



An
Bord
Pleanála

Inspector's Report

ABP-318203-23

Development	Proposed Wind Farm development of 7 Turbines, 110kV substation and associated works.
Location	in the townlands of Ballinla, Ballybrittan and Leitrim in the municipal district of Edenderry, Co. Offaly.
Planning Authority	Offaly County Council
Prospective Applicant	Ballinla Wind Farm Ltd
Type of Application	Pre-Application Consultation under Section 37B of the Planning and Development Act 2000, as amended
Date of Site Inspection	22 nd November 2023
Inspector	Tomás Bradley

1.0 Introduction

Under the provisions of Section 37B of the Planning and Development Act 2000, as amended (PDA), Ballinla Wind Farm Ltd (the applicant) has made a pre-application request to An Bord Pleanála (the Board) as to whether the development of wind farm consisting of 7 no. wind turbines, 110 kV electrical substation and associated works in the townlands of Ballinla, Ballybrittan and Leitrim in the municipal district of Edenderry, Co. Offaly constitutes Strategic Infrastructure Development (SID). The proposed development is in the local authority of Offaly County Council (OCC). The Board is requested to determine whether the proposed development constitutes SID. The applicant confirmed during a meeting with the Board that it is of the view that the proposed development constitutes SID.

The Board should note that a related application seeking design flexibility (ABP-319641-24) was submitted to the Board and subsequently withdrawn by the applicant. No consideration can be given on issues design flexibility is provided under Section 37B of the PDA.

2.0 Site Location and Description

The site is located in the townlands of Ballinla, Ballybrittan and Leitrim, Co. Offaly. It is approximately 4 km west of Edenderry. The site bounded to the north by Grand Canal. The R402 Regional Road which links Edenderry to Tullamore, runs to the east and south of the site. The L5010 Local Road transects the site and a number of local roads run into the site also. The R400 is located further west.

The site itself is currently being used for agriculture and in particular dairy. It is good quality, level land with mature trees and hedgerows enclosing it. There is commercial forestry in parts. Electricity infrastructure crosses the site. There are agricultural complexes within the site and outside it. This includes Ballinla House to the north-east of the site at which a commercial premises (animal feed) is operating.

There are several single rural dwellings in proximity to the site also including a stud farm at Lumville House. A large area of commercial cutover peatland surrounds the southern portion of the site. Mount Lucas Wind Farm is visible from the site.

There are no specific natural heritage designations in respect to the subject site. However, the Grand Canal, immediately north of the site is a proposed Natural Heritage Areas (pNHA) (Site Code: 002104).

In terms of built heritage, Ballinla House is a protected structure (Ref: 16-15) and recorded on the National Inventory of Architectural Heritage (NIAH). There are also two ringforts (OF00608, OF00609) recorded by the National Monuments Service (NMS) to the north west of the site.

The Grand Canal is also a built heritage feature in of itself as well as a navigable waterbody. It is a recreational amenity and there is a recreational pathway development along the northern side of the canal at this location.

There are no known flood issues associated with the site. The site is drained by several streams: including the Rogerstown Stream which flows east to the River Boyne; the Rathcobican, Leitrim and Lumville Streams which collect into the Dodan River flow south to the Fige River (a tributary of the Barrow River).

The *Offaly County Development Plan 2021-2027* (OCDP) is the relevant plan for the subject site. The site is not zoned but is designated in the Wind Energy Strategy of the OCDP as an 'Area Open for Consideration'.

The site is considered 'Low' in terms of landscape sensitivity in the OCDP. However, it is adjoined by several areas of sensitivity including the Grand Canal which the plan is considered to have a 'High' sensitivity and is also an Area of High Amenity. It is also noted that the area of cutover peatland to the south, adjacent to the site is considered 'Moderate' sensitivity. The proposed development may also come into the visual sphere of a Protected View (V09) depending on the final layout of the proposed development.

3.0 Prospective Development

The particulars submitted prior to the second meeting as part of the pre-application consultation sets out the prospective development, which, in summary¹, includes:

¹ Summary taken from the applicant's presentation of November 2023.

- up to 7 wind turbines with a tip height of 185 m and electrical output of 50.4 megawatts (MW)²;
- hardstanding areas, internal access tracks;
- two access points onto the L5010 Local Road;
- a 110 kV electrical substation (two options presented, north option preferred);
- haulage routes for the wind turbine components.

It is noted that in its initial application of October 2023, the applicant sought up to 9 wind turbines. The applicant then advised in June 2024 that an 8 turbine wind farm³ would be proceeded with in order to take into account a 500m buffer from the Grand Canal. In its closure final letter to the Board of November 2024, the applicant stated that they intend to apply for planning permission for a 7 wind turbine layout⁴, each turbine has a capacity of 7.2MW. This would give a total maximum MW capacity of the proposed Ballinla Wind Farm of 50.4MW.

It is anticipated the construction phase will take approximately 18-24 months. The proposed development will likely seek an operational period of 30 years. Unless this period is extended or the site repowered, the site will be decommissioned.

In addition to the main development above, the prospective applicant is also considering a 110 kV grid connection including underground cable and upgrading of an external substation. This is expected to be a separate planning application.

This will likely entail 6 km of 110 kV underground cable on public roads to Philipstown 110 kV Substation (under construction) which is adjacent to Edenderry Power Station.

4.0 Planning History

A review of the OCC Planning Portal and the Board's case files was carried out on the 15th of November 2024 to collate any relevant planning history for the site.

² Confirmed by way of closing letter, dated 13th November 2024.

³ Confirmed in second meeting with applicant on the 6th of June 2024

⁴ Confirmed by way of closing letter, dated 13th November 2024.

There are numerous planning applications around the site in respect of residential, agricultural and equine developments which is to be expected in a such a rural location.

A significant number of planning applications relate to the agricultural complex at Ballinla Farm and its operations.

It is noted that there are several wind farms permitted/approved or in early development in the area. This includes Mount Lucas Wind Farm (operational).

5.0 Precedent

A review of the Board's case files was carried out the on the 15th of November 2024 to collate any relevant planning precedent cases for this class of development. There is significant precedent specific to the circumstance of this application where the proposed development would have a total output greater than 50 MW. This includes applications with equal to or less than 9 turbines – 312224 (7 wind turbines); 314271 (8 wind turbines), 313351 (9 wind turbines).

6.0 Submission of the Prospective Applicant

An initial submission dated 10th of October 2023 prepared by MWP on behalf of the prospective applicant, accompanied the application in respect of the SID case file. The submission considered the development location and development description only. The prospective applicant did not provide any opinion as to whether the development constitutes SID or not in written correspondence. However, in a subsequent meeting the applicant confirmed that it is of the view that the proposed development constitutes SID.

In a letter of the 1st of May 2024, the applicant sought a second meeting and advised that it had made a decision to remove two turbines from the original ten turbine layout.

In a letter of 13th November 2024, it advised that they intend to apply for planning permission for a 7 wind turbine layout , each WTG with a capacity of 7.2MW. The would give a total MW capacity of the proposed Ballinla Wind Farm of 50.4MW.

7.0 Legislative Context

7.1. Strategic Infrastructure Development

In the context of the prospective development, Section 2 (1) of the PDA 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)*

Section 37A of the PDA 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.*

The Seventh Schedule which sets out infrastructure developments for the purposes of Sections 37A and 37B and includes:

Energy Infrastructure

2.— *Development comprising or for the purposes of any of the following:*

.....

- *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.*

7.2. Environmental Impact Assessment

Schedule 5 of the Planning and Development Regulations 2001, as amended (PDR) 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 applicant intends to submit an Environmental Impact Assessment Report.

7.3. Appropriate Assessment

Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('the Habitats Directive') is European Community legislation aimed at nature conservation.

The Habitats Directive requires that where a plan or project is likely to have a significant effect on a European site(s), (and where the plan or project is not directly connected with or necessary to the nature conservation management of the European site), the plan or project will be subject to Appropriate Assessment (AA) to identify any implications for the European site(s) in view of the site's Conservation Objectives. The Habitats Directive is transposed into Irish law by Part XAB of the PDA, and the PDR.

The applicant is considering screening out the requirement for a Natura Impact Assessment.

8.0 Meeting with the Prospective Applicant

8.1. Meeting 1

A meeting was held with the prospective applicant on the 24th of November 2023. The details of this meeting are set out in the record contained on the file.

8.2. Meeting 2

A second meeting was held with the prospective applicant on the 6th of May 2024. The details of this meeting are set out in the record contained on the file.

9.0 Assessment

The key threshold to determine SID in this instance is the MW output. The proposed development of 7 turbines does not exceed the nominal threshold of 25 turbines. To be considered SID it will need to have a total output greater than 50 MW.

As clarified by the prospective applicant following the pre-application consultation meetings the proposed development will comprise of 7 turbines each with an output of 7.2 MW giving a range of between 50.4 MW.

This results in the nominal output exceeding the MW output by 0.4 MW. It is also noted that turbines have an output range, however, the applicant in its final letter does not mention this and cites a capacity of 7.2 MW only. On this basis of a maximum output it meets the threshold. The legislation does not set out or reference a minimum or maximum range for MW output. I note precedent ABP Ref: 312224 had the same MW output as Ballinla Wind Farm and was considered SID.

The Board should note that the prospective applicant was advised in its final meeting that any reduction in the number of turbines, for whatever reason, would likely have a material impact on whether the development constituted SID given it may not exceed the nominal megawattage. They were advised that the Board should be made aware of any such changes.

Having regard to the stated total output MW of the proposed development and the current wind turbine technology available to promoter of such projects, it can be reasonably concluded that the prospective development constitutes SID.

9.1.1. Conditions for SID

Accordingly, under Section 37A (2), the proposed development must fall within one or more of the conditions set out above in Section 7.1

The development would be of strategic economic and social importance to the state due to the significant economic contribution to the region and to the country as a whole. The development has the potential to have a strategic impact in meeting the State's renewable energy targets, it will meet the objectives of The Climate Action Plan 2024 and it will do so in a sustainable way through the provision of 9 turbines which will be connected to the national grid. The proposed development will assist in meeting national renewable energy targets and will also result in reductions in

carbon emissions from electricity generation and reduce the country's reliance on fossil fuels. The development would, therefore, satisfy the requirement set out in section 37A (2) (a).

The proposed development would contribute to the objectives of the National Planning Framework (NPF) and the provisions of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA). Having reviewed the NPF, the following relevant National Policy Objectives (NPOs) are noted which aim to reduce the carbon footprint and promote renewable energy:

- **NPO 54:** Reduction in the 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.

At a regional level I note that the RSES for the EMRA and, in particular Objective RPO 7.35 and 7.36, seeks to support the sustainable development of renewable wind energy.

Having regard to the above, it is considered 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. The development would, therefore, satisfy the requirement set out in section 37A (2) (b) of the PDA.

The site is fully contained within the area of one planning authority, OCC. Whilst the site is in relative proximity to the borders of counties Meath and Kildare with the potential for visual impacts, it is not considered the development will have a significant effect on the area of more than one planning authority. The development would not come within the scope Section 37A (2) (c).

9.1.2. Prescribed Bodies

In view of the 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.

9.1.3. Other Issues

It should be noted that the underground cable to provide grid connection to the existing 110kV substation at Philipstown may become the subject of pre-application discussions with the Board in due course under the provisions of Section 182A of the PDA. It will be the subject of a separate planning application.

10.0 Recommendation

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 PDA, and therefore satisfies Section 37A (1) of the PDA. 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 PDA.

It is recommended that the Board serve a notice on the prospective applicant, pursuant to Section 37 (B) (4) of the PDA stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development within the meaning of Section 37A of the PDA.

11.0 Reasons and Considerations

Having regard to the size, scale and location of the proposed wind farm and related development, and to the policy context, it is considered that the proposed development constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in section 37A (1) of the Act.

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.



Tomás Bradley,

Senior Planning Inspector

18th November 2024

Appendix A – Prescribed Bodies:

Note 1: The following is a list of prescribed bodies considered relevant for the purposes of section 37E(3)(c) of the Planning and Development Act 2000, as amended.

- Minister for Housing, Local Government and Heritage (Development Applications Unit).
- Minister for the Environment, Climate and Communications.
- Offaly County Council
- Meath County Council
- Kildare County Council
- Eastern & Midland Regional Assembly
- Transport Infrastructure Ireland
- An Chomhairle Ealaíon
- Fáilte Ireland
- Inland Fisheries Ireland
- Waterways Ireland
- Irish Aviation Authority
- Córas Iompair Éireann
- The Heritage Council
- An Taisce – the National Trust for Ireland
- Health Service Executive
- The Commission for Energy Regulation
- Uisce Éireann

Further notifications should also be made, where deemed appropriate.