



An  
Bord  
Pleanála

## Inspector's Report ABP-307471-20

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### Development

Wind energy development.

### Location

Ballivor Bog, Counties Meath &  
Westmeath

### Planning Authority

Meath & Westmeath County Councils

### Prospective Applicant

Bord na Mona Powergen.

### Inspector

Karla Mc Bride

### Date of site inspection:

2<sup>nd</sup> September 2020

## **1.0 Introduction**

- 1.1. Bord na Mona Powergen requested Pre-Application Consultations under Section 37B of the Planning and Development Act, 2000, as amended, for the proposed development of a windfarm at Ballivor Bog, which is located in Counties Meath and Westmeath. Two Pre-Application Consultations took place between An Bord Pleanála (the Board) and the prospective applicant on 21<sup>st</sup> September 2021 and 7<sup>th</sup> September 2021 by Virtual Skype for Business (see appended signed Records).
- 1.2. 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 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 meetings 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 counties Meath and Westmeath, to the N of Kinnegad W of Ballivor Village and E of Raharney. The surrounding area is rural in character. The site mainly comprises extensive areas of cutover bog that have been industrially extracted by Bord na Mona for fuel and horticulture purposes. The lands are located to the N and S of the R156 which provides access to the site, and the roadside boundaries are mainly defined by hedgerows. The 110kV Finglas to Mullingar electricity transmission line is located in the S section of the site. There are several sensitive natural heritage sites in the surrounding area (incl. the River Boyne and

River Blackwater SAC & SPA) and there are features of archaeological and historic interest in the vicinity.

### **3.0 Proposed development**

3.1. The proposed development would comprise:

1. Between 29 & 35 x c.200m high turbines (c.116 to 140MW capacity).
2. 110kV substation with connection to the Finglas – Mullingar 110kV overhead powerline.
3. Associated site works (incl. underground cabling, masts & borrow pits).
4. Three potential haul routes (M3, N51 & M4/N4).

3.2. The prospective applicant proposed the following substantive amendment:

- Number of turbines reduced to 26 (c.125 to 155MW capacity).

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

4.1. Bord na Mona Powergen 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. Two consultation meetings were held virtually on 21<sup>st</sup> September 2020 and 7<sup>th</sup> September 2021. 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 (incl. European, national regional & 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.

5.2. The Board representatives identified several areas of concern (incl. compliance with the Climate Action Plan, National Peatland Strategy, EPA licence conditions & bog rehabilitation plans, along with potential impacts on: - the landscape, views & scenic routes; archaeology & built heritage; peat hydrology, drainage & water management; the road network & haul routes; residential amenity & noise; biodiversity including proximity to SACs & SPAs; and the management of excavated peat). Possible conflicts between national and local planning policy with respect to windfarms was noted. It was confirmed that initial discussions had taken place with NPWS and the local Councils, feedback is awaited from IFI, and a public consultation exercise was undertaken. During the second meeting, reference was made to the recent Derryadd High Court judgement in relation to turbine dimensions, and also the possible need to seek substitute consent for historic peat extraction on part of the lands.

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 nearby European sites and watercourses, and potential impacts on mobile species from further 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 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 along with turbine design specifications.
- (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 hydrology, drainage and water quality, and traffic management (incl. 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 3<sup>rd</sup> March 2022, noted that the project would have a minimum capacity of 130MW, advised that it has been subject to further non-substantive refinements, and formally requested the closure of the pre-application consultation 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) 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, national and regional 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 be located in two counties, 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 26 x turbine windfarm with associated infrastructure and site works at Ballivor Bog in counties Meath and 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. Fáilte 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

23<sup>rd</sup> March 2022

