

An
Coimisiún
Pleanála

Inspector's Report

ABP-320137-24

Development:

Proposed development of a 9 no. wind turbine renewable energy project and 110kV on site substation

Location:

In the townlands of Cushina, Clonsast Lower and Chevychase or Derrynadarragh near Bracknagh, in County Offaly and the townlands of Aughrim and Derrylea near Monastervin in County Kildare

Prospective Applicant(s):

Dara Energy Limited

Type of Application:

Pre-Application Consultation under section 37B of the Planning and Development Act 2000 as amended

Planning Authority:

Offaly County Council, Kildare County Council and Laois County Council

Date of Site Inspection:

5th September 2024

Inspector:

Laura Finn

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1.0 Introduction

The Board received a request on the 9th July 2024 from Dara Energy Limited to enter into pre-application consultation in relation to whether or not a 9 no. windfarm development and associated 110kV on-site substation constituted strategic infrastructure as defined by the Act.

Two pre-application meetings took place between An Bord Pleanála (the Board) and the prospective applicant on 11th September 2024 and on 12th December 2024.

This report is prepared following a request by the prospective applicant to close the pre-application consultations between the applicant and the newly formed Coimisiún Pleanála. The report provides an overview of the proposed project, details of the legislative provisions, and gives a summary of the meetings. Furthermore, it discusses whether the proposed development would meet with requirements set out under the Planning and Development Act 2000, as amended.

2.0 Site Location and Description

The overall site is located just west of the village of Bracknagh and is accessed off the R419 regional road. The site is located in County Kildare (4 no. turbines proposed) and County Offaly (5 no. turbines proposed), with a proposed grid connection stretching into Laois County Council. The wind farm site comprises a flat topography dominated by peatland associated with the Derrylea Bog with elevations of c. 60 -71m OD. The site is predominantly peatland, agricultural pastures and patches of forestry. The Cushina River intersects the proposed wind farm. The River Barrow and River Nore SAC, a European site, is located c. 2.3km to the south.

There are no pending or consented planning applications within the subject lands. There are 5 no. approved windfarms within 15km of the Proposed Development.

3.0 Proposed Development

The proposed windfarm comprises of 9 wind turbines, a 110kV on-site substation to the western section of the site and associated connection to the national grid. The 9 no. turbines will have a total power output of c. 64.8MW. Each individual turbine will have a hub height of 105m and a tip height of 186m with a power output of 7.2MW.

Ancillary works include hard standing foundations, access tracks, 110kV substation, compound including control buildings and associated electrical equipment, underground cabling, drainage controls construction compound, tree felling etc.

There are two options for the proposed grid connection as follows;

- A. New onsite 110kV substation with 110kV underground cable to Bracklone Substation (currently under construction), which is located c. 10.4km to the south in County Laois.
- B. 33kV underground cable to new substation to be located adjacent to Treascon Substation (permitted as part of the Elgin Energy Solar Farm Project). Applicant advised that this is not yet included on Eirgrid construction projects list.

4.0 The Prospective Applicants Case (Summary)

The prospective applicant's case can be summarised as follows:

- The proposed development will contribute to the transition to a low carbon, climate resilient and environmentally sustainable economy which would be of strategic economic and social importance to the region and the State.
- The proposal complies with the policies contained within the National Planning Framework (NPF) in relation to renewable energy generation and sustainable development.
- The proposal complies with policies contained in the RSES of the Eastern and Midland Region.

5.0 Legislative Provisions

Section 37A of the Planning and Development Act 2000 (as amended) provides that an application for permission for any development specified in the Seventh Schedule shall be made directly to the Board if the proposed development would fall within one or more of the following paragraphs:

- (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.

Part 1 of the Seventh Schedule relates to energy infrastructure and includes the following category of development:

“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.”

6.0 Prospective Applicant's Case

With regards to whether the proposed development would fall within the scope of Strategic Infrastructure Development, the prospective applicant put forward their view that it would satisfy the relevant development threshold specified in the Seventh Schedule of the Act, as it would have a total output greater than 50MW.

(a) Is of Strategic Importance to the State or Region

The prospective applicant also considers that the proposed development would be of strategic economic and social importance to the region and the State and the Midlands and Eastern Region.

In summary, the applicant argues that the proposed development will contribute to the transition to a low carbon, climate resilient and environmentally sustainable economy in line with national policies and objectives such as the Climate Action Plan 2024 (CAP 24), the Climate Action and Low Carbon Development (Amendment) Act 2021 and National Policy Objective 55 from Project Ireland 2040: The National Planning Framework (NPF).

They contend that it is this commitment to energy and climate policy that justifies a clear need for more renewable energy generation in Ireland. The proposed development seeks to contribute to the ambitious renewable energy targets as set out in the Climate Action Plan (CAP) by acting as an integral part of completing many of the

actions set out in the CAP and help the country on its path towards achieving net-zero emissions by 2050.

The applicant considers that with a potential installed capacity of c. 50MW to 64.8MW, the proposed development should be considered economically and socially strategically important to the State in challenging climate change and meeting Irelands renewable energy targets.

The proposed development will create employment in the area. In addition, rates will be payable to the relevant local authorities by the developer and a Community Benefit Scheme will be put in place which will support strategic environmental and social objectives of the local community.

(b) Would Contribute Substantially to the Fulfilment of the National Planning Framework(NPF) / The Eastern and Midland Regional Strategy (RSES)

In terms of Section 37A(2)(b), the applicant contends that the proposed wind farm will contribute substantially to the fulfilment of the objectives of the NPF and RSES.

In the national context, the development would fulfil the commitment of several objectives from the NPF in relation to sustainable development of rural areas, sustainable management of natural capital, renewable energy generation and carbon footprint. The applicant highlights the importance of investment in renewable energy sources to increase share of renewables in Irelands energy mix for a transition to sustainable energy, as described in the NPF.

Regionally, the RSES is committed to the Region becoming a low-carbon and circular region. The addition of renewable electricity from the proposed Derrynadarragh Wind Farm would support the regions sustainable energy generation, in line with regional policy.

(c) Would have a Significant Effect on the Area of More than One Planning Authority

In relation to Section 37A(2)(c), the development is located within the administrative counties of Laois, Kildare and Offaly County Councils. The wind farm will be connected to the national grid and will provide renewable energy to the region over the lifetime of the project, thus displacing the emissions generated from using other less clean forms of energy generation.

Overall, it is the prospective applicant's case that the proposal would constitute Strategic Infrastructure Development within the meaning of Section 37A of the Act.

7.0 Pre-Application Consultations

Two meeting was held between the prospective applicant and the Board's representatives on 11th September 2024 and on 12th December 2024. The details of the meetings are set out in the records, as contained on the Coimisiún's file and summarised below.

8.0 Consultation Meeting

11th September 2024 (1st Meeting)

The prospective applicant gave a presentation to the Coimisiún's representatives, outlining details about the applicant, site location, the policy context, and the indicative proposed layout of the turbine configuration, substation location etc.

Following the presentation, the following issues were discussed:

- The purpose of the proposed bridge development crossing the Cushina River and consultations that have been carried out with regard to the proposed works on the river.
- Status of the two proposed substations and rationale for same.
- Applicant confirmed that one EIAR for both the wind energy and grid connection would be submitted.
- Discussion regarding submitting both the wind energy and grid connection infrastructure under Section 37.
- Discussions held with EirGrid regarding formal grid connection to date.
- Landownership
- Preliminary opinion on SID.

12th December 2024 (2nd Meeting)

The prospective applicant gave a presentation to the Coimisiún's representatives. They explained that they do not intend seeking a design flexibility opinion on the application. They outlined the detail of the proposed turbines and the grid connection.

Following the presentation, the following issues were discussed:

- Coimisiún's representatives noted that design flexibility opinion was not being sought.
- Clarification that details of locations of wind turbines had not altered since 1st meeting.
- Updates on consultations held with relevant stakeholders including prescribed bodies in relation to the bridge crossing discussed in first meeting.

A formal request to close the pre-application consultation was received by the Board on Wednesday 23rd July 2024.

9.0 Assessment

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

Based on the information submitted by the prospective applicant through the consultation process, the proposed development would provide 9 No. turbines with a total power output in excess of 50MW. Consequently, the proposed development would exceed the 50MW threshold for wind farms set out in Class 1 (Energy Infrastructure) of the Seventh Schedule of the Act.

The proposed development would therefore satisfy section 37A(1) of the Act.

Section 37A(2): Does the Proposed Development Fall within one or more of Sections 37A(2)(a), (b) and (c)?

Strategic Economic or Social Importance to the State or Region (S.37A(2)(a))?

The prospective applicant's case is that the proposed development satisfies the condition under section 37A(2)(a) of the Act due to its scale and the power output in excess of 50MW, which is considered to be of strategic economic and social importance to the region and the State.

The project would assist in meeting national renewable energy targets and would also result in significant reductions in carbon emissions from electricity generation, while serving a strategic economic function by reducing the country's reliance on imported fossil fuel. It would also entail a significant capital investment in the region and when taken in conjunction with development contributions, commercial rates, transmission system upgrades, employment etc. the project would represent a significant economic contribution to the region.

Having regard to the national and regional policy context and the nature and scale of the proposed development, as outlined above, I am satisfied that the development would clearly be of strategic economic importance to the State and the region and would therefore satisfy the condition set out in section 37A(2)(a) of the Act.

Fulfilment of NPF or RSES Objectives (S. 37A(2)(b))?

It is submitted by the prospective applicant that the proposed development would contribute to the objectives of the NPF and the provisions of the RSES for the Eastern and Midland Region. Having reviewed the NPF, I note the following relevant National Strategic Outcome 8 (NSO 8) and National Policy Objectives (NPOs) 54 and 55:

- **NSO 8:** 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 following is set out: *'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'.*

- **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.

At a regional level, consideration of policy in the E&MRA's RSES is relevant to consider and includes the following Regional Policy Objectives (RPOs):

- **RPO 4.84:** Support the rural economy and initiatives in relation to diversification, agri business, rural tourism and renewable energy so as to sustain the employment opportunities in rural areas. In keeping with the NPF, the Eastern and Midland Regional Assembly will support the longer term strategic planning for industrial peatland areas. This may include support, where appropriate, for a Transition Team in place and preparation of a comprehensive afteruse framework plan for the peatlands and related infrastructure, which addresses environmental, economic and social issues, including employment and replacement enterprise reflecting the current transition from employment based around peat extraction.
- **RPO 7.36:** Planning Policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing and Planning and Local Government publications relating to Wind Energy Development and the DCCAE Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and other relevant guidance which may be issues in relation to sustainable energy provisions.

Furthermore, the Regional Guidelines note that energy production including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas.

The proposal to generate over 50MW of renewable energy by using wind as a resource would assist in reducing greenhouse gas emissions and would contribute significantly towards the achievement of a low carbon economy.

In this regard, I am satisfied that the development would meet relevant NPOs of the NPF and would serve to fulfil the relevant RPOs of the RSES for the Eastern and

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

Significant effect on the area of more than one planning authority (S.37A(2)(c))?

The windfarm site is within the Offaly and Laois County Council administrative areas. The grid connection travels southwards into the administrative area of Laois County Council. In this regard, I consider that the Board can reasonably come to the conclusion that the development would have an effect on an area of more than one Local Authority. Accordingly, I am of the opinion that the proposed development would also fall within the scope of section 37A(2)(c) of the Act.

10.0 Conclusion

Based on the above assessment, I conclude 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 sections 37A(2)(a)(b) and (c) of the Act. Accordingly, the proposed development constitutes strategic infrastructure.

11.0 Recommendation

I recommend that the Coimisiún 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.

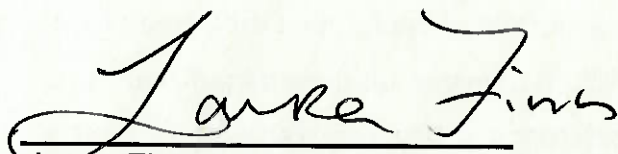
12.0 Reasons and Considerations

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), (b) and (c) of the Planning and Development Act 2000, as amended.

An application for permission for the proposed development must therefore be made directly to An Coimisiún Pleanála under section 37E of the Planning and Development Act 2000, as amended.

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.

A handwritten signature in black ink, reading 'Laura Finn', written over a horizontal line.

Laura Finn
Senior Planning Inspector

30th July 2025

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
- Minister for Agriculture, Food, Fisheries and the Marine
- Minister for the Climate, Environment and Energy
- Minister for Enterprise, Tourism and Employment
- Minister for Arts, Media, Communication, Culture and Sport
- Laois County Council.
- Kildare County Council
- Offaly County Council
- Eastern and Midland Regional Assembly
- Transport Infrastructure Ireland.
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council
- National Parks & Wildlife Service
- Inland Fisheries Ireland
- Irish Water
- Irish Aviation Authority
- Health Service Executive
- Commission for Regulation of Utilities
- Office of Public Works