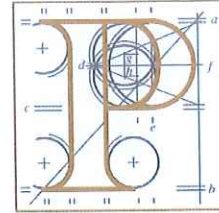


Our Case Number: ABP-303157-18

Your Reference: Bord na Móna plc



An
Bord
Pleanála

MKO
c/o Jimmy Green Planning & Development Consultants
Tuam Road
Galway
Co. Galway
H91 VW84

Car. KO:
Received on

27 NOV 2019

171221

Jimmy Green

Date: 25 November 2019

**Re: Wind Farm
Derrinlough, Co. Offaly.**

A Chara,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Board hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a) and (b) of the Act. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act, 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed. Enclosed is a copy of the Inspector's report with a list of prescribed bodies to be notified of the application for the proposed development.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

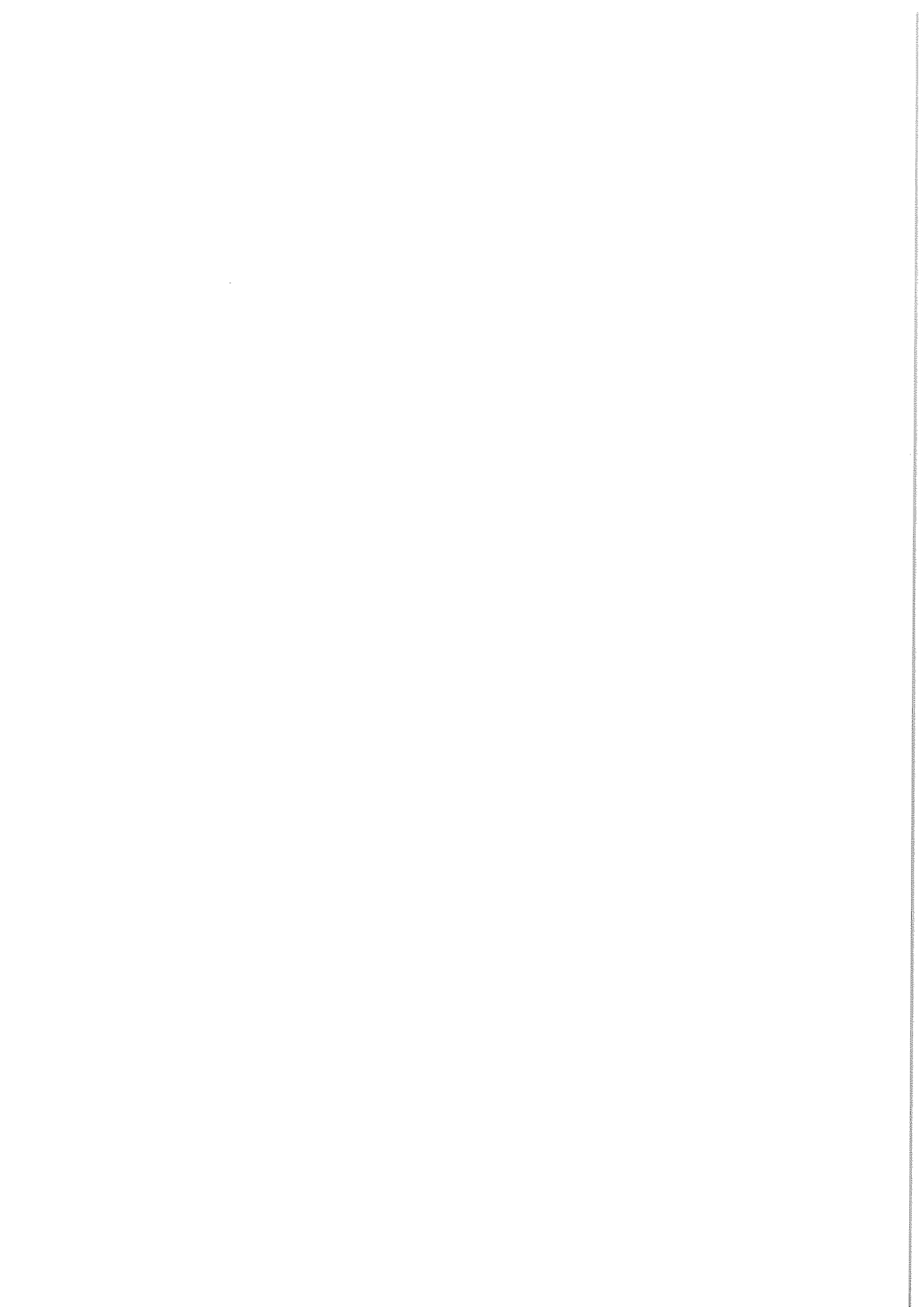
Yours faithfully,

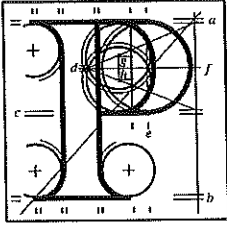
Rob Mac Giollarnáth

Rob Mac Giollarnáth
Executive Officer
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An
Bord
Pleanála

Inspector's Report ABP-303157-18

Development	Windfarm of up to 28 wind turbines with and overall tip height of 185m and ancillary infrastructure.
Location	Derrinlough, Co. Offaly.
Planning Authority	Offaly County Council
Applicant(s)	Bord na Móna Powergen Ltd.
Type of Application	Pre-SID Consultation.
Date of Site Inspection	26 th March 2019.
Inspector	Patricia Calleary

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1.0 Introduction

- 1.1. The Board received a request on the 3rd December 2018 from the prospective applicant, Bord na Móna Powergen Ltd to enter into a pre-application consultation in relation to a proposed development comprising a windfarm at Derrinlough, County Offaly. The request is made under Section 37B of the Planning and Development Act 2000, as amended, hereinafter referred to as 'the Act'.
- 1.2. A consultation meeting was subsequently held with the prospective applicant on the 12th March 2019. The primary purpose of the consultation was to address the issue as to whether or not the proposed development constitutes strategic infrastructure for the purposes of the Act, and to consider matters relating to the proper planning and sustainable development of the area or the environment, which may have a bearing on the Board's decision, and procedures around making the application.
- 1.3. This report provides an overview of the proposed project, a summary of the items which arose at the meeting, the legislative provisions, recommendation on whether the proposed development would constitute strategic infrastructure and a list of Prescribed Bodies that should be forwarded copies of a future planning application.

2.0 Site Location and Description

- 2.1. The application site is located within the Boora Bog Group in West Offaly comprising two bogs, namely Clongawny and Drinagh in Derrinlough, Co. Offaly. It lies c.3km east of Banagher and 7km northeast of Birr in Co. Offaly. It is accessed via the N62 National Secondary Road which bisects the site. The site topography ranges from 65m above ordnance datum (AOD) at its highest point to 49m AOD at its lowest point. A briquette factory is located within the bog complex within which the application site is located and milled peat operations exists in the milled peat areas on the site and the wider bog complex.

3.0 Proposed Development

- 3.1. The proposal as set out in the applicants initial submission is for a windfarm comprising a development of up to 28 turbines, 15 of which would be sited in Clongawny bog and 13 in Drinagh bog, each with an overall tip height of 185 metres.

A minimum separation distance of 750m, being four times the tip height, from the nearest sensitive receptors is proposed. Two substation options are being considered and these were presented on a map based drawing submitted entitled Derrinlough Wind Farm (Drawing no. BNM-PG-NB-04-09). Both options involve a 110kV line loop in and out connection to an existing 110kv overhead line within the red line boundary. Only one of the substation options is proposed to be developed. The windfarm would have a generating output greatly in excess of the relevant 50MW threshold.

- 3.2. In a subsequent submission received by the Board on the 21st October 2019, it is submitted that approximately 21 turbines with a power energy output greater than 50MW is proposed.
- 3.3. The haulage route would be along the N52 national secondary road which travels onwards in a northerly direction to the N62 national secondary road leading to the site and towards Cloghan village further north.
- 3.4. Milled peat harvesting would continue on part of the site and the briquette factory located to the east of the N62 would continue to operate. The proposed wind farm development would avoid the wetland area on the north east side of Drinagh bog. Amenity works including cycle paths and connections to the existing Lough Boora parklands and Grand Canal would form part of the proposal.
- 3.5. It is submitted that the detailed design and layout would follow recommendations and guidelines set out in the 'Wind Energy Development Guidelines for Planning Authorities' (Department of Environment, Heritage and Local Government, 2006) and 'Best Practice for Irish Wind Energy Industry' (Irish Wind Energy Association, 2008). The construction period is estimated to be 24 months.

4.0 Prospective Applicant's Case

- 4.1. The prospective applicant's case is that the proposal would constitute strategic infrastructure within the meaning of the Act, as amended. Key elements of their submission are summarised as follows:
 - 4.1.1. The proposed development would exceed the generating capacity thresholds as specified in Class 1 (Energy Infrastructure) of the Seventh Schedule of the Act, and it

would comprise 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 50MW.

4.1.2. It is submitted by the prospective applicant that the proposal would satisfy criteria (a) and (b) but not (c) of S.37A(2) of the Act as outlined below:

- **S.37A(2)(a)** – The proposed development would be of strategic economic and social importance to the State and the Region in which it would be situated. It would represent a significant economic contribution to the Region and State as a whole. It would assist in meeting national renewable energy targets and would also result in a significant reduction in carbon emissions from electricity generation as well as reducing reliance on imported fossil fuels.
- **S.37A(2)(b)** – The proposed development would contribute substantially to the fulfilment of national and regional spatial planning objectives as set out in the provisions of Delivering a Sustainable Energy Future for Ireland 2008-2020, The National Climate Change Strategy, the National Planning Framework 2040 (NPF), National Development Plan 2018-2027 (NDP), Strategy for Renewable Energy 2012-2020 and the National Mitigation Plan 2017. In addition, it would support the renewable energy targets and objectives of the Eastern and Midland Regional Assembly as expressed in the Regional Spatial & Economic Strategy 2019-2031¹, which support transition to a low carbon, circular & climate resilient region. In this regard, reference is made to Policy Objective 7.36², which, in relation to wind energy proposals, highlights that planning policy at a local level should adhere to national planning guidance.
- **S.37A(2)(c)** - It is noted that the proposed development would not have a significant effect on the area of more than one planning authority.

¹ While the prospective applicants submission refers to the Draft Regional Spatial & Economic Strategy, this document has since been finalised.

² In the prospective applicants submission, this is referred to as Policy Objective 7.35, however, in the Regional Strategy as finalised, Policy Objective 7.36 refers.

5.0 Planning History

5.1. Two windfarms located proximate to the current proposal site were previously permitted by the Board on appeal. Their locations relative to the subject site are shown on Drawing no. BNM-PG-NB-04-09, which was included in the applicant's original submission and details are summarised as follows:

- **PL19.244053** – On the 27th October 2016, An Bord Pleanála granted a 10 year permission to Galetch Energy Developments Cloghan Limited for for the erection of nine wind turbines and all associated site development works on a site in the townlands of Stonestown, Stonestown, Kilcamin, Crancreagh and Derrinlough, Cloghan in County Offaly.
- **PL19.244903** – On the 21st October 2015, An Bord Pleanála granted a 10 year permission to Meenwaun Wind Farm Limited for the erection of up to five wind turbines and all associated site development works on a site in the townlands of Clongawny More, Congawny Beg, Cloonacullina, Boggaunreagh, Garbally (Garrycastle By), Ballyslavin, Pollaghoole, Ballaghanohar, Ross (Eglis By) and Clondallow near Banagher, County Offaly.

6.0 Pre-Application Consultations

6.1. One consultation meeting was held on 12th March 2019 in which the prospective applicant gave an overview of the proposed development. The full details and matters raised are contained in the Board's record which is on file. The main matters discussed centred around:

- Compliance with applicable wind energy guidelines;
- Compliance with development plan policies and objectives;
- The Board stressed that a robust justification must be provided for areas which fall outside of the Wind Energy Strategy contained in the Offaly County Development Plan 2014-2020;
- Residential Amenity;
- Landscape and Visual Impact;

- Transport and Access;
- Environmental Impact Assessment;
- Appropriate Assessment;
- Need to consult with the National Parks and Wildlife Service and the Development Applications Unit of the Department of Culture Heritage and the Gaeltacht prior to lodging a planning application.

7.0 Legislative Provisions

7.1. The Board is asked to decide if the proposal is or is not Strategic Infrastructure Development as defined by Section 37A of the Act. Strategic Infrastructure is defined in the Seventh Schedule of the Act Under Class 1 (Energy Infrastructure) as follows:

- 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 50MW.

7.2. Section 37A of the Act requires that any development specified in the Seventh Schedule should be made to the Board if the proposed development falls within one or more of the following:

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

8.0 Assessment

8.1. Compliance with the Seventh Schedule

8.1.1. Based on the information submitted, the proposed development is for a windfarm of output exceeding 50MW and would therefore clearly meet the 50MW threshold of the

Seventh Schedule development and, accordingly, falls within the scope of Strategic Infrastructure Development.

8.2. Section 37A(2)(a) – Strategic Economic or Social Importance to the State or Region

- 8.2.1. The prospective applicant submits that the proposed development satisfies the conditions under 37A(2)(a) in that it would significantly contribute in meeting sustainable energy targets and objectives at a national and regional level and would aid in achieving Ireland's overall renewable energy contributions. The proposed development would represent a capital investment in excess of €80 million into the Region and State.
- 8.2.2. It is evident that the proposed development would make a meaningful contribution to meeting Ireland's renewable energy and greenhouse gas reduction targets, including those set out under the Climate Action Plan 2019. I am therefore satisfied that the development would comply with condition s.37A(2)(a), as it would be of strategic economic and social importance to both the State and the Eastern and Midland Region in which the development would be situated.

8.3. Section 37A(2)(b) - fulfilment of objectives in the National Planning Framework or in any regional spatial and economic strategy

- 8.3.1. It is submitted that the proposed development would contribute substantially to the fulfilment of national and regional spatial planning objectives, as set out in the provisions of the NPF.
- 8.3.2. The proposed development would undoubtedly help fulfil national policy on reducing our carbon footprint and promoting use of renewable energy. Policy of particular relevance expressed in the NPF include: National Policy Objective (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'; and 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'.

8.3.3. In addition, the proposed development would support the renewable energy targets and objectives set out in the RSES which clearly support transition to a low carbon, circular and climate resilient region and the adherence to national policy. Policy Objective 7.36 highlights that planning policy at a local level should adhere to national planning guidance.

8.3.4. Having regard to the above, I am satisfied that the development would contribute substantially to the fulfilment of the relevant objectives in the NPF and RSES in respect of the Eastern and Midland Region in which it would be situated and would therefore comply with condition s.37A(2)(b).

8.4. Section 37A(2)(c) - significant effect on the area of more than one planning authority.

8.4.1. I agree as submitted by the prospective applicant that the proposed development would not have a significant effect on the area of more than one planning authority and would not therefore meet condition s.37A(2)(c).

9.0 Conclusion

9.1. On the basis of the above, it is my opinion that the proposed development would exceed the threshold set out in the Seventh Schedule of the Act, as the proposed development outlined would exceed the 50MW threshold specified under the Schedule. It is also my opinion that the development falls within the parameters of sections 37A(2)(a) and (b) but not (c) of the Act.

10.0 Recommendation

10.1. In view of the above, it is therefore recommended that the Board determine that the proposed development constitutes strategic infrastructure development, as defined by section 2(1) of the Planning and Development Act 2000, as amended, and that a planning application should be made directly to the Board.

11.0 Prescribed Bodies

11.1. The following is a schedule of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Act.

- Minister for Housing, Planning and Local Government
- Minister for Culture, Heritage and the Gaeltacht (DAU)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Offaly County Council
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Health & Safety Authority

11.2. Further notifications should also be made where deemed appropriate.



Patricia Calleary
Senior Planning Inspector

31st October 2019