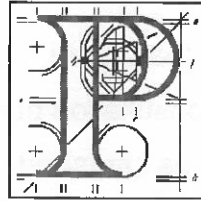


An Bord Pleanála



Inspector's Report.

Case Ref. No: ABP-312224-21

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

Proposed Development: Windfarm

Location: Ridge, Knocknabranagh and Knockbaun, and Baunreagh, County Carlow and Coolcullen, County Kilkenny

Applicants: White Hill Wind Limited

Planning Authority: Carlow & Kilkenny County Councils

Inspector: Kevin Moore

1.0 Introduction

- 1.1. The Board received a request on 16th December, 2021 from White Hill Wind 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. A Pre-Application Consultation meeting took place between An Bord Pleanála (the Board) and the prospective applicant on 13th April, 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. This Report provides an overview of the proposed project, details of the legislative provisions, and a summary of the meeting 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 7 no. turbines to a tip height of 185 metres with a predicted output of 7.2 megawatts (MW) each. Ancillary site development works would also be undertaken, providing for turbine foundations, hardstand areas, access tracks, site entrances, underground electrical cabling, a meteorological mast, borrow pits, and spoil deposition areas. Four turbines are proposed to be located in County Carlow and three turbines would be located in County Kilkenny.

- 2.2. The associated grid connection does not form part of the proposed development and is intended to be the subject of a separate planning application.
- 2.3. The applicant is seeking to secure lease agreements with the landowners of the site.

3.0 **Legislative Provisions.**

- 3.1. 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 situate,*
- (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.*

3.2. 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 under 'Energy Infrastructure':

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. At the meeting held on 13th April 2022, 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, the development context, the site selection process, environmental scoping and constraints analysis, and the emerging preferred design. Reference was also made to previous planning history relating to a wind farm development at this location, the turbine delivery route, ongoing public consultation, and preparation of a planning application, including an Environmental Impact Assessment Report.
- 4.2. Matters discussed related to addressing the Board's previous decision on a wind farm development at this location, confirmation that the grid connection would not form part of the application, necessity for clarity on the nature and extent of the proposed development in light of the Derryadd Judgement, and the submission of a Natura Impact Statement. Clarity on dwellings falling within a zone of influence of the proposed development, due regard to cumulative effects with other existing and proposed wind farm development, clarity on bogland within the site, borrow pit requirements, and consultation with local authorities and statutory consultees were also discussed. The location and proximity of the proposed

southernmost turbine to the site boundary was highlighted. The prospective applicant was advised that the EIAR should not include any assessment of the proposed replant lands as this would be subject to licence under Forestry legislation.

5.0 Assessment.

5.1. I note that the proposed wind farm would have a predicted output of 50.4 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:

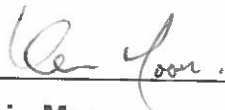
- (a) National Policy Objective 55 of the National Planning Framework, which promotes renewable generation and generation at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050; and
 - (b) Regional Policy Objectives RPO 99 of the Regional Spatial and Economic 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 Carlow and County Kilkenny.

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

Carlow County Council
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
Office of Public Works
Southern Regional Assembly
Transport Infrastructure Ireland



Kevin Moore

Senior Planning Inspector.

1st July, 2022.