



An
Bord
Pleanála

Inspector's Report ABP-320745-24

Proposed Development

17 wind turbines and associated development

Location

Carrigeen, Ballincurra, Ballinlee South, Ballingayrour, Ballinlea, Knockuregare, Ballinlee North and Camas South townlands, Bruff, County Limerick

Prospective Applicant

Ballinlee Green Energy Ltd.

Type of Application

Section 37B of the Planning and Development Act 2000, as amended

Date of Site Inspection

2nd October 2024

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. The Board received correspondence from the prospective applicant dated the 22nd day of August, 2024, requesting to enter into pre-application consultations under section 37B of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000'), in relation to a proposed development comprising of 17 wind turbines, a grid connection and ancillary associated works.
- 1.2. Following two pre-application consultation meetings, the prospective applicant sought closure of the pre-application consultations by correspondence dated the 13th day of May, 2025.

2.0 Site Location and Description

- 2.1. The site is located approximately 1.5km to the west of the town of Bruff in east County Limerick. It primarily comprises a patchwork pattern of fields used for agricultural purposes, in particular bovine grazing, bounded by mature hedgerows and trees, and interspersed with commercial forestry, one-off housing and farmyards. A network of local roads and agricultural tracks traverse the subject lands, with the R516 regional road skirting the northern boundary of the site, connecting Tipperary town in the east with Croom to the northwest. The L1414 local road, known as the Athlacca Road, cuts through the centre of the site and the L1550 local road, connecting Bruree to the southwest with the R512 regional road to the east leading to Bruff, is situated on the southern boundary of the site.
- 2.2. Ground levels across the site drop from 90m above Ordnance Datum (OD) at the southern site boundary with the L1550 local road to 50m above OD at the Morningstar River, which flows in a westerly direction across the northern section of the site. The overall site area covers approximately 21 hectares and stretches for 5km between the northern and southern boundaries, and for 3km between the eastern and western boundaries. The immediate and wider area is characterised by gently-rolling agricultural fields.

3.0 Proposed Development

- 3.1. The proposed development would consist of the following elements:

- 17 wind turbines with a stated combined power output of between 75 megawatts (MW) and 95 MW;
- site access roads and electrical cabling;
- an on-site 110 kilovolt (kV) electrical substation;
- a meteorological mast;
- a temporary-construction compound;
- borrow pits and spoil-management areas;
- all ancillary site, grid connection and turbine-delivery route works.

3.2. The proposed connection to the national grid would be via a stated 26.7km long, 110kV cable extending underground from the proposed on-site electrical substation to Killonan substation, a 110kV / 220kV substation located on the southeastern periphery of Limerick city. The proposed development layout indicates five turbines on the parcel of the site north of the Athlacca Road, with the remaining 12 turbines to the south of this road. Each of the proposed turbines would feature maximum rotor diameters of 136m, 16 of the turbines would have a maximum tip height of 160m and one turbine (no.6) would feature a maximum tip height of 150m. The turbine-delivery route would run from Foynes port, passing along the N69 national road towards Limerick city, before taking the M20 motorway / N20 national road south to Croom and following the R516 regional road east to the subject turbine site. A ten-year permission is being sought for the development, which would have a 35-year operational lifespan. The prospective applicant did not request any design flexibility as part of the pre-application consultation.

4.0 Planning History / Relevant Cases

4.1. Subject Site

4.1.1. The following planning applications, dating from the previous five years, relate to lands on the subject site or directly adjoining the site, which are indicative of the rural, agricultural character of the area:

- Limerick City and County Council (LCCC) reference (ref.) 22/1239 – in May 2023 the Planning Authority granted permission for the demolition of existing buildings and the construction of an open slurry tank, manure store, stables and wood-chip arena at Carrigeen townland close to the northern boundary of the site;
- LCCC ref. 22/1195 – in January 2023 the Planning Authority granted permission for a single-storey extension to a house at Knockuregare townland along the L1550 local road in the southeast corner of the site;
- LCCC ref. 20/1097 – in March 2021 the Planning Authority granted permission for a house, garage, wastewater treatment system and percolation area at Ballinlee South townland along the L1550 local road adjoining the southern boundary of the site;
- LCCC ref. 20/155 – in June 2020 the Planning Authority granted retention permission for a domestic garage and site development works, as well as permission for a front rooflight at Ballinbea townland along the Athlacca Road adjacent to the site.

5.0 Applicant's Case

5.1. The prospective applicant's case is initially set out in a cover letter and an accompanying Preliminary Project Details report, which were received with the consultation request dated the 22nd day of August, 2024, and subsequently expanded upon at the presentations and discussions made during the pre-application consultation meetings held on the 25th day of October, 2024, and the 20th day of March, 2025. The prospective applicant asserts that:

- the nature and scale of the proposed development would come within the thresholds set out in the Seventh Schedule of the Act of 2000;
- based on the provisions of the Limerick Development Plan 2022-2028, the site is located in a 'preferred area' for wind-energy development;
- access to the site would be primarily from the R516 regional road along the northern boundary;

- the preliminary turbine layouts are based on comprehensive environmental constraints and baseline studies, with further refinement anticipated as the project progresses;
- consultation with Limerick City and County Council and other parties has commenced;
- the project would entail a significant economic contribution to the region and the State;
- the project would play a significant role in terms of achieving national and regional targets for renewable energy.

6.0 Consultations

6.1. During the initial pre-application consultation meeting held between representatives of the Board and the prospective applicant on the 25th day of October, 2024, the principal matters arising at this meeting related to:

- visual and landscape impacts, including photomontages;
- residential amenities, including minimum separation distances;
- turbine delivery and construction traffic routes, including land ownership and potential option to use the permitted Adare bypass route;
- watercourse crossings;
- biodiversity considerations, including trees and hedgerows, surveys, habitats on site, and biodiversity enhancement measures;
- archaeological and cultural heritage sites;
- ground conditions;
- gas infrastructure and forestry felling;
- consultations and community engagement.

6.2. A second pre-application consultation meeting was held between representatives of the Board and the prospective applicant on the 20th day of March, 2025. The principal matters arising at this meeting related to:

- visual Impacts, including context in 'hilly and flat farmland' with relatively low-lying flat terrain, screening elements, the development appearance from Lough Gur architectural conservation area (ACA) and the appearance of one 150m-high turbine relative to the other 16 taller turbines;
- human health, including impacts from noise, shadow flicker and dust;
- biodiversity, including ecological and habitat surveys, Whooper Swan Management Plan, protected species, trees and hedgerows, invasive species and connectivity with European sites;
- water, including methodology for watercourse crossings, flood risk assessment and consistency in mitigation measures to address water quality;
- transport and traffic, including the intended construction traffic route, the turbine-delivery route, and the grid-connection route options and details;
- material assets, including gas-pipeline infrastructure, forestry felling and impacts on farming operations;
- soils and geology, including site investigations, quantities of exported and imported materials, borrow-pit proposals and any interaction with the water table;
- cultural heritage, including turbines and tracks potentially overlapping or adjacent to recorded sites;
- consideration of alternatives;
- consultation with the Planning Authority, Transport Infrastructure Ireland or other interested organisations and parties, including the public.

7.0 Legislative Provisions

7.1. Section 2(1) of the Act of 2000 defines 'strategic infrastructure' as including:

(a) any proposed development in respect of which a notice has been served under section 37B(4)(a).

7.2. Section 37A of the Act of 2000 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.

7.3. The current strategic infrastructure development thresholds are set out within the Seventh Schedule of the Act of 2000. The relevant threshold in the Schedule for a wind-energy 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 (EIA)

7.3.1. Schedule 5 of the Planning and Development Regulations 2001, as revised (hereinafter 'the Planning Regulations'), transposes Annexes I and II of the EIA Directive and sets out prescribed classes of development for which an environmental impact assessment is required. Part 2 of Schedule 5 to the Planning Regulations provides that mandatory EIA is required for various classes of development, including the following:

- Class 3(b)(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

7.4. The nearest European Sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs), are identified in table 1 below. The applicant intends to submit a Natura Impact Statement.

Table 1. Neighbouring European Sites

Site Name / Code	Distance / Direction	Qualifying Interest / Special Conservation Interest
Glen Bog SAC 001430	5km / northeast	91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)*
Tory Hill SAC 000439	9km / northwest	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites) 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> * 7230 Alkaline fens
Ballyhoura Mountains SAC 002036	15km / south	4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 7130 Blanket bogs (* if active bog)
Blackwater River (Cork / Waterford) SAC 002170	15.5km / south	1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1220 Perennial vegetation of stony banks 1310 <i>Salicornia</i> and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles

		<p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>1095 Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)</p> <p>1099 River Lamprey (<i>Lampetra fluviatilis</i>)</p> <p>1103 Twaite Shad (<i>Alosa fallax fallax</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1421 Killarney Fern (<i>Trichomanes speciosum</i>)</p>
Lower River Shannon SAC 002165	17km / northeast	<p>1110 Sandbanks which are slightly covered by sea water all the time</p> <p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1150 Coastal lagoons*</p> <p>1160 Large shallow inlets and bays</p> <p>1170 Reefs</p> <p>1220 Perennial vegetation of stony banks</p> <p>1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</p> <p>1410 Mediterranean salt meadows (Juncetalia maritimi)</p> <p>3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p>

		1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) 1095 Sea Lamprey (<i>Petromyzon marinus</i>) 1096 Brook Lamprey (<i>Lampetra planeri</i>) 1099 River Lamprey (<i>Lampetra fluviatilis</i>) 1106 Salmon (<i>Salmo salar</i>) 1349 Common Bottlenose Dolphin (<i>Tursiops truncatus</i>) 1355 Otter (<i>Lutra lutra</i>)
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8.0 Assessment

8.1. Proposed Development

- 8.1.1. The proposed development would comprise 17 turbines with a stated combined power output of between 75 MW and 95 MW. An on-site electrical substation is to form part of the development proposals and an underground cable is proposed to provide the grid connection to the existing 110kV / 220kV substation at Killonan near Limerick city.

8.2. Strategic Infrastructure - Thresholds

- 8.2.1. In considering whether or not a project comes within the statutory definition of a strategic infrastructure development, there are two stages in the process. The first stage comprises consideration as to whether the project would exceed thresholds set out within the Seventh Schedule of the Act of 2000. The relevant class in this Schedule outlining thresholds for wind-energy projects, states that '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' would fall into the category of a strategic infrastructure development. Having regard to the combined stated power-generating capacity range for the proposed development, I am satisfied that it exceeds the stated minimum threshold and, therefore, comes within the provisions of section 37A(1) of the Act of 2000.

8.3. Strategic Infrastructure - Conditions

- 8.3.1. For the second stage of the assessment process, under section 37A(2) of the Act of 2000 the proposed development must fall within one or more of the following conditions (a, b or c), as detailed below.
- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situated
- 8.3.2. The prospective applicant asserts that the proposed development would satisfy the requirements set out in section 37A(2)(a) of the Act of 2000, as the project would represent a capital investment of over €150 million which, when combined with the commercial rates, contributions, community gain and associated infrastructure improvements, would cumulatively represent a significant economic contribution to the southern region and the State.
- 8.3.3. The development has the potential to have a significant impact in meeting the State's renewable-energy targets, it would aid the achievement of objectives in both the Climate Action Plan 2024 and the Climate Action Plan 2025, and it would do so in a sustainable way through the provision of 17 turbines to be connected to the national electrical grid. The proposed development would assist in meeting national renewable energy targets, would assist in reducing carbon emissions from electricity generation, would assist in reducing the state's reliance on fossil fuels and in doing so would be of strategic economic importance to the southern region and the State. Furthermore, the proposed development would entail a substantial stated capital contribution in the region and, thereby, would be of strategic economic importance to the southern region.
- 8.3.4. 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 southern region, and would, therefore, comply with the provisions set out in section 37A(2)(a) of the Act of 2000.
- 8.3.5. Notwithstanding the necessity to comply with one of the three conditions of section 37A(2) of the Act of 2000, for comprehensiveness I assess the proposals against the remaining two conditions below.

(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 situated

8.3.6. The recently revised National Planning Framework contains the following relevant National Policy Objectives (NPOs):

NPO 69 – Reduce our carbon footprint by integrating climate 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 as expressed in the most recently adopted carbon budgets;

NPO 70 - Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050;

NPO 74 - Each Regional Assembly must plan, through their Regional Spatial and Economic Strategy, for the delivery of the regional renewable electricity capacity allocations indicated for onshore wind and solar reflected in Table 9.1 below, and identify allocations for each of the local authorities, based on the best available scientific evidence and in accordance with legislative requirements, in order to meet the overall national target.

8.3.7. Table 9.1 of the National Planning Framework sets an additional renewable power capacity allocation of 978 MW from onshore wind for the southern region by 2030.

8.3.8. The prospective applicant asserts that the proposed development would satisfy the requirements set out in section 37A(2)(b) of the Act of 2000, as the project is estimated on an annual basis to offset 175,000 tonnes of carbon and provide power to approximately 42,000 Irish homes, and in doing so it would play a significant role in achieving national and regional targets for renewable energy.

8.3.9. The current Regional Spatial and Economic Strategy for the Southern Region, includes regional policy objectives (RPOs), including RPO 99 which seeks to support the sustainable development of renewable wind energy, both onshore and offshore at appropriate locations, and the provision of related grid infrastructure in the region in compliance with national wind-energy guidelines.

8.3.10. In this regard, I am satisfied that the nature and scale of the development, in particular the stated combined power output range, would be supportive of the achievement of NPOs 69, 70 and 74 of the National Planning Framework and would serve towards the achievement of RPO 99 of the Regional Spatial and Economic Strategy for the Southern Region. The proposed development would, therefore, also satisfy the provisions set out in section 37A(2)(b) of the Act of 2000.

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

8.3.11. The site, including the grid-connection route and the turbine-delivery route, is fully contained within the administrative area of Limerick City and County Council. The nearest of the proposed turbines would be approximately 9km from the administrative boundary with Cork County Council and 11km from the administrative boundary with Tipperary County Council. The visual impacts of the development from these administrative areas would not be likely to be significant given the stated maximum heights of the proposed turbines, the limited difference in ground levels between the turbine site and the nearest areas within the Cork and Tipperary County Council areas, the intervening relatively flat terrain and countryside, and the likely limited zone of visibility of the turbines from the Cork and Tipperary County Council areas. I am satisfied that the proposed development would not have a significant effect on the area of more than one Planning Authority. Accordingly, I am of the opinion that the proposed development would not comply with the provisions of section 37A(2)(c) of the Act of 2000.

8.4. **Prescribed Bodies**

8.4.1. Arising from the details presented in the pre-application case and given the scale, nature and location of the proposed development, it is recommended that the prospective applicant should consult with the prescribed bodies listed in appendix A of this report, in relation to the proposed development, in advance of submitting any future application for the proposed development.

9.0 Recommendation

- 9.1. Based on the foregoing assessment, it can be concluded that the proposed development would exceed the relevant threshold set out in the Seventh Schedule of the Act of 2000 and, therefore, satisfies the provisions of section 37A(1) of the Act of 2000. It can also be concluded that the proposed development is of strategic economic importance to the State and the southern region, and, accordingly, complies with the provisions of section 37A(2)(a) of the Act of 2000. Furthermore, in potentially contributing substantially to the fulfilment of NPOs 69, 70 and 74 of the National Planning Framework and RPO 99 of the Regional Spatial and Economic Strategy for the Southern Region, the proposed development would comply with the provisions of section 37A(2)(b) of the Act of 2000.
- 9.2. I recommend that the Board serve a notice on the prospective applicant, pursuant to section 37(B)(4) of the Act of 2000, 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 of 2000 for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the size, scale and location of the proposed windfarm and related development, and to the strategic and regional planning policy context, it is considered that the proposed development comprising 17 wind turbines, with a stated combined power output range of between 75MW and 95MW, and associated infrastructure on lands at Carrigeen, Ballincurra, Ballinlee South, Ballingayrou, Ballinbea, Knockuregare, Ballinlee North and Camas South townlands, west of Bruff in County Limerick, 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 said Act.
- 10.2. The proposed development is considered to be of strategic economic importance to the State and the southern region, and would contribute substantially to the fulfilment of objectives in the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region, and, accordingly, would satisfy the provisions 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.

- 10.3. 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.



Colm McLoughlin
Senior Planning Inspector

29th May 2025

Appendices

Appendix A

The following is a list of prescribed bodies considered relevant for the purposes of this proposed development and section 37E(3)(c) of the Act of 2000:

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

Further notifications should also be made, where deemed appropriate.