



An
Bord
Pleanála

Inspector's Report ABP- 309375-21

Development

Oweninny windfarm (phase three) comprising 18 wind turbines, with an approximate capacity of 90MW and with a tip height ranging between 180-200m.

Location

Oweninny windfarm, townlands of Laghtanvack, Croaghaun (also known as Croaghaun West), Moneynieran, Corvoderry, Shanvolahan, Dooleeg More and Shanvodinnaun, Co. Mayo.

Planning Authority

Mayo County Council

Applicant(s)

Bord Na Móna Powergen Ltd.

Type of Application

Pre-application Consultation.

Date of Site Inspection

26th April 2021.

Inspector

Patricia Calleary

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1.0 Introduction

- 1.1. The Board received a written request on the 8th of February 2021 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 Mayo. The request was received from Tobin consulting engineers representing the prospective applicant, Bord na Móna Powergen Ltd.
- 1.2. Two consultation meetings were subsequently held between An Bord Pleanála and the prospective applicant. 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 the 7th of February 2022.
- 1.3. 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. It provides a recommendation that the Board determine that the proposed development constitutes strategic infrastructure within the meaning of the Act. The report should be read in conjunction with the meeting records that are on the Board's file.

2.0 Site Location and Description

- 2.1. The site is situated in the eastern part of Oweninny bog, in North County Mayo, approximately 12km west of Crossmolina and 15km east of Bangor Erris and just north of the N59 national road. The overall area of Oweninny bog is approximately 5090 hectares and the study area of the proposed development is approximately 2345 hectares. At the pre-application meetings, the prospective applicant presented a site layout map which detailed the elements of the proposed development. At the second meeting, it was stated that the planning boundary has yet to be finalised.

- 2.2. The site comprises cutaway bog, with industrial scale milled peat production operations having formerly occurred at the site for over 50 years and which supplied the ESB Bellacorick peat fired power station. Milled peat production ceased in 2005 following the closure of the power station and the power station was later decommissioned.
- 2.3. Bellacorick windfarm (Ireland's first windfarm), consisting of 21 turbines, was built in 1992 and those turbines are located adjacent to the proposed turbines. There are other windfarms in the region, mainly the phase one (existing) and phase two (consented) of the overall windfarm developments within the Oweninny bog site, the Corvoderry windfarm (consented), a separate entity which is located within the Oweninny bog but outside of the prospective applicant's site and Sheskin windfarm (consented) located to the north of Oweninny phase two turbines in the Oweninny bog site.
- 2.4. Phase one of the windfarm, comprising 29 turbines is currently operational and phase two, comprising 31 turbines was under construction at the time of the second consultation meeting.
- 2.5. Lough Dahybaun, a special area of conservation (SAC), protected under the EU Habitats Directive, is located on the southern boundary of the site. Bellacorick Iron Flush SAC is encompassed within the Oweninny bog boundary to the north of the site.
- 2.6. The area within which the site is located is rural and is sparsely populated. The closest settlement is Bellacorick village, c.2km from the southwestern extent of the proposed development. To the east of the site, a local road (L5292) runs northwards from the N59 to the townlands of Shanvolahan and Formoyle. The prospective applicant stated that there are no sensitive receptors within 1km of the turbines and that this would increase to 11 sensitive receptors within a 2km radius.

3.0 Proposed Development

- 3.1. The proposed development would consist of 18 wind turbines, with an approximate power generation capacity of 90MW. The turbines would have a tip height ranging between 180-200m, a blade length of between 72-80m and a hub height ranging between 108-120m. The proposed development would also include a 110kV

substation and grid connection and all ancillary works. The proposed development would make up the third phase of the development on the site.

- 3.2. It is also proposed to develop an amenity facility as part of the proposed development. This track would pass through the site, with access to the local road and away from the N59 regional road.

4.0 Planning History

Prospective Applicant's lands

- **ABP Ref: 16.PA0029:** Permission was granted for a windfarm development (**June 2016**) in the townlands of Bellacorick, Corvoderry, Croaghaun West, Doobehy, Dooleeg More, Formoyle, Kilsallagh, Knockmoyle, Laghtanvack, Moneynierin, Shanvodinnaun, Shanvolahan, Sheskin, Srahnakilly and Tawnaghmore, County Mayo.

Under this permission, Oweninny windfarm phase one was constructed and comprises 29 turbines (93MW) which are currently operational. Oweninny windfarm phase two, 31 turbines (83MW), was under construction at the time of the second consultation meeting.

- **ABP Ref: 311862-21:** Application for leave to apply for substitute consent lodged (**November 2021**) for peat extraction on Lands at Oweninny Bog, Bellacorick, Co. Mayo.
- The first windfarm in Ireland, **Bellacorick windfarm**, was granted permission by Mayo County Council and **constructed in 1992** comprises 21 turbines (6.45MW). It is currently operational and would be decommissioned as part of the proposed development.

Adjoining lands/Lands in the Vicinity

The prospective applicant referred to the following windfarm proposals:

- Corvoderry windfarm comprising 10 turbines (33MW), consented, 6km north-west of the site;
- Sheskin windfarm comprising 10 turbines (33MW), consented, 6km north-west of the site;

- Dooleeg wind turbine application lodged, 600m south of the site.
- In addition to those referenced by the prospective applicant, it is noted that under **PA16.PA0031** permission was refused by An Bord Pleanála (May 2015) for Cluddaun windfarm that would comprise 48 wind turbines with a maximum generating capacity of up to 150MW on a site at Moygownagh, to the north of the prospective applicant's site.

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. 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 windfarm) with more than 25 turbines or having a total output greater than 50MW'*.

5.2. 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. With regards to whether the proposed development would fall within the scope of Strategic Infrastructure Development, the prospective applicant put forward their view that it would fall within the development thresholds specified in the seventh schedule, as it would have a total output greater than 50MW. Furthermore, it is

submitted that the windfarm would constitute a significant addition to Ireland's renewable electricity supply, contributing to Ireland's onshore wind energy capacity target as outlined in the Government's Climate Action Plan 2021.

- 6.2. It is also stated that because of the scale of the proposal, the capital investment required and the community development funding upon commissioning of the windfarm, the proposed development would be of strategic economic and/or social importance to the State and region and it would contribute substantially to the fulfilment of national, regional and local objectives.
- 6.3. Overall, it is the prospective applicants' 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 28th of April 2021 and the 11th of November 2021. 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** (28th of April 2021) include:

- the prospective applicant stated that the Corvoderry windfarm which lies in the middle of the site is not constructed however, planning approval would expire in 2022;
- the prospective applicant stated the original Bellacorick windfarm turbines, erected in 1992 are 64m in height and the previous two phases of the Oweninny development are 176m;
- in response to a query in relation to the turbine delivery route, the prospective applicant said this was not finalised at this point;
- in relation to consideration of proximity to European sites and the issue of Appropriate Assessment, the prospective applicant tabled a constraints map with the site shown in the context of the relevant European sites stating that it was progressing AA through the various stages;

- the Board's representatives stated that any future planning application should include details of peat depths and volume of peat proposed to be excavated and the safe management of peat movement and drainage during construction;
- The Board's representative stated that a decommissioning plan for the turbines associated with the 'Bellacorick windfarm' erected in 1992 should be included with any future planning application;
- the Board's representatives asked whether there is an active EPA licence on the site. In response, the prospective applicant said the Integrated Pollution Control (IPC) licence is still live, however, Bord na Móna are entering the final stages and intend to surrender this licence soon;
- the prospective applicant stated that it is their intention that the grid infrastructure would connect back to the Bellacorick site;
- in response to the Board's query on the matter, the prospective applicant stated the total number of turbines between the three phases would total 78.

7.3. Issues discussed at the **second consultation meeting** (11th of November 2021) include:

- the prospective applicant said the findings from the 2021 breeding bird season have been gathered and noted that there was no unusual additional activity recorded in 2021 compared to previous years;
- there was a general discussion had in relation to the recent Derryadd windfarm High Court judgement [2021] IEHC 390 in relation to providing specific turbine tip heights as part of the planning application;
- the Board's representatives advised that if a specific tip height is not finalised and that ranges are instead brought forward as part of a planning application, these configurations within the ranges should be specific (as distinct from a worst-case envelope configuration) and the specific configurations should be assessed, and the results of the assessment should be included in the EIAR;
- there was a general discussion had in relation to the Climate Action Plan 2021 and on carbon sequestration. The prospective applicant said there is historical

site data available from the Oweninny site in relation to carbon sequestration. The prospective applicant said that this data would be included in any subsequent planning application;

- the prospective applicant said they typically use a conservative approach to ensure flexibility in relation to the noise limit values.

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 18 turbines with a total power output of 90MW. 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.
- 8.2.2. 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. It would also make a significant capital investment and that when taken in conjunction with community fund proposals, the project would represent a significant economic contribution to the region.

8.2.3. 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.

8.2.4. It is submitted by the prospective applicant that the proposed development would contribute to the objectives of the National Planning Framework (NPF) and the provisions of the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly (NWRA) 2020-2032. Having reviewed the NPF, I note the following relevant National Strategic Outcome 8 (NSO 8) and National Policy Objectives (NPOs) 54 and 55:

- **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.

8.2.5. At a regional level, consideration of policy in the NWRA's 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.

8.2.6. The proposal to generate between 90MW of renewable energy by using wind as a resource would assist in reducing greenhouse gas emissions and would 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.

8.2.7. The site is fully contained within the area of one planning authority, Mayo 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 of the opinion that the development would not have any **significant effect** on any other planning authority area outside of Mayo. 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 as described above, 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 (b) but not (c) 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

21st March 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 Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Department of the Environment, Climate and Communications
- National Parks & Wildlife Service
- Minister for Transport
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Office of Public Works
- North and West Regional Assembly
- Mayo County Council

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.