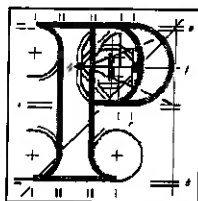


## **An Bord Pleanála**



### **Inspector's Report.**

**Case Ref. No:** ABP-318714-23

**Issue:** SID Pre-application – whether project is or is not strategic infrastructure development.

**Proposed Development:** Windfarm

**Location:** Briskalagh and surrounding townlands north of Kilmanagh, County Kilkenny

**Applicants:** Briskalagh Limited

**Planning Authority:** Kilkenny County Council

**Inspector:** Kevin Moore

## **1.0 Introduction**

- 1.1. The Board received a request on 14<sup>th</sup> December, 2023 from Briskalagh Limited to enter into pre-application consultation pursuant to section 37B of the Planning and Development Act 2000, as amended, in relation to a proposed wind farm development.
- 1.2. A Pre-Application Consultation meeting took place between An Bord Pleanála (the Board) and the prospective applicant on 9<sup>th</sup> February, 2024.
- 1.3. This Report is prepared following the request by the prospective applicant to close the Pre-Application Consultations between the applicant and the Board. The Report provides an overview of the proposed project, details of the legislative provisions, and gives a summary of the meeting. Furthermore, it discusses whether the proposed development would meet with requirements set out under the Planning and Development Act 2000, as amended.

## **2.0 Proposed Development**

- 2.1. The proposed development described in the initial submission to the Board comprised a wind farm development with 8 no. wind turbines with the potential to generate greater than 50MW of electricity. Associated development would include access roads and entrances, borrow pits, an on-site electricity substation, grid route connection electrical cabling, temporary construction compounds, and a permanent meteorological mast. The proposed development would be connected to the national grid via an underground electrical cable at the existing Ballyragget 110kV substation approximately 18.4km north-east of the site. The substation and grid connection cabling route would not form part of the planning

application and would be subject to a separate application under section 182A of the Planning and Development Act.

- 2.2. The site of the proposed development is located approximately 8.5km west of Kilkenny, with the village of Kilmanagh being sited approximately 1km to the south of the nearest proposed turbine. The 440 hectare site is made up of agricultural lands and forestry within the townlands of Briskalagh, Oldtownhill, Riesk, Ballycuddihy, Knockeenglass, Coolnapisha, Oldtown, and Kilmanagh.

### **3.0 Legislative Provisions.**

#### **3.1. Planning and Development Act 2000, as amended**

Section 37A of the Planning and Development Act 2000, as amended, includes the following:

- (1) An application for permission for any development specified in the Seventh Schedule 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 consultation under section 37B, the Board serves on the prospective applicant a notice in writing 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 Spatial Strategy or in any regional planning guidelines 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 of the Planning and Development Act 2000 sets out the infrastructure developments for the purpose of sections 37A and 37B of the Act. It includes the following:

- 1.- *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.*

#### **4.0 Applicant's Original Submission**

- 4.1. The Prospective Applicant considered that the proposed development should be regarded as Strategic Infrastructure Development. It was submitted:

- The proposed development would have a total power output greater than 50MW and would, therefore, exceed the generating capacity threshold specified in the Seventh Schedule.
- Due to the scale and output of the project, it would of strategic economic and social importance to the Region and the State. The capital investment required would cumulatively represent a considerable economic contribution to the Region and the State. It would assist in meeting national renewable energy targets.
- The proposed development would be in accordance with the promotion of sustainable energy development as set out in provisions of Project Ireland 2040, Climate Action Plan 2024, and the Southern Regional Spatial and Economic Strategy. It would significantly contribute

towards meeting sustainable renewable energy targets and objectives at local, regional and national levels.

- The proposed development would be located within the functional area of Kilkenny County Council. It is not anticipated that it would give rise to significant effects on the area of any other planning authority, with the exception of increasing the nationally available renewable energy resource.

## **5.0. Pre-Application Consultations**

### **5.1. *Meeting 1 – 9<sup>th</sup> February, 2024***

At the meeting, the prospective applicant provided an overview of the windfarm project, the policy context, the site context, site constraints, and the proximity to European sites. Reference was made to local authority planning policy, to scoping and to public consultation. Details were set out as to how the proposed development would constitute strategic infrastructure development in accordance with the Seventh Schedule of the Planning and Development Act and would meet with the provisions of section 37A of the Act. An outline of the structure of the EIAR was provided.

## **6.0 Letter of Closure**

- 6.1. The Board received a letter dated 21<sup>st</sup> June, 2024 seeking closure to the pre-application consultation process. Therein, it is submitted that the forthcoming application would be for permission for 7 no. turbines, a substation, and underground cabling connecting to the national grid at Ballyraggett 110kV substation. The projected output is stated to be less than 50 megawatts, falling

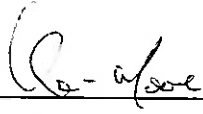
below the SID threshold set out in the Seventh Schedule of the Planning and Development Act, 2000, as amended. The prospective applicant now wishes to formally close the pre-application consultation process and It is requested that the Board determines that the proposed development does not constitute strategic infrastructure development.

#### **7.0. Assessment**

- 7.1. For a proposed development to be considered strategic infrastructure development, a project is required to exceed the thresholds established in the Seventh Schedule of the Planning and Development Act, 2000, as amended, as well as satisfying one or more of the three criteria set out in section 37A(2) of the Act. As the proposed development would not comprise an installation for the harnessing of wind power for energy production with more than 25 turbines or have a total output greater than 50 megawatts, it may reasonably be determined that it does not comprise a strategic infrastructure development for the purposes of the Act.

#### **8.0. Conclusion**

- 8.1. Having regard to the above considerations, I am satisfied to conclude that the proposed development does not fall within the class of energy infrastructure relating to a wind power installation for energy production as set out in the Seventh Schedule of the Planning and Development Act 2000, as amended. Therefore, I conclude that the proposed development does not constitute a strategic infrastructure development for the purposes of the Planning and Development Act. I recommend that the Board concurs with this conclusion.



**Kevin Moore**

**Senior Planning Inspector.**

**3<sup>rd</sup> July, 2024.**