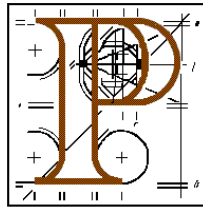


An Bord Pleanála



Inspector's Report.

Case Ref. No:	17.PC0214
Issue:	SID Pre-application – whether project is or is not strategic infrastructure development.
Proposed Development:	Proposed windfarm consisting of 25 no. turbines
Location:	Castletownmoor, near Kells, Co. Meath.
Prospective Applicants:	North Meath Wind Farm Limited
Planning Authority:	Meath County Council.
Inspector:	Stephen Kay

1.0 Site Location.

- 1.1 The site is located between c.4 and 10 km to the north east of Kells in County Meath and comprises a concentration of development around the Castletownmoor area. The development comprises part of the larger proposed Emlagh windfarm development which was the subject of a pre application consultation and subsequent application for permission under the Strategic Infrastructure Act, 2006 (as amended). The relevant references for these applications are 07.PC0178 and 17.PA0038.
- 1.2 The Emlagh wind farm application comprised five distinct clusters with development proposed to the north of Kells in the Clonagara area and to the east of the R.162 in Isealchriocha area in addition to three clusters around the Castletownmoor area. The current proposal is for these outlying areas to be removed from the development and the turbines are clustered around what was the central part of the Emlagh wind farm proposal.
- 1.3 The Castletownmoor site now proposed covers an area of approximately 20 sq. km and is relatively flat with a stated change in elevation across the site of c. 12 metres.

2.0 Proposed Development.

- 2.1 The proposed development comprises the construction and operation of a wind farm having a total of 25 no. turbines. The development is stated by the prospective applicant to have evolved from the previous proposal for the Emlagh windfarm for 46 no. turbines and reflects the decision of An Bord Pleanála to refuse permission for that development. The location and layout of the 25 no. turbines is the same as those located in the central clusters of the Emlagh windfarm which was refused permission.
- 2.2 The type of turbine proposed is large with heights of up to 169 metres, incorporating a 109 metre hub height and a 60 metre rotor diameter. Power output per turbine is stated by the prospective applicant to be in the range of 2.75 to 3.4 MW however the exact type of turbine unit proposed to be utilised has not been finalised. The total power output from the proposed development would therefore be up to 85MW (range of 68.75 MW – 85 MW). The delivery route to the site is stated to be the same as previously proposed for the Emlagh Windfarm and would be via the M3, N3 national secondary route and the N52. The prospective applicant has stated that the project has secured a Gate 3 grid connection from Eirgrid.
- 2.3 All cabling and power connections are proposed to be underground and grid connection is proposed to be to an existing sub station at Gorman located to the south east of the site via an on site sub station. The location of both the substation and the alignment of the grid connection are the same as that previously proposed for the Emlagh windfarm and the prospective applicant has confirmed that the application would be inclusive of the grid connection and substation elements. The application is also stated to include new access

tracks to the site, the upgrading of existing tracks, the erection of a permanent met mast, construction of two borrow pits and other ancillary works.

2.4 The prospective applicant has undertaken significant work on the preparation of an EIS as they have the EIS from the previous application and the supporting survey information gathered in connection with that application. The prospective applicant has stated to the Board that they have continued to undertake survey work relating to ecology in Q1 and Q2 of 2016 and will have additional data to incorporate into a future application. It was stated by the prospective applicant that they have been in consultation with the NPWS and IFI over a considerable period of time. The prospective applicant also states that meetings are being sought with, other key stake holders including Meath County Council. It is stated that a scoping report is to issue shortly for circulation to key stakeholders. It is also stated that revised landscape and visual impact assessment and photomontages are being prepared and other relevant assessments including those relating to noise and shadow flicker are being prepared.

2.6 The prospective applicant states that a public consultation meeting is proposed for April, 2016 and a booklet outlining the nature of the revised proposal was issued to all houses located within 1km of the proposed development in March, 2016. With regard to community benefit, the prospective applicant has proposals for the establishment of funds for the local community and a near neighbour fund for properties within 1 km of the site.

3.0 Case Made by Prospective Applicant

3.1 Representatives of the Board met with the prospective Applicant on the 8th April, 2016. Issues discussed at this meeting and detailed in the record of the meetings included, inter alia, the following:

- The applicant states that the revised proposal incorporating a reduced number of turbines would address the issues raised by the Board in the direction given under Ref. 07.PA0038. Specifically it was highlighted by the prospective applicant that the number of turbines has almost halved, that the overall extent of development has been reduced from c. 120 sq. km to c. 20 sq. km by the omission of the outlying Isealcricocha and Farragara clusters which significantly reduces the number of residential properties impacted and also increases the separation of the development from settlements including Moynalty, Lobinstown and Castletown.
- That the prospective applicant considers that the inspectors report and Board direction in respect of 07.PA0038 indicate that environmental issues, human health, noise, shadow flicker and potential effects on animals were not the basis of the refusal of permission.
- That it is considered by the prospective applicant that a reduction in the size of the project to 25 turbines and a concentration of development in one flat low lying area of the previous site would address the Boards main concerns.

- The prospective applicant highlighted the fact that the site was chosen from a number of potential national level locations following a constraint analysis and that the site is within an area that is identified in the Meath County Development Plan as having the highest capacity for wind farms.
- The prospective applicant highlighted the fact that Ireland faces major challenges in the future in terms of security of energy supply and meeting its renewable energy targets, both 2020 and the 2030 Framework for Climate and Energy. If it does not meet these targets significant fines are likely.
- The Board representatives highlighted the fact that the Board Direction in respect of 07.PA0038 makes reference to the Landscape Character Assessment for County Meath and also to the medium potential capacity for wind energy development cited in this document and stated that a future application would have to demonstrate consistency with this categorisation.
- The Board representatives indicated to the prospective applicant that the holding of a second meeting would be advisable in this case and that prior to such a second meeting that the Board could be informed of revised proposal. Any comments arising could be brought to the attention of the prospective applicant at a second meeting. The prospective applicant stated that they would consider this suggestion and revert back to the Board regarding whether they were agreeable to this approach or wished to close the pre application process at this point and seek a determination from the Board. By letter dated 22 April and received by the Board on 25th April, 2016, the prospective applicant formally requested that the pre application process would be closed and that a determination would be issued by the Board as to whether the proposal constituted strategic infrastructure.

3.2 The information submitted by the prospective applicant with regard to the aspects of the project that would fall within the scope of s.37(A)(2) of the Planning and Development (Strategic Infrastructure) Act, 2006 is brief and is contained in the request for pre application consultations received by the Board on 4th March, 2016. In summary, the prospective applicant has contended that:

Strategic Economic / Social Importance to State/Region

- The development would make a substantial contribution to the achievement of Ireland's 2020 renewable energy targets.
- That the development would be of strategic importance to the state and would comply with the State's strategic goals regarding energy.

Contribute to the Objectives of the NSS / RPGs

- That the proposed development would contribute substantially to the objectives of the renewable energy strategy 2012-2020 published in June 2012.

4.0 Legal & Legislative Provisions

- 4.1 In terms of compliance with the terms of the 7th Schedule of the *Strategic Infrastructure Act, 2006*, as amended by the *Planning and Development (Amendment) Act, 2010*, Class 1 provides that the following shall be infrastructure development for the purposes of sections 37A and 37B:

'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.'

- 4.2 Section 37A(1) says that 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. Section 37A(2) says

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.*

5.0 Assessment

5.1 Compliance with the 7th Schedule

Having regard to the nature and scale of the proposed facility comprising a total of 25 no. turbines and having a total power output of up to 85 MW), it is my opinion that the proposed development comes within the scope of class 1 of the Seventh Schedule of the Strategic Infrastructure Act, 2006 (as amended) being *'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.'*

5.2 s.37A(2)(a) - **Strategic Economic or Social Importance to the State or the Region**

- 5.2.1 The prospective applicant states that the proposed development would be of strategic economic importance to the State. The information provided to support this statement is limited and it would appear that it is partially based on the principle of national renewable energy policy and that the State would be

liable for fines and financial penalties in the event that renewable energy targets are not met. The prospective applicant provided some information to the Board during the pre-application consultation regarding research by SEAI that has suggested that the cost to Ireland of missing the 2020 targets could be between €70-140 million per percentage point shortfall. On this basis the proposed development could reduce potential fines for the State by up to €23 million.

- 5.2.2 At a regional level, while its scale is significantly reduced from that previously refused, the proposed development would still be one of the most significant energy projects to be developed in the region and would make a significant impact in terms of meeting the States renewable energy targets.
- 5.2.3 No reference is made by the prospective applicant to the employment generation that could be achieved by the revised development proposal. In the case of the previous proposal, figures of 225 construction jobs and 60 no. long term jobs were cited. Despite the reduced scale of development, the construction impact of the revised proposal in terms of employment and economic activity would likely be significant at a regional level. In addition to economic activity related to employment creation, the proposed development has in my opinion the potential to have a significant economic impact on the region in terms of revenues generated for landowners, local authority rates and a community contribution scheme / funds.
- 5.2.4 The proposed development is therefore considered to come within the scope of s.37A(2)(a) of the Act.

5.3 s.37A(2)(b) – Contribution to the achievement of the objectives of the NSS or RPGs

- 5.3.1 In the case of the revised proposal which is the subject of this pre application consultation, the prospective applicant does not indicate what provisions of the RPGs or NSS that the development would contribute toward the securement of. I note however the content of strategic recommendation PIR 26 contained in the Regional Planning Guidelines For the Greater Dublin Area, 2010-2022 which requires that *'Development plans and local authorities support through policies and plans, the targets for renewable generation so that renewable energy targets for 2020 and any further targets beyond 2020 which become applicable over the duration of the RPGs are met.'*
- 5.3.2 Given the scale of the proposed development and its potential role in meeting the 2020 renewable energy target and future renewable energy targets, it is my opinion that proposal would be consistent with this recommendation. I would also note Strategic Policy PIP 4 of the regional Planning Guidelines which states that the ICT and energy needs of the GDA shall be delivered through the lifespan of the guidelines by way of investment in new projects and corridors.

5.4 s.37A(2)(c) – Significant effect on the area of more than one Planning Authority

The application site is located entirely within the administrative boundary of Meath County Council. It is not envisaged that the proposed development would have any significant effects, either direct or indirect, on the area of Planning Authorities other than that of Meath County Council.

6.0 Conclusion

- 6.1 On the basis of the above, it is my opinion that the proposed facility would exceed the threshold set out in the 7th Schedule of the *Strategic Infrastructure Act, 2006*, as amended by the *Planning and Development (Amendment) Act, 2010*, Class 1 as, with the development of 25 no. turbines with individual power outputs in the range indicated (2.75 – 3.4 MW) it would have a power output in excess of the 50MW specified.
- 6.2 It is also my opinion that the proposed development falls within the parameters of s.37A(2)(a) and (b) of the *Planning and Development Act 2000* as amended by the *SI Act, 2006*.
- 6.3 In view of the above, it is therefore recommend that the Board determine that the development in question constitutes strategic infrastructure development as defined by Section 2(1) of the *Planning and Development Act 2000*, as amended by Section 6 of the *Planning and Development (Strategic Infrastructure) Act 2006* and that the prospective applicant be informed accordingly.

Stephen Kay
Inspectorate,
28th April, 2016