



An  
Bord  
Pleanála

## Inspector's Report ABP-312434-22

---

<b>Development</b>	Wind farm, sub-station and grid connection.
<b>Location</b>	Ballynaguilkee Upper, Broemountain, Corradroon, Dyrick, Liskoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin and Scartmountain. Co Waterford.
<b>Planning Authority</b>	Waterford City and County Council.
<b>Prospective Applicant</b>	EMPowE.
<b>Type of Application</b>	Pre-application consultation under section 37B of the Planning and Development Act, 2000 as amended (Seventh Schedule).
<b>Date of Site Inspection</b>	April 29 <sup>th</sup> , 2022.
<b>Inspector</b>	Breda Gannon

## 1.0 Introduction

- 1.1. On January 12<sup>th</sup> 2022, a request was received by An Bord Pleanála to enter into pre-application discussions with respect to the proposed development under Section 37B of the Planning and Development Act, 2000, as amended.
- 1.2. Pre-application consultations took place virtually between the Board's representatives and the prospective applicant on June 2<sup>nd</sup>, 2022 and October 5<sup>th</sup>, 2022.
- 1.3. The prospective applicant formally requested closure of the pre-application consultation process in a letter dated October 5<sup>th</sup>, 2022

## 2.0 Site Location and Description

- 2.1. The site is located northeast of Cappoquin, c 12.2km southeast of Ardfinnan and 13.9km northwest of Dungarvan. Co Waterford. It lies in an area of rural countryside dominated by the Knockmealdown Mountains and local hills to the west and south and rolling agricultural land to the east. A series of rivers drain towards the River Blackwater to the south.
- 2.2. The site is accessed by a series of narrow local roads connecting to regional roads to the east and west. The main land uses consist of agriculture and forestry. Residential density is low in the vicinity of the site, comprising isolated rural dwellings with some ribbon development along the road network.

## 3.0 Proposed Development

- 3.1. The proposed development, as set out in prospective applicant's initial submission of June 2<sup>nd</sup> 2022, proposed the construction of 12 no. wind turbine (6.2MW), with a combined output of 74.4MW on the site. The turbines would have an overall tip height of up to 185m, rotor diameter of 162m and a hub height of 104m. The proposal would also include the construction of a 110 kV sub-station on the site with a grid connection to Dungarvan 110 KV substation to the southeast.
- 3.2. At the second meeting held on October 5<sup>th</sup>, 2022, the prospective applicant confirmed that the proposal was now for 13 no. turbines, each with a generating

capacity of 6.0-7.2 MW and with an overall output of between 78MW-93.6 MW. The turbine tip height, rotor diameter and hub height would remain the same. It was also confirmed that Option B has been selected as the preferred grid connection route which would consist of a 16.81km underground cable to the existing 110kV Dungarvan substation to the southeast.

#### 4.0 **Prospective Applicant Case**

- The proposed development would be regarded as Strategic Infrastructure Development as it exceeds the threshold set out in 7<sup>th</sup> Schedule of the Planning and Development Act ,2000 as amended, being a windfarm with a total output greater than 50MW.
- The proposed development satisfies criteria (a) and (b) but not (c) of section 37A (2) of the Act.
- The proposed development satisfies the criteria set out in section 37A(2)(a) as it will make a significant economic contribution to the region and the county as a whole and will make a meaningful contribution to Ireland’s renewable energy targets. It will meet the objectives of the Climate Action Plan 2019 in a sustainable way.
- The proposed development satisfies the criteria set out in section 37A(2)(b) as it will meet the objectives of the National Planning Framework and the RSES for the Southern Region in terms of reducing our carbon footprint and the transition to a low energy economy from renewable sources of energy.
- The proposed development does not satisfy the criteria set out in section 37A(2)(c) Although the project is entirely within Co Waterford, it is located close to the Co. Tipperary border. However, it is not considered, that the proposed development would have any significant effects, direct or indirect, on the area of the adjoining planning authority.

#### 5.0 **Pre-Application Consultations**

- 5.1. Two consultation meetings were held between the prospective applicant and the Board’s representatives. The prospective applicant provided an overview of the

proposed development. The full details of the matters raised are contained in the Board's records which are on file. The main matters discussed centred around the following:

- Community engagement.
- Robust analysis of the site required and clear reasoning for the development considering the designation changes in the recently adopted Waterford City & County Development Plan and the Wind Strategy.
- Potential impacts on bats – two recorded bat roost on the site and application of buffers to avoid impacts.
- Carbons budget -losses and gains associated with the proposed development.
- Visual impacts of the development including from scenic routes.
- Derryadd High Court judgement regarding assessment of ranges of turbines/tip heights, if proposed.
- Impacts on Whopper Swan, a qualifying interest species of the Blackwater Callows SPA.
- Prospective applicant to consider recent permission for a runway extension to Waterford Airport.

## 6.0 Legislative Provisions

6.1.1. The Board is asked to decide if the proposal is, or, is not Strategic Infrastructure Development as defined by Section 37A of the Act, 2000 as amended by Section 5 of the Planning and Development (Strategic Infrastructure) Act, 2006 and by Section 78 of the Planning and Development (Amendment) Act, 2010.

6.1.2. Strategic Infrastructure is defined in the Seventh Schedule of the Act under Class 1 (Energy Infrastructure) as follows:

*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 50MW.*

6.1.3. Section 37A of the Planning and Development Act, 2000 (as amended) requires that any development specified in the Seventh Schedule should be made to the Board if the proposed development falls within one or more of the following:

- (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.

## 7.0 **Assessment**

### 7.1. **Compliance with the Seventh Schedule.**

The proposed development is for a windfarm with a total output of up to 93.6 MW which exceeds the 50MW threshold set out in the Seventh Schedule and therefore constitutes Strategic Infrastructure Development.

### 7.2. **Compliance with the criteria set out in Section 37A(2)(a)(b) and (c)**

Section 37A(2)(a) – The development would be of strategic economic or social importance to the State or the region in which it would be situate.

I consider that the proposed development meets the requirements of condition (a) of Section 37A(2) of the Planning and Development (Strategic Infrastructure) Act, 2006 as it would be of strategic economic importance to the State and the region due to the scale of the windfarm and the contribution it would make to the achievement of national renewable energy goals and greenhouse gas reduction targets, including those set out in the Climate Action Plan, 2021.

The recently adopted Climate Action Plan, 2021 commits Ireland to a legally binding target of net-zero greenhouse gas emissions by 2050, with a 51% reduction by 2030. The plan sets out indicative ranges of emissions reductions for each sector of the economy by 2030. Among the most critical measures in the plan is to increase the proportion of renewable electricity to up to 80% by 2030, including a mix of

offshore/onshore wind and solar PV. The proposed development with an output of 93.6MW will make a meaningful contribution to Ireland meeting these targets.

I would therefore conclude that the proposed development is of strategic importance by reference to section 37A(2)(a)

Section 37A(2)(b) – The development would contribute substantially to the fulfilment of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect to the area or areas in which it would be situate.

The National Planning Framework (NPF) is a strategic plan to guide development and investment out to 2040. The Plan sets out 10 goals, referred to as National Strategic Outcomes. One of the key goals (National Strategic Outcome 8) is that of ‘Transition to a Low Carbon and Climate Resilient Society’. It acknowledges that Ireland’s energy policy is focussed on the pillars of sustainability, security of supply and competitiveness. It is stated:

*“In the energy sector, transition to a low carbon economy from renewable sources of energy is an integral part of Ireland’s climate change strategy and renewable energies are a means of reducing our reliance on fossil fuels”.*

I consider that the proposed development meets the requirements of condition (b) section 37A of the Act as it will fulfil national policy on climate change in terms of increasing the proportion of electricity generated from renewable sources and reducing carbon emissions. It accords with the following policy objectives: -

*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 emission 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 addition, the proposed development accords with the renewable energy targets and objectives set out in the RSES for the Southern Regional Assembly which supports the sustainable development of renewable wind energy at appropriate locations and related grid infrastructure in the Region (RSO 99 and RSO 100).

I am therefore satisfied that the proposed development would contribute substantially to the fulfilment of the relevant objectives of the NPF and RSES In respect of the Southern Region in which it would be situate and would therefore comply with condition 37A (2)(b).

#### Section 37A(2)(c) – Significant effect on the area of more than one planning authority

The proposed windfarm, substation and grid connection is located entirely within the area of one planning authority, Waterford City and County Council. Notwithstanding the proximity of the site to the border with Co. Tipperary with the potential for visual impacts, I accept prospective applicant's position, that the proposed development is not likely to have significant effects on the area of any other planning authority

I would therefore conclude that the proposed development is not of strategic importance by reference to section 37A(2)(c).

## **8.0 Conclusion**

In my opinion the proposed development comprises a Seventh Schedule development as it meets the Class 1 (Energy Infrastructure) threshold requirement for windfarms as set in section 7.1 above and therefore satisfies Section 37A(1) of the Act.

- 8.1.1. It is also my opinion that the development falls within the parameters of section 37A(2)(a) and (b) of the Act.

## **9.0 Recommendation**

- 9.1.1. In view of the above, I recommended that the Board serve a notice on the prospective applicant, pursuant to section 37(B)(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 & Consideration**

- 10.1. Having regard to the size, scale and location of the proposed windfarm and related development, it is considered that the proposed development comprising the

development of a 13-turbine windfarm with associated infrastructure (including a 110kV grid connection) and site works at Ballynaguilkee Upper, Broemountain, Corradoon, Dyrick, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin and Scartmountain. Co Waterford 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 section 37A(2)(a) and section 37A 2(b) 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 Pleanala under section 37E of the Act.

---

Breda Gannon  
Senior Planning Inspector

7<sup>th</sup>, November 2022

Note: A list of relevant prescribed bodies is provided in Appendix 1.



## **Appendix 1**

The following is a schedule 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 the Environment, Climate Action and Communications.
- Waterford City and County Council.
- Tipperary Co. Council
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Health and Safety Authority

Further notifications should also be made where deemed appropriate.