



# Planning Report

## Coolglass Wind Farm

### Coolglass Wind Farm Limited

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## Acronyms and Abbreviations

SLR	SLR Consulting Limited
EIAR	Environmental Impact Assessment Report
EIA	Environmental Impact Assessment
SID	Strategic Infrastructure Development
WEG	Wind Energy Development Guidelines
CRM	Collision Risk Model
LVIA	Landscape and Visual Impact Assessment
EU	European Union
UN	United Nations
DECC	Department of the Environment, Climate and Communications
DCCAE	Department of Communications, Climate Action and Environment
DMAP	Designated Maritime Area Plan
CAP23	The Climate Action Plan 2023
RESS	Renewable Electricity Support Scheme
RESS	Renewable Energy Support Scheme
GHGs	Greenhouse Gases
CCAC	Climate Change Advisory Council
NPF	National Planning Framework
NSO	National Strategic Outcomes
RSO	Regional Strategic Outcomes
RPO	Regional Policy Objectives
NPO	National Policy Objective
NDP	National Development Plan
CO2	Carbon Dioxide
ICT	Information and Communications Technology
RSES	Regional Spatial and Economic Strategy
EMRA	Eastern and Midland Regional Assembly
NESC	National Economic and Social Council
IWEA	Irish Wind Energy Association
CEMP	Construction Environmental Management Plan
NIS	Natura Impact Statement



## 1.0 Introduction

This report has been prepared by SLR Consulting Ltd (SLR) in support of this planning application made by Coolglass Wind Farm Limited for the development of a 13 no. turbine wind farm within 2 no. clusters in Co. Laois.

The report provides an overview of the Proposed Development (as defined in Section 3.1 of the accompanying EIAR) and related project rationale. It appropriately considers relevant objectives the National Planning Framework, the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region 2019 –2031, the Governments Section 28 Wind Energy Development Guidelines 2006 (WEG's) and the Draft Wind Energy Guidelines 2019, the Laois County Development Plan 2021 – 2027 and associated Direction<sup>1</sup>.

This report should also be read in conjunction with the Environmental Impact Assessment Report (EIAR) submitted with this planning application. It is submitted that the Proposed Development should be seen as a valuable asset to the local area, contributing to its sustainable development.

### 1.1 Statement of Authority

This Planning Report has been prepared by Aislinn O'Brien (MSc, MCD), Crystal Leiker (BA Soc Sc, M.Plan), Gerald O'Reilly (BSc, PGDip) and Edward Goulding (BA, MSc) of SLR Consulting.

- Aislinn O'Brien is a chartered planner (MIPI, MRTPI) with 14 years experience as a planner, project manager with experience in large scale infrastructure, tourism, minerals and others.
- Crystal is a chartered planner (MIPI) and has eight years' experience in project management, EIA coordination, planning for large scale infrastructure and renewable energy projects. Other experience includes preparing environmental impact assessment chapters and reports for renewable energy and tourism projects.
- Gerald O'Reilly is a chartered planner (MIPI) with 11 years of planning experience having worked in both the public and private sectors working on large scale developments.
- Edward is a graduate planner with SLR consulting and has 2 years' experience in planning and consultation.

### 1.2 Purpose and Structure of the Planning Report

This Planning Report considers the Proposed Development in the context of compliance with and contribution to the principles of proper planning and sustainable development, having regard to Government, Regional and County-level planning policies and plans including the County Development Plan, together with relevant statutory guidelines. In this context it is noted that there are a number of relevant documents in various forms including the draft wind energy development guidelines published for public consultation in December 2019, which are intended to supersede the 2006 Wind Energy Guidelines, once adopted.

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<sup>1</sup> Direction In the Matter Of Section 31 Of The Planning And Development Act 2000 (As Amended) Laois County Development Plan 2021-2027

This Planning Report is set out as follows:

- Section 1: Introduction
- Section 2: The Proposed Development
- Section 4: the Need for the Development
- Section 5: Material Planning Considerations
- Section 6: Relevant Planning Policy
- Section 7: Conclusion

## **2.0 Proposed Development**

### **2.1 Site Context and Location**

The Proposed Development is located south-east of Portlaoise. The main towns and villages within the vicinity of the Proposed Development include: Timahoe, Swan, Wolfhill, Newtown, Ballinakill, Stradbally, Athy, Carlow, Portlaoise, and Abbeyleix.

The site spans Fossy Mountain and Wolfhill, northeast of Swan and southeast of Timahoe. These hills are the most prominent landscape features within the central study area and its wider surrounds with Fossy Hill reaching a height of approximately 325m AOD.

The site is located in a predominantly forestry plantation and agricultural area, with elevations within the site ranging from 196 m to 325 m above sea level. The lens cover is classified in Corine Landcover 2018 as predominately Coniferous and Mixed Forest and Transitional Areas interspersed with Agricultural Areas. This is illustrated in Figure 3-1 in Chapter 3 Volume 2 of the accompanying EIAR..

The Proposed Development is divided into two distinct areas identified as the northern cluster and the southern cluster as defined in Section 3.1. These areas are identified clearly in Figure 3-1 in Chapter 3 Volume 2 of the accompanying EIAR.

The northern cluster of the Proposed Development is characterised by elevated lands with elevations between 285 – 325 m with moderate to steep slopes to the west and north of the site boundary. Slopes within the Proposed Development and proposed infrastructure locations generally comprises gentle to moderate slopes.

The southern portion of the Proposed Development site (Wolfhill) is characterised by elevated lands with elevations between 196 – 300 m with moderate to gentle slopes down to the north and west throughout the site boundary. Slopes within the Proposed Development and at proposed infrastructure locations generally comprises gentle to moderate slopes.

There are 56 residential properties located within 1 kilometre of the Proposed Development. There are 105 residences within 500m of the cable routes. The nearest residential receptors located 722 metres from a wind turbine.

The site is accessible from both the north and the south via the R526 Regional Road which is located to the west of the Proposed Development between the M7 Motorway and the N78 National Road.



## 2.2 Summary of the Development to be Consented

SLR Environmental Consulting (Ireland) Ltd has prepared this Planning Report on behalf of Coolglass Wind Farm to accompany the planning application to An Bord Pleanála under Section 37E of the Planning and Development Act, 2000 (as amended).

The Proposed Development which consists of a 13 no turbine wind farm development and associated works on land within the townlands of Fossy Upper, Aghoney, Gorreelagh, Knocklead, Scotland, Brennanshill, Monamantry, Coolglass, Crissard, Kylenebehy, Monamanry, Brennanshill, Knocklead, Aghoney, Timahoe, Carrigeen, Ballygormill South, Money Upper, Hophall, Rathleague, Ballymooney, Rathbrennan, County Laois . The site is 731 ha in size. The development will consist of:

- Construction of 13 No. wind turbines within two clusters with an overall ground to blade tip height of 180m. The wind turbines will have a rotor diameter ranging from 155m to 162m inclusive and a hub height ranging from 99 to 102.5m inclusive.
- Construction of permanent turbine hardstands and turbine foundations.
- Construction of 1 no. permanent 110 kV electrical substation including 2 no. control buildings with welfare facilities, all associated electrical plant and equipment, security fencing and gates, all associated underground cabling, wastewater holding tank, and all ancillary structures and works.
- Construction of a 33kV collector cable circuit connecting the wind farm two clusters along the L3851/Knocklead Road
- Construction of two temporary construction compounds with associated temporary site offices, parking areas and security fencing.
- Development of one on-site borrow pit.
- Construction of new permanent internal site access roads, upgrade of existing internal site access roads, including passing bays and all associated drainage infrastructure
- Development of an internal site drainage network and sediment control systems.
- All associated underground electrical and communications cabling connecting the wind turbines to the wind farm substation.
- Ancillary forestry felling to facilitate construction of the development.
- All associated site development works including berms, landscaping, and soil excavation.
- Improvement of a site entrance to an existing access off the L3851/Knocklead local road to include localised widening of the road and creation of a splayed entrance to facilitate the delivery of abnormal loads and turbine component deliveries. Improvements include removal of existing vegetation for visibility splays to facilitate the use of the access for the delivery of construction materials to the site.
- A new site entrance slip road from the L3851 / Knocklead local road to facilitate the delivery of abnormal loads and turbine component deliveries. Works at this location require the removal of existing forestry to facilitate the use of the access for the delivery of construction materials to the site and for use during the operational phase.
- Construction related temporary upgrade works on the turbine delivery route to facilitate the delivery of turbine components to include the use of temporary road

surfaces at a roundabout at the southern exit of Junction 16 of the M7, the R425/N80 roundabout and the R426 – L3851 junction.

- The erection of a permanent meteorological mast 102.5m in height

This planning application seeks a 10-year construction period and a 35-year operational period.

Two cable routes and a Recreational Amenity Trail are assessed as part of this planning application, however, the preferred cable route will be identified at a later stage and permission for same will be sought as part of a separate planning process under the provisions of s. 182A and does not form part of this planning application.

## 2.3 Requirement of EIA

This Section reviews the overall development against the Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 – “The EIA Directive” and its requirements as transposed into Irish law.

The Proposed Development is located across two prominent hills- Fossy Mountain and Wolfhill, comprised of two no. clusters of development and briefly comprises thus:

- The northern cluster of the Proposed Development is comprised of a geographical area defined by Fossy Lower Road at the northernmost extent, the R426 at the westernmost extent, Luggacurren Road at its easternmost extent, and Knocklead Road to its southernmost extent. Elements of the Proposed Development which will be located in the northern cluster, if consented, comprise:
  - 7 no. turbines (turbine nos 1-7) and their associated access tracks, hardstandings and foundations;
  - 1 no. 110 kV substation;
  - 1 no. temporary construction compound (TCC1);
  - 1 no permanent 102.5m meteorological mast;
  - 1 no. site access point (AP1);
  - A recreational amenity trail (part of a future separate planning application);
  - The origin of 2 no. cable routes from the proposed on-site substation (part of a future separate planning application);
  - A 33kV collector cable which connects both clusters to the proposed on-site substation.
- The southern cluster of the Proposed Development is comprised of a geographical area defined by Knocklead Road at its southernmost extent, Crissard Road at its easternmost extent, Knocklead/Moyadd road at its westernmost extent and Slatt Lower road at its southernmost extent. Elements of the Proposed Development which will be located in the southern cluster, if consented, comprise:
  - 6 no. turbines (turbine no's 8-13) and their associated access tracks, hardstandings and foundations;
  - 1 no. Borrow pit;
  - 1 no. temporary construction compound (TCC2);
  - 1 no. site access point (AP2).

Schedule 5, Part 2 (3)(i) of the Planning and Development Regulations 2001 (as amended) "Planning Regulations" states:

*"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"*

The Proposed Development has 13 no turbines with a MW output of 85.8 to 93.6 MW. The Proposed Development therefore falls within a class of development set out in Schedule 5, Part 1 and 2 and therefore meets the requirements for a mandatory EIA in this regard.

## 2.4 Design Flexibility

Technology in the realm of wind energy is constantly evolving, with newer, more efficient turbines coming onto the market while other turbines are discontinued. These changes generally become apparent post grant of permission during the procurement process. The time it takes to get from planning submission to the procurement stage post consent, grid connection offer and route to market can take anywhere up to 6 to 7 years which is also why a ten year planning permissions are sought for Wind Farm developments. At this stage any exact dimensions set out in a planning application and associated grant of permission may no longer fully apply. For this reason, the Applicant (Coolglass Wind Farm Limited) is requesting a specific design envelope to be consented to avoid a requirement to amend the application at procurement stage. As the exact specification of turbine will not be available at the time of lodging this application the applicant is therefore requesting a specific design envelope to be consented in line with the judgment of Judge Humphreys on the 16/6/2021 in *Sweetman v An Bord Pleanála & Ors [2021] IEHC 390*. This judgment made certain findings in relation to the application of an 'open-ended' design envelope in the plans and particulars submitted as part of the Derryadd Wind Farm planning application.

Judge Humphreys stated that *"The 2001 Regulations require plans and particulars. That isn't compatible with a widely-variable-design application where the designs, dimensions or locations of structures are not specified in the application itself, either by reference to precise terms or to a **reasonably limited range** that could not in itself raise any reasonable planning objection"* He stated that the Board's argument that the EIAR was based on the worst case environmental impact was not relevant in the context of legislative compliance and stated further that *"Specifying particulars of the works is the statutory obligation –not to seek permission for a project that is open-ended at one end of the scale and which could be anything up to a maximum specified"*.

On the 26/10/2021, Judge Humphreys provided further clarification on his original ruling in his judgment granting leave to appeal the above referenced judgment. In this ruling, Judge Humphreys advised that his main concerns with the Derryadd application was the open ended nature of the design envelope. He stated *"... why it is appropriate or necessary for the notice party here to be able to apply for a permission that allows the construction of a turbine that is for example one metre high or one that is 185 metres high at its own subsequent discretion, subject to agreement with the planning authority pursuant to the condition imposed by the board. **A reasonable albeit limited degree of flexibility yes, particularly in a changing context like wind turbines, but a completely open-ended permission at one end of the scale goes far beyond what is necessary or appropriate and indeed makes very little sense"***.

Furthermore, Judge Humphreys stated *"there is no difficulty with the general concept of a design envelope provided it is within a certain limited flexibility"*. He also stated that *"...a variation of plus or minus 10% from a mean height specified in the application might have been legitimately within the concept of plans and particulars in the context of a turbine..."*.



In light of the above excerpt of the judgment and clarification of Judge Humphreys combined with potential procurement stage risks as noted above, the design flexibility that is sought as part of the Proposed Development is not open ended and will comprise the following range:

- **Tip Height:** overall ground to blade tip height of 180m inclusive. We confirm that regardless of turbine type used on the Proposed Development site, the overall tip height will be 180m.
- **Rotor Diameter:** The wind turbines will have a rotor diameter ranging from 155m to 162m inclusive. We confirm that regardless of turbine type used on the Proposed Development, the rotor diameter will be within the parameters of 155m to 162m.
- **Hub Height:** a hub height ranging from 99 to 102.5m inclusive- We confirm that regardless of turbine type used on the Proposed Development site, the hub height will be within the parameters of 99-102.5m.

All elements of the Project are described in Section 3.5 of the accompanying EIA and the description of the Proposed Development is found in section 3.8.1 of the accompanying EIA.

The minimum and maximum parameters proposed in **Table 2-1** were identified from two specific turbines.

**Table 2-1 Candidate Turbine Parameters to be Assessed**

Turbine Type	Tip Height (m)	Hub Height (m)	Rotor Diameter (m)	Foundation Size	Hardstand dimensions
Siemens Gamesa SG155	180	102.5	155	25m diameter	50m x 20m
Vestas V162	180	99	162	25m diameter	80m x 30m

The final choice of turbine model will be dictated by the energy production efficiencies of various turbines on the market at the time of the turbine procurement. As a result, the exact specification of turbine is not available at the time of lodging this application. The following elements therefore cannot be confirmed:

- Hub Height
- Rotor Diameter
- Hardstand dimensions

The candidate turbines provide the minimum and maximum parameters for the rotor diameter, hub height and hardstand. The installed wind turbine may not be either of the two candidate turbines but will be within the range of minimum and maximum parameters set out in **Table 2-1**. The EIA has assessed both the minimum and maximum parameters of the hub height and rotor diameter which has allowed for an assessment of all permutations within the range. **Table 2-2** explains, for each environmental topic, which permutation will result in the greatest environmental effect and therefore allows for the assessment of all permutations within the range.

It is considered that the defined limited flexibility as set out above is compatible with the requirements of the Planning Regulations and with the observations of Judge Humphreys in his leave to appeal ruling.



Two turbine types have been assessed as part of this planning application. These are the Siemens Gamesa 155 and the Vestas 162 turbines. However, the Applicant is not seeking permission for one or the other, rather; the Applicant is seeking permission to construct a turbine which falls within the range as outlined above.

Where applicable, turbine design dimensions between these two turbine types have been assessed as part of this project. In technical areas where utilising the design dimensions have not been possible, both turbine types have been modelled and the worst case scenario has been assessed. We respectfully request as part of the determination process for the Proposed Development, that An Bord Pleanála provides a planning condition that facilitates the development parameters as outlined above but not limiting it to a specific turbine type.

A careful consideration of our assessment is set out in **Table 2-2**.

**Table 2-2 How the Design Parameters Were Assessed for Each Topic**

Topic	Assessment Parameters
Chapter 5 Population and Human Beings	This chapter assesses the design permutations of the turbine dimensions as set out in Table 2-1 above, hardstand, foundations and MW output against the outcomes of Population Human Health, Socio-economics, Recreation and the Community Benefit Fund.
Chapter 6 Air and climate	For this topic, Carbon Calculations for both turbines have been carried out and included as Technical Appendix 6.1 found in Volume III of this EIAR. The carbon calculations for this project are based on these two turbine types which form a maximum/minimum scenario with the worst-case scenario described in this chapter. The worst-case scenario in this case relates to the worst carbon calculations using the Scottish Wind Farm Calculator as set out in Chapter 6 of this EIAR. The V162 turbine is the worst-case scenario in this instance. All turbine permutations are covered with this assessment from the dimensions as set out in Table 2-1 above
Chapter 7 Landscape and visual	Both turbine types have been assessed in the LVIA which encompass all dimensions as set out in Table 2-1 above. Both turbine types used for this assessment have a 180m tip height and the quantity of turbines remains unchanged. The design parameters between the two turbine types are considered to be minimal, however in terms of dimensions, the worst case scenario for Landscape and Visual is the V162 which is shown in the photomontages..
Chapter 8 Land Soils Geology	The worst case scenario assessed was in relation to the turbine hardstanding and foundation requirements for the V162 which encompassed a 30m diameter foundation and an 80m by 30m hardstand rather than the SG155 turbine which encompassed a 25m diameter foundation and 50m x 20m hardstand. Utilising the V162 encompasses all design permutations of the dimensions as set out in Table 2-1 above.
Chapter 9 Water	Assessment was undertaken on worst case scenario (infrastructure).This was based upon the turbine hardstanding requirements for the V162 which encompassed an 80m by 30m hardstand rather than the SG155 turbine which would encompass a smaller area.
Chapter 10 Noise	Noise modelling for both turbine types was carried out and included as technical appendices to the chapter. Worst case scenario for construction noise comprised operation of plant at the borrow pit at 80% of the time, localised construction noise for laying of both cable routes. The noise modelling for this project is based on these two turbine types to form a

Topic	Assessment Parameters
	<p>maximum/minimum scenario. Both turbine types were assessed as part of this chapter and it is considered that all design permutations encompassed in Table 2-1 above have been assessed..</p>
<p>Chapter 11                      Archaeology and Cultural Heritage</p>	<p>In this chapter, the turbine type itself was not of concern for direct effects of cultural heritage assets. A settings assessment for the potential effects on cultural and archaeological assets in the vicinity was carried out, however the design parameters between each turbine was minimal. The worst case scenario would be the larger dimension turbine- the V162 which covers all design permutations encompassed in Table 2-1.</p> <p>The worst-case scenario focused more on infrastructure required for the erection of turbines and the cable routes chosen for the Proposed Development. Based on the size of the hardstanding required, the V162 which would encompass an 80m by 30m hardstand rather than the SG155 turbine which would encompass a smaller area formed the assessment. In relation to the cable routes, the worst case scenario was the cable route which would run through the cultural heritage town of Timahoe.</p>
<p>Chapter 12                      Traffic/Transport</p>	<p>The worst case scenario (V162) of turbine was assessed for all swept path analysis for the project and the worst case scenario of trips (infrastructure delivery, materials) has been assessed based on the worst case scenario of the V162 infrastructural requirements. It is considered that this assessment covers all design permutations encompassed in Table 2-1.</p>
<p>Chapter 13                      Telecommunications / Aviation</p>	<p>A worst case scenario of turbines was not required in this instance given that both turbine types are 180m in tip height. The location of turbines was the chief consideration in this chapter, focusing on ensuring that no signals were blocked by telecoms / television companies in the area and that the location of turbines did not impede aviation interests in the area.</p>
<p>Chapter 14 Shadow flicker</p>	<p>In this topic, SLR assessed both turbines. We have included the shadow flicker results as Technical Appendix 14.1 and 14.2 found in Volume III of this EIA. The worst case scenario is defined in section 14.2.4 as <i>“based on the sun shining during all daylight hours over the course of a year, no obscuring features (such as trees, hedges, other buildings) being present, the face of the rotor always being aligned towards the dwelling, and that the rotor is always turning (i.e. the wind is always blowing between 4m/s and 25m/s, and no account is taken of shut down periods for maintenance). This methodology yields a theoretical maximum indication of potential shadow flicker incidence, together with the times of day, and dates during the year when potential incidence may occur”</i>. The study area is determined by the rotor diameter and in this case, the V162 is considered to be the worst case scenario and covers all design permutations encompassed in Table 2-1.</p>
<p>Chapter 15                      Biodiversity:                      Collision Risk Model and bat buffer</p>	<p>In this topic, SLR undertook a Collision Risk Model (CRM) incorporating the minimum/maximum spans of each turbine type. The CRM has assessed the max tip height with the lowest rotor swept area which together provides the broadest collision risk zone and covers off covers all design permutations encompassed in Table 2-1. This allows for a worst case assessment of the collision risk if either model of turbine is chosen.</p> <p>Bat mitigation/felling: SLR have examined the turbine dimensions and have assessed the turbine of largest radius (the V162)- resulting in a worst case assessment for the turbine with least dimensions, in this case the SG155. The felling requirement for the V162 is higher than the felling requirement for the SG155, meaning that the bat mitigation felling buffer falls inside the</p>



Topic	Assessment Parameters
	V162. It is considered that this approach covers all design permutations encompassed in Table 2-1.

## 2.5 Classification as Strategic Infrastructure Development

The Seventh Schedule to the Planning and Development Act 2000 (as amended) identifies various classes of infrastructure development which, if considered by ABP to be Strategic Infrastructure Development, (SID) requires a planning application to be made directly to it rather than to the relevant local planning authority.

To qualify as Strategic Infrastructure Development, Section 37A(2) of the Planning and Development Act, 2000 (as amended) stipulates that a project

- i. falls within the scope of one or more of the development classes identified in the Seventh Schedule and any thresholds provided therein:
- ii. would satisfy one or more of the following criteria:
  - a. It is of strategic economic or social importance to the State or the region in which it would be situate;
  - b. It would contribute substantially to the fulfilment of any of the objectives of the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which the development would be situate;
  - c. It would have a significant effect on the area of more than one planning authority.

The Proposed Development of an 85.8 to 93.6 MW wind farm is covered by the following class of development identified under the heading of 'Energy Infrastructure' in the Seventh Schedule of the Planning and Development Act 2000 (as amended):

*Development comprising or for the purposes of any of the following (inter alia)*

*"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 MW."*

## 2.6 Confirmation SID

A pre application request was made to ABP under reference ABP-313375-22 by the Applicant for a determination that an application of this scale would be considered to be SID.

In ABP's letter dated 11<sup>th</sup> May 2023, ABP confirmed that the Proposed Development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act. Accordingly, ABP have decided that the Proposed Development would be SID within the meaning of Section 37A of the Planning and Development Act, 2000, as amended.

## 3.0 Material Planning Considerations

### 3.1 The Need for the Development

National energy and climate policy is derived from the overarching European Policy which aims to unify the European Union in energy and climate goals. A full assessment of

international, national, regional and local policies is found in Chapter 4 Planning Policy within the accompanying EIA and should be read in tandem with this Planning Report.

## 3.2 European Policy

### 3.2.1.1 REPowerEU, Fit for 55 and Council Regulation (EU) 2022/2577

Current geopolitical tensions have drawn a sharp focus on diversifying where European countries obtain their fuel and electricity required to power their homes, businesses, and transportation. On 8 March 2022, the European Commission proposed an outline of a plan to make Europe independent from Russian fossil fuels before 2030 in light of Russia's invasion of Ukraine. Subsequently on 18 May 2022, the European Commission presented the REPowerEU Plan, its response to the hardships and global energy market disruption caused by Russia's invasion of Ukraine.

Among several packages of measures, the REPowerEU plan focuses on accelerating the rollout of renewables. The Commission proposes to increase the headline 2030 target for renewables from 40% to 45% under the Fit for 55 package. Setting this overall increased ambition will create the framework for other initiatives, including:

- A targeted amendment to the Renewable Energy Directive to recognise renewable energy as an overriding public interest.
- Dedicated 'go-to' areas for renewables should be put in place by Member States with shortened and simplified permitting processes in areas with lower environmental risks.

On 22 December 2022, the European Commission has published Council Regulation (EU) 2022/2577 of 22<sup>nd</sup> December 2022 entitled '*Laying Down A Framework To Accelerate The Deployment Of Renewable Energy*'. This is temporary emergency legislation will apply for 18 months from the date of adoption in response to the increasing severity of the energy crisis, covering the time needed for the adoption and transposition of the Renewable Energy Directive, currently discussed by the co-legislators, in all Member States. This regulation doubles down on the "*overriding public interest*" concept in the rollout of renewable energy.

REPowerEU legislation focuses on the importance of reducing the dependence of the EU on Russian fossil fuels through a series of accelerating rollouts of renewable energy targets. As a result of REPowerEU, the Fit for 55 targets have been increased and require swift implementation. Targets for renewable energy development and deployment have changed from 40% / 1067GW to 42.5% with an additional 2.5% indicative top-up to 45% / 1236GW of installed renewables capacity. In addition, the provisional deal endorses an EU level GHG emission reduction target of 40% compared to 2005 by 2030.

The Fit for 55 package consists of a series of interrelated proposals, which either modify existing pieces of legislation or introduce new initiatives in a range of policy areas and economic sectors. The Council and the Parliament have entered into interinstitutional negotiations to agree on the final text of the two directives. The EU requires all member states to recognise the importance of renewable energy "*as a matter of overriding public interest*". In the short term, the RePowerEU legislation has a requirement for "*Member States to add to their existing RRP (Regional Renewable Plans) a dedicated chapter with new actions to deliver on the REPowerEU objectives of diversifying energy supplies and reducing dependence on fossil fuels*".



In addition to the above, the Council has included accelerated permitting procedures for renewable energy projects in line with the priorities of the REPowerEU plan as proposed by the Commission in May 2022 (see section 4.3.5 of Chapter 4 in the accompanying EIAR).

The next steps in this process is the submission of the provisional agreement to EU Member States followed by the Parliament for approval. The amended Renewable Energy Directive requires formal adoption by both the Parliament and the Council before it enters into force.

The Proposed Development is classified as a Renewable Energy Plant<sup>2</sup> which is considered a project<sup>3</sup> of “*overriding public interest*” as set out in the REPowerEU Plan of May 2022. A recommendation of a 12 month<sup>4</sup> permitting window for wind energy developments has been issued by the EU, thereby necessitating the Proposed Development which contributes to all actions pertaining to renewable energy targets in REPowerEU, Fit for 55, European Green Deal and other European legislation.

### 3.2.1.2 Climate Action Plan 2023

The Climate Action Plan 2023 (CAP23) is the second annual update to Ireland's Climate Action Plan 2019. This plan marks a significant milestone as it is the first to be developed in accordance with the Climate Action and Low Carbon Development (Amendment) Act 2021. Additionally, it follows the introduction of economy-wide carbon budgets and sectoral emissions ceilings in 2022.

On 21 December 2022, the plan was officially launched. Its primary objective is to implement the carbon budgets and sectoral emissions ceilings while providing a clear roadmap for decisive action. The plan aims to cut our emissions in half by 2030 and achieve net-zero emissions no later than 2050, as outlined in the Programme for Government (2022). By placing climate solutions at the heart of Ireland's social and economic development, the CAP2023 outlines how the country can expedite the necessary actions to address the climate crisis.

CAP23 follows the Climate Action and Low Carbon Development (Amendment) Act 2021, which commits Ireland to a legally binding target of net-zero greenhouse gas emissions no later than 2050, and a reduction of 51% by 2030. These targets are a key pillar of the Programme for Government. Among the most important measures in CAP23 is to increase the proportion of renewable electricity to up to 80% by 2030. Notably Section 11 Electricity of CAP23 provides a Key Performance Indicator (KPI) of providing 9 GW Onshore wind by 2030. CAP23 identifies 6 vital high impact sectors:

- Powering renewables, with a reduction in emission of 75% by 2030.
- Building Better, with a reduction in emission of 40-45% by 2030

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<sup>2</sup>REPowerEU [https://commission.europa.eu/publications/key-documents-repowereu\\_en](https://commission.europa.eu/publications/key-documents-repowereu_en) (accessed 16/6/2023)

<sup>3</sup> Member States would be required to ensure that in the permit-granting process, the planning, construction and operation of renewable energy plants, their connection to the grid and the related grid itself, and storage assets are presumed to be the overriding public interest and serving public health and safety when balancing legal interests for the purposes of the Birds, Habitats, and Water Framework Directives. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022R2577> (accessed 16/6/2023)

<sup>4</sup> European Council. (2022). REPowerEU: Council agrees on accelerated permitting rules for renewables. <https://www.consilium.europa.eu/en/press/press-releases/2022/12/19/repowereu-council-agrees-on-accelerated-permitting-rules-for-renewables/> (accessed 16/6/2023)

- Transforming how we travel, with a reduction in emission of 50% by 2030
- Making family farms more sustainable, with a reduction in emission of 25% by 2030
- Greening business and enterprise, with a reduction in emission of 75% by 2030
- Changing our land use

Relevant to onshore wind farm development, the following actions are also provided:

- EL/23/3 Publish a roadmap for the development and implementation of Regional Renewable Electricity Strategies
- EL/23/4 Prepare new draft Wind Energy Development Guidelines for onshore renewables
- EL/23/5 Complete analysis to update Shaping Our Electricity Future to accommodate 80% renewables and align with carbon budgets and sectoral emissions ceilings for electricity
- EL/23/6 Ensure electricity generation grid connection policies and regular rounds of connection offers which facilitate timely connecting of renewables, provides a locational signal and supports flexible technologies
- EL/23/10 Deliver onshore and offshore RESS auctions as per the annual RESS auction calendar.

The pace of individual, technological, scientific, societal, and economic change will not be precisely in line with our assumptions today. To accommodate this, CAP23 will be updated every 12 months, in line with the Climate Action and Low Carbon Development (Amendment) Act 2021 and following consultation with key stakeholders. These updates will be informed by the latest analyses and by Ireland's performance against targets; and will include any new or corrective actions that may be needed in order to stay on track towards the overall 2030 targets and the ultimate objective of achieving a transition to a climate resilient, biodiversity rich and carbon neutral economy no later than 2050.

### **Carbon Budgets**

The Climate Action and Low Carbon Development (Amendment) Act 2021 establishes a system of carbon budgeting with three five-year economy-wide budgets included in each carbon budget programme. The carbon budgets will be consistent with furthering the achievement of national climate objectives and include all greenhouse gases (GHGs). The first carbon budget programme will comprise carbon budgets for the following periods: 2021-2025; 2026-2030 and 2031-2035. Each five-year carbon budget will set a limit on an economy-wide basis to the amount of GHGs that can be emitted in the period.

### **Sectoral Ceilings**

The economy wide carbon budgets will be supplemented by sectoral emissions ceilings, setting the maximum amount of GHG emissions that are permitted in a given sector of the economy during each five-year carbon budget. The Minister for the Environment, Climate and Communications, in consultation with other relevant Ministers, will develop a sectoral emissions ceiling for each relevant sector within each five-year budget once the overall carbon budget has been adopted. These sectoral emission ceilings will be approved by government.

## **Adopting Carbon Budgets and Sectoral Ceilings**

Under the Planning and Development Act, 2000 (As amended) “the Act”, the Climate Change Advisory Council (CCAC) will propose a programme of three no. successive five-year carbon budgets to the Minister for the Environment, Climate and Communications. The detailed process from submission of the budgets to their final adoption by government and including the role of the Oireachtas in the process, is set out at Section 9 of the Act. Once carbon budgets and sectoral ceilings have been adopted, they will be reflected in the Climate Action Plan 2023. As part of that process, a decision will be taken by government on the allocation of sectoral responsibility for emissions across the relevant Ministers.

If sectoral targets and carbon budgets are not achieved, corrective or additional measures may be introduced to ensure targets are achieved. However, at the end of a five-year carbon budget period, any excess emissions will be carried forward to the next budget period, which will be reduced accordingly. In addition to the provisions of the Act, consultation will be carried out on how individual sectors could bear any compliance costs for the state arising from failure to reach sectoral targets.

## **Oversight of Government – Monitoring of Compliance**

The Environmental Protection Agency’s annual GHG inventory and projection reports, and the CCAC annual report, will inform monitoring of compliance with national and sectoral progress towards each carbon budget and sectoral emissions ceiling. Each year, the CCAC must report by 30 October, following which relevant Ministers will be required to give account to an Oireachtas Committee on performance both in implementing Climate Action Plan actions and in adhering to their sector’s emission ceiling under the carbon budget period. Where Ministers are not in compliance with the targets, they will need to outline what corrective measures are envisaged. Ministers will have to respond to any recommendations made by the Committee within 3 months. It is stated that this ‘comply or explain’ approach will ensure greater scrutiny and accountability is provided. The annual revision to the Climate Action Plan acts as a further review mechanism and opportunity to re-adjust or refocus actions to ensure targets are achieved.

In accordance with the requirements of whether this development is of strategic economic or social importance, we submit that the following information meets this criteria:

During its operation, it is estimated that the Proposed Development could generate 248,030 – 270,579 MWh of electricity would be sufficient to supply between approximately 59,000 to 64,000 Irish households with renewable electricity per year, based on the average Irish household using 4.2 MWh of electricity. The Proposed Development has the potential to displace between 1,678,740 - ,1831,375 tonnes of CO<sub>2</sub> over the operational lifetime (35 years). Thus, this energy will be used to offset the same amount of energy that would otherwise be generated from burning of fossil fuels at power stations. It is therefore considered that the Proposed Development meets the requirements for strategic economic and social importance by contributing to renewable electricity generation and carbon reduction targets set out by the in European and National policies and would contribute towards objectives set out in the REPowerEU European Commission statement.

## 3.3 National Planning Policy

### 3.3.1.1 National Planning Framework

As a strategic development framework, Project Ireland 2040: The National Planning Framework (NPF), demonstrates an approach that joins up ambition for improvement across the different areas of our lives, bringing the various government departments, agencies, State owned enterprises and local authorities together behind a shared set of strategic objectives for rural, regional and urban development. The NPF is supported by a series of National Strategic Outcomes which the Framework seeks to deliver. The purpose of the National Strategic Outcomes (NSOs) is to create a single vision, through a shared set of goals for every community across the country. The most pertinent outcomes in the context of the proposed renewable energy development are as follows:

- National Strategic Outcome 3: Strengthened Rural Economies and Communities,
- National Strategic Outcome 6: A Strong Economy Supported by Enterprise, Innovation and Skills,
- National Strategic Outcome 8: Transition to Sustainable Energy.

Section 9.2 Resource Efficiency and Transition to a Low Carbon Economy of the NPF describes the national endeavour with respect to Climate Action and Planning. It is detailed that the Government is committed to a long-term climate policy based on the adoption of a series of national plans over the period to 2050, informed by UN and EU policy. This is being progressed through the National Mitigation Plan and the National Climate Change Adaptation Framework, both of which will be updated and reviewed periodically.

In addition to legally binding targets agreed at EU level, it is a national objective for Ireland to transition to be a competitive low carbon, economy by the year 2050. The National Policy Position 42 establishes the fundamental national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050, guided by a long-term vision based on:

- an aggregate reduction in carbon dioxide (CO<sub>2</sub>) emissions of at least 80% (compared to 1990 levels) by 2050 across the electricity generation, built environment and transport sectors; and
- in parallel, an approach to carbon neutrality in the agriculture and land-use sector, including forestry, which does not compromise capacity for sustainable food production.

Meeting our commitments will require investment and ambitious and effective action across all sectors, as well as societal behavioural change. The planning process provides an established means through which to implement and integrate climate change objectives, including adaptation, at local level. Planning legislation also requires different levels of the planning process to address climate change. In this instance, we submit that the Proposed Development meets the requirements of National Policy Objective (NPO) 54:

#### **National Planning Objective 54**

*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.*

Section 9.2 of the NPF also provides a section on Energy Policy and Planning which describes that Ireland's national energy policy is focused on three pillars: (1) sustainability, (2) security of supply and (3) competitiveness. The Government recognises that Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% by 2050, compared to 1990 levels, while at the same time ensuring security of supply of competitive energy sources to our citizens and businesses.

Furthermore, it is emphasised that our transition to a low carbon energy future requires:

- A shift from predominantly fossil fuels to predominantly renewable energy sources;
- Increasing efficiency and upgrades to appliances, buildings and systems;
- Decisions around development and deployment of new technologies relating to areas such as wind, smartgrids, electric vehicles, buildings, ocean energy and bio energy;
- and Legal and regulatory frameworks to meet demands and challenges in transitioning to a low carbon society.

With respect to the above, we submit that the Proposed Development is also in accordance with NPO 55:

#### **National Policy Objective 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.*

With regard to planning and investment for rural locations, Section 5.4: Planning and Investment to Support Rural Job Creation, recognises the key role of energy production in assisting in the rejuvenation of rural towns and villages to create and sustain vibrant rural communities. It is stated that:

*"Rural areas have significantly contributed to the energy needs of the country and will continue to do so, having a strong role to play in securing a sustainable renewable energy supply. In planning Ireland's future energy landscape and in transitioning to a low carbon economy, the ability to diversify and adapt to new energy technologies is essential. Innovative and novel renewable energy solutions have been delivered in rural areas over the last number of years, particularly from solar, wind and biomass energy sources."*

The Proposed Development meets the requirements of National Policy Objective 21:

#### **National Policy Objective 21:**

*Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT based industries and those addressing climate change and sustainability.*

Section 1.2: Making the Vision a Reality, recognises the need for new energy systems and transmission grids in order to deliver a more distributed, renewable focused national energy system in order to harness the potential from wind, wave and solar energy sources. It is stated that:

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

The Proposed Development supports the *diversification of the rural economy into new sectors and services* that are helping to address *climate change and sustainability*. The Proposed Development will also directly result in benefits to the local economy through job creation. The construction phase of the Proposed Development has potential to create between approximately 104 and 274 jobs. The community will also be supported through the use of the community benefit fund which will invest into the local communities as noted in Section 3.7 of this Planning Report.

The Proposed Development therefore contributes substantially to the fulfilment of the following objectives in the National Planning Framework, namely National Planning Objective 21, 54 and 55.

### **3.4 Regional Spatial & Economic Strategy for the Eastern and Midlands Region**

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands region is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. At this strategic level it provides a framework for investment to better manage spatial planning and economic development throughout the Region. The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 – National Planning Framework and National Development Plan and the economic policies of the Government by providing a long-term strategic planning and economic framework for the development of the Regions. The Eastern and Midland Regional Assembly at the EMRA meeting on the 3<sup>rd</sup> May 2019 decided to make the Regional Spatial and Economic Strategy for the Eastern and Midland Region on the 28<sup>th</sup> June 2019, in accordance with section 24 (9) of the Act. The RSES was subject to a Ministerial Direction issued on 14<sup>th</sup> January 2020.

With respect to renewable energy requirements within the Eastern and Midlands region, section 2.2 Vision and Key Principles highlights that:

*“A key challenge facing the Region, along with all other regions, is the transition to a low carbon society. For the RSES this means five primary areas of transition which are at the core of the Strategy:*

- *sustainable development patterns which promote compact growth, reduce transport demand and encourage low carbon transport modes;*
- *sustainable transport systems (people and freight);*
- *carbon storing and sequestering land uses;*



- *energy efficient buildings and industry; and*
- *renewable energy."*

In relation to the RSES's 'Key Principles', it is outlined that the Strategy is underpinned by key cross-cutting principles that reflect the three pillars of sustainability; Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. The central need is for the RSES to be people focussed, as 'quality of life' encapsulates strong economic output and stability, good environmental performance and a good standard of living for all. The following key principle is provided in relation to Climate Action:

### **Climate Action**

*The need to enhance climate resilience and to accelerate a transition to a low carbon society recognising the role of natural capital and ecosystem services in achieving this.*

Section 2.3 Regional Strategic Outcomes seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes (NSOs) of the NPF. To this end, the Strategy sets out 16 Regional Strategic Outcomes (RSOs), which are aligned with international, EU and national policy and which in turn set the framework for city and county development plans. Thus, the RSES can assist local authorities in aligning with EU priorities to leverage funding and partnership opportunities. The following RSO is significant with respect to onshore wind farm development and related renewable energy generation:

### **RSO 9 - Support the Transition to Low Carbon and Clean Energy:**

*Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables focused energy system to support the transition to a low carbon economy by 2050.*

Section 7.9; Climate Change of Chapter 7 Environment and Climate provides a significant section on Decarbonising the Energy Sector. It is described that 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. It is further stated that 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 Strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of wind energy – both onshore and offshore. The following relevant Regional Policy Objectives (RPO) are also provided:

**RPO 7.36**

*Planning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and any other relevant guidance which may be issued in relation to sustainable energy provisions.*

Section 4.8 Rural Places: Towns, Villages and the Countryside of Chapter 4 People and Places provides a relevant section with respect to 'Enabling and Sustaining the Rural Economy'. It is described therein that Energy production, including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas. The following RPO is also of significance in this regard:

**RPO 6.7:**

*Support local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors such as agricultural and food, forestry, fishing and aquaculture, energy and extractive industries, the bioeconomy, tourism, and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage.*

The development of the Coolglass Wind Farm will aid in meeting the objectives set out in the RSES including diversification of the rural economy, actions against climate change and the sustainable development of wind energy at an appropriate location.

The development of the Coolglass Wind Farm will support the delivery of objectives set out in the RSES including diversification of the rural economy, actions against climate change and the sustainable development of wind energy at an appropriate location. It is submitted that the Proposed Development if realised would provide a significant contribution with respect to achieving national renewable energy and climate action targets, as set out in the NPF. The proposal would also support the overall transition to a low carbon society as set out in the RSES. The proposed development would provide a 13-no. turbine wind farm capable of generating a total of 85.8 to 93.6 MW of power (for assessment purposes) by means of renewable technology, therefore, contributing to NPO 54 and 55 of the NPF and RSO 9 of the RSES.



## 3.5 Local Policy

### 3.5.1 Laois County Development Plan 2021-2027

The Laois County Development Plan 2021-2027 (Laois CDP) was adopted on 25<sup>th</sup> January 2022 and came into effect 8th March 2022. A Ministerial Direction associate with this plan was submitted on the 28th September 2022.

This section provides an overview of compliance with key planning policy and related objectives in the Laois CDP. It should be read in conjunction with Chapter 4 of the EIAR.

Section 3.4 'Integrating Climate Action Into the Plan' of chapter 3 'Climate Action and Energy' of the Laois CDP describes that one of the cross-cutting principles of the Laois CDP is to support a transition to a low carbon and climate resilient society, a necessary measure that is supported by a comprehensive legislative and policy framework relating to climate action. The Laois CDP seeks to simultaneously address issues of climate change, energy supply and sustainability through the adoption and implementation of policy at a local level. In response, the Laois CDP outlines key action areas and 'Climate Mitigation Objectives'.

#### Climate Mitigation Objectives

Policy Objective CM RE 1 states that it is the objective of the Council to:

*Prepare a Renewable Energy Strategy (RES) for County Laois including to identify the target which County Laois can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period, and in particular wind energy production and the potential wind energy resource (in megawatts), and commencement of the variation to the County Development Plan within 1 year of adoption of the plan. Once adopted this will be by way of a variation to the Laois County Development Plan.*

Once this objective is actioned, this will have implications for CM RE 7 (see below).

CM RE 2 states the Council's intention to

*Promote and encourage the development of energy from renewable sources such as hydro, bio-energy, wind, solar, geothermal and landfill gas subject to compliance with normal planning and environmental criteria in co-operation with statutory and other energy providers.*

The Proposed Development supports delivery of this objective.

It is also a council objective (CM RE5) to

*Promote and facilitate wind energy development in accordance with the Guidelines for Planning Authorities on Wind Energy Development (Department of Housing, Planning and Local Government) and any update thereof and the Appendix 5 Wind Energy Strategy of this Plan, the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change, and subject to compliance with normal planning and environmental criteria.*

The Proposed Development is fully compliant with both the Wind Energy Guidelines 2006 and the Draft Wind Energy Guidelines 2019.

CM RE 6 requires that the setback distance for Wind turbines regarding schools, dwellings, community centres and all public roads in all areas open for consideration for wind farm development are in accordance with the Guidelines for Planning Authorities on Wind Energy Development (Department of Housing, Planning and Local Government). This objective was required by Ministerial Direction dated September 2022. Table 3-1 notes the compliance of the Proposed Development with both the 2006 and draft 2019 Guidelines.

**Table 3-1 Compliance with the Wind Energy Development Guidelines (2006) and Draft Wind Energy Guidelines (2019)**

Topic Area	Requirement, Compliance	Wind Energy Development Guidelines (2006)	Draft Revised Wind Energy Development Guidelines December 2019
Noise	Requirement	500m from nearest turbine.	No specific setback distance listed.
	Compliance	All turbines are located in excess of 500m from nearest receptor	Complies with 2006
Shadow Flicker	Requirement	500m from nearest turbine.	10 rotor diameters from each turbine – this results in a distance of between <b>1550 and 1630m</b> .
	Compliance	All turbines are located in excess of 4x tip height, or 720m from the nearest residential receptor. In this regard the Proposed Development has achieved the required distances.	It is an objective by the developer to have zero shadow flicker at all nearby properties. This has been incorporated into the mitigation to avoid shadow flicker at nearby dwellings through mitigation measures has also been included in the project, in line with the draft guidelines.
Visual Disturbance	Requirement	No specific setback distance listed.	<ul style="list-style-type: none"> <li>• <b>500m</b> from nearest turbine to the nearest point of any residential receptor.</li> <li>• 4 tip heights from each turbine to the curtilage of the nearest residential receptors– this results in a distance of <b>720m</b> (180m x4).</li> </ul>
	Compliance	In compliance with 2019 draft WEG	In this regard the proposed layout has achieved a minimum separation distance of approximately in excess of 4 times tip height or 720m between turbine locations and the closest dwellings. In this regard the Proposed Development has achieved the required distances.
Proximity to Roads and Railways	Requirement	Best practice indicates that it is advisable to achieve a safety set back from National and Regional roads and railways of a distance equal to the height of the turbine and blade.  <b>180m</b> from nearest turbine.	Although wind turbines erected in accordance with standard engineering practice are stable structures, best practice indicates that it is advisable to achieve a safety set back from National and Regional roads and railways of a distance equal to the height of the turbine to the tip of the blade plus 10%.  • <b>198m</b> from nearest turbine.
	Compliance	The nearest National or Regional Road to the Proposed Development is the R426 which is located 1.1km at the	The nearest National or Regional Road to the Proposed Development is the R426 which is located 1.1km at the closest extent (T2 in the



Topic Area	Requirement, Compliance	Wind Energy Development Guidelines (2006)	Draft Revised Wind Energy Development Guidelines December 2019
		closest extent (T2 in the Northern Cluster). The nearest National Road is the N78 which is located 3.8 km from the Proposed Development at its closest extent (T8). In this regard the Proposed Development has achieved the required distances.	Northern Cluster). The nearest National Road is the N78 which is located 3.8 km from the Proposed Development at its closest extent (T8). In this regard the Proposed Development has achieved the required distances.
<b>Proximity to power lines</b>	Requirement	Adequate clearance between structures and overhead power lines as specified by the electricity undertaker should be provided. There is a statutory obligation to notify the electricity distributor of Proposed Developments within 23 meters of any transmission or distribution line. <ul style="list-style-type: none"> <li>• <b>23m</b> from nearest turbine to any transmission or distribution line.</li> </ul>	They advise that the distance between an overhead transmission line (110kV, 22kV or 400kV) and a commercial wind turbine should not be less than three and a half rotor diameters unless EirGrid have agreed a reduction based on a risk assessment. The minimum clearance for all turbines and overhead transmission lines must be falling distance (measured from the edge of the foundation) plus an additional flashover distance for the relevant voltage. <ul style="list-style-type: none"> <li>• <b>525m</b> from any overhead power lines.</li> </ul>
	Compliance	The nearest power line to the Proposed Development is 1.9km to the north of the Northern Cluster. In this regard the Proposed Development has achieved the required distances.	The nearest power line to the Proposed Development is 1.9km to the north of the Northern Cluster. In this regard the Proposed Development has achieved the required distances.







ecological, recreational and/or cultural and built heritage resources as well as their limited wind regime. However, the assessment of the Proposed Development demonstrates that this area has been designated in error, as the sensitivities outlined for the justification of this designation do not exist on the site of the Proposed Development Site.

The need for this wind farm at this location has given due consideration to the viable wind speeds, environmental resources and constraints and cumulative impacts.

It should be noted that there are no environmentally designated sites (e.g. Natura 2000, or pNHAs) no cultural heritage sites or landscape designations or significant landscape constraints which are proximate to or within the proposed development. This includes the portion of the site which is currently zoned as not being open to consideration. In addition, there are no areas within the site that are of significant importance for recreation or tourism within or immediately proximate to the development site. Set out in the following sections are evidence against each of the considerations which justify the designation of WES 7 across a portion of this site.

### 3.5.2.1 Environmental Considerations

Figure 3-2 is an extract from the Laois Wind Energy Strategy 2021-2027. This figure demonstrates Map 8 and shows the Proposed Development Site superimposed on the map. As can be seen, the site does not fall within any Special Areas of Conservation, Natural Heritage Area or Special Protection area. The most proximate to the site is the Ballyprior Grasslands SAC which is 4km from the Site.

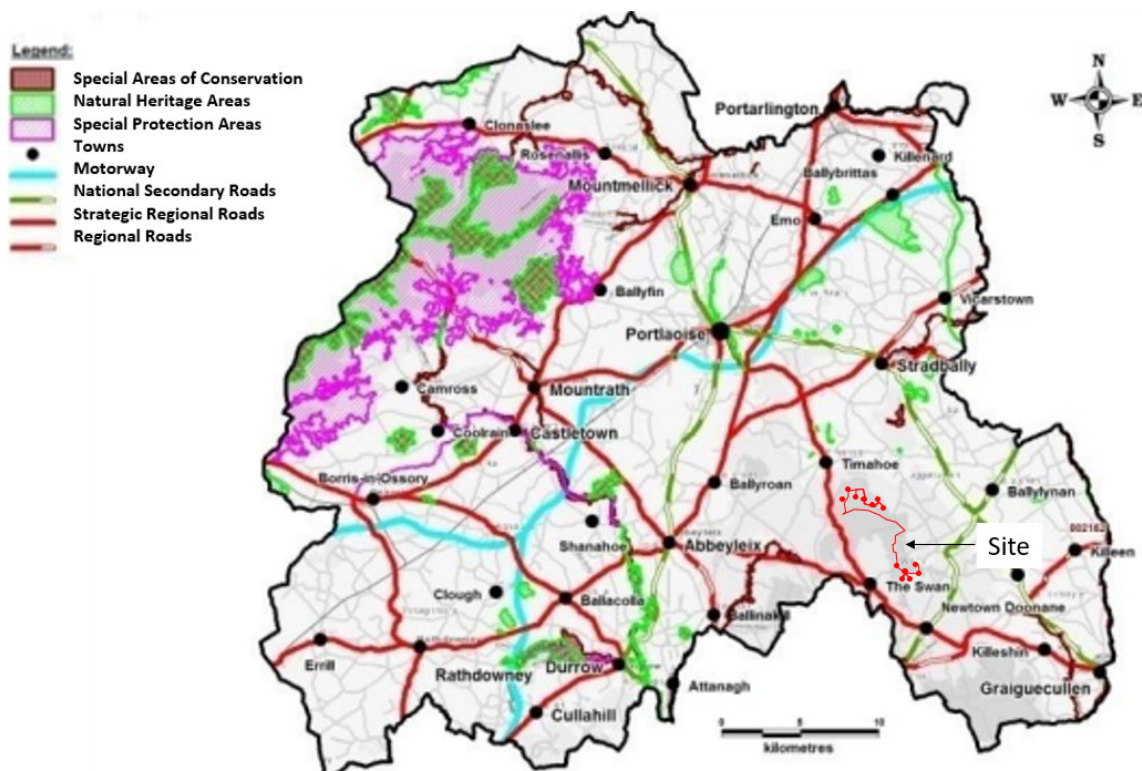


Figure 3-2 Extract from the Renewable Energy Strategy (Map 8) (with Site superimposed)



### 3.5.2.2 Landscape Considerations

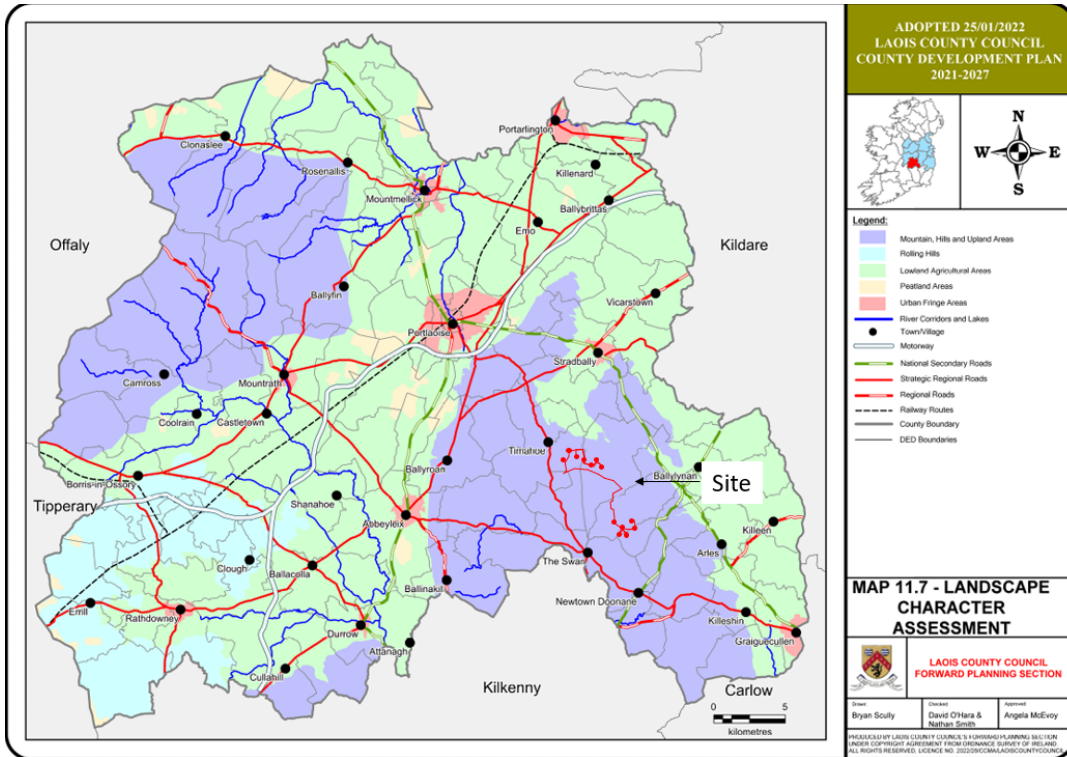


Figure 3-3 Extract from the Laois CDP Landscape Character Assessment (Map 11-7) (with Site superimposed)

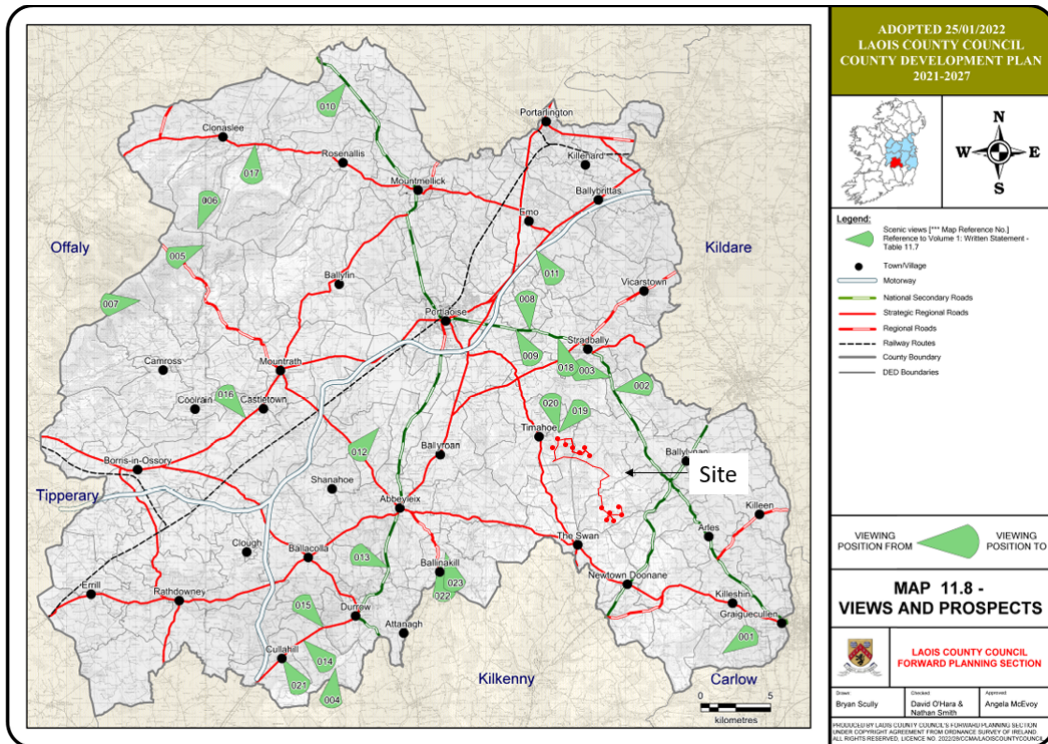


Figure 3-4 Extract from Laois CDP Views and Prospects (Map 11.8) (with Site superimposed)



**Figure 3-3** and **Figure 3-4** above notes the landscape character areas and views and prospects for County Laois respectively. The Site is located in a landscape character area designated as 'Mountain, Hills and Upland Areas'.

The Laois WES states the following:

*"The main areas that were under consideration for wind energy development during the last county development plan were mainly in the following landscape type areas: Hills and Upland Areas Peatland Areas Rolling Hill Areas There was a presumption against wind energy development in the LCT 4: Mountain Areas."*

In relation to Fossy Mountain and Wolfhill, the Laois WES states:

*"The Seven Hills, Cullenagh, Cullahill, Fossy Mountains and the upland areas around Swan, Luggacurren and Wolfhill are prominent by virtue of landmarks at their summits as well as their topography: A church at Wolfhill acts as a prominent local landmark."*

But what is interesting about the Wind Energy Strategy is the following excerpt:

*"The Wind Energy Strategy has identified these upland areas for consideration in terms of future wind energy development. Any such development must be carefully sited to minimise negative impacts. The siting and design of wind energy proposals shall be in accordance with the Planning Guidelines for Wind Energy Development for Planning Authorities [DoEHLG, 2006] and the County Laois Wind Energy Strategy."*

The Laois WES contradicts itself in terms of the upland areas it seeks to protect. On one hand, it notes that local landmarks like the church in Wolfhill is a local landmark, but on the other hand notes that upland areas have been identified for consideration for future wind energy development.

In photomontages shown from Luggacurren, Timahoe, the Swan and within Wolfhill which have been submitted with this planning application, there is no visual evidence of the church in Wolfhill.

In terms of views and prospects, the views nearest to the Site look away from the Site and not into it. There are no listed views and prospects which are facing the Site.

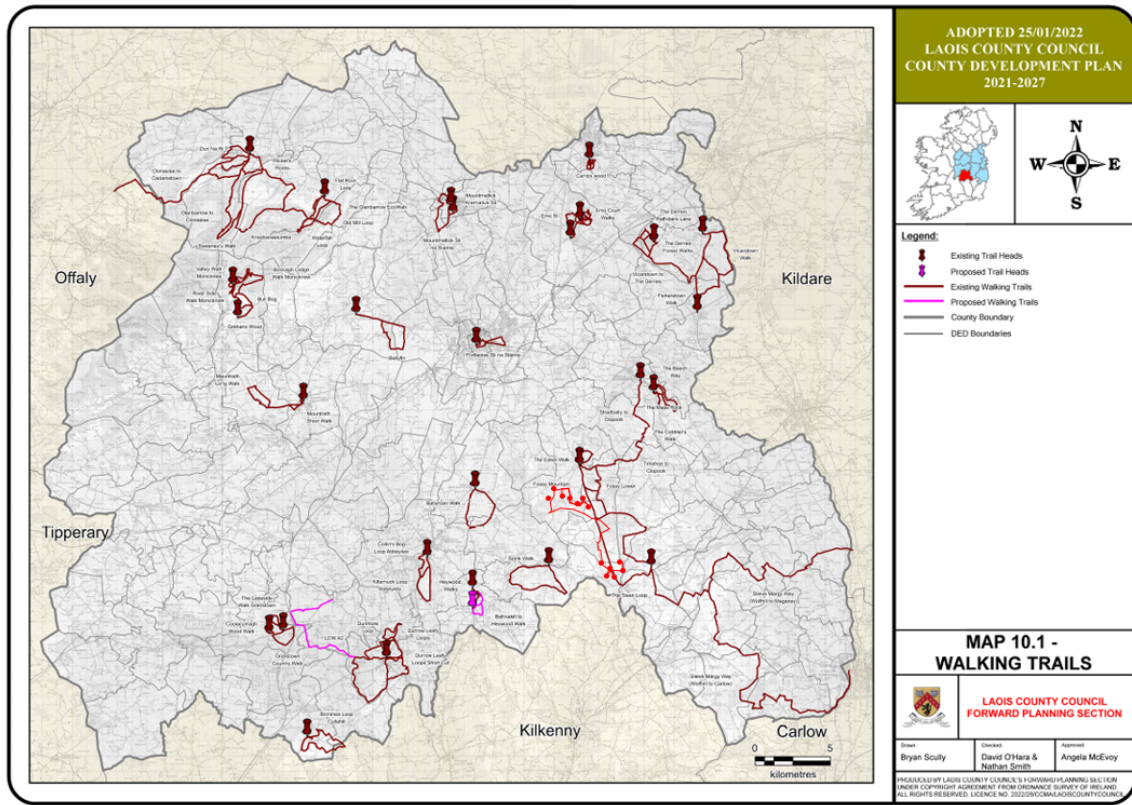
In terms of upland areas for consideration for wind energy development, the Laois WES clearly states that any such development must be carefully sited to minimise negative impacts and be in accordance with the Wind Energy Guidelines (2006). We submit that the Proposed Development has followed this guidance from the Laois WES and is fully in compliance with both the 2006 and draft 2019 WEG's. In terms of landscape, the Proposed Development has been carefully sited so as to minimise any potential visual impacts associated with the erection of turbines.

It is also worth noting that the Site is 2km from the Kilkenny County boundary. Their designation for wind development is contrary to what Laois has designated (see section 3.5.4).





### 3.5.2.3 Tourism Considerations



**Figure 3-5 Extract from the Laois CDP Walking Trails (Map 10.1) (with Site superimposed)**

**Figure 3-5** is an extract from the Laois CDP with the Site superimposed which demonstrates the existing walking trails within County Laois. Several walking trails are in proximity to the Proposed Development, and some run through the Proposed Development, such as the Swan Loop and the Fossy Mountain trail. With respect to walking trails, the Laois WES notes the following:

*“These hills and uplands represent considerable potential in terms of tourism development. However, at present they are somewhat isolated as separate entities. Linking the most important sites by way-marked trails would be a valuable addition allowing further appreciation of the landscape in a sensitive manner.”*

The accompanying EIA assesses a number of elements of the Project, which include the construction of turbines, the associated cable route and turbine delivery route, and for the provision of a recreational amenity trail which is visually demonstrated in Figure 3-6 in Chapter 3 of Volume 2 of this EIA. The Applicant is assessing the potential for the provision of a recreational amenity trail that connects the cultural settlement of Timahoe to Fossy Mountain trail and Swan Loop. While permission isn't sought for this element of the Project at this time, it is to be subject to a separate planning application in the future. Therefore, it is considered that the Proposed Development does not detract from the potential tourism offering that the upland areas in proximity to the Proposed Development, but actually strengthens this offering by adding connectivity to important cultural assets within the vicinity of the Proposed Development.



### 3.5.2.4 Summary

It is considered that the Proposed Development is largely located in an area that has been classified as *'not open to consideration for development'*, however the designation does not appear to have the evidence to support it across the Site area of the Proposed Development. The Proposed Development does not fall within an area that is environmentally sensitive as set out in the Laois WES, it has been carefully sited to minimise visual impact and it strengthens the main objective of strengthening tourism offering in the area by providing connectivity via the provision of an existing trail from a cultural settlement through the site.

It is therefore considered that the sensitive siting, design and elements of the Proposed Development are appropriate for the area.

### 3.5.3 Draft Ministerial Direction for the Laois CDP

In addition to the unsubstantiated rationale for including a portion of the site within an area identified as *'not open for consideration'* for Wind Energy Development, CM RE 1 and consequently CM RE 7 were the subject of a ministerial direction concerning the lack of evidence basis that was provided in the making of the County Wind Energy Strategy.

A draft Direction by the Minister was issued on 7th March 2022 required the following:

- a. The deletion of the setback distance of 1.5 km from Section 6.1 – Buffer Zones which is contained in the Development Control Standards for wind farms in County Laois in Section 6 of Appendix 5: Wind Energy Strategy of the adopted Laois CDP.
- b. To take such steps as are required to identify, on an evidence-basis and using appropriate and meaningful metrics, the target which County Laois can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period, and in particular wind energy production and the potential wind energy resource (in megawatts), and to amend the adopted Plan accordingly.

Following the draft Direction, the OPR, in their notification letter pursuant to Section 31 AN(4) of the Planning and Development Act 2000 (as amended), recommended that the proposed final Direction be issued as follows:

- a. *Delete the setback distance of 1.5 km from Section 6.1 – Buffer Zones which is contained in the Development Control Standards for wind farms in County Laois in Section 6 of Appendix 5: Wind Energy Strategy of the adopted Development Plan.*
- b. *Amend Objective CM RE 1 of the adopted Laois CDP to state:*

*CM RE 1 – Prepare a Renewable Energy Strategy (RES) for County Laois , including to identify the target which County Laois can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period, and in particular wind energy production and the potential wind energy resource (in megawatts), and commencement of the variation to the County Development Plan within 1 year of adoption of the plan. Once adopted this will be by way of a variation to the Laois County Development Plan*

*Until such time as CM RE 1 is actioned, the current Renewable Energy Strategy and associated maps which identify Preferred Areas, Areas Open for Consideration and Areas*



*Not Open for Consideration are outdated and should be considered non compliant with national policy, namely:*

- *The Climate Action and Low Carbon Development (Amendment) Act 2021*
- *the National Development Plan 2021 – 2030,*
- *Climate Action Plan 2021 / 2023*

In the context of the Board's assessment of policy compliance this Direction should be noted and policy CM RE 7 should be deemed not to have come into effect for the purposes of the assessment. In the absence of an updated Renewable Energy Strategy, renewable energy projects must be delivered as a matter of priority, given the strength of regional, national and international policy and targets.

In overall policy terms, the provision of a wind energy is necessary in order for County Laois to fulfil its obligations in terms of contributing towards renewable energy targets subject to qualitative safeguards.

While the Board must have regard to policy provisions contained in the Laois CDP, it is not required to strictly adhere to these particularly where they will be superseded as a result of a Ministerial Direction. In the case of ordinary planning applications and appeals the Board is permitted to exercise its discretion under the criteria set out in Section 37(2)(b) of the Planning and Development Act 2000 where the Planning Authority has issued a refusal on the basis that the proposal materially contravenes a policy statement contained in the development plan. It is respectfully suggested that if the criteria set out in Section 37(2)(b) were to be applied in this instance, it could be reasonably argued that the proposal complies with the criteria set out under:

- Section 37(2)(b)(i) - in that the Proposed Development is of strategic or national importance,
- Section 37(2)(b)(ii) – in that there are conflicting objectives in the development plan insofar as the Proposed Development is concerned. In this regard, there are many policy statements and objectives contained in the development plan that generally support the provision of wind energy.
- Section 37(2)(b)(iii) – in that the Proposed Development should be granted having regard to Regional Planning Guidelines for the area and other National Policy Guidelines (referred to in Section 7 above) including the Climate Action Plan and the National Planning Framework.

### **3.5.3.1 Final Ministerial Direction**

On 28<sup>th</sup> September 2022, Peter Burke, TD issued a final Ministerial Direction to Laois County Council. The relevant wording of this Direction is as follows:

*(2) The Planning Authority is hereby directed to take the following steps:*

*a. Delete the setback distance of 1.5 km from Section 6.1 – Buffer Zones which is contained in the Development Control Standards for wind farms in County Laois in Section 6 of Appendix 5: Wind Energy Strategy of the adopted Development Plan.*

*Statement of reasons:*



*I. Pursuant to Section 31(1)(a)(i)(II) and Section 31(1)(b)*

*The Minister is of the opinion that the Development Plan has failed to implement a recommendation made to the planning authority by the Office and that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.*

*II. Pursuant to Section 31(1)(ba)(i)*

*The Laois County Development Plan 2021-2027 is inconsistent with the policy objectives of the National Planning Framework, specifically NPO 55, which states that it is an objective to 'promote renewable energy use and generation at appropriate locations.....to meet national objectives towards achieving a low carbon economy by 2050', and the requirements for the planning authority to comply with, and the development plan to be consistent with, the aforementioned National Policy Objective under Sections 10(1A) and/or 12(11) read in conjunction with Section 12(18);*

*III. Pursuant to Section 31(1)(c)*

*The Development Plan does not have adequate regard to Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement under the Wind Energy Development Guidelines for Planning Authorities (2006) that the development plan must achieve a reasonable balance in responding to overall Government Policy on renewable energy, enabling the wind energy resources of the planning authority's area to be harnessed in a manner that is consistent with proper planning and sustainable development in order to provide a plan-led context to the assessment of individual wind energy development proposals.*

*IV. Pursuant to Section 31(1)(ba)(i) & (ii)*

*The Development Plan contains conflicting objectives on wind energy development such that the Policy objectives supporting wind and renewal energy development of the adopted Development Plan cannot be achieved having regard to the separation distances required by Section 6.1 of Appendix 5: Wind Energy Strategy of the adopted Development Plan.*

For these reasons, policy EN-7, has been omitted from the list of relevant policies set out in **Table 3-2**.

On the basis of the above, and notwithstanding the provisions of CM RE 7, planning permission can be granted on the basis of the overarching national policy objectives in relation to the promotion of renewable energy targets within the State. The delivery of Action 102 set out in the Annex of Actions in the Laois CDP, commits to delivering clear and specific outputs that are required in order for development plans to accurately and proportionately address targets at a local authority level. In particular, the commitment to publish a framework to set out targets for onshore renewable electricity development to inform spatial plans will be a significant output to enable the disaggregation of national targets to a scale that can be applied at local authority level. The timeline for the publication of the framework was scheduled to be completed in Q4 2022. As of the time of the preparation of this Planning statement, this framework has not been published.



Change to the Proposed Development cannot be considered contrary to wind farm policy for the above reasons. A portion of the wind farm site being located within an area not open to consideration as per objective CMRE 7 is unjustified as outlined above. This objective will be superseded once CMRE 1 is complied with.

Under section 37G(6) of the Act, the Board may grant a permission for development, or any part of a development, even if it contravenes materially the development plan relating to any area in which it is proposed to situate the development.

### 3.5.3.2 Wind Energy Policy Objectives

The relevant policies from the Laois Wind Energy Strategy 2017-2023 are set out in **Table 3-2**.

**Table 3-2 Laois County Council Wind Energy Policy**

Wind Energy Policy	Objective Text
WES 1: Development of Renewable Energy Generation	It is the policy of the Council to support, in principle and in appropriate scales and locations, the development of wind energy resources in County Laois . The future sustainable development of the County is dependent on a secure supply of energy. There is a need to promote the development of renewable energy to reduce dependency on fossil fuels and to comply with national and European policies with regards to renewable energy resources and to address the challenge of climate change. It will be an objective of the Council to ensure the security of energy supply by accommodating the development of wind energy resources in appropriate areas and at appropriate scales in the county.
WES 2: Development of Low Carbon Economy	Laois County Council will seek to promote itself as moving towards becoming a low carbon County by 2018 as a means of attracting inward investment to the County and the wider Midlands region.
WES4: Community Involvement and Gain	Laois County Council will seek to promote community involvement and require community benefit where possible in proposed wind farm developments.

### 3.5.3.3 Specific Area Policies

Three area classifications (there are no Strategic Areas) have been recommended for wind farm development in County Laois and specific policies pertaining to each are presented in **Table 3-3**:

**Table 3-3 Laois County Council Specific Area Policies**

Wind Energy Policy	Objective Text
WES 5: Preferred Areas	These areas are considered suitable for wind farm development because of sufficient wind speeds, access to grid network, and established patterns of enquiries.  Projects within these areas must demonstrate conformity with existing and approved wind farms to avoid visual clutter, be developed in line with the Planning Guidelines in terms of siting, layout and environmental studies. Proximity to a Special Area of Conservation or Special Protection Area will require a Habitats Directive Assessment under Article 6 of the Habitat Regulations.





Wind Energy Policy	Objective Text
WES 6: Areas Open for Consideration	Wind energy applications in these areas will be evaluated on a case by case basis subject to viable wind speeds, environmental resources and constraints and cumulative impacts.
WES 7: Areas Not Open for Consideration	These areas are not considered suitable for wind farm development due to their overall sensitivity arising from landscape, ecological, recreational and/or cultural and built heritage resources as well as their limited wind regime.

The relevant wind energy, and specific energy policies in the Laois CDP and compliance with same are summarised below:

Wind Energy Policy	Objective Text	Compliance with Policy
WES 1: Development of Renewable Energy Generation	It is the policy of the Council to support, in principle and in appropriate scales and locations, the development of wind energy resources in County Laois . The future sustainable development of the County is dependent on a secure supply of energy. There is a need to promote the development of renewable energy to reduce dependency on fossil fuels and to comply with national and European polices with regards to renewable energy resources and to address the challenge of climate change. It will be an objective of the Council to ensure the security of energy supply by accommodating the development of wind energy resources in appropriate areas and at appropriate scales in the county.	The Proposed Development represents a significant input into the future sustainable development of the County and security of energy supply. This EIAR has assessed the impact of the Proposed Development on the surrounding area and has demonstrated that it is of both an appropriate scale and location.
WES 2: Development of Low Carbon Economy	Laois County Council will seek to promote itself as moving towards becoming a low carbon County by 2018 as a means of attracting inward investment to the County and the wider Midlands region.	The Proposed Development will aid the county in achieving this objective.
WES4: Community Involvement and Gain	Laois County Council will seek to promote community involvement and require community benefit where possible in proposed wind farm developments.	Significant community involvement has been undertaken as part of the pre planning process. Furthermore section 5.8 details the scope of the community benefit fund which will be put in place and Section 5.9 details the level of community engagement.
WES 5: Preferred Areas	These areas are considered suitable for wind farm development because of sufficient wind speeds, access to grid network, and established patterns of enquiries.  Projects within these areas must demonstrate conformity with existing and approved wind farms to avoid visual clutter, be developed in line with the	Only a very small proportion of the County falls within this designation. None of the Proposed Development falls within the designation.



Wind Policy	Energy	Objective Text	Compliance with Policy
		Planning Guidelines in terms of siting, layout and environmental studies. Proximity to a Special Area of Conservation or Special Protection Area will require a Habitats Directive Assessment under Article 6 of the Habitat Regulations.	

### Development Management

The Laois CDP states also states that

*There are a number of other considerations which must be factored when dealing with applications for wind energy development. These include visual impact, landscape protection, impacts on residential amenity, impact on wildlife and habitats, connections to the national grid and impact of construction and ancillary infrastructure including access roads and grid connections. It is stated that the Council will have regard to the Draft Wind Energy Development Guidelines for Planning Authorities (DHPLG, 2019) in relation to the siting and development of wind turbines and the information required as part of a planning application.*

Wind Policy	Energy	Objective Text	Compliance with Policy
DM RE 2		<p>WIND ENERGY DEVELOPMENT</p> <p>Refer to Section 6 and Section 7 of Appendix 5 Wind Energy Strategy for the full suite of Development Management Standards</p> <p>When assessing planning applications for wind energy developments the council will have regard to:</p> <ul style="list-style-type: none"> <li>a) The wind energy development guidelines for planning authorities;</li> <li>b) The wind energy strategy designations map for Laois showing areas ( a) Area open for consideration and (b) Areas not deemed suitable</li> </ul> <p>In addition to the above, the following considerations will also be taken into account:</p> <ul style="list-style-type: none"> <li>i. Impact on visual amenity;</li> <li>ii. Impact on residential amenities;</li> <li>iii. Scale and layout of the project and the cumulative effects due to other projects and the extent to which the impacts are visible across the local landscape;</li> <li>iv. Visual impact of the proposal on the protected views and aspects;</li> <li>v. Impact on nature conservation, ecology, soil, hydrology;</li> </ul>	<p>a)The Proposed Development is in compliance with the Wind Energy Guidelines as set out in <b>Table 3-1</b>.</p> <p>b) The Proposed Development sits within both areas (a) and (b), however the rationale for the (b) designation does not apply to the Site</p> <ul style="list-style-type: none"> <li>i. The site does not significantly impact on visual amenity (see chapter 7 of the accompanying EIAR, <b>Figure 3-3</b> and <b>Figure 3-4</b> of this Planning Report</li> <li>ii. the site is surrounded by 179 no properties, all of which are set back in accordance with 2006 and 2019 Wind Energy Guidelines, see <b>Table 3-1</b>.</li> <li>iii. and iv. A cumulative assessment of visible permitted, in construction and operational wind farms in the vicinity is demonstrated in the accompanying photomontages and Chapter 7 of the accompanying EIAR. No significant impact is envisaged.</li> <li>v. -viii – please see chapters 8, 12, 5 and 10 respectively of the accompanying EIAR which comprehensively address these</li> </ul>



Wind Energy Policy	Objective Text	Compliance with Policy
	vi. Impact on ground conditions and geology; vii. Impact on the road network; viii. Impact on human health in relation to noise disturbance. Other considerations may be taken into account depending on the site and on a case by case basis.	items. No significant impact is envisaged.

### 3.5.4 Kilkeny County Development Plan 2021-2027 (KCDP)Kilkeny County Development Plan 2021-2027

While the Proposed Development is not located within the boundaries of Kilkeny County Council, it is in close proximity to the County Boundary. Key information provided by Kilkeny to the Applicant during the scoping process informs this section, namely:

- The Wind Energy Development Strategy and Ministerial Direction
- Draft Ministerial Direction

#### 3.5.4.1 Kilkeny Draft Wind Energy Development Strategy 2021

The Kilkeny Wind Energy Development Strategy (Kilkeny Wind Strategy) incorporates a statement of the Council’s objectives in relation to wind energy development and sets out the methodology for the identification of suitable locations for wind energy development in the county, having regard to the relevant policy context.

The key objectives of the Kilkeny Wind Strategy are as follows:

- Recognise the importance of wind energy as a renewable energy source and ensure the security of energy supply by supporting, in principle and at appropriate scales and locations, the development of wind energy resources in the county.
- Promote the development of wind energy and other renewable energy sources in the county to meet national renewable energy targets (supplying a minimum of 100% of electricity consumption from renewable sources by 2030).
- Enable Kilkeny to generate the equivalent of 100% of its electricity needs from renewable energy.
- Identify strategic areas in the county for wind energy development.
- Provide specific criteria for wind energy development that the planning authority will take into account when considering any wind energy or related proposals
- Investigate the potential for relatively small-scale wind energy developments within urban and industrial areas, and for small community-based proposals outside the strategic areas.

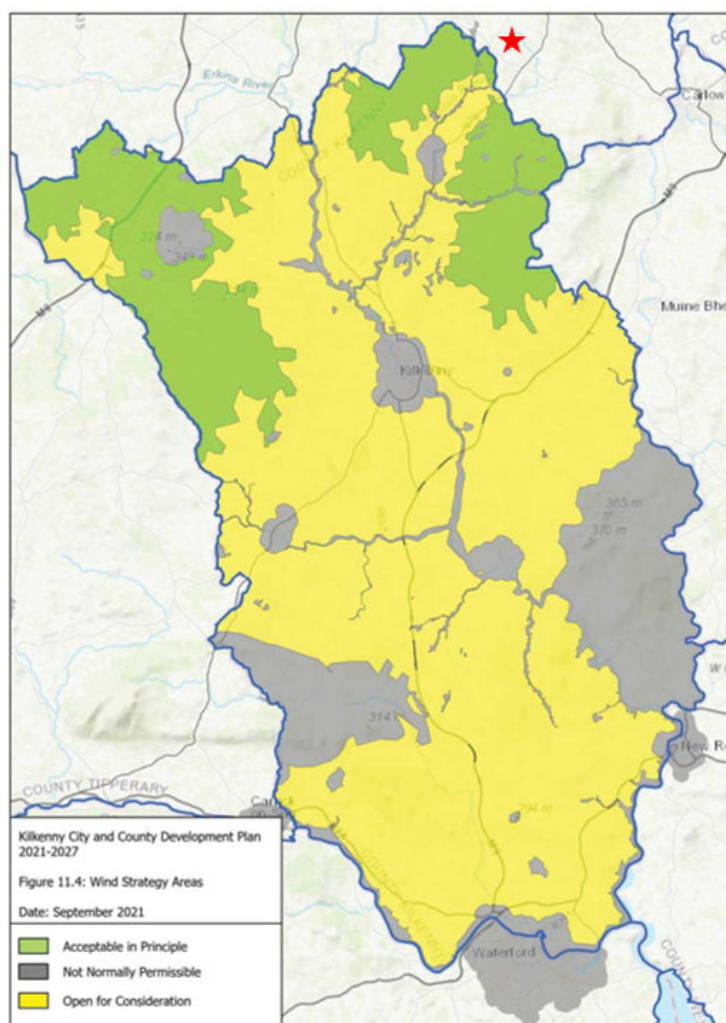
Accordingly, the county has been divided into three policy areas for the development of wind farms, based on an assessment of viability against other considerations; “Acceptable in principle”, “Open for Consideration” and “Not normally permissible”. A matrix is set out below outlining which of the various category scales will be considered in each Wind Strategy area. [Error! Reference source not found.](#) shows a map of County Kilkeny with areas designated in accordance with their suitability for wind energy development. It is noted that the area adjacent to the site is classified as ‘Accepted in Principle’.





**Table 3-4 Excerpt of Table 11.3 of the KCDP**

Table 11.3: Wind Energy Strategy Areas – policy approach			
Strategy area	Acceptable in Principle	Open for consideration	Not normally permissible
Project category			
Individual turbine	✓	✓	✓
Auto producer	✓	✓	✓
Small scale wind farm/Community led initiative	✓	✓	X
Large scale wind farm	✓	X	X



**Figure 3-6 KCDP Wind Strategy Areas (Southern Cluster of the Site denoted by red star)**

It is worth noting from **Figure 3-6** above that the Proposed Development is adjacent (2km) from the Kilkenny County boundary. The area most proximate to the Site within Kilkenny is designated “acceptable in principle” which is at odds with the Laois WES which notes the area adjacent to Kilkenny as “not acceptable”. There is no joined up planning consideration between the designations which further undermines the “not acceptable” designation in County Laois.



### 3.5.4.2 Key Policies of Relevance

Chapter 11 of the Kilkenny County Development Plan 2021-2027 (KCDP) outlines the mechanisms to support the increased development of renewable energy production county wide and across communities and citizens in accordance with the EU Renewable Energy Directive 2018/2001/EU.

Objective 11A of the CDP sets out:

*“To support and facilitate the provision of energy in accordance with Ireland’s transition to a low carbon energy future by means of the maintenance and upgrading of electricity and gas network grid infrastructure and by integrating renewable energy sources and ensuring our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows over the period of the plan.”*

Section 11.5 “Wind Energy” of the KCDP is also of relevance. The KCDP identifies that at the time of its writing Kilkenny had approximately 76 MW of installed wind energy, generated by 39 turbines.

The KCDP identifies specific renewable energy objectives. These are set out below.

The Strategic Aim of the objectives is to generate 100% of electricity demand for the County through renewables by 2030 by promoting and facilitating all forms of renewable energies and energy efficiency improvements in a sustainable manner as a response to climate change in suitable locations having due regard to natural and built heritage, biodiversity and residential amenities.

*“11A To support and facilitate the provision of energy in accordance with Ireland’s transition to a low carbon energy future by means of the maintenance and upgrading of electricity and gas network grid infrastructure and by integrating renewable energy sources and ensuring our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows over the period of the plan.*

*11B To identify and designate a Decarbonation Zone (DZ) in the Council’s Climate Action Plan for a spatial area in which a range of climate mitigation, adaptation and biodiversity measures are developed to address local low carbon energy, greenhouse gas emissions and climate needs to contribute to national climate action.”*

The above objectives have been considered in the design of the Site.

### 3.5.4.3 Ministerial Direction on the Kilkenny County Development Plan 2021 – 2027

#### Synopsis of the Draft Ministerial Direction

- On 15th October 2021, the Minister of State at the Department of Housing, Local Government and Heritage, consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Planning and Development Act 2000 (as amended), notified Kilkenny County Council of his intention to issue a Direction to the Kilkenny City and County Development Plan 2021-2027.



- In accordance with Section 31(4) of the Planning and Development Act 2000, those parts of the Kilkenny City and County Development Plan 2021 – 2027 Plan referred to in the notice shall be taken not to have come into effect, been made or amended; namely;
- To reinstate section 11.4 and 11.5.1 of the draft Development Plan including the identification of 201 MW of renewable energy to meet the objective of 100% of electricity needs from renewable sources for the County by 2030 consistency with the Climate Action Plan
- Amend the adopted wind energy strategy map to ensure consistency with renewable energy target to include reinstatement of areas designated at Templeorum/Mullenbeg, Castlebanny and three small areas in the south of the county to “acceptable in principal”.

### 3.6 Community Engagement

Community engagement for the Proposed Development included:

- **Door to door community engagement** – two rounds of door-to-door community engagement have been undertaken in January 2023 and in May of 2023. All dwellings within 1.6km of the proposed turbine locations were visited during this time frame. The purpose of meeting all households was to inform them of the project, and any amendments to the project which may have been partially brought about by results of the first round of community engagement. Postcards and booklets were provided to all households.
- **Project Website-** a project website was produced in 2022 which provided key information to householders. This website has been periodically updated with key changes to the project in tandem with consultation rounds.
- **Project consultation feedback form** – this form was provided in two ways- firstly as a QR code on the project brochures used in rounds 1 and 2 of the door-to-door community engagement works, and secondly via a dedicated link in the project website. This form provided key information to households, such as an exact distance to the nearest turbine from their home as well as providing a platform for households to provide their feedback and concerns on the project and on specific environmental, landscape and other concerns, including how community development funds might be utilised.

### 3.7 Community Benefit

An important part of renewable energy development is its Community Benefit Scheme. The concept of directing benefits from renewable energy developments to the local community is promoted by the National Economic and Social Council (NESC) and the Irish Wind Energy Association (IWEA) among others.

As set out in the terms of the Renewable Energy Support Scheme (RESS), all renewable energy projects applying for RESS will require a Community Benefit Fund prior to commercial operations of the project. The contribution for RESS 2 (2021), the second renewable energy auction under the support program, requires a contribution of €2/MWh for all projects. Furthermore, as part of RESS 2, the Community Benefit Fund will provide a minimum payment of €1,000 to all dwellings located within a distance of 1 kilometre radius from RESS 2 projects and a minimum of 40% of the funds shall be paid to not-for-profit community enterprises, whose primary focus or aim is the promotion of initiatives towards



the delivery of the UN Sustainable Development Goals. The characteristics of the Community Benefit Fund are not expected to change significantly in future RESS auctions.

As detailed in Chapter 2 of this EIAR, public consultation with the local community began at an early stage in the development process, with engagement commencing during the initial project feasibility and scoping stages. Through this process, feedback was actively sought on ideas regarding the form that the Community Benefit Scheme should take and how best to achieve maximum potential benefit from the available funding. This will pave the way for the establishment of a local committee to ensure dispersal of the fund throughout the community. Assuming that the export capacity of the Proposed Development will be between approximately 85.8 – 93.6 MW (for assessment purposes) and is contracted under the RESS, it is anticipated that the community benefit fund for the Coolglass Wind Farm could deliver in the region of €470,000 per year for the duration of the Renewable Energy Support Scheme which is expected to be for the first 15 years following the commissioning of the project. Following public consultation, it was made clear that part of this fund should be ring-fenced to provide support to the residences in closest proximity to the project, a Near Neighbour scheme. The extent of the overall benefit fund to be allocated to the Near Neighbour scheme and the distribution of the balance of community benefit funds is to be further discussed and agreed with the community in future engagement. The total fund per annum will depend on the power output of the project overall which may vary due to the installed turbine output and the number of permitted/constructed turbines.

### 3.8 Summary of Material Planning Considerations

All planning applications are determined on their individual merits with due consideration given to the overall planning balance of a scheme. While many development proposals will encompass both positive and negative aspects that require consideration, planning weight should err on the side of a '*presumption in favour of development unless material considerations indicate otherwise*'; as per the paragraph 11 of the National Planning Framework.

The Proposed Development, if granted, would contribute to the supply of national demand for renewable energy which would add to the national objectives of decarbonising to combat the climate emergency and add to the energy security of supply crisis we are currently experiencing as a result of the Ukrainian war.

Environmental impacts have been considered in the EIAR and NIS through the process of assessment, embedded mitigation and additional proposed mitigation in the EIAR, the NIS and CEMP. It has been demonstrated that the Proposed Development can be constructed, operated and decommissioned without any significant effects arising on the environment.

Chapter 4 (Planning Policy) in the EIAR contains a comprehensive planning assessment of the Proposed Development. Our assessment notes that the Proposed Development is compliant with International, European and National policy on energy security emissions reductions and renewable energy production. The Proposed Development is in compliance with local policies in the Laois County Development Plan 2021-2027, however it is important to note that the local policy is subject to a ministerial direction in relation to setback distances (see section 4.5.11 of Chapter 4 and section 3.5.1.11 in this Planning Report).

It is considered that the Proposed Development meets all three criteria discussed in sections 2.5 and 2.6 of this Planning Report.



Section 3.6 and 3.7 of this Planning Report discuss the community benefit fund and how the community team has engaged with the local community within 1.6km of each turbine. The developer has undertaken significant consultation in this regard in compliance with the Community Benefit Fund Good Practice Principles published in 2021, the Best Practice Guidelines for the Irish Wind Energy Industry and the IWEA Best Practice Principles in Community Engagement and Community Commitment 2013.

## **4.0 Conclusion**

This Planning Report has set out the rationale for the Proposed Development and has provided a robust response with respect to development and assessment criteria set out in the Planning and Development Act, 2000 (as amended), with respect to Strategic Infrastructure Development, the National Planning Framework, the Laois County Development Plan 2021 – 2027, the Government's Section 28 Wind Energy Development Guidelines 2006 (WEG's) and the Draft Wind Energy Guidelines 2019.

We trust that ABP will have regard to the above. In doing so we respectfully request that Board to give due regard to the national objectives to support wind energy development as part of the International, European and National binding policies to increase the use of renewable energy.





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