



An
Bord
Pleanála

Inspector's Report

ABP-313778-22

Development	Proposed 11 turbine wind farm
Location	Cush, Galros West, Galros East, Boolinarig Big, Ballycolin and Eglisli, Co. Offaly
Prospective Applicant	Cush Wind Limited
Planning Authority	Offaly County Council
Type of Application	Pre-Application Consultation under s.37B of the Planning and Development Act 2000, as amended
Site Visit	21/06/2022
Inspector	Una Crosse

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 13th June 2022 from Cush Wind Limited, to enter into pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended, in relation to proposed development of a wind farm with 11 turbines with a predicted installed capacity of 79.2 megawatts and an overall height of 200m.
- 1.2. This report describes the location and nature of the proposed development, the applicant's submission, the consultation held and the legal provisions which are relevant to the proposed development.
- 1.3. The prospective applicant formally requested closure of the pre-application consultation process in a letter received on the 3 February 2023.
- 1.4. This report recommends that the proposed development constitutes strategic infrastructure and it sets out reasons and considerations to support this conclusion.

2.0 Site Location and Description

- 2.1. The site of the proposed development is located in County Offaly located on both sides of the N62 which links Birr and Athlone. The site is east of Banagher, south of Cloghan and west of Fivealley and c.4km north of Birr. The site area is flat in gradient comprising a mix of agricultural land, forestry with some native woodland and a wider area of cut over peat bog. The area has been subject to substantial quarrying activities with a number of redundant quarries to the south and a substantial operational quarry located to the southeast.

3.0 Proposal

- 3.1. It is proposed to develop a wind farm with 11 turbines with a predicted installed capacity of 79.2 megawatts and an overall height of 200m. The proposal also includes the ancillary site development works including turbine foundation, hardstand areas, access tracks and site entrances, underground electrical cabling, meteorological mast, borrow pits and spoil deposition areas. Seven of the turbines are proposed to the east of the N62 and four to the west. Construction access is proposed via two access points on either side of the N62 which it is proposed would be closed with operational access points located on local roads accessed from the N62 to the east and west of same.

4.0 Planning History

None of note

5.0 Applicant's Case

5.1. The prospective applicant's case as presented in their initial submission can be summarised as follows:

- Class 1 of the Seventh Schedule refers to the harnessing of wind power for energy production having a total output of 50MW and as the prospective development will have a predicted total output of greater than 50MW it is of a class falling within the threshold of the 7th Schedule of the Act and the prospective applicant must enter into pre-application discussions with the Board to determine whether the proposal is within the scope of Section 37A of the Act and is so the procedures involved.
- Grid connection, substation and BESS will form part of a separate planning application in due course.

6.0 Consultations

- 6.1. One pre-application meeting was held with the prospective applicant on the 5th August 2022. Minutes are attached to the file. A presentation was made to the Board's representatives at the meeting, which is also attached to the file.
- 6.2. The principal matters arising related to the policy considerations underpinning the site and its location within an area 'Open for Consideration for Wind Energy Development' within the Offaly County Development Plan 2021-2027. It was outlined that there are 2 Natura 2000 sites within 2km of proposed development, those being Dovegrove Callows SPA which is c. 1.5km and Ridge Road, SW of Rapemills SAC which is c. 1.9km. It was outlined that Preliminary Screening for Appropriate Assessment indicates a Stage II Appropriate Assessment (NIS) will be required.
- 6.3. The bird surveys undertaken to date were detailed with an examination of data within the wider area advised. It was outlined that there is a hydrological connection to 7 Natura 2000 sites towards the River Shannon. The consideration of appropriate

mitigation for the relevant qualifying interests was advised as was the protection of water quality. It was the applicant's intention to consult with the NPWS.

- 6.4. It was outlined that small sections of forestry felling would be required and the consideration of replant lands was discussed.
- 6.5. The general absence of cultural heritage features and ability to avoid previously recorded features was noted. There are 6 recorded monuments within 1km of the proposed development site, with Birr Castle zone of archaeological potential within the 5km zone.
- 6.6. It was also stated that there is a generous separation distance (setback) to residential dwellings which allows for adherence to the visual amenity setback requirements (Draft Revised Wind Energy Guidelines 2019) and provides for a reduced likelihood of likely significant noise, vibration & shadow flicker effects. It is also noted that the lands are assessed as having a sufficient wind speed.
- 6.7. It was outlined that the site is located within a landscape which has undergone considerable human influence given the intensive extraction industries in nearby lands, locally managed pasture and hedgerows, and commercially afforested lands.
- 6.8. The site is easily accessed and can be conveniently connected to the National Grid. Preliminary consultations have taken place with the Roads Department of the Local Authority. It was outlined that the turbine component haul route is envisaged to travel via the Port of Galway via the N6, M6, N52 and N62.
- 6.9. The grid connection is to be assessed in the EIAR and NIS with the options for same being considered.
- 6.10. The consultations undertaken and proposed were outlined as was the environmental constraints and analysis by environmental factor which was ongoing.
- 6.11. Cognisance of telecommunication routes was advised. The prospective applicant noted the location of Ireland's I-LOFAR station at Birr Castle was detailed noting that a specialist consultant has been engaged to conduct a radio telescope impact assessment to address the potential for likely effects.
- 6.12. A stage 3 site specific flood risk assessment including flood modelling has been prepared with the turbine locations outside of the modelled 100 year and 1000 year flood zones.

- 6.13. A comprehensive visual impact assessment with photomontages representative of communities within the area and around Birr Castle to be considered.
- 6.14. There are currently no proposals to include recreational amenities such as walkways or trails within the site but this might be considered.
- 6.15. It was advised that an analysis of carbon losses should be included in the Climate Chapter of the EIAR.

7.0 Legislative Provisions

- 7.1. Section 2(1) of the Planning and Development Act 2000, as amended ('the Act'), defines 'strategic infrastructure' as including, *inter alia*:

'(a) any proposed development in respect of which a notice has been served under section 37B(4)(a)',

- 7.2. Section 37A of the Act states that:

"(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) 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 consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating 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 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."

7.3. The current SID thresholds are set out within the 7th Schedule of the Planning and Development Act 2000, as amended. The relevant threshold for the proposed project is *'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'*.

7.4. **Environmental Impact Assessment**

7.5. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) transposes Annex I and II of the EIA Directive and sets out prescribed classes of development, for which an environmental impact assessment is required. The following classes are noted:

Part 2 Class 3 (i)

'Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts'.

An EIAR is mandatory.

7.6. **Appropriate Assessment**

The nearest Natura 2000 sites are as follows:

- Dovegrove Callows SPA which is c. 1.5km from the site.
- Ridge Road, SW of Rapemills SAC which is c. 1.9km from the site.

It was further outlined that there is a hydrological pathway from the site to seven Natura 2000 sites. The prospective applicant has stated that an NIS will accompany any future application for the proposed development.

8.0 **Planning Policy**

The following are considered to be of particular relevance:

8.1. **Climate Action Plan 2023**

The Climate Action Plan (CAP) 2023 was adopted in December 2022 and follows a number of predecessors which arose following the declaration of a climate and biodiversity emergency by the Irish Government. The Plan seeks to identify how Ireland will achieve its 2030 targets for carbon emissions by sector and through a series of actions. The overarching requirement in the Climate Action Plan as they

relate to electricity require transformational policies, measures and actions, and societal change to increase the deployment of renewable energy generation, strengthen the grid, and meet the demand for flexibility in response to the challenge. The Plan seeks to reduce the State's greenhouse gas emissions by 51% by 2030. One of the most important measures increasing the proportion of renewable electricity to up to 80% by 2030, including a target of 9 GW from onshore wind, 8 GW from solar and at least 5 Gigawatts of offshore wind energy by 2030.

8.2. Project Ireland 2040 – National Planning Framework

The National Planning Framework (NPF) is the Government's high-level strategic plan shaping the future growth and development of Ireland to the year 2040. Chapter 3 of the Framework addresses 'effective regional development' and includes the following policy priorities for the Eastern and Midland region:

- *'Harnessing the potential of the region in renewable energy terms across the technological spectrum from wind and solar to biomass and, where applicable, wave energy, focusing in particular on the extensive tracts of publicly-owned peat extraction areas, in order to enable a managed transition of the local economies of such areas in gaining the economic benefits of greener energy'*.

Under the heading 'Planning and Investment to Support Rural Job Creation', the following is stated within the NPF with regards to 'Energy Production':

'Rural areas have significantly contributed to the energy needs of the country and will continue to do so, having a strong role to play in securing a sustainable renewable energy supply. In planning Ireland's future energy landscape and in transitioning to a low-carbon economy, the ability to diversify and adapt to new energy technologies is essential. Innovative and novel renewable solutions have been delivered in rural areas over the last number of years, particularly from solar, wind and biomass energy sources'.

'In relation to peatlands, some of Ireland's cutaway bogs are suitable to facilitate the generation of energy, most notably wind/biomass'.

National Policy Objective 55 seeks to *'promote renewable energy generation at appropriate locations within the built and natural environment to meet objectives towards a low carbon economy by 2050'*. The pretext to this Objective states that

'development of the Wind Energy Guidelines and the Renewable Electricity Development Plan will also facilitate informed decision making in relation to onshore renewable energy infrastructure'. National Strategic Outcome 8 relating to the 'Transition to Sustainable Energy' states that:

'New energy systems and transmission grids will be necessary for a more distributed, more renewables focused energy generation 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'.

8.3. RSES – Eastern and Midland Region

In terms of decarbonising the energy sector it is outlined that *"the Region will need to shift from its reliance on using fossil fuels and natural gas as its main energy source to a more diverse range of low and zero-carbon sources, including renewable energy and secondary heat sources. Decentralised energy will be critical to the Region's energy supply and will ensure that the Region can become more self-sufficient in relation to its energy needs. Generating electricity supply from indigenous renewable sources"* which includes the following:

- *facilitating the provision of appropriate renewable energy infrastructure and technologies and deeper cooperation with Northern Ireland and the EU*
- *expansion and upgrading of the grid with the aim of increasing the share of variable renewable electricity that the all-island system can accommodate*
- *Onshore wind, bioenergy, solar and offshore energy*

It is stated that *"the Strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of wind energy – both onshore and offshore, biomass, and solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National policy and the Regional Policy Objectives outlined in this Strategy"*.

RPO 7.36: state the following: *"Planning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy*

Development' and the DCCA Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and any other relevant guidance which may be issued in relation to sustainable energy provisions".

In relation to energy it is stated that: "the diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid. The development of onshore and offshore renewable energy is critically dependent on the development of enabling infrastructure including grid facilities to bring the energy ashore and connect to major sources of energy demand. It is also necessary to ensure more geographically focused renewables investment to minimise the amount of additional grid investment required, for example through co-location of renewables and associated grid connections".

In respect of peatlands, the RSES refers to "the National Peatland's Strategy produced by the Department of Arts, Heritage and the Gaeltacht and the NPWS aims to provide a long-term management framework to optimise the social, environmental and economic contribution of all peatlands within the State, setting out supports, structures, funding mechanisms and regulatory frameworks to promote a partnership approach to their sustainable development. Bord na Mona, as one of largest peatland landowners, is an important stakeholder in the future use of peatlands. Its Strategic Framework for the Future Use of Peatlands indicates that sites that have been cutaway will be made available for alternative uses including alternative energy (wind, biomass), agriculture & horticulture, forestry, biodiversity and ecosystem services, amenity and tourism"

8.4. Offaly County Development Plan 2021-2027

Chapter 3 of the Plan addresses Climate Action and Energy, the strategic aim of which is "to achieve a transition to an economically competitive, low carbon climate resilient and environmentally sustainable county, through reducing the need to travel,

promoting sustainable settlement patterns and modes of transport, and by reducing the use of non-renewable resources, whilst recognising the role of natural capital and ecosystem services in achieving this”.

Section 3.2.6 deals with wind energy and outlines that *“Wind Energy Site suitability is an important factor in determining the suitability of wind farms having regard to possible adverse impacts associated with, for example, residential amenities, landscape, including views or prospects, wildlife, habitats, designated sites, protected structures or bird migration paths and compatibility with adjoining land uses.*

There is reference to the need for the Council *“to achieve a reasonable balance between responding to overall positive Government policy on renewable energy and enabling the wind energy resources of the Planning Authority’s area to be harnessed in a manner that is consistent with proper planning and sustainable development”.*

A County Wind Energy Strategy forms part of the Development Plan constituting a plan led approach to wind energy development in County Offaly setting out areas ‘open for consideration’ for wind energy developments and considerations for the evaluation of wind energy planning applications.

The site is located in an area which is open for consideration for wind energy projects as included in the Wind Energy Strategy in the County Development Plan. Such areas are defined as follows:

“These areas are open for consideration for wind energy development as these areas are characterised by low housing densities, do not conflict with European or National designated sites and have the ability by virtue of their landscape characteristics to absorb wind farm developments. Notwithstanding this designation, wind farm developments in these areas will be evaluated on a case by case basis subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Wind Energy Development Guidelines”

In terms of peatlands, it is stated that *“Offaly’s extensive area of peatlands also offer considerable potential to accommodate the needs of the emerging and early deployment technologies for renewable energy and future energy storage on a regional scale such as data centres and battery energy storage”.*

9.0 Assessment

9.1. Strategic Infrastructure

9.2. The proposed development will comprise 11 turbines with a combined generating capacity of c.79.2MW. The current SID thresholds are set out within the 7th Schedule of the Planning and Development Act 2000, as amended. The relevant threshold for the proposed project is *'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'*. Having regard to the combined generating capacity of the proposed development, I am satisfied that the development accords with Section 37A(1) of the Act.

9.3. The prospective applicant's case is that the proposal comes within the thresholds of the Seventh Schedule. They do not outline, in particular, how the proposed development satisfies the conditions under 37A(2)(a)-(c) of the Act however I would propose to address same under the relevant sections.

9.4. Accordingly under Section 37A(2), the proposed development must fall within one or more of the following conditions:

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

9.5. The development would be of strategic economic or social importance to the state due to significant economic contribution to the region and to the country as a whole. The development has the potential to have a significant impact in meeting the State's renewable energy targets, it will meet the objectives of the Climate Action Plan 2023 and it will do so in a sustainable way through the provision of c79.2MW of renewable energy and will also result in significant reductions in carbon emissions from electricity generation and reduce the country's reliance on fossil fuels.

9.6. Having regard to the national and regional policy context and the details of the subject proposal outlined above, I am satisfied that the development would be of strategic economic importance to the State and the Region and would therefore comply with the condition set out in section 37A(2)(a) of the Act.

(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,

9.6.1. Having reviewed the NPF, I note the following relevant National Policy Objectives (NPOs) which aim to reduce our carbon footprint and promote renewable energy and which the proposal would support:

- 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.

9.7. At Regional level I note that the RSES for the Eastern and Midland Region recognises the need to shift its reliance on using fossil fuels and natural gas as its main energy source to a more diverse range of low and zero-carbon sources and acknowledges that generating electricity from renewable sources requires onshore wind, bioenergy, solar and offshore energy.

9.8. Having regard to the above, I am satisfied that the development would meet relevant national policy objectives of the NPF and would serve to fulfil the relevant regional policy objectives of the RSES for the Eastern and Midland Regional Assembly. The development would therefore satisfy the requirement set out in section 37A(2)(b) of the Act.

(c) the development would have a significant effect on the area of more than one planning authority.”

9.9. Having regard to the information submitted it is clear that the proposed development will be accommodated within the functional area of Offaly County Council with no other Planning Authority areas under the definition of the Planning and Development Act 2000, as amended, within proximity to the development site. I am therefore satisfied that the proposed development will not have a significant effect on the area of more than one planning authority.

9.10. Accordingly, I am therefore of the opinion that the proposal would not come within the scope of this requirement to be considered as complying with section 37A(2)(c) of the Act.

9.11. **Prescribed Bodies**

9.12. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

10.0 **Conclusion**

10.1. Based on the foregoing assessment, it can be concluded that the proposed development would exceed the threshold set out in the Seventh Schedule of the Planning and Development Act 2000, as amended and therefore satisfies Section 37A(1) of the Act. It can also be concluded that the development is of strategic importance by reference to the requirements of Section 37A(2)(a) and Section 37A(2)(b) of the Act. Therefore, in overall conclusion, the proposed development constitutes strategic infrastructure.

10.2. **Environmental Impact Assessment**

10.3. The development falls within the thresholds of Schedule 5 of the Planning and Development Regulations, 2001 for the purpose of EIA, the applicant has indicated that an EIAR will be submitted with the application which is considered to be appropriate.

10.4. **Appropriate Assessment**

The proposed development is proximate to a number of European Sites including Dovegrove Callows SPA and Ridge Road, SW of Rapemills SAC. The applicant has indicated that it is their intention to include an NIS with the application which is considered to be appropriate.

11.0 Recommendation

- 11.1. I recommend 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.

12.0 Reasons and Considerations

- 12.1. Having regard to the size, scale and location of the proposed windfarm and related development, and to the policy context, it is considered that the proposed development comprising the development of an 11 turbine windfarm with associated infrastructure and an overall output of c.79.2 MW at Cush, Galros West, Galros East, Boolinarig Big, Ballycolin and Eglis, Co. Offaly, 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.
- 12.2. The proposed development is also considered to be of strategic importance by reference to the requirements of Section 37A(2)(a) and 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 Pleanála under Section 37E of the Act.



Una Crosse

Senior Planning Inspector

20/02/2023

Appendix 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 (DAU)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Offaly County Council
- Eastern and Midland Regional Assembly
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Office of Public Works

Further notifications should also be made, where deemed appropriate.

Note : The prospective applicant should be advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.

