

An
Bord
Pleanála

Inspector's Report

ABP-315864-23

Development	Construction of up to 21 no. wind turbines (Tirawley Wind Farm), a permanent 110kV substation, 110kV underground cable and grid connection to the existing 110kV substation at Tawnaghmore Co. Mayo.
Location	Conaghra, Barroe, Lissadrone East, Lissadrone West, Billoos, Lecarrowntemple, Lackanhill, Ballymurphy, Carrowmore, Castletown, Castlelackan Demense, Aghaleague, Carrownedden, Ballynaleck, Carrowmachshane, Carn, Carrowmore and others, Ballina, Co. Mayo
Prospective Applicant(s)	Constant Energy Ltd.
Type of Application	Pre-Application Consultation under 37B of the Planning and Development Act 2000, as amended.
Planning Authority	Mayo County Council
Date of Site Inspection	31 st March 2023
Inspector	Jimmy Green

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 21st February 2023 from Jennings O'Donovan Consultant Engineers on behalf of Constant Energy Ltd., 6th Floor, Riverpoint/Lower Mallow Street, Limerick ('the Prospective Applicant') to enter into pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended, ("the Act") in relation to the proposed development of a wind farm development and associated works on lands in and around the townlands listed in the cover which lies to the northwest of the town of Killala, Co. Mayo.
- 1.2. Three meetings (all virtual) were held with the prospective applicant on the 5th of April, 14th August, and 6th of November, 2023. A record of all three meetings as well as the presentations made to the Board's representatives at each of the meetings are attached to the file. Closure of the pre-application consultation was requested by the applicant in correspondence dated 4th December, 2023. The Board is therefore asked to decide if the proposal is or is not Strategic Infrastructure Development (SID).
- 1.3. 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 those meetings. 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 records that are on the Board's file.

2.0 Site Location:

- 2.1. The site of the Proposed Development is located in north county Mayo to the northwest of the town of Killala, and east and southeast of Ballycastle. As a proposed wind farm development and associated grid connection the site is extensive and covers a large number of townlands, the map submitted with the close out request entitled "Tirawley Wind Farm – Proposed 110kV Grid Connection Route" provides the full extent of the subject works. Throughout pre-application discussions the Prospective Applicant refined the overall project design and while the overall location of the project remained consistent certain turbines and their associated

infrastructure have been omitted. The close out request contains a site layout map showing the location of 21 no. proposed turbines and all associated infrastructure in the context of the available aerial photography, as well as a map showing the wind farm infrastructure including 110kV underground electrical cabling connection to Tawnaghmore substation just south of Killala, based on the available discovery series mapping.

3.0 Description of Proposal:

3.1. The Proposed Development underwent amendment throughout the pre-application process as the Prospective Applicant engaged with stakeholders and worked through the various studies, surveys and assessments required to complete the Environmental Impact Assessment Report (EIAR) that will inform any future planning application that is made. When initially lodged the project entailed 31 no. turbines however, the project has been amended and the close-out request received by the Board includes mapping and describes the Proposed Development as follows:

- A 21-turbine wind farm development and all associated works, with each turbine having a proposed capacity of 3.45MW, therefore giving rise to a total output of 72.45MW.

The documentation submitted with the close out submission including mapping provides details of the following elements of the Proposed Development:

- Locations of 21 no. turbines,
- Proposed spoil deposition area,
- Operations building and north temporary site compound (repurposed existing dwelling and farmyard buildings),
- 2 no. meteorological mast locations,
- Proposed on-site electrical substation and temporary site compound,
- Access roadways, and
- 110kV underground electricity cabling/grid connection to Tawnaghmore 110kV Substation at Killala.

3.2. For clarity I wish to state that the project as described above and as detailed on the layout maps and drawings submitted with the close out request dated 4th December 2023, (i.e. turbines, access road network, substation, underground grid connection, and all associated works) forms the basis of the consideration and discussion set out below.

4.0 Planning History.

I am not aware of any relevant planning history on the prospective application site.

5.0 Precedent Decisions:

5.1. There have been a number of previous and relatively recent pre-application SID determinations in the wider area of northwest Mayo, these are listed in table 1 below.

Table 1: Sample of SID determinations for wind farm pre-applications in the wider area

ABP Ref.	Location	Brief Project Description	Determination
307264	Co. Mayo	Pre-application consultation for the construction of up to 13 no. wind turbines, grid connection and all associated works	Is SID
309375	Co. Mayo	Oweninny Wind Farm Phase 3. Between 10 and 20 wind turbines with an approximate capacity of 90 MW and a maximum blade tip height of 200 metres	Is SID
310529	Co. Mayo	Wind energy development and associated works and services	Is SID

5.2. A sample of other SID pre-application determinations from over the last two years for wind farm developments of similar scales decided by the Board are listed in table 2 below:

Table 2: Sample of SID determinations over the last 2 years of similar scaled wind farm proposals.

ABP Ref.	Location	Brief Project Description	Determination
314798	Kerry and Cork	Repowering of existing Kilgarvan Wind Farm, provision of approximately 11 wind	Is SID

ABP Ref.	Location	Brief Project Description	Determination
		turbines and all associated works (output to exceed 50MW).	
314271	Meath and Westmeath	Proposed 8 turbine wind farm, (total output of 57.6MW) substation, grid connection and associated works	Is SID
313780	Kilkenny	Wind farm development comprising 15 no. wind turbines with a total output of between 65 - 75MW all associated works including a 110kV underground grid connection.	Is SID
313778	Offaly	Proposed 11 turbine wind farm (79.2MW) and all associated works	Is SID
313440	Cork	Construction of 14 wind turbines, grid connection and all associated works with a total output of between 78.4 – 92MW.	Is SID
313375	Laois	Proposed 13 turbine wind farm development of c. 86 megawatts and associated works	Is SID
313351	Westmeath	Proposed 9 turbine wind farm (with a total output in excess of 50MW) and all associated works	Is SID
312434	Waterford	Proposed 12 turbine wind farm (total output of 78 - 93.6MW) and all associated works including underground grid connection	Is SID
312224	Carlow and Kilkenny	Proposed 7 turbine wind farm (total output 50.4MW) and associated works	Is SID
310369	Donegal	Proposed 15 turbine wind farm (total output 72MW) and all associate works	Is SID

6.0 Pre-Application Consultation Meetings Held

- 6.1. There have been three pre-application meetings held with the Prospective Applicants on the 5th of April, 14th August and 6th of November, 2023. These were all held virtually, and the records of the meeting are on file.
- 6.2. **First Consultation Meeting – 5th April 2023**
- 6.3. At the first consultation meeting the applicant gave a presentation to the Board's representatives, outlining the site location, the proposed development and the policy context. Initially the proposed development was for 31 no. turbines, with 3 no. having a tip height of 180m and rotor diameter of 150m, while the remainder had a tip height of 125m and 105m diameter rotor and a total output of 115MW. At this initial

presentation the Prospective Applicant confirmed that the final design and layout of the Proposed Development was evolving and was being informed through additional constraints analyses and engagement with landowners, and the applicant confirmed that the proposed grid connection formed part of the future planning application.

6.4. The Board is referred to the Prospective Applicant's power-point presentation and the written record of this meeting that is included with the file.

6.5. **Second Consultation Meeting 14th August 2023**

6.6. At the second meeting the Prospective Applicant provided updated project details which included a reduction in turbine numbers to 25 no. turbines, 21 of which would have a tip height of 125m and rotor diameter of 105m, and 4 no. having a tip height of 180m and rotor diameter of 150m. The prospective applicant also confirmed a public information event had taken place in June, and updated on the progress of the preparation of the EIAR in particular in relation to Landscape and Visuals, as well as Soils and Geology. The Prospective Applicant also discussed the proposed haul route to the site as well as the proposed grid connection and confirmed that a meeting with Mayo County Council which had been scheduled for the 8th of August (and was referenced in their power point presentation) had to be postponed.

6.7. For further detail the Board is referred to the Prospective Applicant's power-point presentation and the written record of this meeting that is included with the file.

6.8. **Third Consultation Meeting 6th November 2023**

6.9. At the third consultation meeting the Prospective Applicant set out further amendments to the proposed scheme which was now 21 no. turbines, all of which having a 125m tip height (the four larger turbines in the northern portion of the site having been omitted), other updated scheme amendments presented included the inclusion of an existing house and farmyard as an operational building and compound, the potential to use an existing unused quarry. The applicant also confirmed that a meeting had been held with Mayo County Council in relation to the Proposed Development. The discussions on these matters are included in the Prospective Applicants power point presentation and the written record of the meeting which is included on file.

7.0 Legislative Provisions

7.1. The definition of Strategic Infrastructure Development (SID) in section 2(1) of the Act includes:

“(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 requires that any development specified in the Seventh Schedule should be made directly to the Board under Section 37E provided that following consultations under section 37B that the Board serves notice in writing stating that in its opinion the proposed development would fall into one or more of the following categories:

‘(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. Section 37B of the Act requires any person proposing to apply for permission for any development specified on the Seventh Schedule to enter into consultations with the Board in relation to the proposed development.

7.4. The Seventh Schedule of the Act defines infrastructure development for the purposes of sections 37A and 37B of the Act, and includes the following descriptor under the sub-heading ‘Energy Infrastructure’:

‘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’

8.0 Assessment

8.1. Seventh Schedule

8.2. The Proposed Development as finalised in the close-out request from the Prospective Applicant is a 21-turbine wind farm development, with each turbine having a generating capacity of 3.45MW, therefore giving rise to a total output of 72.45MW. The proposed development is therefore an installation for the harnessing of wind power for energy production which exceeds the 50-megawatt threshold set out in the seventh schedule, and accordingly is a development of the form referenced in Section 37A(1), subject to it satisfying one of the conditions set out in Section 37A(2), which are discussed further below.

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

Prospective Applicant's Case

8.4. In support of the statement that the proposed development would be of strategic economic or social importance to the State or Region, the Prospective Applicant references the scale of the overall development and the contribution it would make towards achieving the objectives of the Climate Action Plan 2023, particularly through the projects contribution towards achieving Irelands climate objective of achieving a 51% reduction in emissions by 2030 (relative to 2018 levels) and net-zero emissions by 2050.

Assessment

8.5. 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. Furthermore, I consider that the proposed development would involve a significant capital investment in the region and that when taken in conjunction with development contributions, rates, direct and indirect employment, and economic multipliers, the proposed development would comprise a significant economic investment in the region.

8.6. Accordingly, I consider that the project satisfies the requirements of Section 37A(2)(a), and in this regard I note that my consideration is consistent with that of

the Board in relation to similarly scaled wind farm projects such as those listed in table 2 above.

- 8.7. **Section 37A(2)(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’**

Prospective Applicant’s Case

- 8.8. In this regard the applicant has stated that the Proposed Development will contribute substantially to the fulfilment of the National Planning Framework (NPF) National Strategic Outcome (NSO) 13 (transition to a climate-neutral and climate-resilient society), as well as National Policy Objectives (NPOs) 54 (reduction of carbon footprint) and 55 (promotion of renewable energy use and generation at appropriate locations). In relation to the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (RSES), the Prospective Applicants state that the Proposed development supports Regional Policy Objective (RPO) 4.18, these are discussed further below.

Assessment

- 8.9. Having reviewed the NPF, I note the following as being relevant to this assessment – National Strategic Outcome 8 (NSO8) ‘Transition to a Low Carbon and Climate Resilient Society’ and National Planning Objectives (NPOs) 54 and 55.
- 8.10. In relation to NSO8 the NPF states that ‘*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 NPF sets a target to ‘*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*’.
- 8.11. NPO 54 and 55 of the NPF state the following:

NPO54: *'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.'*

8.12. Having reviewed the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly I consider that the following Regional Policy Objectives (RPOs) are of note in relation to the current case:

- **RPO 4.17:** *'To position the region to avail of the emerging global market in renewable energy by', inter alia, 'stimulating the development and deployment of the most advantageous renewable energy systems.'*
- **RPO 4.18:** *'Support the development of secure, reliable, and safe supplies of renewable energy, to maximise their value, maintain the inward investment, support indigenous industry and create jobs.'*

8.13. The proposed development is of a scale that would generate a significant amount 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 listed above. Furthermore, I consider that the proposed development as a renewable energy development of significant scale will also contribute to the Regional Policy Objectives set out above. Accordingly I consider that the proposed development meets the requirements of section 37A(2)(b) of the Act in terms of contributing substantially to the fulfilment of the objectives of the NPF and relevant RSES for the area. In this regard I note my consideration is consistent in principle with that of the Board in relation to the projects listed in tables 1 and 2 above.

8.14. **Section 37A(2)(c) – 'The development would have a significant effect on the area of more than one planning authority.'**

8.15. The site is fully contained within the area of one planning authority, Mayo County Council. While the haul route has the potential to traverse parts of other counties for

a temporary period during construction, I am satisfied that the proposed development would not have any significant effect on any other planning authority area outside of Mayo. Accordingly, I am of the opinion that the proposed development would not fall within the scope of section 37A(2)(c) of the Act.

9.0 Conclusion

9.1. Based on the above assessment, it can be concluded that the proposed development exceeds the threshold set out in the Seventh Schedule of the Act and therefore satisfies the qualifying requirements of Section 37A(1) of the Act and therefore further consideration of the conditions set out in Section 37A(2) is warranted. As set out above, it can also be determined that the development satisfies the conditions set in sections 37A(2)(a) and (b) of the Act and 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. In view of the above, I recommended that the Board serve a notice on the prospective applicant, pursuant to section 37(B)(4) of the Planning and Development Act, 2000 (as amended) stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development within the meaning of section 37A of the Act for the reasons and considerations set out below.

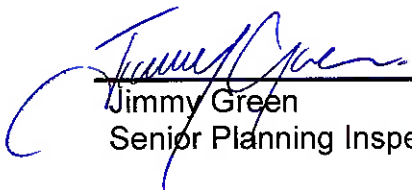
12.0 Reasons and Considerations

12.1. Having regard to the size, scale and nature of the Proposed Development which constitutes the provision of a 21 turbine wind farm with a total output of 72.45MW and all related/associated development, it is considered that it falls within the

definition of energy infrastructure set out 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 Section 37A(2)(b) of the Planning and Development Act 2000, as amended. An application for permission for the Proposed Development must therefore be made directly to An Bord Pleanála under Section 37E of the Act.

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.



Jimmy Green
Senior Planning Inspector

11th December 2023

Appendix A – list of prescribed bodies

The following list identifies the prescribed bodies which are considered relevant in this instance 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.
- Minister for Agriculture, Food and the Marine.
- Minister for the Environment, Climate and Communications.
- Mayo County Council.
- Transport Infrastructure Ireland.
- An Taisce
- An Chomhairle Ealaíon
- Environmental Protection Agency
- Fáilte Ireland
- The Heritage Council
- Inland Fisheries Ireland.
- Irish Water.
- Irish Aviation Authority.
- Health Service Executive.
- Commission for Regulation of Utilities.

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.