



An
Bord
Pleanála

Inspector's Report

ABP-308173-20

Development

Construction of up to 12 no. wind turbines with a combined output of approximately 60MW and an underground grid connection to Ballyvouskill 220kV substation

Location

In townlands of Gortyrhilly, Cahernacaha, Derree, Derryfineen and Gortnabinna, Co. Cork

Prospective Applicant

Coillte CSA and SSE Renewables

Planning Authority

Cork County Council

Type of Application

Pre-Application Consultation under s.37B of the Planning and Development Act 2000, as amended

Site Visit

08/10/2020

Inspector

Sarah Lynch

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 14TH September 2020 from Coillte CSA and SSE Renewables to enter into pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended, in relation to proposed development in the townlands of Gortyrhilly, Cahernacaha, Derree, Derryfineen and Gortnabinna, Co. Cork.

2.0 Site Location and Description

- 2.1. The proposed development will be located between the villages of Ballyvourney and Ballingeary in the Múscraí Gaeltacht Co. Cork. The proposed development will include the provision of an underground grid connection to Ballyvouskill which is located c. 14km to the north east of the turbine development (connection route c. 30km). The turbine development lands will cover an area of 710 hectares and are located within the townlands of Gortyrhilly, Cahernacaha, Derree, Derryfineen and Gortnabinna. The site is c. 2km east of the Kerry border. The lands are located in an upland area whereby residential development is sparse and the local road network is narrow and poorly surfaced in many areas. The lands comprise of areas of forestry and upland grassland and scrub.

3.0 Proposed Development

- 3.1. The current proposal is for a renewable energy development consisting of up to 12no. turbines together with a grid connection which will connect the proposed development to the Ballyvouskill Substation. The proposed 12 turbines will have a combined power generation of 60MW generating 5MW per turbine. The route of the grid connection will have an overall length of 30km.

4.0 Planning History

Development Site

19/4732 – Permission was granted for the retention of a meteorological mast.

There are a number of permissions relating to domestic and agricultural development along the boundary of the site.

5.0 Applicant's Case

5.1. The prospective applicant's case can be summarised as follows:

- The proposed development will have a generating capacity of 60MW and as such falls within the threshold of the 7th Schedule for Strategic Infrastructure Development.
- The development would be of strategic economic or social importance to the state due to significant economic contribution to the region and to the country as a whole. The development has the potential to have a significant impact in meeting the states renewable energy targets; it will meet the objectives of 'The Climate Action Plan 2019' and it will do so in a sustainable way through the provision of 12no. turbines.
- The onshore wind capacity is approx. 4.2 GW. The influence of the development to the decarbonisation of the Irish electrical network will contribute positively to an issue of strategic social importance. The project will avoid in the region of 72,000 tonnes CO₂ per annum after initial payback period.
- The development would contribute substantially to the fulfilment of objectives in the National Planning Framework, specifically Objective 54 and 55.
- The proposal is in accordance with the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly by way of its ability to contribute to a low carbon environment and is in accordance with RPO 99 and RPO 100 of the RSES.
- The development would not have a significant effect on more than one planning authority as it is situated entirely within County Cork.
- The prospective applicant concludes that the proposed development is within the 7th schedule and satisfies two of the three criterion set out in Section 37A(2) of the Planning and Development Act 2000, as amended.

6.0 Consultations

- 6.1. Two pre-application meetings were held with the prospective applicant on the 26th November 2020 and 7th July 2021. Minutes are attached to the file. Two presentations were made to the Board's representatives one at each of the meetings, which are also attached to the file. The principal matters arising related to the need for the proposal, the planning history of the site, alternatives considered and the issues pertaining to the development in terms of local planning policy, community engagement, potential environmental impacts and the requirement for up to date surveys to adequately inform the NIS and EIAR.
- 6.2. Specific issues in relation to the proximity of the grid connection to the Mullaghanish to Musheramore Mountains SPA were raised by the Board's representatives and the importance of up to date baseline data in this regard was emphasised.
- 6.3. The prospective applicant was also reminded of the Balz judgement and to have regard to both the current and draft wind guidelines in this regard.
- 6.4. Replacement of felled woodland was also discussed in terms of replacement locations and area to be covered.

7.0 Legislative Provisions

- 7.1. Section 2(1) of the Planning and Development Act 2000, as amended ('the Act'), defines 'strategic infrastructure' as including, *inter alia*:

'(a) any proposed development in respect of which a notice has been served under section 37B(4)(a)',

- 7.2. Section 37A of the Act states that:

"(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating

that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

- (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.”

7.3. The current SID thresholds are set out within the 7th Schedule of the Planning and Development Act 2000, as amended. The relevant threshold for the proposed project is *‘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 50 megawatts’*.

7.4. **Environmental Impact Assessment**

7.5. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) transposes Annex I and II of the EIA Directive and sets out prescribed classes of development, for which an environmental impact assessment is required. The following classes are noted:

Part 2 Class 3 (i)

‘Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts’.

8.0 **Planning Policy**

8.1. **The recast Renewable Energy Directive 2018/2001/EU**

8.2. In December 2018, the recast Renewable Energy Directive 2018/2001/EU entered into force, as part of the Clean energy for all Europeans package, aimed at keeping the EU a global leader in renewables and, more broadly, helping the EU to meet its emissions reduction commitments under the Paris Agreement.

- 8.3. The recast directive moves the legal framework to 2030 and sets a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023, and comprises measures for the different sectors to make it happen. This includes new provisions for enabling self-consumption of renewable energy, an increased 14 % target for the share of renewable fuels in transport by 2030 and strengthened criteria for ensuring bioenergy sustainability.
- 8.4. Under the Regulation on the Governance of the Energy Union and Climate Action (EU) 2018/1999, EU countries are required to draft national energy and climate plans (NECPs) for 2021-2030, outlining how they will meet the new 2030 targets for renewable energy and for energy efficiency.
- 8.5. Most of the other elements in the new directive need to be transposed into national law by Member States by 30 June 2021, when the original renewables directive will be repealed.

8.6. **7th Environment Action Programme to 2020**

This is an EU Action Programme which aims to guide the EU into a resource efficient, green and competitive low-carbon economy.

8.7. **The Paris Agreement, 2015**

This is an agreement within the United Nations Framework Convention on Climate Change (UNFCCC) dealing with ghg emissions mitigation, adaptation, and finance starting in the year 2020, which aims to keep the global average temperature rise this century to below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius.

8.8. **National Policy**

Ireland's Transition to a Low Carbon Energy Future, 2015-2030

This White Paper on energy policy (Department of Communications, Energy and Natural Resources – Dec 2015) provides a complete energy policy update for Ireland. It sets out a vision to reduce ghg emissions of between 80% and 95% by 2050, compared to 1990 levels, falling to zero or below by 2100. The policy document recognises that the 2020 target of 40% renewables energy is likely to require a total of 3,500-4,000 MW of onshore renewables generation capacity, compared to the 2,500 MW available at the end of December 2014.

8.9. Strategy for Renewable Energy, 2012 – 2020

This Strategy reiterates the Government's position that 'the development and deployment of Ireland's abundant indigenous renewable energy resources, both onshore and offshore, clearly stands on its own merits in terms of the contribution to the economy, to the growth and jobs agenda, to environmental sustainability and to diversity of energy supply'. Strategic Goal 1 of the Strategy is to 'progressively more renewable electricity from onshore and offshore wind power for the domestic and export markets'.

The Strategy states that further strategic deployment of onshore wind projects will develop a base of indigenous and foreign companies and create employment in the short-term in wind farm construction, possible turbine component manufacturing and servicing, the opportunity to capture international supply chain opportunities and the manufacture of niche onshore renewable energy generating equipment.

8.10. National Renewable Energy Action Plan (2010)

The National Renewable Energy Action Plan (NREAP) was submitted to the European Commission in 2010. It sets out Ireland's approach to achieving its legally-binding targets, with a target of 40% of electricity consumption to be from renewable sources by 2020. The NREAP recognised that as Ireland moves towards achieving this target, the Irish grid increasingly has to cope with the challenges posed by large amounts of intermittent power and that EirGrid (the Irish Transmission System Operator) is involved in detailed examination of the issues and is pioneering several renewables facilitation studies, with a view to ensuring the appropriate management of the grid and stability of the electricity system during this transition.

A fourth progress report on the NREAP was submitted to the European Commission in February 2018. To meet the renewables energy target for 2020, the Action Plan states that it is expected that between 3,900 MW and 4,300 MW of wind needs to be connected.

8.11. Project Ireland 2040 – National Planning Framework

The National Planning Framework (NPF) is the Government's high-level strategic plan shaping the future growth and development of Ireland to the year 2040. Chapter 3 of

the Framework addresses 'effective regional development' and includes the following policy priorities for the Eastern and Midland region:

- 'Harnessing the potential of the region in renewable energy terms across the technological spectrum from wind and solar to biomass and, where applicable, wave energy, focusing in particular on the extensive tracts of publicly-owned peat extraction areas, in order to enable a managed transition of the local economies of such areas in gaining the economic benefits of greener energy'.

Under the heading 'Planning and Investment to Support Rural Job Creation', the following is stated within the NPF with regards to 'Energy Production':

- 'Rural areas have significantly contributed to the energy needs of the country and will continue to do so, having a strong role to play in securing a sustainable renewable energy supply. In planning Ireland's future energy landscape and in transitioning to a low-carbon economy, the ability to diversify and adapt to new energy technologies is essential. Innovative and novel renewable solutions have been delivered in rural areas over the last number of years, particularly from solar, wind and biomass energy sources'.
- 'In relation to peatlands, some of Ireland's cutaway bogs are suitable to facilitate the generation of energy, most notably wind/biomass'.

National Policy Objective 55 seeks to 'promote renewable energy generation at appropriate locations within the built and natural environment to meet objectives towards a low carbon economy by 2050'. The pretext to this Objective states that 'development of the Wind Energy Guidelines and the Renewable Electricity Development Plan will also facilitate informed decision making in relation to onshore renewable energy infrastructure'. National Strategic Outcome 8 relating to the 'Transition to Sustainable Energy' states that:

'New energy systems and transmission grids will be necessary for a more distributed, more renewables focused energy generation 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'.

Regional Spatial and Economic Strategy for the Southern Regional Assembly 2020

- **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.
- **RPO 100 - Indigenous Renewable Energy Production and Grid Injection** - It is an objective to support the integration of indigenous renewable energy production and grid injection.

8.12. Cork County Development Plan 2014-2020

8.13. ED 3-5 : Open to consideration

‘Commercial wind energy development is open to consideration in these areas where proposals can avoid adverse impacts on :

- *Residential amenity particularly in respect of noise, shadow flicker and visual impact;*
- *Urban areas and Metropolitan / Town Green Belts;*
- *Natura 2000 sites (SPA & SAC), Natural Heritage Areas (NHA's) or adjoining areas affecting their integrity;*
- *Architectural and archaeological heritage;*
- *Visual quality of the landscape and the degree to which impacts are highly visible over wider areas.*

Paragraph 9.3.14 of the plan supporting text to the ‘Open to Consideration’ designation.

The development does not fall within areas of high value landscape in the CDP.

8.14. Designated Sites in proximity to site

- Mullaghanish to Musheramore Mountains SPA – c. 2km,
- Mullaghanish Bog SAC
- St Gobnet’s Wood SAC

- Kilarney National Park, Magillicuddy's Reeks and Caragh River Catchment SAC

9.0 Assessment

9.1. Strategic Infrastructure

- 9.2. The proposed development will comprise 12 turbines with a combined generating capacity of 60MW and will include an underground grid connection from the proposed windfarm site to a substation in Ballyvouskill. The current SID thresholds are set out within the 7th Schedule of the Planning and Development Act 2000, as amended. The relevant threshold for the proposed project is *'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 50 megawatts'*. Having regard to the combined generating capacity of the proposed development, I am satisfied that the development accords with Section 37A(1) of the Act.
- 9.3. Accordingly under Section 37A(2), the proposed development must fall within one or more of the following conditions:
- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,
- 9.4. The prospective applicant's case is that the proposal satisfies the conditions under 37A(2)(a) of the Act due to the scale of project which would generate more than 50MW.
- 9.5. The development would be of strategic economic or social importance to the state due to significant economic contribution to the region and to the country as a whole. The development has the potential to have a significant impact in meeting the State's renewable energy targets, it will meet the objectives of The Climate Action Plan 2019 and it will do so in a sustainable way through the provision of 12no. turbines. It is contended that the proposed development will assist in meeting national renewable energy targets and will also result in significant reductions in carbon emissions from electricity generation and reduce the country's reliance on fossil fuels.
- 9.6. 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 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) 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,

9.6.1. The prospective applicant states 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 Southern Regional Assembly. Having reviewed the NPF, I note the following relevant National Policy Objectives (NPOs) which aim to reduce our carbon footprint and promote renewable energy:

- 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.

9.7. At Regional level I note that the RSES for the Southern region recognises the need to shift its reliance on using fossil fuels and natural gas as its main energy source to a more diverse range of low and zero-carbon sources and acknowledges that generating electricity from renewable sources requires onshore wind, bioenergy, solar and offshore energy.

9.8. The Strategy supports an increase in the amount of new renewable energy sources in the Region which includes the use of wind energy.

9.9. Having regard to the above, I am satisfied that the development would meet relevant national policy objectives of the NPF and would serve to fulfil the relevant regional policy objectives of the RSES for the Southern Regional Assembly. The development would therefore satisfy the requirement set out in section 37A(2)(b) of the Act.

(c) the development would have a significant effect on the area of more than one planning authority.”

9.10. The site is fully contained within the area of one planning authority, Cork County Council. While the haul routes have the potential to traverse parts of other counties, this will be a temporary period during the construction phase of the development. Having regard to the information submitted I am satisfied that the proposed development would not have any significant effect on any other planning authority area outside of 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.

9.11. **Prescribed Bodies**

9.12. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval

10.0 **Conclusion**

10.1. Based on the foregoing assessment, it can be concluded that the proposed development would exceed the threshold set out in the Seventh Schedule of the Planning and Development Act 2000, as amended and therefore satisfies Section 37A(1) of the Act. It can also be concluded 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. Therefore, in overall conclusion, the proposed development constitutes strategic infrastructure.

10.2. **Environmental Impact Assessment**

10.3. The development falls within the thresholds of Schedule 5 of the Planning and Development Regulations, 2001 for the purpose of EIA, the applicant has indicated that an EIAR will be submitted with the application which is considered to be appropriate.

10.4. **Appropriate Assessment**

10.5. The proposed development is proximate to a number of European Sites including Mullaghanish to Musheramore Mountains SPA and Mullaghanish Bog SAC. The

applicant has indicated that it is their intention to include an NIS with the application which is considered to be appropriate.

11.0 Recommendation

11.1. 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.

12.0 Reasons and Considerations

12.1. 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 12 turbine windfarm with associated infrastructure and an overall output of 60 MW and associated connection to the electricity grid infrastructure on a site in the townlands of Gortyrhilly, Cahernacaha, Derree, Derryfineen and Gortnabinna, Co. Cork, 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.

12.2. The proposed development is also considered to be of strategic importance by reference to the requirements of Section 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 Act.

Sarah Lynch
Senior Planning Inspector

20th August 2021

Appendix 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
- 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 : 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.