



An
Bord
Pleanála

Inspector's Report ABP-313351-22

Development	Wind Farm Development of 9 wind turbines and all associated works.
Location	Umma More and adjacent townlands, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	
Applicant(s)	Umma More Ltd.
Type of Application	Pre-Application Consultation under section 37B of the Planning and Development Act 2000 as amended
Date of Site Inspection	June 20 th 2022.
Inspector	Paul Caprani

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 The Prospective Applicants Case	5
5.0 Legislative Provisions	6
5.1. Planning and Development Act 2000, as Amended	Error! Bookmark not defined.
5.2. Electricity Regulation Act 1999, as Amended	Error! Bookmark not defined.
6.0 Consultation Meeting June 21 st 2022.....	6
7.0 Assessment	7
8.0 Conclusion	10
9.0 Recommendation.....	11
10.0 Reasons and Considerations	11

1.0 Introduction

- 1.1. The Board received a written request on 14th April to enter into pre-application consultation under Section 37B of the Planning and Development Act, 2000 as amended ('the Act'), in relation to a proposed wind farm development in County Westmeath. The request was submitted by MKO on behalf of the prospective applicant, Umma More Ltd, which is an associated company of Enerco Energy Ltd. This report should be read in conjunction with a separate but related file in respect of a pre-application consultation under the provisions of S182(A) for a 110kV substation and grid connection cabling to serve the proposed windfarm linking it to Thornsberry 110 kV substation outside Tullamore in Co Offaly.
- 1.2. A single meeting was held on both pre-application consultations (under the provisions of S37(E) and S182A) on June 21st 2022 between An Bord Pleanála and the prospective applicant. The primary purpose of the meeting 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 22nd July 2022.
- 1.3. This report provides an overview of the proposed development, a summary of the meeting 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. The report should be read in conjunction with the meeting record that is on the Board's file and the information contained in ABP – 313352-22.

2.0 Site Location and Description

- 2.1. The site for the proposed windfarm comprises of agricultural land amounting to some 487 ha, centred on the townland of Umma More in Co Westmeath. It is located approximately 7km north of the town of Moate and c15 km to the north-east of Athlone. The site of the proposed windfarm includes the townlands of

Ballynafearagh, Baskin High, Lissanode, Umma Beg (Moneynamanagh) and Umma More. It comprises on the whole of a patchwork of fields primarily for pasture interspersed with commercial forestry. Land use in the wider area is the same mix of uses. A large working quarry is located adjacent to the northern boundary of the site.

- 2.2. In terms of topography, the elevation of the site ranges from 60mAOD to 100m AOD with the highest lands located to the north of the site, proximate to the R390. The R390 runs along the northern boundary of the site. It is the main road serving the site linking the village of Ballymore to the north-east with Athlone to the west. The sites is also bounded and traversed by local roads and tracks to the south and west. The Dungolman River traverses the centre of the site in a north south direction. A number of unnamed streams also flow through the site.
- 2.3. In terms of settlement, the village of Ballymore is located c 2km to the north east of the site. Settlement close to the site boundary is of a dispersed pattern, comprising mainly of one-off housing farmsteads and associated out buildings.

3.0 Proposed Development

- 3.1. The precise details and layout of the proposed development have been indicated but not defined during the pre-application consultation. There is little information on file with regard to detailed layout the proposed development. The general locations of the turbines, substation and compounds are indicated on the maps submitted. Information submitted indicates that the development would consist of 9 wind turbines with an overall tip height of 185m together with a new 110kV substation with a grid connection at the existing 110kV substation outside Tullamore in Co Offaly, c.30km to the south-east. The grid connection between the two substations will run primarily within the public road corridors. At the formal pre-application consultation it was indicated that each turbine will have a generating capacity of between 4.5MW and 6.6MW. Thus, the total generating capacity of the project would be in the 40MW to 60MW range. The formal letter requesting closure of the pre-application consultation, stated that *“following the meeting with the Board and in light of further refinement of the design of the project, it can be confirmed that the 9 turbines will have a generating capacity in excess of 50MW”*.

4.0 The Prospective Applicants Case

- The proposed development meets the threshold set out in the 7th schedule for an installation for the harnessing of wind power for energy production with more than 25 turbines are having a total power output greater than 50MW. The proposed development is anticipated to have a power output in excess of 50MW and therefore will exceed the generating capacity threshold specified in the 7th schedule.
- The prospective applicant also considers that the proposed development would be of strategic economic and social importance to the Eastern and Midlands Regional Assembly Area and the State. They contend that the capital investment, commercial rates, development contributions and infrastructural improvements to the transmission network will represent a significant economic contribution to the Region and the State as a whole.
- It is also contended that the proposed development is in accordance with the promotion of sustainable energy development as set out in Ireland's transition to the Sustainable Energy Future for Ireland 2008-2015, the National Planning Framework, Climate Action Plan and The strategy for Renewable Energy 2012-2020 and would significantly contribute to meeting renewable energy targets and objectives at National, Regional and Local levels. With regard to the NPF, reference is made Policy Objective 55 which supports renewable energy at appropriate locations. With regard to the RSES for the Region, the prospective applicant notes Regional Policy Objectives 4.79 and 4.84 which support renewable energy development.
- The proposal which relates to a wind farm development situated in county Westmeath and a grid connection which class is through Westmeath and Co Offaly, would have a significant effect on the area of more than one planning authority.

4.1. Overall, it is the prospective applicant's case that the proposal would constitute Strategic Infrastructure Development within the meaning of Section 37A of the Act.

5.0 Legislative Provisions

5.1. 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.

5.2. 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.”

6.0 Consultation Meeting June 21st 2022.

- 6.1.1. The prospective applicant gave a presentation to the Board’s representatives, outlining details of both development (i.e. the windfarm development and the grid connection). Details of the grid connection route including the various route alignments to be considered into the Thornsberry substation at Tullamore were set out. The prospective applicant also outlined the scoping, the stakeholder consultation and community consultation which has taken place to date. Details of the indicative table of contents of the EIAR was also set out in the presentation.
- 6.1.2. Following the presentation, the following issues were discussed:

- Grid Connection The rationale for connecting to the existing 110kV substation c30km away at Thornsberry near Tullamore. The applicant stated that following consultations with Eirgrid, this was the most suitable connection in terms of viability. This will be elaborated upon in the alternative sections of the EIAR. Cabling will be 1.2m deep.
- The grid connection route will pass under the M6 motorway, making use of an existing pedestrian underpass.
- EIAR It was clarified that a single EIAR will be prepared to cover both applications (the windfarm and the grid connection). The Board advised the applicant to be very clear in the documentation as to what elements of the project are being sought and under what areas of the legislation (S182A or S37E). The Board noted that both approaches have been considered in the case of other applications that have come before it and noted that in the majority of instances separate applications were lodged.
- AA The applicant envisages a stage 2 appropriate assessment and NIS will be submitted.

A formal request to close the pre-application consultation was received by the Board on July 22nd 2022. It unambiguously states that following the pre-application consultation meeting, and in light of the further refinement of the project, *“it can be confirmed that the 9 no. wind turbines will have a generating capacity of above 50 Megawatts”*.

7.0 Assessment

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

- 7.1.1. Based on the information submitted by the prospective applicant through the consultation process, the proposed development would provide 9 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.
- 7.1.2. The proposed development would therefore satisfy section 37A(1) of the Act.

- 7.2. **Section 37A(2): Does the Proposed Development Fall within one or more of Sections 37A(2)(a), (b) and (c)?**
- 7.2.1. **Strategic Economic or Social Importance to the State or Region (S.37A(2)(a))?**
- 7.2.2. The prospective applicant's case is 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.
- 7.2.3. 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. It would also entail a significant capital investment in the Region and 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.
- 7.2.4. 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.
- 7.2.5. **Fulfilment of NPF or RSES Objectives (S. 37A(2)(b))?**
- 7.2.6. 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.

7.2.7. At a regional level, consideration of policy in the E&MRA's RSES is relevant to consider and includes the following Regional Policy Objectives (RPOs):

- **RPO 4.84** Support the rural economy and initiatives in relation to diversification, agri-business, rural tourism and **renewable energy** (my emphasis) so as to sustain the employment opportunities in rural areas. In keeping with the NPF, the Eastern and Midland Regional Assembly will support the longer-term strategic planning for industrial peatland areas. This may include support, where appropriate, for a Transition Team in place and preparation of a comprehensive after use framework plan for the peatlands and related infrastructure, which addresses environmental, economic and social issues, including employment and replacement enterprise reflecting the current transition from employment based around peat extraction.
- **RPO 7.36:** Planning Policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing and Planning and Local Government publications relating to Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and other relevant guidance which may be issues in relation to sustainable energy provisions.

- 7.2.8. Furthermore, the Regional Guidelines note that energy production including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas.
- 7.2.9. 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. The development would therefore satisfy the requirement set out in section 37A(2)(b) of the Act.
- 7.2.10. **Significant effect on the area of more than one planning authority (S.37A(2)(c))?**
- 7.2.11. The windfarm site is within the Westmeath County Council administrative area. While the grid connection travels southwards into the administrative area of Offaly County Council. 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.

8.0 Conclusion

- 8.1. 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.

9.0

10.0 Recommendation

- 10.1. 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.

11.0 Reasons and Considerations

- 11.1. 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.
- 11.2. 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

29th July 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.
- Westmeath County Council
- Offaly 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.