

An
Bord
Pleanála

Inspector's Report ABP-311198-21

Development	Wind Farm Development of up to 19 wind turbines and all associated works.
Location	Clydaghroe and Cummeennabuddoge, Clonkeen, Co. Kerry and Ballyvourney and Millstreet Co Cork
Planning Authority	Cork and Kerry Co Council
Planning Authority Reg. Ref.	Not applicable
Applicant(s)	Cummeennabuddoge Wind Designated Activity Company
Type of Application	Pre-Application Consultation under section 37B of the Planning and Development Act 2000 as amended.
Date of Site Inspection	Not Inspected (Inspected by Breda Gannon who undertook the pre-application consultations).
Inspector (Reporting)	Paul Caprani

Contents

1.0 Introduction	3
2.0 Site Location and Description.....	3
3.0 Proposed Development.....	3
4.0 The Prospective Applicants Case.....	3
5.0 Legislative Provisions.....	4
6.0 Pre-Application Consultation Meeting	4
7.0 Assessment.....	5
8.0 Conclusion	7
9.0 Recommendation	7
10.0 Reasons and Considerations.....	8

1.0 Introduction

- 1.1. The agent (Atmos Consulting Ltd) on behalf of the applicant requested to engage in a pre-application consultation in a letter dated 20/08/2021. A single meeting was held on the 02/12/2021, the record of which is contained on file.

2.0 Site Location and Description

- 2.1. The site for the proposed windfarm comprises an upland area of some 925 ha in an extensive area of commercial conifer woodland within the lower slopes of the Derrynasaggart mountain Range in the Cork / Kerry border. The topography of the site ranges from c330m along the northern boundary of the site rising to 580m along the southern boundary of site. The area in which the turbines are located is very sparsely populated, the nearest large settlements being Ballyvourney approximately 5km to the south and Millstreet c.7km to the northeast. There are a number of extant windfarms in the immediate vicinity of the site.

3.0 Proposed Development

- 3.1. The proposed development comprises of a windfarm of up to 19 turbines with a maximum potential tip-height of 200m, capable of generating an output of 114MW of electricity¹. Ancillary works include hardstanding areas, 110kV substation, underground cabling, borrow pits and a temporary construction compound.

4.0 The Prospective Applicants Case

- 4.1. The prospective applicant's case argues that the proposal constitutes strategic infrastructure. The basis on which this argument is predicated can be summarised as follows:

- The amount of clean electricity generated from the proposed development is of economic, strategic and social importance to both the State and Region.

¹ The closing letter submitted on the 06/07/2023 suggested that the development may be scaled back to 15-71 turbines with a rated output of between 90-102MW.

- The proposed complies with policies NPO 53 to 55 of the National Planning Framework.
- The proposal complies with the relevant policies contained in the RSES.
- The proposed development being on the border of Kerry and Cork, has the potential to affect more than one local authority.

5.0 Legislative Provisions

5.1. Section 37A of the Act provides that an application for permission for any development specified in the Seventh Schedule shall be made directly to the Board if the proposed development would fall within one or more of the following paragraphs:

- (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.*

5.2. Class 1 of the Seventh Schedule relates to energy infrastructure and 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 50 megawatts.”

6.0 Pre-Application Consultation Meeting

6.1. One pre-application consultation meeting was held on the 2nd December 2021. A copy of the minutes are contained on file. Issues discussed during the pre-application consultation related to the environmental impact arising from tree felling,

and the status of both the Cork and Kerry development plans², cumulative impacts of the proposed windfarm developments with extant and permitted developments in the immediate area.

7.0 Assessment

7.1. Section 37A(1): Is the development specified in the Seventh Schedule of the Act?

- 7.1.1. Based on the information submitted by the prospective applicant through the consultation process, the proposed development would provide up to 19 No. turbines with a total power output in excess of 110MW. Consequently, the proposed development would exceed the 50MW threshold for wind farms set out in Class 1 (Energy Infrastructure) of the Seventh Schedule of the Act³. If the case arises that the number of turbines were to be reduced to 15 to 17 turbines with a rated output of 90MW-102MW, this would still satisfy the threshold set out in S37(A)(1) of the Act.
- 7.1.2. The proposed development would therefore satisfy section 37A(1) of the Act.

7.2. Section 37A(2): Does the Proposed Development Fall within one or more of Sections 37A(2)(a), (b) and (c)?

- 7.2.1. Strategic Economic or Social Importance to the State or Region (S.37A(2)(a))
- 7.2.2. The prospective applicant's case is that the proposed development satisfies the condition under section 37A(2)(a) of the Act due to its scale and the power output in excess of 110MW which is considered to be of strategic economic and social importance to the Region and State.
- 7.2.3. The project would assist in meeting national renewable energy targets and would also result in significant reductions in carbon emissions, while serving a strategic economic function by reducing the country's reliance on imported fossil fuel. It would also entail a significant capital investment in the region and when taken in conjunction with development contributions, commercial rates, transmission system

² Which were subject to new plans being adopted at the time the pre-application consultations were taking place.

³ The closing letter submitted on 06/07/23 indicated that the number of turbines would range from 15-17 turbines with a rated output of 90 MW-102MW.

upgrades, employment etc. the project would represent a significant economic contribution to the region.

7.2.4. Having regard to the national and regional policy context and the nature and scale of the proposed development, as outlined above, I am satisfied that the development would clearly be of strategic economic importance to the State and the region and would therefore satisfy the condition set out in section 37A(2)(a) of the Act.

7.2.5. Fulfilment of NPF or RSES Objectives (S. 37A(2)(b))

7.2.6. 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 Southern Regional Assembly. 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.

In terms of the RSES, the proposal would satisfy several Regional Policy objectives for the southern region including the following:

- RPO 85 – Transitioning to a low carbon energy future,
- RPO 91- The overall commitment sustainable renewable generation,
- RPO 94 – The promotion of a regional energy strategy focusing on the promotion of a renewable energy strategy (RPO95).
- RPO 214 and RPO 221 both of which support and encourage the provision of new energy and electricity infrastructure particularly from renewable sources.

I can conclude therefore that the proposed development would contribute to the objectives of both the NPF and the RSES for the Southern Region.

7.2.7. Significant effect on the area of more than one planning authority (S.37A(2)(c))?

7.2.8. The windfarm being located on the confines of the Kerry / Cork border, I consider that the Board can reasonably come to the conclusion that the development would have an effect on an area of more than one local authority. Any electricity generation derived from the proposed windfarm would serve both counties and the underground cabling straddles both counties. Accordingly, I am of the opinion that the proposed development would also fall within the scope of section 37A(2)(c) of the Act.

8.0 Conclusion

8.1. 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 sections 37A(2)(a)(b) and (c) of the Act. Accordingly, the proposed development constitutes strategic infrastructure.


9.0 Recommendation

9.1. I recommend that the Board serve a notice on the prospective applicant, pursuant to section 37B(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.

10.0 Reasons and Considerations

- 10.1. Having regard to the size, scale and location of the proposed wind farm and related development, it is considered that the proposed development 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.
- 10.2. The proposed development is also considered to be of strategic importance by reference to the requirements of sections 37A(2)(a), (b) and (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.



Paul Caprani

Senior Planning Inspector

18th July 2023

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

Further notifications should also be made, where deemed appropriate.

Note 2: The prospective applicant is advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines all proposed mitigation measures, in the interest of convenience and ease of reference.

Note 3: The prospective applicant is advised to submit sufficient drawings and details, including turbine dimensions, to fully describe the nature and extent of the proposed development and to allow its potential impacts to be adequately assessed.

10.5.