



An
Bord
Pleanála

Inspector's Report ABP-309013-20.

Development	Ballynagare Wind Farm.
Location	Lands to north of Lixnaw in townlands of Dysert Marshes, Curraghcroneen and Ballynagare, Co. Kerry.
Prospective Applicant	EMP Energy Limited.
Planning Authority	Kerry County Council .
Type of Application	Pre-application consultation.
Date of Site Inspection	17 January 2021.
Inspector	Mairead Kenny.

1.0 Overview

- 1.1. Two pre-application consultation meetings have been held in relation to a proposed wind farm development in north Kerry.
- 1.2. The subject development discussed at these meetings comprises a development of 10 no. wind turbines of 5.6MW each. The associated grid connection was also subject of discussion.
- 1.3. By letter of 16 June 2021 the applicant has advised the Board that the proposal has been revised including by the omission of 3 no. turbines.

2.0 Site Location and Description

- 2.1. The site is located in a rural area north of Lixnaw in north Kerry. The site is flat, is subdivided by a public road and bounded by flood protection embankments to the north. The majority of the site is peatland/fen but at the margins of the site there are also agricultural fields.

3.0 Proposed Development

- 3.1. The revised scheme comprises a 7 no. wind energy turbine development with a generated output of approximately 42 MW in total.

4.0 Legislative Provisions

- 4.1. The Board has been asked to issue a determination on whether the proposed development is or is not Strategic Infrastructure Development as defined by Section 37A of the Planning and Development Planning Act 2000, as amended.
- 4.2. 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*'.
- 4.3. 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.

5.0 Prospective Applicant's Case

5.1. The prospective applicant has provided an outline of the proposed development and details of likely relevant environmental issues.

5.2. The proposed development as described in the initial submission to the Board was expected to comprise 10 no. turbines of 5.6MW each approximately. This development type and scale was subject of the two pre application consultation meetings held.

5.3. The prospective applicant's submission was that the proposed development of 10 no. wind turbines with the generated output of approximately 5.6MW per turbine reached the threshold for SID.

5.4. By letter of 16 June 2021 the applicant has advised the Board of a revised 7 no. Wind turbine development of generated output of approximately 42MW. This proposal falls below the relevant threshold criteria in relation to wind energy as set out in the Seventh Schedule of the Planning and Development Act and the prospective applicant states that it no longer constitutes Strategic Infrastructure Development.

6.0 Pre-Application Consultations

6.1. Two meetings were held between the prospective applicant and the Board's representatives. The details of the pre-application consultations are as set out in the records of both meetings, which are held on the Board's file.

6.2. As the basis for discussion in the meetings comprised a 56 MW development the Board.

7.0 **Assessment**

7.1. Based on the information submitted by the prospective applicant, the revised proposal of 7 no. turbines, resulting in a total generating power output of 42 MW, falls significantly below the 50MW threshold of the Seventh Schedule development under Class 1 (Energy Infrastructure).

7.2. The proposed development is not Strategic Infrastructure and an application should be made in the first instance to the planning authority.

7.3. As noted above aspects of the future grid connection and options for same were discussed at the pre-application consultation meetings and referenced in the prospective applicant's documentation. However, this was secondary to the substantive wind energy development and was not discussed in detail.

7.4. As a result, there is not sufficient information available to the Board to determine whether or not the grid connection in itself is Strategic Infrastructure in the context of the wind energy development now falling below the SID threshold. Separate consideration of this matter under section 182 may be required.

7.5. I have considered whether it would be appropriate to hold a further meeting with the prospective applicant on this matter but instead have opted to draft a final recommendation based on the available information.

7.6. In determining that the substantive development is not Strategic Infrastructure it may be appropriate that the Board's Direction clarify that the grid connection is a separate matter, which is not governed by the decision. I have drafted the Board's Direction accordingly.

8.0 Recommendation

I recommend draft order as follows:

DRAFT ORDER

The Board decided, pursuant to Section 37(B)(4) of the Planning and Development Act 2000, as amended, that the proposed development, consisting of 7 no. turbines with overall generating output of 42MW at Dysert Marshes, Curraghcroneen and Ballynagare, Co. Kerry as set out in the letter received by the Board on 18 June 2021 is not a strategic infrastructure development within the meaning of Section 37A of the Planning and Development Act, as amended, and that a planning application should be made in the first instance to Kerry County Council.

The Board noted that the grid connection may fall within the scope of Section 182A of the Planning and Development Act, as amended.

Mairead Kenny
Senior Planning Inspector

28 June 2021