

An  
Bord  
Pleanála

## Inspector's Report ABP 319601-24

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<b>Development</b>	15. no turbines and ancillary works
<b>Location</b>	Scart Mountain, Co. Waterford
<b>Prospective Applicant</b>	FuturEnergy Scart Mountain DAC
<b>Type of Application</b>	Section 37B of the Planning and Development Act, 2000, as amended.
<b>Date of Site Inspection</b>	13/04/23
<b>Inspector</b>	Pauline Fitzpatrick

## **1.0 Introduction**

The Board received a request dated 24<sup>th</sup> April, 2023 to enter into pre-application consultations under Section 37B of the Planning and Development Act, 2000, as amended, in relation to a proposed development comprising of 15 wind turbines and ancillary works.

The prospective applicant sought closure of the pre-application consultations by correspondence dated 31/07/24.

The prospective application previously engaged in pre-application consultations with the Board under the provisions of Section 37B of the Planning and Development Act 2000, as amended, for the said development (ref. ABP 315920-23). The Board determined that the proposed wind farm and associated works constitutes Strategic Infrastructure Development. The commencement of Section 37 CC(1) of the Planning and Development Act 2000, as amended, in December 2023, has necessitated a new pre-application consultation request so as to allow for an opinion on design flexibility.

## **2.0 Site Location and Description**

The site, which covers an approx. area of 970 hectares, is located c. 4km to the north- east of Cappoquin in County Waterford adjacent to the County Tipperary border. Approx. 682 hectares is in Coillte's ownership with the remaining lands privately owned. The majority of the site is covered in coniferous forestry with the northernmost area covered in peatlands.

The north end of the site includes Knocknanask Mountain with elevations between 290 and 486m OD in sloped terrain. A valley divides Knocknanask from Scart Mountain which reaches 428mOD. From the top of Scart Mountain the site slopes gradually down to the south to the lowest point of approx. 125mOD.

The site has a number of watercourses including the Glenshelane and Farnane Rivers.

Access is via the local road network from the N72 National Secondary Road. There are forest roads and several local roads within the windfarm site boundary.

### 3.0 Proposed Development

The proposed development comprises the following:

- 15 no. wind turbines with an electrical output of between 85.5 – 108 MW. The turbines are to have a blade tip height in the range of 179.5 to 185 metres, a hub height in the range of 102.5 to 110.5 metres and rotor diameter in the range of 149 to 163 metres,
- 110kV substation,
- 1 no. meteorological mast,
- 2 no. temporary construction compounds,
- Borrow pits,
- Access roads both new and upgrade of existing,
- All ancillary works.

The connection to the national grid via an underground connection from the proposed on-site 110kV electrical substation to Dungarven 110 kV substation will be subject of a separate Section 182A application (subject of pre-application consultations under ref. ABP 317824-23).

### 4.0 Planning History/Relevant Cases

**ABP 315920 -23** – pre-application consultation with the Board for 15 no. turbine windfarm and associated works. The Board, in a letter dated 24<sup>th</sup> January 2024 determined that the proposed development constitutes Strategic Infrastructure Development within the meaning of section 37A of the Planning and Development Act 2000, as amended, and that any application should be made directly to the Board.

**ABP 317824-23** – pre-application consultation with the Board for an underground grid connection to the Dungarven substation (c.16.4km) to facilitate the proposed wind farm. The Board in a letter dated 24<sup>th</sup> January, 2024 decided that the proposed development falls within the scope of section 182A of the Planning and Development Act, 2000, as amended, and that any application should be made directly to the Board.

**ABP 319602-24** – request for a design flexibility opinion for the proposed windfarm subject of this pre-application consultation.

## **5.0 Applicant's Case**

The prospective applicant's case is outlined in a letter (accompanied by maps) which was received with the consultation request dated 24<sup>th</sup> April 2024 and the presentation made to the pre-application consultation meeting held 22<sup>nd</sup> May 2024.

The applicant contends that:

- The development would be of strategic economic and social importance to the state due to the potential to generate a large quantity of electricity to contribute to Ireland's energy targets with significant capital investment required, representing a significant economic contribution to the region including provision of community development funding upon commissioning.
- It would contribute substantially to the fulfilment of objectives in the National Planning Framework, specifically policy objectives 54 and 55.
- The proposal is in accordance with the Regional Spatial and Economic Strategy for the Southern Region and is specifically supported by regional policy objectives RPOs 87, 95, 96, 98, 99, and 219.
- Based on the preliminary turbine layouts under consideration and landscape and visual impacts, it is not considered likely that the development would have a significant effect on more than one planning authority. It is situated entirely within County Waterford in close proximity to the border with County Tipperary.

The prospective applicant concludes that the proposed development comes within the 7th schedule and satisfies two of the three criterion set out in Section 37A(2) of the Planning and Development Act 2000, as amended.

## **6.0 Consultations**

1 no. pre-application meeting was held with the prospective applicant on 22<sup>nd</sup> May, 2024.

The principal matters arising related to:

- Policy context and current Waterford County and City Development Plan provisions,
- Visual and landscape impacts,
- Residential amenities and separation distances,
- Cumulative impacts with existing, permitted and proposed windfarms,
- Landscape and visual impacts,
- Peat stability,
- Turbine delivery route,
- Watercourses and hydrological considerations,
- Biodiversity considerations
- European Sites and priority habitat,
- Proposed grid connection,
- Consultation with prescribed bodies.

## **7.0 Legislative Provisions**

Section 2(1) of the Planning and Development Act 2000, as amended, 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 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.

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'*.

### **Environmental Impact Assessment**

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

### **Appropriate Assessment**

The nearest Natura 2000 site is Blackwater River (Cork/Waterford) SAC which traverses the northern section of the site.

The applicant intends to submit a Natura Impact Assessment.

## 8.0 Assessment

### 8.1. Strategic Infrastructure

The proposed development will comprise of 15 turbines with an output of between 85.5 MW and 108 MW. A 110kV substation is to form part of the application. An underground cable is proposed to provide grid connection to the existing 110kV substation at Dungarven which the Board has determined comes within the scope of section 182A of the Planning and Development Act, 2000, as amended. It is to be subject of a separate application.

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'. 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.

Accordingly under Section 37A(2), the proposed development must fall within one or more of the following conditions:

***(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,***

The prospective applicant's case is that the proposal satisfies the conditions under 37A(2)(a) of the Act due to the scale of the project which would generate more than 50MW.

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 significant 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 15 no. 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.

Having regard to the national and regional policy context and the details of the subject proposal outlined above, I am satisfied that the development would be of strategic economic importance to the State and the Region and would, therefore, comply with the requirements set out in section 37A(2)(a) of the Act.

***(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,***

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 Southern Regional Assembly. Having reviewed the NPF, I note the following relevant National Policy Objectives (NPOs) 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 Southern Region and, in particular Objective RPO 99, seeks 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.

Having regard to the above, I am satisfied that the development would meet the relevant national policy objectives of the NPF and would serve to fulfil the relevant regional policy objectives of the RSES for the Southern Regional Assembly. The development would, therefore, satisfy the requirements set out in section 37A(2)(b) of the Act.



***(c) the development would have a significant effect on the area of more than one planning authority.***

The site is fully contained within the area of one planning authority, Waterford City and County Council. While the site is immediately adjacent to the border with Tipperary County Council with the potential for visual impacts, I am satisfied that the proposed development will not have a significant effect on the area of more than one planning authority.

Accordingly, I am of the opinion that the proposal would not come within the scope of this requirement to be considered as complying with section 37A(2)(c) of the Act.

## **8.2. Prescribed Bodies**

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 in respect of any future application for approval.

## **9.0 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 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) and Section 37A(2)(b) of the Act.

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.

## 10.0 Reasons and Considerations


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 comprising the development of a 15 turbine windfarm with an overall output of over 50MW with associated infrastructure on a site at Scart Mountain in Co. Waterford 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 Section 37A(2)(a) and 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.



**Pauline Fitzpatrick**  
**Senior Planning Inspector**

 **August, 2024**

## **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 (Development Applications Unit).
- Minister for the Environment, Climate and Communications.
- Tipperary County Council
- Southern Regional Assembly
- Transport Infrastructure Ireland.
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council
- Inland Fisheries Ireland
- Uisce Eireann
- Health Service Executive
- Irish Aviation Authority
- The Commission for Energy Regulation

Further notifications should also be made, where deemed appropriate.