



An
Bord
Pleanála

Inspector's Report ABP-315655-23

Development

Proposed development of 10 to 12 wind turbines with a maximum Height of 185m and expected capacity export of circa 60MW to 72MW, including an underground cable connection to the national electricity grid, and turbine delivery route.

Location

Townlands of Brittas, Rossestown, and Clobanna near Thurles, Co. Tipperary

Planning Authority

Tipperary County Council

Prospective Applicant

Brittas Windfarm Limited

Inspector

Alaine Clarke

Date of site inspection:

14th April 2023

1.0 Introduction

- 1.1. Brittas Windfarm Limited requested pre-application consultations under Section 37B of the Planning and Development Act, 2000, as amended, for the proposed development of 10-12 wind turbines with a capacity of c. 60MW to 72MW, including a substation and a grid connection to the national electricity grid, and turbine delivery route near Thurles, Co. Tipperary. The request was received from Malachy Walsh & Company Limited on behalf of the applicant.
- 1.2. Pre-application consultations took place between An Bord Pleanála (the Board) and the prospective applicant on 5th May 2023 (see appended signed Record). The primary purpose of the meeting was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006, 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 procedures involved in making the application.
- 1.3. This Report provides an overview of the project, a summary of the meeting and the advice provided by the Board, the legislative provisions, and it recommends a list of Prescribed Bodies that should be forwarded copies of the application.

2.0 Site Location & Description

- 2.1. According to the material presented at the pre-planning consultation, the prospective site is located in Co. Tipperary in the townlands of Brittas, Rossestown, Clobanna, Brownstown, Clonamuckoge Beg, Clonamuckoge More and Tooreen, near to and north of Thurles, Co. Tipperary.
- 2.2. The lands are made up of agricultural fields, farms and rural dwellings bounded by hedgerows and treelines. An area of broadleaf forestry is located to the southwest of the site. The River Suir transects the site from north to south. The N62 is located west of the site, running north to south. The N62 connects to the M6, M7 and M8 motorways. The L8017 local road traverses the centre of the site from east to west and crossing the River Suir.

- 2.3. There are a small number of recorded monuments within the site boundary including two ringforts and two enclosures, one of which is located north of the bridge crossing (Rossestown Bridge) of the River Suir. Brittas Castle is located in the southwest of the study area.
- 2.4. The site and wider area is generally flat although to the west and northwest are mountains and uplands. Part of the site is traversed by the route of a permitted 38kv overhead electricity line connecting the Borrisoleigh substation to the Thurles substation. The proposed site is located c. 8km east of Lower River Suir SAC, c. 1.7km north east of the proposed NHA Cabragh Wetlands.

3.0 Proposed Development

3.1. As refined during the course of the pre-application consultation (refer to request to close consultation, dated 25th March 2024), the proposed development will include the following elements:

- Construction of 10 no. wind turbines with a tip height of 180m;
- Construction of turbines foundation and crane pad hardstanding areas including associated drainage infrastructure;
- Construction of new permanent site tracks and associated drainage infrastructure;
- 1 no. burrow pit and associated ancillary access and drainage;
- 2 no. temporary construction site compounds;
- Construction of 1 no. permanent on-site 100kV electrical substation including control buildings, electrical plant and equipment and ancillary infrastructure and compound;
- Installation of medium voltage underground electrical and communication cabling connecting the wind turbines to the proposed on-site substation;
- Installation of permanent high voltage 110kV underground electrical and communication cabling between the proposed on-site substation to the existing Thurles 110kV substation within the townland of Ballygammane. The cabling will be laid primarily within the public road;

- Tree felling to accommodate the construction and operation of the proposed development;
- Installation of a permanent Lidar Unit and associated hardstanding area for meteorological monitoring; and
- Temporary accommodation works for the turbine delivery between Foynes port and Brittas Wind Farm site.

3.2. A formal request to close the pre-application consultation was received by the Board on 25th March 2024. The closure request refined and clarified the details of the proposed development. It was indicated that the proposed windfarm will have a maximum export capacity of between 57MW and 66MW. A battery energy storage system will be assessed as part of the project but will not form part of the planning application.

4.0 Planning History

4.1. Of particular relevance is:

ABP 318971-24: Brittas Windfarm Ltd sought a design flexibility opinion in respect of ABP 315655. A meeting was held on 1st March 2024. Flexibility is sought on turbine dimensions, hardstand areas and maximum export capacity.

4.2. Other applications of note:

- 310934-21: Contribution appeal in respect of completion of partially constructed overhead electricity line from Thurles electricity substation to the Borrisoleigh electricity substation as permitted under TCC Reg 08/511136.
- TCC 21638: Permission granted to complete a 38kV overhead electricity line.
- TCC 08511136: Permission granted for an overhead 38kV line from Thurles 110kV station to the proposed Borrisoleigh 38kV station.

5.0 Prospective applicant's case

5.1. As qualified in the post-meeting correspondence, the prospective applicant's case can be summarised as follows:

- The prospective applicant believes that the proposed development is strategic development as defined under the 7th Schedule of the Act given that the project includes for 10 no. turbines with individual power outputs of between 5.7MW and 6.6MW each, thus having a total power output greater than 50MW.
- The proposed windfarm with an output of approx. between 57-66MW would be of strategic economic or social importance to the state and region and will constitute a significant addition to Ireland's renewable electricity supply, contributing towards Ireland's target of 80% renewable electricity by 2030 and a target of 9GW from onshore wind.
- The proposed development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework, specifically referencing National Policy Objective (NPO) 54 which seeks to reduce our carbon footprint by integrating climate action into the planning system and NPO 55 which seeks to promote renewable energy use and generation at appropriate locations.
- The proposed development is in keeping with objectives in the Regional Spatial and Economic Strategy (RSES), specifically, RPO 87, relating to a low carbon energy future; RPO 99, relating to support for wind energy; RPO 219 relating to supporting the provision of new energy infrastructure; and RPO 221 relating to support for renewable energy generation and transmission network.

6.0 Pre-Application Consultations

6.1. One consultation meeting was held in the Board offices on 5th May 2023. During this meeting the prospective applicant described the site and surroundings and outlined the main elements of the proposed development. Details of consultations held to date were presented including those with Tipperary County Council and initial community engagement. The policy context for the project was explained including

that the proposed site is located in an area identified as 'open for consideration' for wind farms according to the Tipperary County Development Plan 2022-2028. The major constraints were identified and proposed new road entrance options and turbine delivery routes were presented. Grid connection and route options were presented. Other wind farms in the region were presented and are to be considered cumulatively in the EIAR that will be submitted with the application. An overview of the EIAR chapters and chapter structure was presented. The applicant was advised to consider major accidents in the EIAR. The prospective applicant advised that an AA screening and NIS will be completed.

- 6.2. The Board's representatives sought clarity with respect to the output of the proposed turbines to enable the Board to determine that the proposed development would meet or exceed the threshold for SID. The importance of consulting with the NPWS was highlighted and the prospective applicant indicated that efforts to seek a meeting with the NPWS would continue. Responding to a query raised by the Board's representatives, it was indicated that c. 50 of the 200 houses within the 1.5km site radius are located within the 740m setback, and that approx. 7 or 8 dwellings are landowners. Consultations with TII regarding haul route capacity and the OPW with respect to flood risk were also advised, and that effort should be made to resolve any issues raised by Tipperary County Council.
- 6.3. With respect to grid connection, the post meeting correspondence indicates that connection to the Thurles 110kV substation is proposed and that cabling will be laid primarily within the public road.
- 6.4. It was indicated during the consultation meeting that on-site borrow pits would not be considered, however, I note the post-meeting correspondence indicates that an on-site borrow pit now forms part of the development.
- 6.5. The Board's representatives sought clarity on the definition of the section of the EIAR pertaining to "any design changes" and it was advised that this would cover design rational, and alternatives considered. The prospective applicant was advised to have regard to the Derryadd Windfarm judgment in relation to assessing design options separately within the EIAR.
- 6.6. The prospective applicant, in a letter received by the Board on 25th March 2024, wishes to formally request the closure of the pre-application process.

Post-meeting

- 6.7. At the flexibility meeting (on 1st March 2024) relating to ABP 318971, the prospective applicant indicated that it was likely that grid connection and substation would be applied for under s.182 of the Act. However, as detailed above, the proposed development details are clarified in correspondence dated 25th March 2024 and it appears that the grid connection and substation are to form part of the s.37 application.
- 6.8. Also, and as detailed above, an application under section 37CC of the Planning and Development Act 2000, as amended, was made by the prospective applicant in respect of design flexibility relating to the subject proposed development, An Bord Pleanála ref. 318971-24 refers. A meeting was facilitated on 1st March 2024. The Inspector's Report on 318971-24 is complete and is presented concurrently with this pre-application file for the Board's consideration.

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. The Board is asked to decide if the proposal as outlined is or is not strategic Infrastructure Development as defined by Section 37A of the Act. Strategic Infrastructure is defined in the Seventh Schedule of the Act and Class 1 includes the following category of development: *'an installation for the harnessing of wind power for energy production (a windfarm) with more than 25 turbines or having a total output greater than 50MW'.*
- 7.3. Section 37A (2) of the Act 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 significant effect on the area of more than one planning authority.

7.4. Environmental Impact Assessment

7.4.1. An application submitted under Section 37E of the Planning and Development Act 2000, as amended, shall be accompanied by an EIAR, as required for any application made under this section of the Act.

7.4.2. In addition, 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'.

7.5. Appropriate Assessment

7.5.1. The nearest Natura 2000 sites are as follows:

- c. 6km northeast of Lower River Suir SAC;
- c. 17km west of The Loughans SAC;
- c.13km southeast of Kilduff, Devilsbit Mountain SAC

The prospective applicant has indicated that it is their intention to include an NIS with the application which is considered to be appropriate.

8.0 Assessment

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

8.1.1. Based on the information submitted by the prospective applicant through the consultation process, the proposed development would include 10 turbines with a potential to generate between 5.7MW and 6.6MW of power each, giving a total power output of c. 57MW and 66MW. The proposed development would exceed the 50 MW threshold of the Seventh Schedule development under Class 1 (Energy Infrastructure). Therefore, the proposed development satisfies Section 37A (1) of the Act.

8.2. Section 37A (2) - Does the proposed development specified in the Seventh Schedule fall within one or more of the paragraphs referred to as (a), (b) and (c) and outlined below?

8.3. (a) – Strategic Economic or Social Importance to the State or Region

8.3.1. The prospective applicant's case is that the proposal satisfies the conditions under section 37A(2)(a) of the Act as it is of economic and social importance to the region and the State. The proposed windfarm with an output of approx. between 57-66MW will constitute a significant addition to Ireland's renewable electricity supply, contributing towards Ireland's target of 80% renewable electricity and 9GW from onshore wind by 2030. The applicant advises that the capital investment required for a windfarm of this scale, will represent a significant economic contribution to the region, including the provision of community development funding upon commissioning, which it is argued will benefit the locality and region.

8.3.2. It is an objective of the Climate Action Plan 2024 to accelerate renewable energy generation, key performance indicators of which is to deliver 80% renewable electricity and 9GW from onshore wind by 2030. The project would assist in meeting national renewable energy targets and would also result in significant reductions in carbon emissions from electricity generation, while reducing the country's reliance on fossil fuel. The proposed development appears to meet the requirements for strategic economic and social importance by contributing to renewable electricity

generation and carbon reduction targets set out in the Climate Action Plan and would make a positive contribution to same.

8.3.3. Having regard to the national policy context and the details of the subject proposals outlined above, I am satisfied that the development would clearly 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.

8.4. **(b) - Fulfilment of Objectives in the National Planning Framework or in any regional spatial and economic strategy**

8.4.1. The prospective applicant states 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 Southern Region. Having reviewed the NPF, I note the following relevant National Policy Objectives (NPOs) which aim to reduce our carbon footprint and promote renewable energy:

- *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.*

8.4.2. At regional level I note that the RSES for the Southern 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. The Strategy supports an increase in the amount of new renewable energy sources in the Region which includes the use of wind energy. The following Regional Policy Objectives (RPOs) are relevant:

- *RPO 87 - Low Carbon Energy Future: The RSES is committed to the implementation of the Government's policy under Ireland's Transition to a Low Carbon Energy Future 2015-30 and Climate Action Plan 2019. It is an objective to promote change across business, public and residential sectors to achieve reduced GHG emissions in accordance with current and future*

national targets, improve energy efficiency and increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.

- *RPO 99 – Renewable Wind Energy - It is an objective to support the sustainable development of renewable wind energy (on shore and off shore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines.*
- *RPO 219 - New Energy Infrastructure :It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.*

8.4.3. 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 Southern Region. The development would therefore satisfy the requirement set out in Section 37A(2)(b) of the Act

8.5. (c) - Significant effect on the area of more than one planning authority.

8.5.1. The site is fully contained within the area of one planning authority, Tipperary County Council. County Kilkenny and County Laois are c. 10km to the northeast. The majority of construction traffic movements will be mostly contained within County Tipperary. The indicative turbine delivery route is also mostly within County Tipperary and/or via national routes. The proposed grid connection route is within County Tipperary. Accordingly, I am of the opinion that there is unlikely to be significant effects on a local authority area other than that of Tipperary County Council. I am satisfied therefore that the proposal would not come within the scope of section 37A(2)(c) of the Act, insofar as, the proposed development is unlikely to have a significant effect on the area of more than one planning authority.

9.0 Conclusion

9.1. 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 Section 37A(2)(a) and would contribute substantially to the fulfilment of objectives, as per Section 37A(2)(b), in the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region. Accordingly, the proposed development constitutes strategic infrastructure.

10.0 Prescribed Bodies

10.1. 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.

11.0 Recommendation

11.1. 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., and that a planning application should be made directly to the Board.

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 as described above, 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 Sections 37A(2)(a) and (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 Planning and Development Act 2000, as amended.

PROFESSIONAL DECLARATION

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.



Alaine Clarke

Senior Planning Inspector

9th April 2024

Appendix A

Note 1: The following is a schedule of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Principal Act.

- i. Minister for Housing, Local Government and Heritage
- ii. Minister for Environment, Climate and Communications
- iii. Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media
- iv. Minister for Agriculture, Food and the Marine
- v. Minister for Transport
- vi. Tipperary County Council
- vii. National Parks & Wildlife Service
- viii. Commission for Regulation of Utilities, Water and Energy
- ix. Inland Fisheries Ireland
- x. Transport Infrastructure Ireland
- xi. Irish Water
- xii. The Heritage Council
- xiii. An Taisce
- xiv. An Chomhairle Ealaíon
- xv. Fáilte Ireland
- xvi. GSI
- xvii. Irish Aviation Authority
- xviii. Office of Public Works
- xix. Southern Regional Assembly
- xx. Kilkenny County Council
- xxi. Laois County Council

Further notifications should also be made where deemed appropriate.

Note 2: 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.