AN BORD PLEANÁLA
LDG- 039465-21
ABP- 310143-21
05 MAY 2021
Fee: € _____ Type: _____
Time: _____ By: post

Strategic Infrastructure Development
Section,
An Bord Pleanála
64 Marlborough Street
Dublin 1

Our Ref: 191139
Your Ref:

4th May 2021

Re: **Proposed Wind Farm Development Located at Ballydermot (and other townlands) County Offaly and the townland of Lullybeg (and other townlands) Co. Kildare**
Strategic Infrastructure Development (SID) Determination Request

Dear Sir/Madam,

On behalf of our client Bord na Móna Powergen Ltd, Main Street, Newbridge, Co. Kildare we are seeking a determination in relation to the Strategic Infrastructure Development (SID) status, or otherwise, of a proposed wind farm development at Ballydermot (and other townlands) County Offaly and the townland of Lullybeg (and other townlands) Co. Kildare. Bord na Móna are the legal owners of the indicated landholding. This request is being made in accordance with section 37B of the Planning and Development Act 2000, as amended ("the Act").

In support of this request we are enclosing for your convenience the following documents:

- **Site Location Map:**
  The site location map enclosed gives an outline of the study area for the project. The map has been prepared at 1:50,000 to best illustrate the location and characteristics of the site.
- **Site Context Map:**
  The site context map enclosed gives on outline of the general location of the subject site. The map has been prepared at 1:50,000 to best show the general location of the site.
- **Offaly Wind Energy Strategy Map:**
  A map is being provided to outline the sites context in relation to the current wind energy strategy contained within the Offaly County Development Plan 2014-2020. The map is being provided at 1:75,000.
- **Draft Wind Energy Strategy Map:**
  A map is being provided to outline the sites context in relation to the draft wind energy strategy contained within the Offaly County Development Plan 2021-2027. The map is being provided at 1:75,000.
- **Landscape Policy Designations Map:**
  The Landscape Policy Designations Map sets out the context of the subject site in relation to the current landscape designations of both County Kildare and County Offaly, the map is being provided at 1:75,000.
- **European Designated Sites Map**

The European Designated Sites Map depicts the special areas of conservation (SACs) and the special protection areas (SPAs) within a 15km buffer of the proposed development site.

As noted, the applicants Bord na Móna Powergen are seeking to open SID determination proceedings with An Bord Pleanála. As such on behalf of the application we are requesting that An Bord Pleanála schedule a meeting in relation to this project at their earliest convenience.

The project is at the preliminary design stage with the various assessments and surveys currently underway to inform the preparation of the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) that will accompany any future application. The outcome of, and feedback from, these ongoing assessments and surveys will ultimately inform the design of the project. While the design process for the wind farm has not yet been completed it is anticipated that due to the nature and scale of the study area and characteristics of the landscape and landforms in this area that the proposed wind farm could comprise a 50-55 no. wind turbine development. As the iterative design process associated with EIAR preparation progresses the Board will be provided with further details of the project layout.

In our opinion the proposed development does constitute Strategic Infrastructure Development (SID) under the relevant provisions of the Act (this is further discussed below). This opinion is based on the fact that the proposed development will exceed the relevant SID threshold for wind energy development, as set out in the Seventh Schedule of the Act (i.e. a wind farm with more than 25 turbines or a generating capacity in excess of 50MW) and taking into consideration the criteria set out within Section 37A(2) of the Act. Notwithstanding our opinion we note that An Bord Pleanála is the sole arbiter in relation to determining the SID status or otherwise of any proposed development and that each case is determined on its own merits.

Site Location

The study area for the proposed development is located 2.2km south-southeast of Edenderry, 3.3km west of Allenwood, 2km north of Rathangan and 1.7km east of Clonbullogue Village, and as shown in Plate 1 below is located within the functional area of both Offaly and Kildare County Councils.

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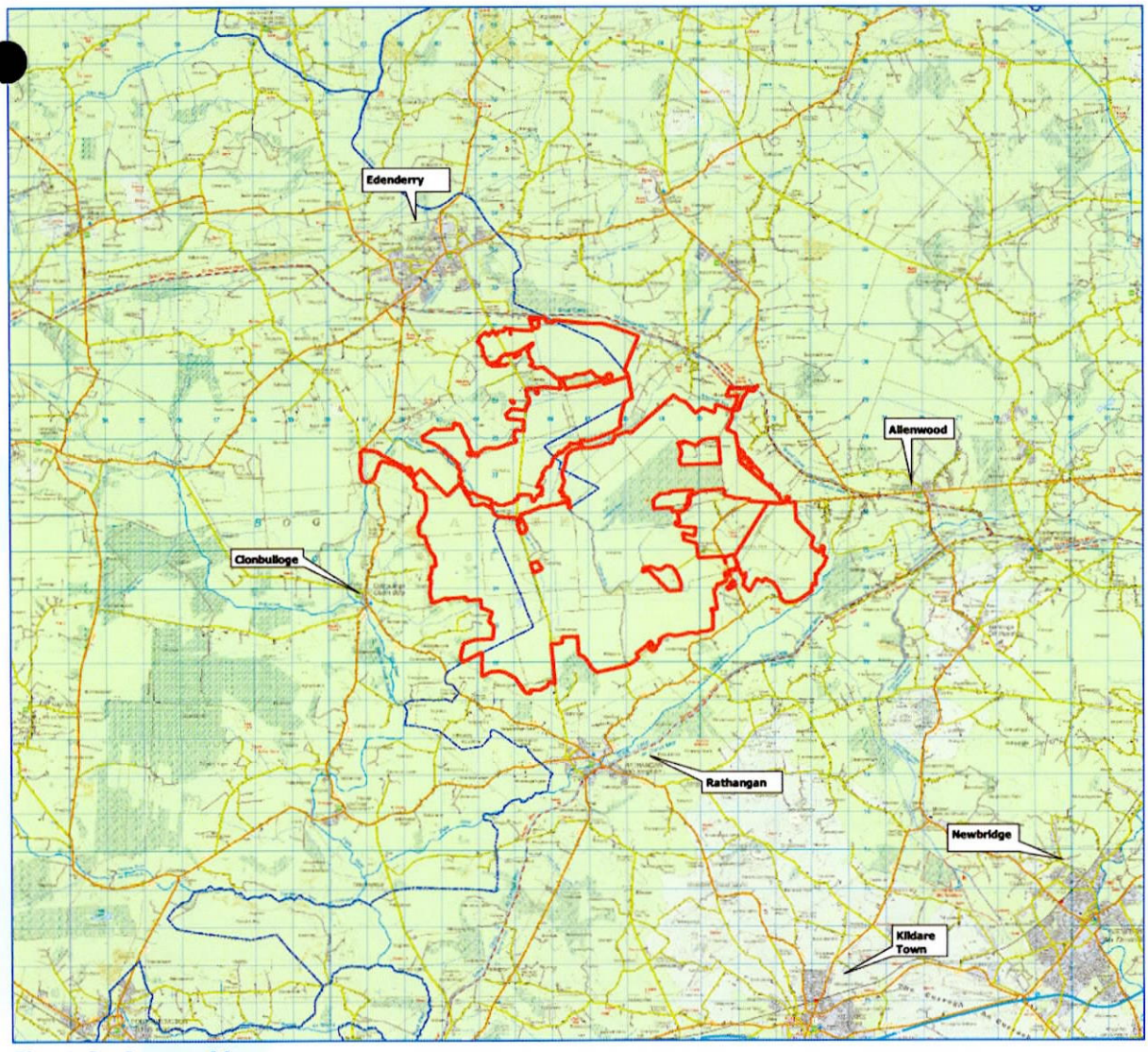


Plate 1- Site Location Map

The proposed development will be located on the Ballydermot Bog Group which comprises 14 No. bogs and is located on the border of County Offaly and County Kildare. The bogs include: Ticknevin, Glashabaun North, Glashabaun South, Codd 1, Codd 2, Ballydermot North, Ballydermot South, Blackriver, Lullymore, Lullybeg, Barnaran, Killina, Derrybrennan and Lodge

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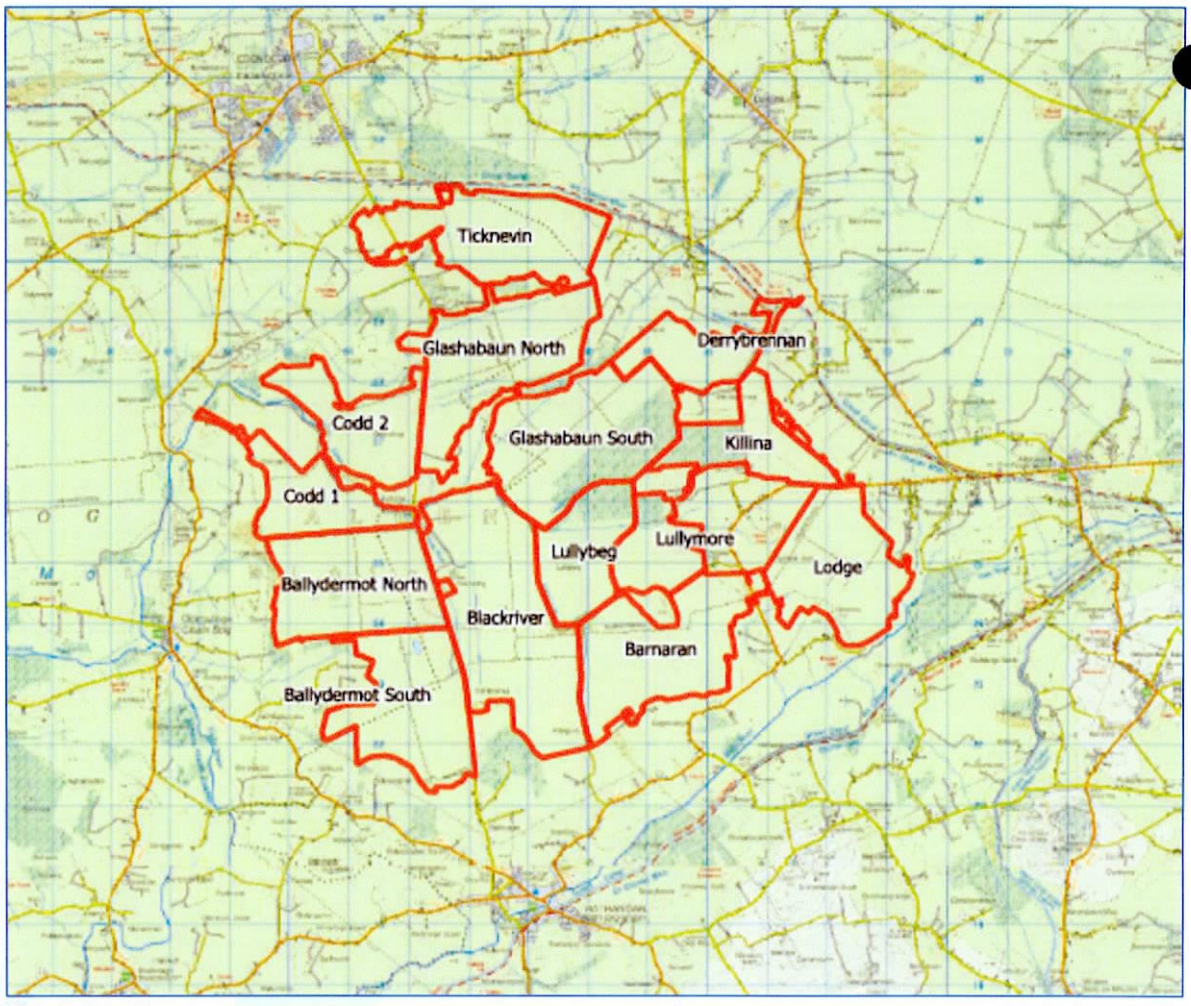


Plate 2- Bog Group

Development Description

Our client intends to apply for planning permission to construct a wind energy development within the identified study area that is located along the border between County Offaly and County Kildare.

While a preliminary layout has not yet been produced due to the scale of the study area it is anticipated that a wind farm of between 50-55 no. turbines can be accommodated on site and within the landscape setting. Further it is anticipated that turbines will have a generating capacity of approximately 4.8–6MW each depending on the eventual turbine installed (it should be noted that the final turbines to be installed on site will be subject to a competitive tender process). The proposed development will therefore have a generating capacity considerably in excess of the relevant seventh schedule thresholds (50MW or 25 turbines). An Environmental Impact Assessment Report (EIAR) is currently being prepared for the proposed development and therefore the turbine configuration and site layout is yet to be finalised, as it will be subject to an ongoing iterative design process arising from the feedback and outcome of the various assessments being carried out as part of the EIAR. The final layout of the turbines and all associated works will be fully informed by the various studies and assessments currently being carried out on site. The detailed design and layout of the proposed development will follow the appropriate available recommendations and guidelines. While a proposed site layout drawing has not been provided as part of this request, pending confirmation of the location of the relevant internal access roads and ancillary infrastructure (which will be completed

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in the coming weeks) it is intended to update the Board throughout the SID consultation process in relation to the emerging layout arising from the design process.

Planning Policy Context

The study area is located within the functional areas of both Kildare County Council and Offaly County Council. As such the proposed development site is subject to the provisions of both the Offaly County Development Plan 2014 - 2020 and the Kildare County Development Plan 2017-2023.

Offaly County Development Plan

The Offaly County Development Plan 2014-2020 (CDP) is the principal instrument that is used to manage change in land use in the County. The plan recognises that Offaly has had a long history of energy production, predominantly related to the commercial exploitation of peatlands. It has been identified that the energy market is changing and moving to a greater reliance on various forms of renewable energy. The CDP therefore highlights that there '*must be a renewed emphasis on energy efficiency to reduce the influence of the markets for carbon based fuel on our economic prosperity*'.

The CDP also highlights that *'the reuse of cutaway bog will present significant opportunities in the energy sector'*. In terms of their potential use the council state that:

> *"Cutaway bogs have potential land uses that can enhance both the employment and tourism sectors of the county as well as providing a potential habitat as much of the area will return to wilderness and contribute to the green infrastructure network."*

Section's 2.3.2 and 2.4.5 of the County Development Plan recognise that there is the potential for peatlands to accommodate large scale energy developments including wind farms.

The County Development Plan 2014-2020 sets a number of objectives in relation to energy/ renewable energy which include the following:

- **RDP–08:** It is Council policy to support the development of renewable energy in rural areas, where it is considered appropriate i.e., where it is demonstrated that such development will not result in significant environmental effects. Such development will be assessed on a case-by-case basis.
- **RDP–09**: It is Council policy to encourage and facilitate the development of local and community based renewable energy projects in the county, notwithstanding their suitability and additional considerations such as location, nature of use, compliance with relevant guidelines and scale, where it can be demonstrated that such proposals are feasible.
- **RDP–11**: It is Council policy to encourage expansion and employment in industries such as agriculture, horticulture, forestry, peatlands, food, crafts, tourism and energy. The proposed development which constitutes the provision of a renewable energy project on cutover bog is broadly compliant with the overall objectives of the County Development Plan. Furthermore, the proposal has been designed to minimise environmental impacts and accordingly is in accordance with the proper planning and sustainable development of the area.

The portion of the study area for the proposed development that is located within Co. Offaly is sited in within an area considered "*suitable for wind farm development*" under the current CDP.

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Draft Offaly County Development Plan 2021-2027

At present Offaly County Council are reviewing the existing Offaly County Development Plan 2014-2020 by preparing the new Offaly County Development Plan 2021-2027. Towards this end the Draft County Development Plan 2021-2027 (Draft CDP) has been produced and this includes an updated County Wind Energy Strategy (draft WES) This Strategy builds upon its predecessor contained in the current Offaly County. The draft WES identifies two designations for the development of wind energy within the County, as follows:

> *"It is the policy of the Council to assess proposals for new wind energy developments in accordance with Map No. 10 'Wind Energy Strategy Designations', Climate Action Energy Objective 03 (Chapter 3 Climate Action and Energy) and the following parameters:*
>
> *1. Areas Deemed Open for Consideration for Wind Energy Developments. These areas are open for consideration for wind energy development as these areas are characterised by low housing densities, do not conflict with European or National designated sites and have the ability by virtue of their landscape characteristics to absorb wind farm developments. Notwithstanding this designation, wind farm developments in these areas will be evaluated on a case by case basis subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Wind Energy Development Guidelines.*
>
> *2. Areas Not Deemed Suitable for Wind Energy Developments*
>
> *(a) This area is considered to be generally unsuitable for wind farm development due to significant environmental, heritage and landscape constraints and housing density.*
>
> *(b) Individual small scale turbines will be considered on a case by case basis having regard to relevant exemption provisions in the Planning and Development Regulations 2001 as amended.*
>
> *(c) Applications for re-powering (by replacing existing wind turbines) and extension of existing and permitted wind farms will be assessed on a case by case basis and will be subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Wind Energy Development Guidelines."*

The proposed development site within the administrative boundary of Offaly County Council, as per the provisions of the draft WES is located primarily within an area which has been designated with '*areas deemed open for consideration for wind energy developments*'. The site is located partially within an which has been deemed as '*areas not deemed suitable for wind energy development*'.

Kildare County Development Plan 2017-2023

The Kildare County Development Plan 2017-2023 (CDP) sets out the Council's strategic land use objectives and policies for the overall development of the County up to 2023. The council recognises that climate change is one of the biggest issues facing the environment and is widely regarded as being caused by the warming effect of greenhouse gases. Section 8.1 of the CDP notes that:

> *"The burning of carbon based fossil fuels is responsible for over half of all greenhouse gas emissions globally. These emissions are mainly generated from energy generation, transportation, industry and residential and commercial buildings. European and national*

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energy policy prioritise measures to support climate change resilience, through reduced energy consumption and increasing the proportion of energy consumed from alternative nonpolluting, low carbon and renewable energy sources (wind, solar, hydro, and geothermal) across the sectors."

The following policies are listed:

- ER 1: Respond to the European and National Energy Programme through the County Development Plan with policies and objectives that promote energy conservation, increased efficiency and growth of locally based renewable energy alternatives, in an environmentally and socially acceptable and sustainable manner.
- ER 2: Support infrastructural renewal and development of electricity and gas networks in the county, subject to safety and amenity requirements.
- ER 6: Support and encourage the sustainable development of renewable energy auto production units (the production of energy primarily for on-site usage) for existing and proposed developments in line with relevant design criteria, amenity and heritage considerations and the proper planning and sustainable development of the area.

It is noted that wind energy can make a significant contribution to reaching Ireland's renewable energy targets to 2020 and beyond. In relation to wind energy it is the policy of the Council to:

- WE 1: Have regard to the Department of the Environment, Heritage and Local Government's Guidelines for Planning Authorities on Wind Energy Development (or any update of this document) in assessing all planning applications for wind farms.
- WE 2: Encourage the development of wind energy in suitable locations in an environmentally sustainable manner and in accordance with Government policy and the Kildare Wind Energy Strategy.

SID Determination Criteria

Under Section 37A(2) of the Act the project must satisfy one of the following criteria:

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 consideration of the project in the context of these criteria is set out below:

37A(2)(a)- The development would be of strategic economic or social importance to the State or the region in which it would be situate,

Due to the scale of the proposal the project is of strategic economic and social importance to the. The capital investment required for a project of the scale proposed, when combined with the commercial rates, contributions, community gain proposals and infrastructure improvements associated with the operation of the proposed development will cumulatively represent a significant economic contribution to the Region and the State as a whole.

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The proposed development represents a large capital investment to construct the project, which on its own represents a significant investment in this area and region. The proposed wind farm has the potential to generate a large quantity of electricity to contribute to Irelands energy targets. Accordingly, the proposal is of strategic economic and social importance to the State and Region.

The project will assist in meeting national renewable energy targets and will also result in significant reductions in carbon emissions from electricity generation and reduce the Country's reliance on imported fossil fuels.

37A(2)(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 proposed development is in accordance with the promotion of sustainable energy development as set out in provisions of the National Planning Framework (NPF) and the provisions of the Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES). The NPF forms the top tier of the national planning policy structure, accordingly, establishing the policy context for the Regional Spatial and Economic Strategies and local level development plans. In an effort to move away from developer led development to one informed by the needs and requirements of society, a number of objectives and policies have been put in place in order for the country to grow and develop in a sustainable manner.

The proposal will significantly contribute towards the transition to a Low Carbon and Climate Resilient Society as noted within the NPF. For example it is an objective of the NPF to *'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'.*

A key aspect of the NPF surrounds the long-term sustainability of the environment, it aims to ensure that decisions that are made today meet our future needs in a sustainable manner:

> *"The manner in which we plan is important for the sustainability of our environment. Our planning system has influence across a wide range of sectors, both directly and indirectly and interacts with many common issues related to effective environmental management, including water services, landscape, flood risk planning, protection of designated sites and species, coastal and marine management, climate mitigation and adaptation, and land use change."*

The Government will address environmental and climate challenges through the following overarching aims as listed under 'Resource Efficiency and Transition to a Low Carbon Economy':

- Sustainable Land Management and Resource Efficiency;
- Low Carbon Economy;
- Renewable Energy; and
- Managing Waste.

In relation to the National Planning Framework ('NPF') Strategic Outcome no. 8 fully supports the transition to a low carbon and climate resilient society. It states:

> "*The National Climate Policy Position establishes the national objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally sustainable*

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economy by 2050. This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation Framework. New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation 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 to the major sources of demand."

Policy Objective 55 directly supports renewable energy:

"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 regional level, within the Regional Spatial and Economic Strategy ('RSES') for the East and Midland Region, the position of the region and its ability to contribute to a low carbon environment is clearly set out:

"The Region will need to shift from its reliance on using fossil fuels and natural gas as its main energy source to a more diverse range of low and zero-carbon sources, including renewable energy and secondary heat sources. Decentralised energy will be critical to the Region's energy supply and will ensure that the Region can become more self-sufficient in relation to its energy needs.

Generating electricity supply from indigenous renewable sources requires:

- *facilitating the provision of appropriate renewable energy infrastructure and technologies and deeper cooperation with Northern Ireland and the EU*
- *expansion and upgrading of the grid with the aim of increasing the share of variable renewable electricity that the all-island system can accommodate*
- *Onshore wind, bioenergy, solar and offshore energy*
- *Effective community engagement including support for micro generation*
- *Moving from carbon intense fossil fuel generation to lower emissions fuels*
- *Increasing the use of electricity and bioenergy to heat our homes and fuel our transport*
- *The need to ensure sufficient electricity to meet increased demand"*

The RSES has identified a number of key policies which have been designed to ensure the development of the energy networks in a safe and secure way to meet projected demand levels, to meet Government Policy, to ensure a long-term, sustainable and competitive energy future for Ireland to transition to a low carbon economy by 2050:

- RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. Including the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.
- RPO 10.22: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/ distribution of a

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renewable energy focused generation across the major demand centres to support an island population of 8 million people, including:

- Facilitate the delivery of the necessary integration of transmission network requirements to allow linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.

The proposed development will contribute towards increasing the levels of renewable energy supply in a manner that is consistent with the proper planning and sustainable development of the area and is therefore compliant in principle with the provisions of the NPF and RSES set out above.

37A(2)(c)- The development would have a significant effect on the area of more than one planning authority.

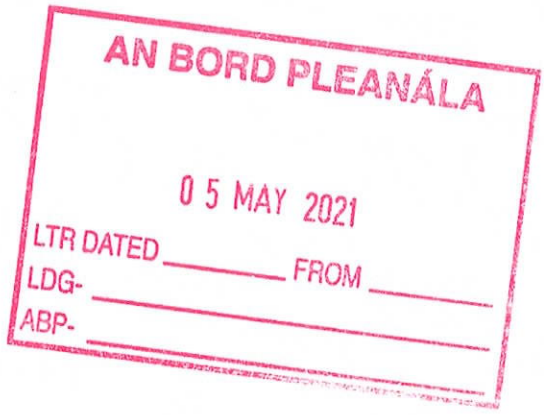
The third criterion set out in section 37A(2)(c), that the development would have a significant impact on the area of more than one Planning Authority is considered relevant in the context of the current proposal. The proposed development is located within the administrative boundary of both County Kildare and County Offaly. As such it is considered that the development would effect more than one Planning Authority.

In our opinion the proposed development does constitute Strategic Infrastructure Development (SID) under the relevant provisions of the Act. This opinion is based on the fact that the proposed development will exceed the relevant SID threshold for wind energy development, as set out in the Seventh Schedule of the Act (i.e. a wind farm with more than 25 turbines or a generating capacity in excess of 50MW) and taking into consideration the criteria set out within Section 37A(2) of the Act. Notwithstanding our opinion we note that An Bord Pleanála is the sole arbiter in relation to determining the SID status or otherwise of any proposed development and that each case is determined on its own merits.

The associated fee of €4,500.00 has been paid via EFT as of the 28th of April 2021.

Yours sincerely,

Paul Sweeney,
Planner,
MKO



Encl:

- Site Location Map:
- Site Context Map:
- Offaly Wind Energy Strategy Map:
- Draft Wind Energy Strategy Map:
- Landscape Policy Designations Map:
- European Designated Sites Map
- Required fee of €4,500.00 in cheque.

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Map Legend

- Ballydermot Site Boundary
- Offaly-Kildare County Boundary

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Drawing Title

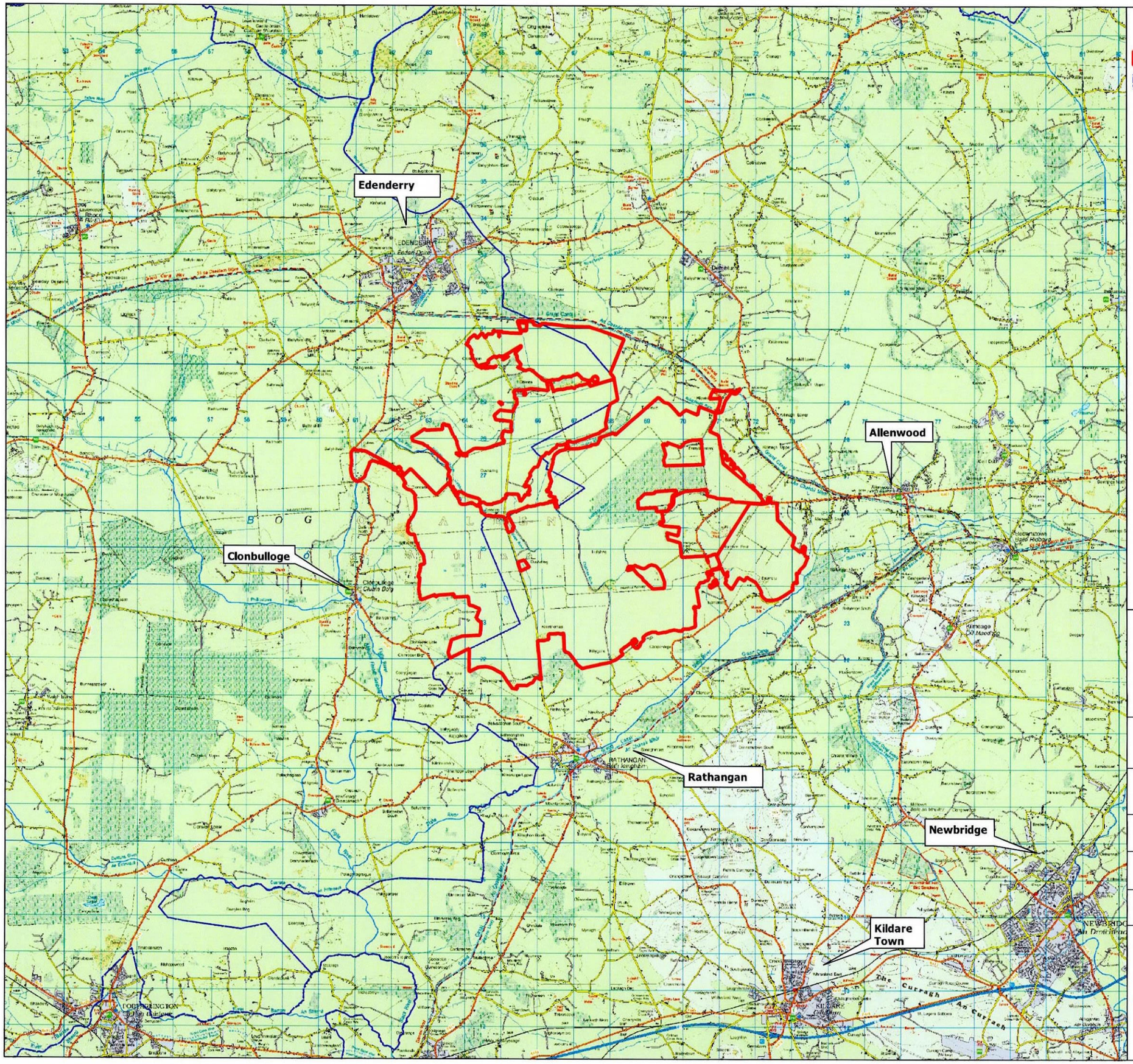
Site Context

Project Title

Ballydermot Wind Farm

Drawn By	Checked By
Karen Mulryan	Paul Sweeney
Project No.	Drawing No.
191136	X
Scale	Date
1:50,000	2021-04-08

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Map Legend

- Ballydermot Site Boundary
- Offaly-Kildare County Boundary

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Drawing Title

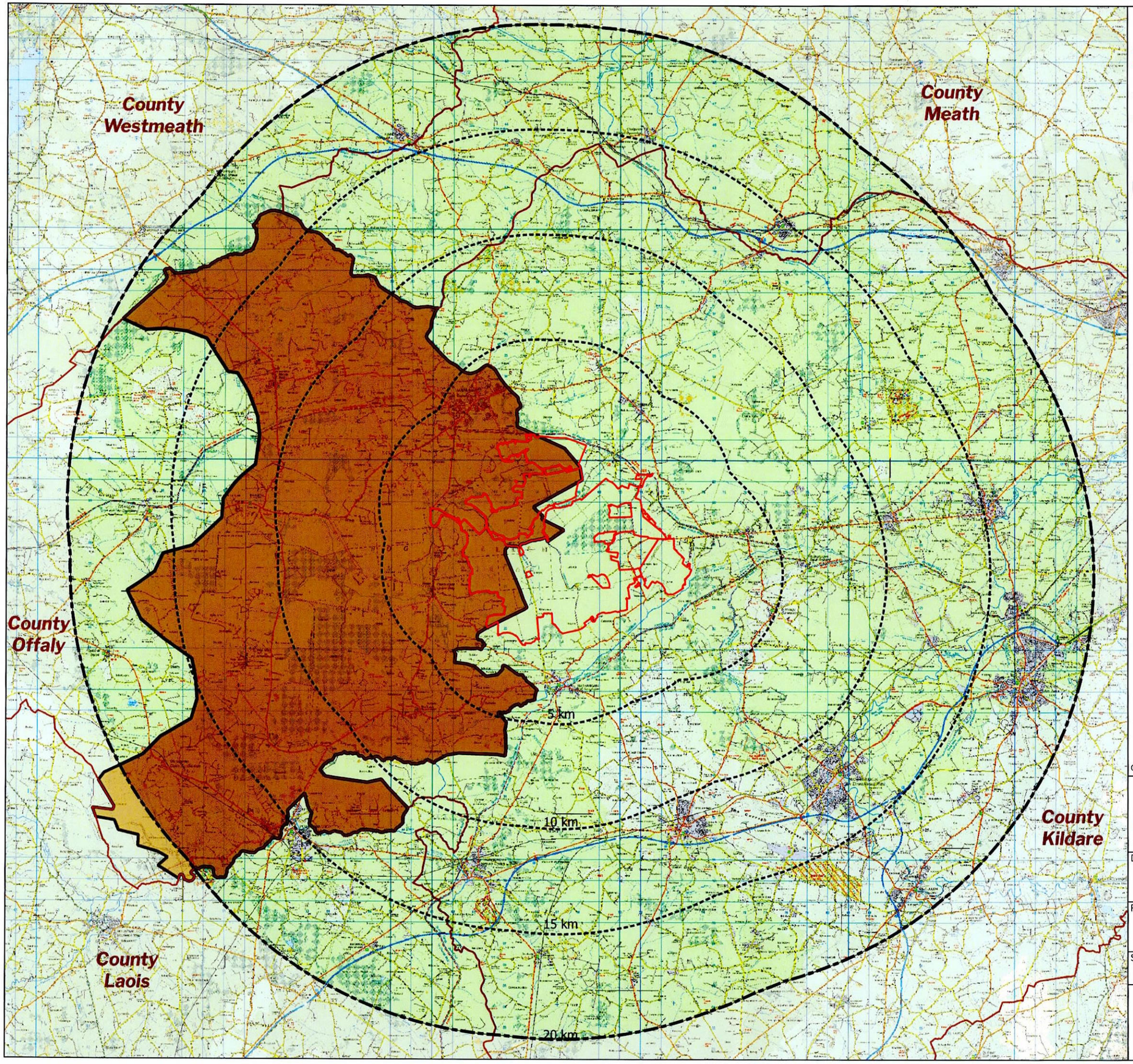
Site Context

Project Title

Ballydermot Wind Farm

Drawn By	Checked By
Karen Mulryan	Paul Sweeney
Project No.	**Drawing No.**
191136	X
Scale	**Date**
1:100,000	2021-04-08

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Map Legend

- Proposed Ballydermot Wind Farm Red Line Boundary
- LVIA Study Boundary
- Inter-County Boundary

County Offaly Wind Energy Strategy (Current OCDP 2014-2020)

- Wind Energy Development Area: As shown in Figure 9 of the OCDP 2014-2020

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Drawing No.

Figure 1

Drawing Title

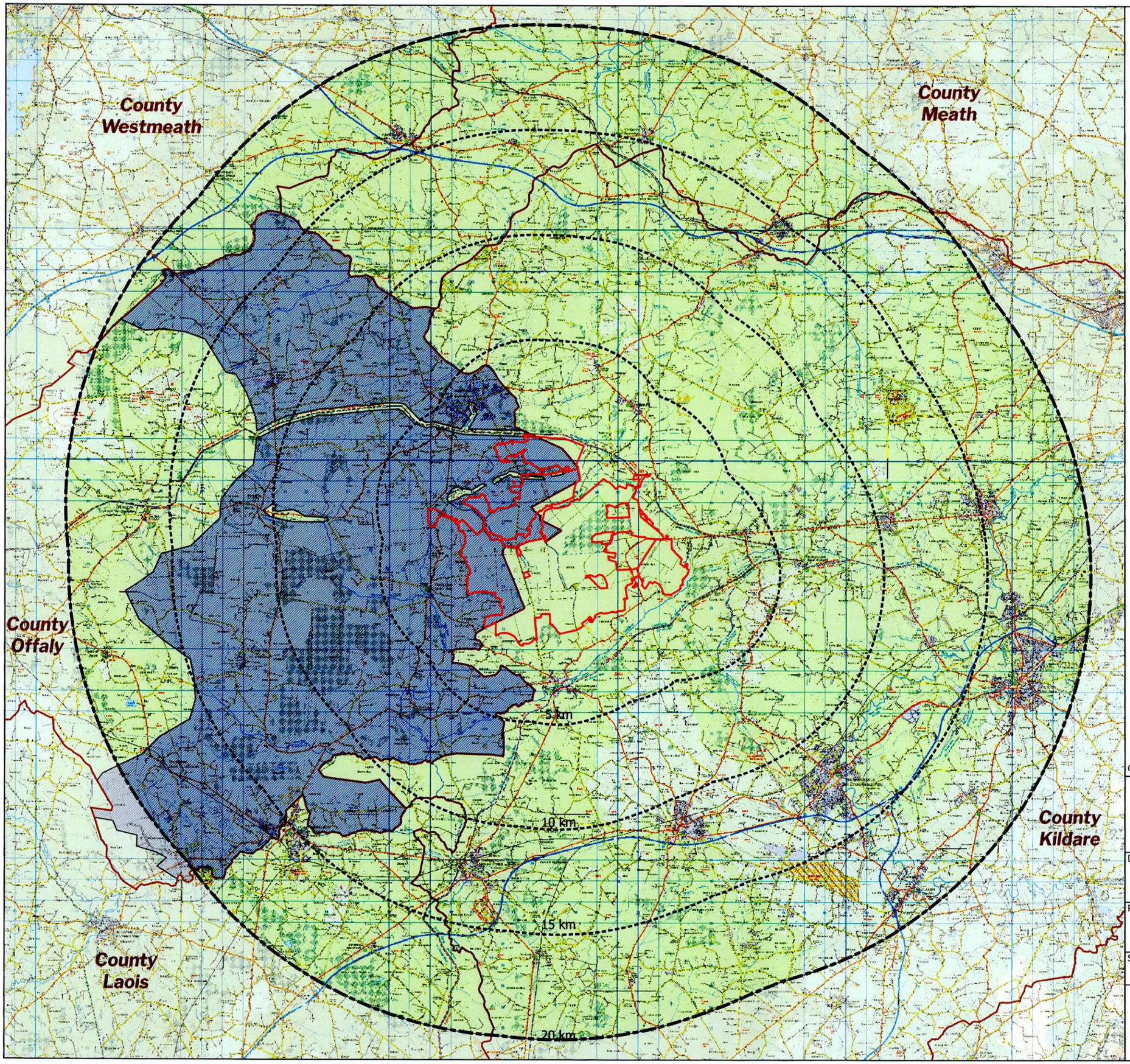
Wind Energy Strategy Plan

Project Title

Ballydermot Renewable Energy Development

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1:175000	191136	26.03.2021	JW	PS

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Map Legend

- Proposed Ballydermot Wind Farm Red Line Boundary
- LVIA Study Boundary
- Inter-County Boundary

County Offaly Wind Energy Strategy (Draft OCDP 2021-2027)

- Area Open to Consideration for Wind Energy Development; As shown in Map 10 'Wind Energy Strategy Designations'

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Drawing No.

Figure 2

Drawing Title

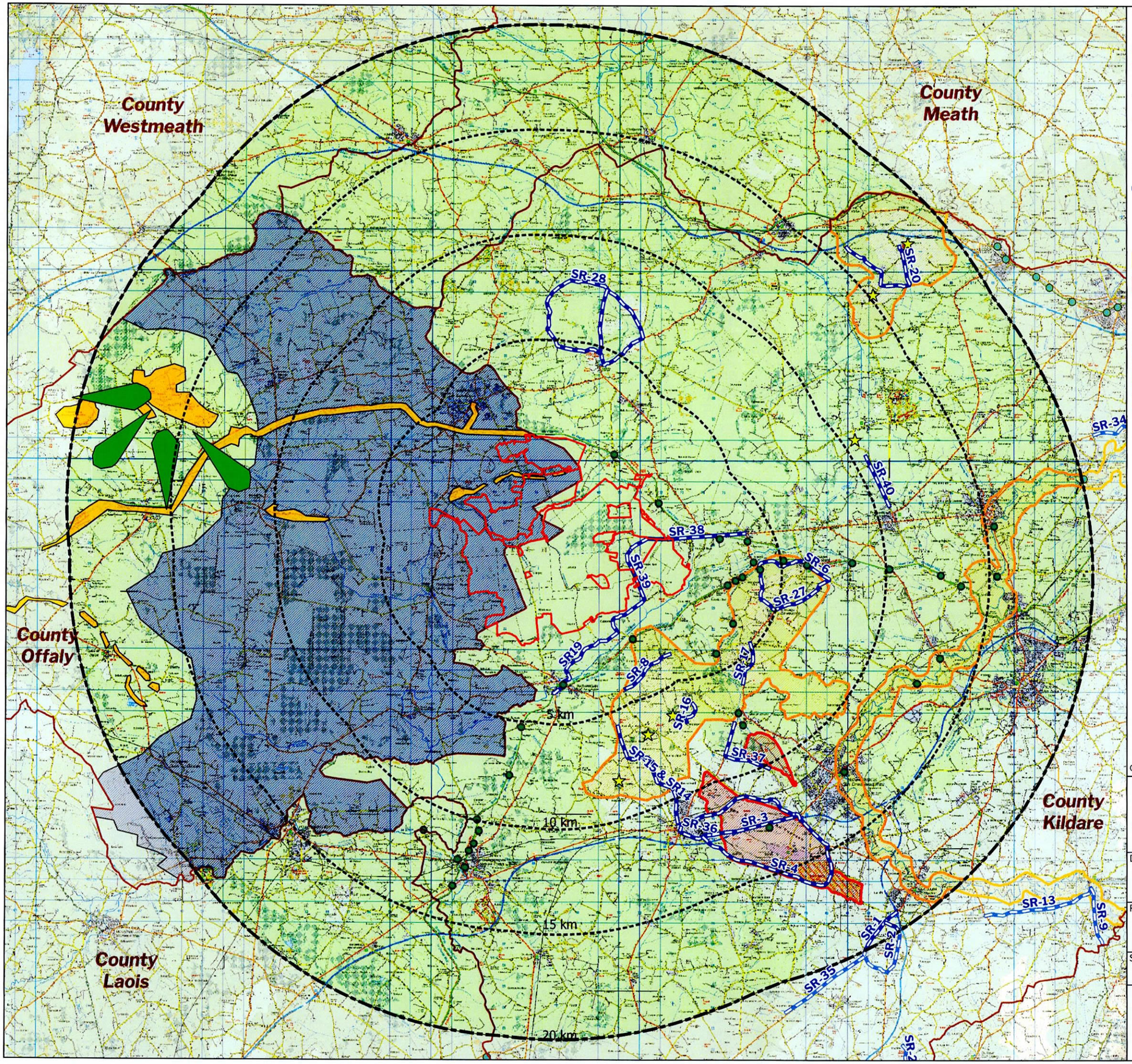
Wind Energy Strategy Draft Plan

Project Title

Ballydermot Renewable Energy Development

Scale	Project No.	Date	Drawn By	Checked By
1:175000	191136	26.03.2021	JW	PS

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Map Legend

- Proposed Ballydermot Wind Farm Red Line Boundary
- LVIA Study Boundary
- Inter-County Boundary

County Kildare Landscape Designations (KCDP 2017-2023)

- Kildare Scenic Routes
- Kildare Scenic Views
- Kildare Hilltop Views
- Special - Landscape Sensitivity Designation
- Unique - Landscape Sensitivity Designation

County Offaly Landscape Designations (Draft OCDP 2021-2027)

- Offaly High Amenity Areas
- Offaly Designated Scenic Views and Prospects
- Open to Consideration - Offaly Wind Energy Strategy

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Drawing No.

Figure 3

Drawing Title

Landscape Policy Designations

Project Title

Ballydermot Renewable Energy Development

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