



An
Bord
Pleanála

Inspector's Report ABP-307264-20

Development

Windfarm of up to 15 no. wind turbines, underground grid connection to the existing 110kV overhead powerline, substation on proposed windfarm site and battery storage facility.

Location

Carrowleagh (Kilbride) Bonniclonlon.
Co. Mayo

Planning Authority

Mayo Co. Council

Applicant(s)

Mercury Renewables (Carrowleagh)
Ltd.

Type of Application

Pre-SID Consultation.

Date of Site Inspection

July 20th, 2020 & July 12th, 2022

Inspector

Breda Gannon

1.0 Introduction

- 1.1. On May 29th, 2020, a request was received by the Board to enter into pre-application discussions with respect to the proposed development under section 37B of the Planning and Development Act 2000, as amended.
- 1.2. The Board's representatives met with the prospective applicant on September 15th, 2020, January 26th, April 6th, and July 14th, 2022.
- 1.3. The prospective applicant formally requested closure of the pre-application consultation process by letter dated 13th October 2022.

2.0 Site Location and Description

- 2.1. The site which has an overall area of 424 hectares is located approximately 4 km northeast of Bunniconlon and c 12km to the east of Ballina in Co. Mayo. It lies contiguous with the Co. Sligo border to the north and east and the Owenmore River runs to the south. It is located in a rural area at the foot of the Ox Mountains, which dominates the landscape to the east. The site ranges from approximately 120mOD in the northwest to circa 170mOD in the southeast.
- 2.2. The site comprises a large area of degraded/working bog with a long history of exploitation for peat extraction. It is traversed by a series of horizontal tracks, some of which continue to be used to provide access to turf cutting activities. The site is largely screened from the road network by roadside vegetation. There are existing windfarms to the east and south. The site itself is not located within any national or European designated site but is adjoined to the east and south by the Ox Mountains SAC (site code: 002006). Other European sites include Lough Hoe Bog SAC (site code: 000633) to the south and the River Moy SAC (site code: 002298) to the east.
- 2.3. The main land uses consist of forestry plantations, turf cutting and agricultural activity. Housing density in the vicinity is extremely low and consists of isolated dwellings and farm holdings.

3.0 Proposed Development

- 3.1. The proposal as set out in prospective applicant initial submission of September 15th 2020, was for a windfarm with up to 15 no. turbines each typically of c.5 megawatts (MW) with a combined output of approximately 75MW. The turbines would have a tip height of up to 185m and a rotor diameter of 155m.
- 3.2. The development would also include a grid connection via a looped connection to the existing 110kV overhead powerline north of Bonniconlon and the construction of a 110kV loop substation on the proposed windfarm site. New site access tracks/roads and a permanent meteorological mast would be provided.
- 3.3. At the second meeting held on January 26th, 2022 with the Board's representatives, the prospective applicant provided details of alterations to the proposal which included the following:
 - a reduction in the number of turbines from 15 to 13 with an output of 78MW,
 - a co-located hydrogen production facility to produce hydrogen gas by electrolysis.
- 3.4. The hydrogen plant would have a footprint of <4 hectares and a maximum output of 78MW. The gas would be stored on site for onward distribution by road transport for use in various sectors. Onsite storage capacity would be equivalent to 33,500 kg/day and transportation from the site would involve 28 no. 40 ft tube trailers per day.
- 3.5. At the fourth meeting held with the Board's representatives, the prospective applicant indicated that the proposed hydrogen plant would be relocated to a location closer to the N59 and c.6km from the previously proposed location adjacent to the proposed windfarm.

4.0 Prospective Applicant Case

- 4.1. The development exceeds the threshold sets out set out in the 7th Schedule of the Planning and Development Act, 2000, being a windfarm having a total output greater than 50 MW.
- 4.2. The proposed development would satisfy criteria (a) and (b) but not (c) of section 37A(2) of the Act as outlined below:

4.2.1. **Section 37A(2)(a) - The development is considered to be of national strategic economic or social importance to the State or the region in which it would be situate.**

- The development would represent a significant economic contribution to the region and to the country as a whole. It has the potential to assist in meeting the State's renewable energy targets and the objectives of the Climate Action Plan 2019 in terms of electricity production from renewable sources, decarbonisation of the electricity sector and reduced dependence on fossil fuels.

4.2.2. **Section 37A(2)(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.**

- The proposed development accords with the National Planning Framework (NPF) and the national objective of achieving transition to a competitive, low carbon, climate-resilient economy by 2050. The proposal will contribute to the economic, environmental and social objectives of the NPF, in particular National Policy Objectives 54 & 55.

NPO 54 seeks 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 emission reductions'.

NPO 55 seeks 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 objective of the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly 2020-2032(RSES0), is to support the implementation of the NPF and the economic policies and objectives of the Government by providing a long-term planning and economic framework which shall be consistent with the NPF.

- The development will contribute significantly to the renewable energy targets and strategy supported in the RSES.

4.2.3. **Section 37A(2)(c) – The development would have significant effects on the area of more than one planning authority.**

- The project is located entirely within Co Mayo. While the proposed development is located c 0.5km from the Sligo border, it is not envisaged that it would have any significant effects either direct or indirect on the adjoining planning authority boundary.

4.2.4. Regarding the proposed hydrogen plant, the prospective applicant's position is as follows:

- the windfarm is included within the Seventh Schedule and section 37A of the Planning and Development Act 2000 (as amended).
- this includes the 110kV transmission line and associated electrical infrastructure.
- the hydrogen plant is ancillary to the wind farm.
- the production of hydrogen is an alternative offtake/route to market for the electricity produced by the windfarm, the other alternative being the delivery of electricity produced directly to the national electricity grid network.
- section 37A of the Planning and Development Act 2000 (as amended) grants the Board jurisdiction to receive and determine applications for planning permission where an application includes any development specified in the Seventh Schedule and where the Board is satisfied the development meets the requirements of subsection 37A(2).
- the Act does not limit the Board's jurisdiction to only those elements of the proposed development which are listed in the Seventh Schedule. It is inclusive of all development included in an application for permission.
- The inclusion of ancillary development is commonplace in SID determinations by the Board, for example the CROOM Green Energy Park (ABP - 303322-18).
- The proposed hydrogen plant remains an ancillary element of the proposed windfarm proposal, notwithstanding its location 6km from the previously proposed location.

- REPower EU -Introduced 'Hydrogen Accelerator' doubling 2030 objectives for renewable hydrogen.

5.0 Planning History

- 5.1. **PL16.241592** - On 1st August 2013, An Bord Pleanála granted a 10 year permission for a wind farm development on the site consisting of 21 no. turbines and associated site development works. Each turbine would have a hub height of 85m, a rotor diameter of 71m and an overall tip height of 120.5. The overall output from the windfarm would be 48.3MW.

6.0 Pre-Application Consultations

- 6.1. Four consultation meetings were held. The prospective applicant provided an overview of the proposed development. The full details of the matters raised are contained in the Board's records which are on file. The main matters discussed centred around the following:

- Vulnerability of the project to major accidents and/or disasters associated with peat stability and the potential for peat slippage, bog bursts.
- Climate change/carbon budget and potential carbon losses/savings associated with the proposed development.
- Impacts on birds particularly Merlin and Greenland White-fronted Goose. Potential flightpaths that may exist between the Ox Mountains SAC and the River Moy SAC.
- Screening for AA.
- Potential impacts on archaeological resource-Mesolithic tomb located to the southwest.
- Landscape and visual impact, contiguous border with Sligo Co Council and potential for impacts on designated landscapes.
- Impacts on river systems, spawning habitats for trout and salmon, freshwater pearl mussel.

- Consultation with HSA in relation to The Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances).
- Public consultation.
- Water resources for the hydrogen plant.
- Impact on the local road network associated with transport of hydrogen off-site.

7.0 Legislative Provisions

7.1. The Board is asked to decide if the proposal is or is not Strategic Infrastructure Development as defined by Section 37A of the Act, 2000 (as amended).

7.2. Strategic Infrastructure is defined in the Seventh Schedule of the Act under Class 1 (Energy Infrastructure) as follows:

- *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.*

7.3. Section 37A of the Planning and Development Act, as amended 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 a significant effect on the area of more than one planning authority.*

8.0 Assessment

8.1. Compliance with the Seventh Schedule

- 8.1.1. The proposed windfarm would have an output of 78MW and exceeds the threshold for windfarms of 50MW set out in the Seventh Schedule. I accept therefore that the proposed development falls within the scope of Strategic Infrastructure Development.
- 8.1.2. The Board has formed the preliminary view that the proposed hydrogen production facility, notwithstanding its remote location from the windfarm, would be considered to be an ancillary element of the windfarm and the proposed development could in its entirety be considered to be a strategic infrastructure development requiring a planning application to be made to the Board.

8.2. Compliance with the criteria set out in Section 37A(2)(a)(b) and (c)

Section 37A(2)(a) – The development would be of strategic economic or social importance to the State or the region in which it would be situate.

- 8.2.1. The proposed development would generate up to 78MW of renewable wind energy which will make a meaningful contribution to Ireland meeting its sustainable energy targets and objectives at a national and regional level. It will progress the State's capacity to achieve national climate change objectives and its path to net zero emissions by 2050. It will also provide a significant economic contribution to both the region and the State related to capital investment and employment creation.
- 8.2.2. I would therefore conclude that the proposed development is of strategic importance by reference to section 37(A)2(a).

Section 37A(2)(b) – The development would contribute substantially to the fulfilment of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect to the area or areas in which it would be situate.

- 8.2.3. The proposed development will help fulfil national policy on reducing our carbon footprint and promotion of renewable energy. Policy of particular relevance expressed in the NPF include:

- National Policy Objective (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 greenhouse gas emissions reductions’; and
- 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.

8.2.4. The proposed development will also support the renewable energy targets and objectives set out in the RSES for the Northern and Western Region which supports national policy and the transition to a low carbon future and the development of renewable energy (Objective RPO 4.18.)

8.2.5. On the basis of the foregoing, I consider that the proposed development will contribute substantially to the fulfilment of the relevant objectives in both the NPF and the RSES for the Northern and Western Region, in which it would be situate.

8.2.6. I would therefore conclude that the proposed development is of strategic importance by reference to section 37A(2)(b).

Section 37A(2)(c) – Significant effect on the area of more than one planning authority.

8.2.7. The proposed development is contained within the area of one planning authority; Mayo Co. Council. While I note that the proposed development is located a short distance from the boundary with Co. Sligo, which creates the potential for it to be visible from here, I accept as submitted by the prospective applicant that the proposed development would not have a significant effect on the area of Co. Sligo. While the haul route has the potential to traverse other counties for a temporary period during construction, I am not of the opinion that the development would have any significant effect on the area of any other planning authority. Accordingly, I am of the opinion that the proposed development would not come within the scope of this requirement and would therefore not meet the condition set out section 37A(2)(c)

8.2.8. I would therefore conclude that the proposed development is not of strategic importance by reference to section 37(A)(2)(c)

9.0 Conclusion

- 9.1.1. In my opinion the proposed development comprises a Seventh Schedule development as it meets the Class 1 (Energy Infrastructure) threshold requirement for windfarms as set in section 8.1 above and therefore satisfies Section 37A(1) of the Act.
- 9.1.2. It is also my opinion that the development falls within the parameters of section 37A(2)(a) and (b) of the Act.
- 9.1.3. I consider that the proposed hydrogen plant which would be powered by the proposed windfarm would be an ancillary element of the development.

10.0 Recommendation

- 10.1.1. In view of the above, I recommended 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 27A of the Act for the reasons and Considerations set out below. Prescribed Bodies

11.0 Reasons and Consideration

- 11.1. 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 13-turbine windfarm with associated infrastructure (including a 110kV grid connection), a hydrogen plant that will be powered by the wind farm and site works at Firlough Windfarm, Bonniconlon. Co Mayo 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 section 37A(2)(a) and section 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 Act.

Note 1: Prescribed Bodies

The following is a schedule 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 the Environment, Climate Action and Communications.
- Mayo Co. Council
- Sligo Co. 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 and Safety Authority

Further notifications should also be made where deemed appropriate.

Note 2: 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.

Breda Gannon
Senior Planning Inspector

25th October 2022