



An
Bord
Pleanála

Inspector's Report

ABP-312193-21

Development	Wind Farm Development of 12 wind turbines and all associated works.
Location	Ballycar, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	Not Applicable
Applicant(s)	Ballycar Green Energy.
Type of Application	Pre-Application Consultation under section 37B of the Planning and Development Act 2000 as amended
Date of Site Inspection	February 10 th 2022.
Inspector	Paul Caprani

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1.0 Introduction

- 1.1. The Board received a written request on 14th of December 2021 to enter into pre-application consultations under Section 37B of the Planning and Development Act, 2000 as amended ('the Act'), in relation to a proposed wind farm development in County Clare. The request was submitted by MWP on behalf of the prospective applicant, Ballycar Green Energy.
- 1.2. Two meetings was held between An Bord Pleanála and the prospective applicant on (via Microsoft Teams) on the 23rd of February and 1st of September 2022. The primary purpose of the meetings was to outline the details of the proposal and 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 in a letter dated 26th September 2022.
- 1.3. This report provides an overview of the proposed development, a summary of the meetings that took place and the advice provided by the Board's representatives at that meeting. It provides a recommendation that the Board determine that the proposed development does constitute strategic infrastructure within the meaning of the Act.

2.0 Site Location and Description

- 2.1. The site for the proposed windfarm comprises of 140 ha site, centred on the townland of Ballycar in south-east Clare. It is located approximately 6km north of Limerick City and 4km north-west of Ardnacrusha. Sixmilebridge is located c.8km to the north-west of the site. In terms of topography, the elevation of the site ranges from 100mAOD to 250m AOD with the highest lands located to the north of the site. Woodcock Hill c.2km to the west of the site raises to a height of 310m. It comprises on the whole of a patchwork of fields primarily for pasture in the south and west of the site whereas the north and east of the site accommodates commercial forestry. A large commercial quarry lies beyond the north-eastern boundary of the site. Two local roads run in a north - south direction on either side to the proposed windfarm

site. Both roads accommodate a significant amount of one-off housing particularly in the low-lands to the south of the site. A number of streams traverse the site and primarily flow southwards from the more elevated northern part of the site. The site also accommodates a number of archaeological features including a standing stones and a Cairn.

3.0 Proposed Development

- 3.1. The layout of the proposed development have been indicated in more detail on the second presentation to the Board on September 1st 2022. The general locations of the turbines, substation and compounds are indicated on the map submitted. The development would consist of 12 wind turbines with an overall tip height of 136m together with an on-site substation adjacent to the eastern boundary of the site. Two options are considered for the grid connection between the on-site substation and existing sub-station at Ardnacrusha. Option 1 will run primarily within the public road corridors whereas option 2 will take a more direct route across agricultural land to the substation at Ardnacrusha. 2 Borrow pits and 1 deposition / borrow pit (to be reinstated). Some tree felling will also be required in order to facilitate access to the turbines. That will be compensated by re-planting elsewhere. Two site entrances are proposed; one located to the north consisting of a temporary entrance for construction deliveries from the nearby quarry and one to the south which will provide the permanent entrance and the entrance for the turbine delivery.
- 3.2. The total generating capacity of the project would be in 54MW to 60MW range. The proposed development aims to provide clean energy for 30,000 households in the Ballycar/wider community.

4.0 Legislative Provisions

- 4.1. The Board is asked to decide if the proposal as outlined is or is not Strategic Infrastructure Development. 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.

4.2. 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.”

5.0 Consultation Meetings

Meeting of the 23rd of February 2022.

- 5.1.1. The prospective applicant gave a presentation to the Board’s representatives, outlining details the development. Details of the grid connection route including the indicative details of the two route alignments to the considered into the Ardnacrusha substation. The prospective applicant also outlined the scoping, the surveys, the stakeholder consultation and community consultation which has taken place to date all of which will be used to inform the information contained in the EIAR.
- 5.1.2. Following the presentation, the following issues were discussed:
 - The need to carry out extensive consultations with the NPWS given the potential sensitivities of the site in relation to bird corridors, migratory paths and collision risks and any potential hydrological links with the Lower River Shannon SAC.

- The importance of the site in terms of geological and archaeological heritage should also be fully assessed.
- Full engagement should take place with Shannon Airport and the Irish Aviation Authority given the proximity of the site to the Airport.
- A robust peat stability assessment should be undertaken having regard to the sloping topography of the site. This can also be assessed in the EIAR in the context of major accidents or natural disasters.
- The applicant was advised to include a carbon calculation in the EIAR.
- Discussions took place in the context of the Derryadd Judgement and where a range of options are being put forward (turbine height and make etc.), details should be provided so as the Board can fully evaluate the impacts.
- The Board also advised that where appropriate that any review of guidelines pertaining to windfarm developments should include the 2019 Draft Guidelines as well as 2006, particularly in relation to noise as per the Balz Judgement.
- Any requirements regarding the upgrade of roads, including trimming back of hedgerows, road widening, barrier or signage removal etc must be assessed in the EIAR.

Meeting of September 1st 2022

The prospective applicant provided a brief recap on the proposal and outlined the progress in carrying out assessments since the previous meeting. It was stated that all environmental assessments have been concluded. A few elements in relation to drainage, design of water crossings and material balance calculations have to be finalised. Community engagement has commenced and is on-going.

Photomontages as to what the development might look like were included as part of the presentation.

Following the presentation, the main discussion points related to:

- Whether or not the assessment extended to bats, specifically bat collision or barotrauma.

- The depth of the borrow pits and whether or not they extended below the water table.
- Whether the noise assessments carried out complied with both the 2006 and the 2019 Draft Guidelines.
- The Board suggested it was important to liaise and ascertain the views of Limerick Co Council and bring some parts of the community into the public consultation process as the photomontages submitted with the presentation clearly indicate that the wind turbines will be clearly visible from vantage points within the City. The applicant indicated that the community consultation event was advertised in a number of newspapers circulating in the Limerick Area.
- The Board suggested that more extensive photomontages from settlements and sensitive receptors in the wider area might be included in the EIAR.
- Discussions took place around the issue of compensatory planting and whether such planting should be assessed in the detail in the EIAR. The Board noted that the replanting of lands falls under separate forestry legislation. Only in the case where replanting was to take place in the immediate vicinity of the site and could result in cumulative impacts, should these impacts be taken into consideration.
- The Board also indicated that the applicant is not required to include the haul route of the turbine delivery within the red line boundary.

A formal request to close the pre-application consultation was received by the Board on September 26th 2022.

6.0 Assessment

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

- 6.1.1. Based on the information submitted by the prospective applicant through the consultation process, the proposed development would provide 12 no. turbines with a total power output in excess of 50MW. 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 Act.

6.1.2. The proposed development would therefore satisfy section 37A(1) of the Act.

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

6.2.1. Strategic Economic or Social Importance to the State or Region (S.37A(2)(a))?

6.2.2. It can be reasonably argued in my considered opinion 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 50MW which is considered to be of strategic economic and social importance to the Region and State. The proposed project has the potential to provide energy for 30,000 households

6.2.3. The project would assist in meeting national renewable energy targets and would also result in significant reductions in carbon emissions from electricity generation, while serving a strategic economic function by reducing the country's reliance on imported fossil fuel. Furthermore, when taken in conjunction with development contributions, commercial rates, transmission system upgrades, employment etc. the project would represent a significant economic contribution to the region.

6.2.4. 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.

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

6.2.6. 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 Eastern and Midland 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.

6.2.7. At a regional level, the key document is the Southern Regional Spatial and Economic Strategy (RSES) which sets out a strategy to implement the NPF in the Southern Region. Various objectives within the strategy seek to promote a low carbon economy, the development of green industry and technologies with an emphasis on Sustainable Renewables and Renewable Wind Energy. It is an objective to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows.

6.2.8. The proposal to generate over 50MW 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 Eastern and Midlands Region.

6.2.9. Specific policies contained in the regional planning guidelines which are relevant to the provisions of S.37A(2)(b) of the Act are as follows:

RPO 87 - *Low Carbon Energy Future*

The RSES is committed to the implementation of the Government's policy under Ireland's Transition to a Low Carbon Energy Future 2015-30 and Climate Action Plan 2019. It is an objective to promote change across business, public and residential sectors to achieve reduced GHG emissions in accordance with current and future national targets, improve energy efficiency and increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.

RPO 219 - *New Energy Infrastructure*

It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.

RPO 221 - *Renewable Energy Generation and Transmission Network*

- a. Local Authority City and County Development Plans shall support the sustainable development of renewable energy generation and demand centres such as data centres which can be serviced with a renewable energy source (subject to appropriate environmental assessment and the planning process) to spatially suitable locations to ensure efficient use of the existing transmission network;
- b. The RSES supports strengthened and sustainable local/community renewable energy networks, micro renewable generation, climate smart countryside projects and connections from such initiatives to the grid. The potential for sustainable local/community energy projects and micro generation to both mitigate climate change and to reduce fuel poverty is also supported;
- c. The RSES supports the Southern Region as a Carbon Neutral Energy Region.

RPO -222 - Electricity Infrastructure

It is an objective to support the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid's (2017) Grid Development Strategy (subject to appropriate environmental assessment and the planning process) to serve the existing and future needs of the Region and strengthen all-island energy infrastructure and interconnection capacity.

6.2.10. The development would therefore satisfy the requirement set out in section 37A(2)(b) of the Act.

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

6.2.12. The windfarm site is located entirely within the Clare County Council administrative area. However the site is located, at it's closest point is less than 3km from the County Limerick boundary, it is likely therefore, having regard to the extensive domestic and commercial demand that would be generated from the City that the windfarm, being in such close proximity, would supply part of this demand. In this regard 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. Accordingly, I am of the opinion that the proposed development would also fall within the scope of section 37A(2)(c) of the Act.

7.0 Conclusion

7.1. 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.

8.0 Recommendation

- 8.1. 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.

9.0 Reasons and Considerations

- 9.1. Having regard to the size, scale and location of the proposed wind farm and related development, and to the policy context, 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.
- 9.2. 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

October 12th 2022

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.
- Clare County Council
- Limerick City and Co. 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.