



An
Bord
Pleanála

Inspector's Report ABP 311299-21

Development

9 no. turbines of approx. 6MW each
with a combined output of approx. 54
MW.

Location

Gortloughra. Kealkill, Bantry, Co. Cork

Prospective Applicant

EMPower

Type of Application

Section 37B of the Planning and
Development Act, 2000, as amended.

Inspector

Pauline Fitzpatrick

substation and grid connection under ref. ABP 318794-24 on which consultations are ongoing.

4.0 Planning History/Relevant Cases

ABP 318794-24 – current pre-application consultation for a 110kV substation and underground grid connection to serve a proposed 8 no. turbine windfarm on the site.

5.0 Applicant's Case

The prospective applicant's case, as originally put forward in the details accompanying the original request to commence pre-application consultations and at the pre-application meetings, can be summarised as follows:

- The development would be of strategic economic importance to the state due to the potential to generate a large quantity of electricity to contribute to Ireland's energy targets with significant capital investment required, representing a significant economic contribution to the region.
- It would contribute substantially to the fulfilment of objectives in the National Planning Framework, specifically policy objectives 54 and 55.
- The proposal is in accordance with the Regional Spatial and Economic Strategy for the Southern Region and is specifically supported by regional policy objectives RPOs 98, 99, and 100.
- It is not considered likely that the development would have a significant effect on more than one planning authority. It is situated entirely within Cork.

The prospective applicant concludes that the proposed development comes 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

3 no. pre-application meetings were held with the prospective applicant on 15/11/21, 24/05/22 and 24/05/23.

The principal matters arising related to:

- Policy context and Cork County Development Plan provisions,
- Output capacity and 7th Schedule of the P & D Act, 2000,
- Consideration of impacts for varying turbine design options,
- Visual and landscape impacts,
- Residential amenities and separation distances,
- Cumulative impacts,
- Landscape and visual impacts,
- Peat stability,
- Hydrological considerations,
- Biodiversity considerations including bird surveys,
- European Sites,
- Proposed grid connection,
- Consultations with public and prescribed bodies.

7.0 Legislative Provisions

Section 2(1) of the Planning and Development Act 2000, as amended, 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),

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.

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'*.

Environmental Impact Assessment

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

Appropriate Assessment

The nearest Natura 2000 site is the Bandon River SAC c. 7.5km to the southeast.

8.0 Assessment

As per the letter from the prospective applicant dated 30th April 2024 the proposed development has been amended from that originally submitted for consideration in the pre-application consultations and now is to comprise of 8 turbines with an overall capacity of 48 MW.

The current Strategic Infrastructure Development thresholds are set out in 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 number of turbines and combined generating capacity, the proposed development does not meet the said threshold and, therefore, does not fall to be assessed against the provisions of Section 37A(1) of the Act.

I therefore conclude that the proposed development does not constitute Strategic Infrastructure and that an application should be made to Cork County Council.

9.0 Recommendation

I recommend that EMPower be informed that the proposed development comprising the installation of a windfarm comprising of 8 no. turbines with an overall capacity of 48 MW as set out in the plans and particulars received by An Bord Pleanála 30th April, 2024, does not meet the threshold set out in the Seventh Schedule of the Planning and Development Act 2000, as amended, and therefore does not come under Section 37A(1) of the Planning and Development Act, 2000, as amended, for consideration. A planning application should be made in the first instance to Cork County Council.

I confirm that this report represents my professional planning assessment,
judgement and opinion on the matter assigned to me and that no person has
influenced or sought to influence, directly or indirectly, the exercise of my
professional judgement in an improper or inappropriate way.



Pauline Fitzpatrick
Senior Planning Inspector
27th May, 2024

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