



An
Bord
Pleanála

Inspector's Report ABP-314271-22

Development	Proposed Knockanarragh Wind Farm consisting of 8 no. turbines, sub station, grid connection and associated works.
Location	Approximately 1km south west of Clonmellon, and 1.6km to the north east of Delvin in Counties Westmeath and Meath.
Prospective Applicant	Knockanarragh Wind Farm Limited.
Planning Authorities	Meath County Council and Westmeath County Council
Type of Application	Pre-Application Consultation under s.37B of the Planning and Development Act 2000, as amended
Inspector	Stephen Kay

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 2nd August, 2022 from SLR Consulting on behalf of Knockanarragh Windfarm to enter into pre-application consultations under Section 37B of the Planning and Development Act 2000, as amended, in relation to proposed development of an 8 no. turbine windfarm, sub station and grid connection on a site located approximately 1km south west of Clonmellon, and 1.6km to the north east of Delvin in County Westmeath. The prospective applicants, Knockanarragh Windfarm Limited, is a wholly owned subsidiary of Statkraft.
- 1.2. Two consultation meetings were subsequently held between representatives of An Bord Pleanála and the prospective applicant. These meetings were held on the 5th October, 2022 and 6th March, 2023 and records of these meetings are attached to the file. A presentation was made to the Board's representatives at both meetings, copies of which are also attached to the file.
- 1.3. The primary purpose of the meetings held was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the Act, and to consider issues relating to the proper planning and sustainable development of the area and impact on the environment which may have a bearing on any future Board decision. The prospective applicant formally requested closure of the pre application consultation process in a letter dated 24th July, 2023. .
- 1.4. 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 these meetings. The report should be read in conjunction with the meeting records that are on the Board's file.
- 1.5. It is noted that the pre application consultation request received by the Board on 2nd August, 2022, and the request for closure of the consultation received by the Board on 26th July, makes reference to section 182E as well as section 37B of the Planning and Development Act. The pre application consultation was however accepted by the Board under s.37B of the Planning and Development Act (as amended) and the fee paid by the prospective applicant reflects this request. This assessment and recommendation to the Board has therefore been undertaken on the basis that it relates to a request under s.37B of the Act. The Board has previously accepted applications for wind energy projects inclusive of electrical infrastructure including sub

stations and grid connections under s.37E of the Planning and Development Act. It is a decision for the prospective applicant whether they wish to follow this route and in the event that a separate application under section 182 of the Act is proposed then a separate pre application consultation process and associated fee will be required.

2.0 Site Location and Description

- 2.1. The site is located within the jurisdiction of counties Meath and Westmeath and the closest settlements to the site are Clonmellon, approximately 1km to the north east and Delvin approximately 1.6km to the south west. The site comprises two distinct clusters of wind turbines and extends over a distance of approximately 4km in a north – south orientation. The wind energy clusters are located within County Westmeath with a small part of the grid connection located in County Meath.
- 2.2. The N52 national secondary road lies immediately to the east of the site and the administrative boundary between Counties Meath and Westmeath lies to the immediate west of the location of the proposed wind turbines.
- 2.3. The lands on the site comprise a mixture of private forestry and native woodland (comprising approximately 80 ha.), and a quarry with the balance being agricultural lands.
- 2.4. The River Stoneyford and its tributary the Darcy Crossroads Stream are located close to the western boundary of the site and Newtown Lough is located to the north east. The southern part of the site contains Rosmead House and associated gateway which are included on the record of protected structures.
- 2.5. At the two pre application consultation meetings, the prospective applicant presented site layout maps detailing the elements of the proposed development and the evolution of the design and layout.

3.0 Proposed Development

3.1. The development as detailed by the prospective applicant at Section 2 of their consultation request received by the Board on 2nd August, 2022 and presentations to the Board includes the following elements:

- The initial submission proposed an 8 no. wind turbine windfarm each with a tip height of 170 metres and a rotor diameter of 155 metres. The power output of each turbine was stated to be 6.6MW. Revised design presented at the second pre application meeting showing turbines of up to 180 metres tip height, rotor diameter of up to 162 metres and a potential power output of 7.2MW per turbine. The windfarm layout is proposed to incorporate two clusters with 3 no. turbines in the northern cluster and 5 no. turbines in the southern cluster.
- Associated turbine foundations, hardstanding areas, and internal 33kv cabling.
- The construction of 3 no. new access tracks.
- The initial proposal provides for construction of a 110KV sub station at the windfarm site and a loop in – loop out grid connection between this sub station and overhead 110KV line at Clonmellon to the east of the northern cluster via a grid connection along the public road. Revised design presented at the second pre application meeting showing revisions to the sub station location to a site west of Clonmellon in close proximity to the existing 110kv line, and a 33KV underground grid connection between the windfarm site and this sub station. It should be noted that the letter requesting closure of the consultations dated 24th July 2023 makes reference to a *'grid connection and 110KV loop-in / loop-out electricity sub station'*.
- Access tracks, temporary construction compounds and ancillary works.

It is noted that the presentation made by the prospective applicant at the first pre application consultation meeting held on 5th October, 2023 states under the heading of Proposed Development that the *'grid connection and sub station form part of this application'*.

4.0 Planning History

There is no record on file of any planning applications on or in immediate vicinity of the site of the proposed development. The following planning history relates to developments in the wider vicinity of the site.

- An Bord Pleanála Ref ABP-311646-21 – Application for leave to apply for substitute consent for peat extraction on site to the south of the subject pre application site and c.3km to the south of Delvin.
- An Bord Pleanála Ref. ABP-311565-21 – Permission granted by the Board for development of a 9 no. turbine wind farm (Bracklyn Windfarm) on a site located to the south east of Delvin.
- An Bord Pleanála Ref. ABP-316212-22 – Current application by Bord na Mona Powergen for a 26 no. turbine windfarm on lands to the south of Ballivor. Case due for decision in October, 2023.

5.0 Legislative Provisions

5.1. 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)',

5.2. 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.”

5.3. The current SID thresholds are set out within the 7th Schedule of the Planning and Development Act 2000, as amended. Under the heading of energy infrastructure, Class 1 of the Seventh Schedule includes the following 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’*.

5.4. **Environmental Impact Assessment**

5.5. 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’.

The form of development proposed would exceed the thresholds set out in Part 2 Class 3(i) of the Fifth Schedule of the Planning and Development Act, 2000 (as amended) and any application made would need to be accompanied by an EIAR. During the course of the pre application consultations the prospective applicant stated that work on the preparation of an EIAR was ongoing.

5.6. **Appropriate Assessment**

The nearest Natura 2000 sites to the subject site are as follows:

- River Boyne and River Blackwater SAC c.1km to the west
- Girley Bog (Drewstown) SAC – c.7km to the east / north east.
- Lough Lane SAC – c.10km to the west
- White Lough, Ben Loughs and Lough Doo SAC– c.11km to the west

The prospective applicant has stated that an NIS has been prepared for the proposed development and will accompany any future application.

6.0 **Prospective Applicant's Case**

- 6.1. The prospective applicant's case can be summarised as follows:
- 6.2. That the proposed development has the capacity to produce 52.8MW and therefore more than the 50 MW threshold specified in the Seventh Schedule of the Planning and Development Act 2000 (as amended).
- 6.3. With regard to the proposed sub station and grid connection it is stated in section 4.0 of the request that this aspect of the project would be the subject of a separate pre application consultation to the Board under s.182E of the Act and, if determined to constitute strategic infrastructure, would be the subject of a separate application under s.182 of the Act.
- 6.4. That the proposed development would generate electricity with the potential to power 36,341 households or more than the housing stock of County Westmeath. It is also estimated that the proposed development would generate 185 no. direct jobs for the county and 21 jobs at operational stage.
- 6.5. Submitted that the proposed development is of strategic economic and social importance to achieving both European and national energy targets.

- 6.6. That the development proposed would be consistent with the Climate Action Plan, 2021, the European Green Deal, 2019 and other EU objectives as set out in the REDII legislation, REPower EU and Investing in the transition to a Low Carbon and Climate Resilient Society. .
- 6.7. That the proposed development would be consistent with National Policy Objective (NPO) 21, 54 and 55 of the National Planning Framework.
- 6.8. That the development would be consistent with the RSO9 of the Regional Spatial and Economic Strategy for the Eastern and Midlands Region, 2019-2031 relating to climate mitigation and a focus on a renewables focussed energy system to support the transition to a low carbon economy by 2050.
- 6.9. That the proposed development would have a significant effect on the area of more than one planning authority as the windfarm site is located in County Westmeath and the grid connection crosses the border into County Meath.
- 6.10. The prospective applicant concludes that the proposed development is within the 7th schedule and satisfies all three of the criterion set out in Section 37A(2) of the Planning and Development Act 2000, as amended.
- 6.11. The prospective applicant also concludes that elements of the proposed development will be for the purposes of electricity transmission under s.182A of the Act. Submitted therefore that the proposed development may require approval from An Bord Pleanala under the provisions of s.182B of the Act.

7.0 Pre Application Consultations

- 7.1. Two pre application consultation meetings were held between the Board's representatives and the prospective applicant on 5th October, 2022 and 6th March 2023. The details of these meetings are set out in the records as contained on the Board's file and as summarised below.

7.2. First Consultation Meeting (5th October, 2023)

- 7.2.1. The prospective applicant gave a presentation to the Board's representatives outlining the site location, the proposed development, the policy context, issues arising and the progress of their assessments to date. Following the presentation the following issues were discussed:

Wind Energy Designation and Ministerial Direction – The Board's representatives advised the prospective applicant to ensure that the issue arising from the ministerial direction in respect of the Westmeath County Development Plan were clearly addressed in any application. Specifically clarity is required in respect of Policy Objective CPO10.143 (not 10.132 as stated in the presentation).

Peat, Peat Extraction and Forestry – It was confirmed that there is no history of large scale peat extraction on the site. The prospective applicants also stated that there will be some tree felling involved and that proposals for replacement / replanting were being examined.

Delivery Route – The Boards representatives noted that there are a number of pinch points on the proposed haul route and roads in the vicinity. It was stated that these would be avoided as far as possible and that site access is being discussed with Westmeath County Council. A meeting has been sought with TII.

Proximity to Meath County Council Area – In view of the proximity of the wind turbine locations to county Meath, the prospective applicant was advised to engage with Meath County Council particularly with regard to visual impact, landscape designations and hydrological connections.

Cumulative Impacts – Noting the proximity of the proposed development to other permitted and proposed wind energy developments, the prospective applicant was advised to consider the cumulative landscape and visual impacts with same and the impact on Rosmead House and associated gateway which are included on the RPS.

Architectural and Cultural Heritage – The proximity of the access track to turbines T1-T3 to a recorded monument was highlighted to the prospective applicant.

Ecology – The proximity of the site to a number of European sites, notably the River Bone and River Blackwater SAC and the sensitivity of this site to impacts on aquatic ecology was noted.

Climate Impacts – Prospective applicants advised that the climate change impacts should include a life cycle analysis of the development.

7.3. **Second Consultation Meeting (6th March, 2023).**

- 7.3.1. The prospective applicant gave an update of the progress of the project including the evolution of the design and survey work and consultations undertaken (Refer to PowerPoint presentation on file). Following the presentation, the following issues were discussed:

Preliminary SID Status – The Board’s representatives stated that their preliminary opinion was that the proposed development was likely such as to constitute SID, noting that the ultimate decision is one for the Board.

Survey Timelines – The timeline of the proposed application (Q2 of 2023) was questioned in light of the outstanding surveys, notably bats. Stated that a Q2 submission date is still targeted.

Design Flexibility – Clarity from the prospective applicants that three turbine designs would be presented and assessed in the EIAR. In response to a question, the Boards representatives stated that they did not know when the design flexibility provisions under the Maritime and Valuation (Amendment) Act would be commenced for s.37 SID developments.

Consultations – Clarification from the prospective applicants that it has met with Westmeath County Council and that no response on archaeology issues has been received from the Department.

Bird and Bat Surveys – The Board’s representatives noted the information and update provided in the presentation made and advised that if the advice provided by the Department / NPWS on survey methodology and scope was not going to be fully adhered to that this would be directly addressed and justified in any application submitted.

Site Access – The revised site access point was noted (400 metres south of the original) and in response to a query the prospective applicant stated that TII had advised them to consult with the local road design office.

8.0 Assessment

8.1. Section 37A(1) - Is The Proposed Development Strategic Infrastructure Under the Provisions of the Seventh Schedule of the Planning and Development Act, 2000 (as amended)

8.1.1. As per the revised design and project update provided by the prospective applicant in the second Pre Application Consultation meeting held on the 6th March, 2023, the proposed development will comprise 8 turbines with a combined generating capacity of up to 57.6MW (based on a 7.2MW turbine) and will include an underground 33kV grid connection from the proposed windfarm site to a substation close to Clonmellon and connection to the existing 110KV line at this location. 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'*.

8.1.2. 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.

8.2. Section 37A(2)(a) – Would the Proposed Development be of Strategic Economic or Social Importance to the State or Region ?

8.2.1. The prospective applicant's case is that the proposed development satisfies this criteria due to its scale and power output. As initially proposed the development would have a power output of c.52MW, however with the revised turbine types presented during the course of the second pre application consultation meeting, the development now comprises a total of 8 no. 7.2MW turbines giving a maximum power output of 57.6MW. The prospective applicant highlights how the development has therefore got the potential to power the current population of County Westmeath and approximately 35 percent of the population of the Midland region.

- 8.2.2. The proposed development would have the potential to generate c.17 permanent jobs (based on research indicating c.0.3 full time positions per MW of output) as well as short term construction employment. While notable, I do not consider this employment generation potential in itself to be strategic economic or social importance at a stage or regional level.
- 8.2.3. The prospective applicant also sets out a number of EU policies and directives and sets out how the proposed development would be consistent with same. Policies specifically referenced include REPowerEU, the European Green Deal and the Renewable Energy Directive (REDII). At a national level, reference is made to the Climate Action Plan, 2021 and Investing in the Transition to a Low Carbon and Climate Resilient Society (2018-2027).
- 8.2.4. Overall I am satisfied that this project would assist in meeting national renewable energy targets and would also result in a notable reduction in carbon emissions from electricity generation. While not significant solely in terms of employment, I do consider that it would involve a significant capital investment in the region and that when taken in conjunction with development contributions, rates, indirect employment and economic multipliers the proposed development would comprise a significant economic investment in the region.
- 8.2.5. 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 proposed development would be of strategic economic importance to the state and the region and would therefore satisfy the condition set out at s.37A(2)(a) of the Act.
- 8.3. Section 37A(2)(b) – Contribution 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,**
- 8.3.1. The prospective applicant states that the proposed development would contribute to the objectives of the NPF and the provisions of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands region. Specifically, the prospective

applicant contends that the proposed development would be consistent with National Policy Objective (NPO) 21, 54 and 55 of the National Planning Framework, and with RSO9 of the Regional Spatial and Economic Strategy for the Eastern and Midlands Region, 2019-2031 relating to climate mitigation and a focus on a renewables focussed energy system to support the transition to a low carbon economy by 2050.

8.3.2. Having reviewed the NPF, I note the following as being relevant to this assessment – National Strategic Outcome 8 (NSO8) and National Planning Objectives (NPOs) 54 and 56.

- **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.

8.3.3. I have reviewed the Regional Spatial and Economic Strategy for the Eastern and Midlands Region and specifically note Regional Strategic Objective 9, as follows:

RSO 9 – *Support the transition to low carbon and green energy* –

Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables focussed energy system to support the transition to a low carbon economy by 2050.

8.3.4. The proposed development would generate approximately 57MW of renewable energy which would assist in reducing greenhouse gas emissions and contribute significantly to the achievement of a low carbon economy. I am therefore satisfied that the proposed development would meet the national planning objectives and regional strategic objective listed above, such that the proposed development would meet the requirements of section 37A(2)(b) of the Act.

8.4. Section 37A(2)(c) – That the Proposed Development would have a Significant Effect on the Area of More Than One Planning Authority. .

8.4.1. The prospective applicant contends that the proposed development would have a significant effect on the area of more than one planning authority as the windfarm site is located in County Westmeath and the grid connection crosses the border into County Meath. On the basis of the information presented I would agree with this opinion. The grid connection forms part of the overall project and the proposed grid connection point into the existing 110KV line is located at Clonmellon within the administrative area of Meath County Council. The revised grid connection and sub station arrangement presented by the prospective applicant at the second pre application consultation meeting shows the sub station located in close proximity to the existing 110KV line and within the administrative area of Meath County Council.

8.4.2. In addition, the proposed wind turbines, particularly those in the northern cluster, are located in close proximity to the administrative boundary with County Meath and such that the proposed development could have significant planning implications for County Meath, most particularly in terms of landscape and visual impact.

8.4.3. In view of the above, I am therefore of the opinion that the proposed development would have potentially significant effects on the Meath County Council administrative area and such that it does come within the scope of section 37A(2)(c) of the Act.

8.5. Prescribed Bodies

- 8.5.1. 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 A in respect of any future application for approval.

9.0 Conclusion

- 9.1. 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), Section 37A(2)(b) and Section 37A(2)(c) of the Act. Therefore, the proposed development constitutes strategic infrastructure.

10.0 Recommendation

- 10.1. 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.
- 10.2. I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

11.0 Reasons and Considerations

- 11.1. 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 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 Section 37A(2)(a), Section 37A(2)(b) and Section 37A(2)(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).



Stephen Kay
Inspectorate

21st August, 2023

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 Agriculture, Food and the Marine.
- Minister for the Environment, Climate and Communications.
- Westmeath County Council
- Meath County Council.
- Midlands and East Regional Assembly.
- Transport Infrastructure Ireland.
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council
- National Parks & Wildlife Service (Development Applications Unit).
- 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.

Note 2: The prospective applicant is advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines all proposed mitigation measures, in the interest of convenience and ease of reference.

Note 3: The prospective applicant is advised to submit sufficient drawings and details, including turbine dimensions, to fully describe the nature and extent of the proposed development and to allow its potential impacts to be adequately assessed.