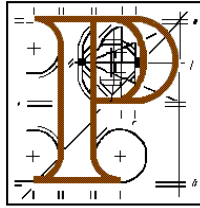


An Bord Pleanála



Inspector's Report.

Case Ref. No: ABP-312016-21

Issue: SID Pre-application – whether project is or is not strategic infrastructure development.

Proposed Development: Windfarm

Location: Loughill, Ballynalacken, Ballymartin, Commons, Firoda Upper and Byrnesgrove, County Kilkenny

Applicants: Rowanmere Limited

Planning Authority: Kilkenny County Council

Inspector: Kevin Moore

1.0 Introduction

- 1.1. The Board received a request on 23rd November, 2021 from Rowanmere Limited to enter into pre-application consultation pursuant to section 37B of the Planning and Development Act 2000, as amended, in relation to a proposed wind farm development.
- 1.2. Pre-Application Consultation meetings took place between An Bord Pleanála (the Board) and the prospective applicant on 28th February 2022, 20th July 2022, and 27th September 2022.
- 1.3. This Report is prepared following the request by the prospective applicant to close the Pre-Application Consultations between the applicant and the Board. The Report provides an overview of the proposed project, details of the legislative provisions, and a summary of the meetings and the advice provided by the Board. Furthermore, it discusses whether the proposed development would satisfy the conditions contained in section 37A (2) (a), (b) and (c) of the Planning and Development Act 2000, as amended, and recommends a list of Prescribed Bodies who should be forwarded copies of the application.

2.0 Proposed Development

- 2.1. The proposed development comprises a wind farm with 11 no. turbines, each approximately 180m high to blade tip and each with an installed capacity within the range of 55MW to 72.6MW. Ancillary site development works would also be undertaken, providing for a meteorological mast, access roads, a 110kV electrical substation, control buildings, site access, access roads, cabling, borrow pits, a construction compound, and a grid connection. There are three options for the grid connection, all underground. Option A connects to an existing

38kV/110kV station at Moatpark outside Ballyragget in County Kilkenny. Option B connects to a recently permitted 110kV loop station at Knockardagur in County Laois. The third option relates to the location of the proposed substation at the south-west section of the site, with connection to Ballyragget substation. The associated grid connection is proposed to form part of the proposed development.

- 2.2. The applicant is made up of a joint venture involving Ecopower and Art Generation.

3.0 Legislative Provisions.

3.1. Planning and Development Act 2000, as amended

Section 37A of the Planning and Development Act 2000, as amended, includes the following:

- (1) An application for permission for any development specified in the Seventh Schedule 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 consultation under section 37B, the Board serves on the prospective applicant a notice in writing 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 situated,*
 - (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any*

- regional planning guidelines 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 Seventh Schedule of the Planning and Development Act 2000 sets out the infrastructure developments for the purpose of sections 37A and 37B of the Act. It includes the following:

- 1.- Development comprising or for the purposes of any of the following: ...*
- 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.*

4.0 Pre-Application Consultations

4.1. Meeting 1 - 28th February, 2022

At the first meeting, the prospective applicant provided an outline of the windfarm project, including details on the applicant, the proposed site, the nature and extent of the proposed wind farm and ancillary works, assessments and consultation to date, assessments and consultations intended, the policy context, and an opinion on the strategic nature of the proposed development.

The project at that time comprised:

- 9 turbines, with an approximate tip height of 180 metres, and with a total output of between 54 MW and 63 MW,
- A 110kV substation,

- Site entrances, access roads, cabling, met masts, borrow pits, a construction compound, and ancillary works.
- 110kV grid connection via underground cable, with two options
 - Option A: c.7km connection to the existing 38kV/110kV station at Moatpark, Ballyragget, County Kilkenny
 - Option B: c.12km connection to a recently permitted 110kV loop-in station at Knockardagur, County Laois.

Matters discussed related to the need for clarity on specific project details and the extent of the site, peat within the site, tree felling, alternative sites, clarity on the grid connection, the need for appropriate assessment, cumulative assessment with other wind farms in the area, and consultation.

4.2. *Meeting 2 – 20th July, 2022*

At the second meeting, the prospective applicant gave an overview of the proposed development and site location, referenced proximity to residents in the area, alluded to the proposed community development fund and community engagement, referred to European, heritage and geological heritage sites, and provided information on land use, waterbodies and soils and bedrock.

The project at that time comprised:

- 10 turbines, with an approximate tip height of 180 metres, each with a capacity range of c.6MW to 7MW,
- A 110kV electrical substation,
- An energy storage compound,
- Site entrances, access roads, cabling, met masts, borrow pits, a construction compound, and ancillary works,
- 110kV grid connection via underground cable, with two options

- Option A: c.7km connection to the existing EirGrid substation near Ballyragget, County Kilkenny
- Option B: c.12km connection to an authorised (but not yet built) station at Knockardagur, County Laois.

Details on surveys relating to material assets and on consideration of cumulative effects were outlined and further details on consultation were provided. The target date for the making of the planning application was stated to be December, 2022 and it was confirmed that an EIAR and NIS are proposed to be submitted. The applicant reiterated the opinion that the proposed development would comprise strategic infrastructure.

Matters discussed related to the need for the provision of a ‘red line boundary’ for the site (including for the grid connection route), effects on adjoining lands, the inclusion and purpose of an energy storage compound, the implications of the Derryadd High Court judgement, matters pertaining to excavations, and public consultation. The Board reiterated that any replant forestry required as part of any felling licence would be the subject of a separate consent process. The prospective applicant was also reminded that a carbon calculation should be included as part of a climate chapter in an EIAR.

4.3. *Meeting 3 – 27th September, 2022*

At the third meeting, the applicant provided a layout of the proposed development and included a red line boundary for the site. The proposed development was increased to 11 turbines, each with a capacity of c.6MW and a total output of c.66MW. Another proposed change related to the location of the proposed substation on the site, with an option provided to the south-west of the site in the vicinity of the townland of Tinnalintan and grid connection to

Ballyragget substation. The prospective applicant submitted that the proposed energy storage compound would not form part of the proposed development.

The prospective applicant was advised of the need to provide assessment of grid connection options in the event of the grid connection not being finalised at the time of the making of any application.

Note: In the letter requesting closure of the pre-application process, the prospective applicant included a layout drawing of the proposed development and a grid connection map. The grid connection map shows three options for grid connection, each of which were discussed during the pre-application consultation process. The prospective applicant understands the need to provide assessment of grid connection options in the event of the grid connection not being finalised at the time of the making of any application.

5.0 Assessment.

5.1. I note that the proposed wind farm would have a predicted output of 66 megawatts (MW) and, thus, the proposed development would fall within the class of infrastructure set out in the Seventh Schedule that is referenced above.

5.2. Having regard to the provisions of section 37A(2) of the Planning and Development Act, my considerations are as follows:

- The ongoing provision of sustainable renewable energy development is a national priority to ensure compliance with EU and national renewable energy targets and obligations. Such development includes wind farm development. It is, therefore, recognised that a development of the nature proposed, i.e. one which would expand the renewable energy infrastructure within the State

to assist in meeting specified national obligations, would be of strategic economic importance to the State.

- The development of renewable energy capacity in the form of wind farm development is consistent with EU, national and regional policy which seeks to reduce greenhouse gas emissions, improve renewable energy production, and contribute to the aim of achieving a low carbon economy. Such development is supported in the Renewable Energy Directive, the Climate Action Plan, the National Renewable Energy Action Plan, the National Planning Framework, and the Regional Spatial and Economic Strategy for the Southern Region. The proposed development could reasonably be viewed as contributing substantially to the fulfilment of:
 - (a) National Policy Objective 55 of the National Planning Framework, which promotes renewable generation and generation at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050; and
 - (b) Regional Policy Objectives RPO 99 of the Regional Spatial and Economic Strategy for the Southern Region, which seeks to support the sustainable development of renewable wind energy.
- The proposed wind farm development would have a significant effect on the area of more than one planning authority, being located in County Kilkenny and in close proximity to the border with County Laois, with an option to access the grid at Knockardagur in County Laois.

6.0. **Conclusion**

- 6.1. Having regard to the above considerations, I am satisfied that the proposed development falls within the class of energy infrastructure relating to a wind

power installation for energy production as set out in the Seventh Schedule of the Planning and Development Act 2000, as amended. Furthermore, I am of the opinion that the proposed development would satisfy the conditions contained in section 37A (2) (a), (b) and (c) of the Planning and Development Act. Therefore, I conclude that the proposed development constitutes a strategic infrastructure development for the purposes of the Planning and Development Act.

- 6.2. The Board may consider recommending to the prospective applicant a list of Prescribed Bodies who should be forwarded copies of the application documentation. A recommended list is as follows:

An Chomhairle Ealaíon

An Taisce

Commission for Regulation of Utilities

Department of Agriculture, Food and the Marine

Department of the Environment, Climate and Communications

Department of Housing, Local Government and Heritage

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

Fáilte Ireland

Health Service Executive

Heritage Council

Inland Fisheries Ireland

Irish Aviation Authority

Kilkenny County Council

Laois County Council

Office of Public Works

Southern Regional Assembly

Transport Infrastructure Ireland

Kevin Moore

Senior Planning Inspector.

7th December, 2022.