



An
Bord
Pleanála

Inspector's Report

ABP-320703-24

Development

Construction of up to 19 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

in the townlands of Conaghra, Barroe, Lissadrone East & West, Billoos, Lecarrowntemple, Lackanhill, Ballymurphy, Carrowmore, Castletown, Castlelackan Demense, Aghaleague, Carrownedon, Ballynaleck, Carrowmachshane, Carn, Ballina, Co. Mayo.

Prospective Applicant(s)

Constant Energy Limited

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

2nd October 2024

Inspector

Laura Finn

Contents

1.0 Introduction	3
2.0 Site Location and Description.....	3
3.0 Proposed Development.....	3
4.0 Planning History	4
5.0 Precedent Decisions	4
6.0 The Prospective Applicants Case (Summary).....	5
7.0 Legislative Provisions.....	5
8.0 Prospective Applicant's Case.....	6
9.0 Pre-Application Consultations	8
10.0 Consultation Meeting 10 th October 2024.....	8
11.0 Assessment	9
12.0 Conclusion	12
13.0 Prescribed Bodies.....	12
14.0 Recommendation	12
15.0 Reasons and Considerations	12
Appendix A	14

1.0 Introduction

The Board received a request on 22nd August 2024 from Constant Energy Limited to enter into pre-application consultation in relation to whether or not a 19 no. windfarm development, a permanent 110kV substation, 110kV underground cable and grid connection to existing 110kV substation constituted strategic infrastructure as defined by the Act.

A pre-application meeting took place between An Bord Pleanála (the Board) and the prospective applicant on 10th October 2024.

A pre-application consultation for the development was previously submitted and determined to be SID (ABP File Ref ABP-315864-23). Since this determination, the number of turbines has been reduced and the site layout has changed, as per the current description of development of 19 wind turbines.

This report is prepared following a 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 Site Location and Description

The site of the Proposed Windfarm is located in north county Mayo, 6km to the north-west of the town of Killala, and east and southeast of Ballycastle. The proposed 'Tirawley Wind Farm' comprises 119ha and is located across twenty different townlands. The request provides a site layout map indicating the preliminary site layout of 19 no. wind turbines

3.0 Proposed Development

The proposed windfarm comprises of 19 wind turbines with a combined output of c. 79.05MW, two no. temporary construction compounds, one no. permanent operation building, two no. meteorological masts each with a height of 80m, one permanent

110kV Gas Insulated Substation, 13.59km of 110kV underground cable and tail fed grid connection to the existing Tawnaghmore 110kV substation.

4.0 Planning History

I am not aware of any relevant planning history on the prospective application site. As mentioned above, a determination of SID was made on the subject site for 21 no. wind turbines in ABP File Ref 315864-23.

5.0 Precedent Decisions

There have been a number of recent pre-application SID determinations in the wider area of northwest Mayo as listed in Table 5.1 below.

Table 5.1: Sample of SID determinations for wind farm pre-applications on the subject site and in the wider area

ABP File Reg	County	Date Signed	Description	Decision
315864	Co. Mayo	18/12/2023	Pre-application consultation for up to 21 no. wind turbines (Tirawley Wind Farm) grid connection and associated works, with a capacity of up to 72.45MW	Is SID
307264	Co. Mayo	01/11/2022	Pre-application consultation for the construction of up to 13 no. wind turbines, grid connection and all associated works	Is SID
309375	Co. Mayo	04/04/2022	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	03/08/2022	Wind energy development for 21 wind turbines and all associated works	Is SID

6.0 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 Climate Action Plan 2024, the National Planning Framework (NPF) and the National Development Plan (NDP) in relation to renewable energy generation and sustainable development.
- The proposal complies with policies contained in the Regional Spatial and Economic Strategy (RSES) of the Northern and Western Region as adopted on 24th January 2020.

7.0 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.”

8.0 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 the proposed Wind Farm would satisfy the relevant development threshold specified in the Seventh Schedule of the Act, as it would have a total output greater than 50MW.

8.1 (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.

In summary, the applicant argues that the proposed development will have a significant contribution to employment and economic activity in the area. In addition, the development has the potential to have a significant impact in meeting the States renewable energy targets. The applicant states the development accords with The Climate Action Plan 2024 (CAP24) in terms of putting climate solutions at the heart of our social and economic development with measures. The applicant outlines the key messages from CAP24, specifically in relation to electricity and the immense challenge faced by the State to align with the national targets. (Chapter 12, CAP24)

It further notes Section 12.1.3 of the CAP24, which sets out the scale of the challenge for the electricity sector to meet the sectoral emissions ceiling which is immense and requires policies to be moved from an ‘end of decade’ target trajectory towards a ‘remaining carbon budget’ target. CAP24 sets an 80% target for electricity production from renewable sources by 2030 and highlights the need to remove barriers to the development of renewables.

The applicant contends that the proposed wind farm will contribute to the de-carbonisation of the Irish electricity network by producing 79.05MW of renewable electricity, contributing to governments 80% renewable electricity target by 2030.

The applicant notes that the current onshore wind capacity as of March 2024 is c. 4.8GW. The influence of the proposed development to the de-carbonisation of the

Irish electricity network will contribute positively to the issue of strategic social importance. In terms of climate change, the applicant notes that the development will displace c. 80,465 tonnes of CO₂ per annum from the largely carbon-based traditional energy mix following the initial payback period.

I note that there are inconsistencies in the text in the applicant's submission in relation to the number of wind turbines proposed, indicated as being 19 no. wind turbines in the initial description of the applicants report and then indicated as proposing 31 no. wind turbines under this section of the report. I am satisfied that this is a typographical error.

8.2 (b) Would Contribute Substantially to the Fulfilment of the National Planning Framework/Regional Strategy

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 National Planning Framework (NPF) and The Regional Spatial and Economic Strategy for the Northern and Western Region (RSES).

In the national context, the development would fulfil the commitment of several objectives from the NPF and the NDP in relation to strategic development and infrastructure investment, specifically in relation to 'Climate Action' which advises that new energy systems and transmission grids will be necessary for a more distributed, renewable-focused energy generation systems.

The applicant states the proposed development will contribute substantially to National Strategic Outcome (NSO) 13 (transition to a Climate-Neutral and Climate-Resilient Society), as well as National Policy Objective (NPO) 54 (reduction of carbon footprint) and NPO 55 (Promotion of renewable energy use and generation at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050).

The applicant notes that the RSES highlights the need to create a combined long-term vision for the future of both energy supply and our ability to generate renewable energy. The applicant notes that Regional Policy Objective for the NWRA to coordinate the identification of potential renewable energy sites of scale in collaboration with Local Authorities and other stakeholders within three years of the adoption of the RSES and to support the development of secure, reliable and safe supplies of renewable energy,

in order to maximise their value, maintain inward investment, support indigenous industry and create jobs.

I note that there are inconsistencies in the text in the applicant's submission in relation to the output of the proposed development, indicated as being 79.05MW in the initial description of the applicants report and then indicated as having an output of 114MW under this Section of the Report. I am satisfied that this is a typographical error and that the correct figure is 79.05MW.

8.3 (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 area of County Mayo. It is situated more than 15km from Co. Sligo and is considered by the applicant that the development would not have any significant effects, either direct or indirect on the adjoining Planning Authority.

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.

9.0 Pre-Application Consultations

A single meeting was held between the prospective applicant and the Board's representatives on 10th October 2024. The detail of the meeting is set out in the records, as contained on the Board's file and summarised below.

10.0 Consultation Meeting 10th October 2024

The prospective applicant gave a presentation to the Board's representatives outlining details of the planning history, the project proposals, the proposed site location, presenting plans of the site location, the wind farm layout and the proposed grid connection route. Aspects of the Environmental Impact Assessment Report (EIAR) to be submitted was briefly discussed including studies and reports completed to date.

Relevant planning legislation and policy context in relation to the proposed wind farm was discussed and the applicant gave the opinion that the proposed development constituted Strategic Infrastructure Development.

Following the presentation, the following issues were discussed:

- It was confirmed by the prospective applicant that the proposed wind farm and the grid connection would be submitted to the Bord under Section 37A in one application.
- Design flexibility was discussed with the applicant. The applicant stated that they do not intend seeking design flexibility for the proposed development. The applicants are proposing two different wind turbine types, which will both be assessed in the EIAR as they relate to the site where they are specifically proposed. The prospective applicant was advised to be specific in the public site notices in relation to which wind turbine type is proposed at which specific location on the site.

A formal request to close the pre-application consultation was received by the Board on 18th November 2024. It confirmed that following review of the written record of the pre-application meeting held on 10th October 2024, the applicant are satisfied that it is an accurate and comprehensive record of the meeting.

11.0 Assessment

11.1 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 19 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.

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

11.2.1 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 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 through the creation of employment. It would also entail a significant capital investment in the region with the project representing 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.

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 similar wind farm projects such as those outlined in Table 5.1 of this report.

11.2.2 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 National Planning Framework (NPF) and the provisions of the RSES. 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 Regional Spatial and Economic Strategy for the Northern and Western Region is relevant to consider and includes the following Regional Policy Objectives (RPOs):

- **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'.*

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 NSO and NPOs of the NPF and would serve to fulfil the relevant RPOs of the RSES for the area. Accordingly, I consider the proposed development would therefore satisfy the requirement set out in section 37A(2)(b) of the Act.

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

The site is fully contained within the area of Mayo County Council. I am satisfied that the proposed development would not have a significant effect on any other planning authority area outside County Mayo. Accordingly, I am of the opinion that the proposed development would also fall within the scope of section 37A(2)(c) of the Act.

12.0 Conclusion

Based on the above assessment, it can be concluded 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.

13.0 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 A in respect of any future application for approval.

14.0 Recommendation

I recommend that the Board 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.

15.0 Reasons and Considerations

Having regard to the size, scale and location of the proposed wind farm which constitutes the provision of a 19 no. turbine wind farm with a total output of 79.05MW and all related/associated 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 Bord 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

Planning Inspector

26th November 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
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Minister for the Environment, Climate and Communications
- Mayo County Council
- Sligo County Council
- Transport Infrastructure Ireland.
- An Taisce
- An Chomhairle Ealaíon
- Environmental Protection Agency
- 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

Further notifications should also be made where deemed appropriate.

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.