draft) wind energy guidelines, notwithstanding that these have not been adopted, it would be of relevance to take note of recent Board Orders including noise conditions attached to recent decisions;
- Outlined that the Board's current advice was that the entire application could be lodged as one composite application under Section 37 of the Planning and Development Act, 2000, as amended.

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, each with a power output of between 5-6 MW, and hence would provide a total power output of 100-120MW. The proposed development would exceed the 50MW threshold of 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 the conditions under section 37A(2)(a) of the Act in that due to the scale of the project, and that it would produce upwards of 50MW wind energy output, it is considered to be wholly of a strategic nature and of strategic economic and social importance to the region and state. 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 country as a whole.

- 8.2.2. It is also 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.
- 8.2.3. The project would assist in meeting national renewable energy targets and would also result in significant reductions in carbon emissions from electricity generation, while reducing the country's reliance on fossil fuel.
- 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 submitted by the prospective applicant that the proposed development would contribute to the objectives of the NPF and the provisions of the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly. 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:** 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 Northern & Western Regional Assembly’s (NWRA’s) Regional Spatial and Economic Strategy 2020-2032 (RSES) is relevant to consider and includes the following Regional Policy Objectives (RPOs):

- **RPO 4.16:** The NWRA shall co-ordinate the identification of potential renewable energy sites of scale in collaboration with Local Authorities and other stakeholders within 3 years of the adoption of the RSES. The identification of such sites (which may extend to include energy storage solutions) will be based on numerous site selection criteria including environmental matters, and potential grid connections.
- **RPO 4.17:** To position the region to avail of the emerging global market in renewable energy by (*inter alia*) stimulating the development and deployment of the most advantageous renewable energy systems...”
- **RPO 4.18:** Support the development of secure, reliable and safe supplies of renewable energy, to maximise their value, maintain the inward investment, support indigenous industry and create jobs.

8.3. The proposal to generate between 100 and 120MW of renewable energy will help to reduce greenhouse gas emissions and will 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 Northern and Western Region. 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, Roscommon 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 Roscommon. 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 above assessment, it can be concluded 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 of 100-120 MW and associated connection to the electricity grid infrastructure on a site in the townlands of Cronin, Gortaphuill, Mullaghardagh, Dysart, Milltown, Skeavally, Tawnagh and Tobermacloughlin, County Roscommon, 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

24th June 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 Culture, Heritage and the Gaeltacht (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Roscommon County Council
- Galway 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 should be advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.

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.