

# **Planning Application Report**

Kilgarvan Wind Farm  
Repowering Application





## DOCUMENT DETAILS

Client: **Orsted Onshore Ireland Midco Ltd**

Project Title: **Kilgarvan Wind Farm Repowering Application**

Project Number: **211107**

Document Title: **Planning Application Report**

Document File Name: **PR\_F\_211107\_2024.05.13**

Prepared By: **MKO  
Tuam Road  
Galway  
Ireland  
H91 VW84**



Rev	Status	Date	Author(s)	Approved By
01	Draft	17/04/2023	AB/MM	AB
02	Draft	22/04/2023	IR/MM	MC
03	Draft	23/02/2024	MM	AB
04	Draft	01/03/2024	MM	MC/AB/Client
05	Draft	06/03/2024	MM	MC
06	Final	08/05/2024	MM	MC

# Table of Contents

1.	<b>INTRODUCTION .....</b>	<b>3</b>
1.1	Preamble .....	3
1.2	Project Team .....	3
1.2.1	Project Team Members MKO .....	3
2.	<b>SITE CONTEXT .....</b>	<b>5</b>
2.1	Proposed Development Site Location .....	5
2.2	Site Context .....	6
2.2.1	Historic Environment .....	6
2.2.2	Ecology .....	7
2.2.3	Flooding .....	8
2.2.4	Landscape .....	8
3.	<b>PROPOSED DEVELOPMENT .....</b>	<b>10</b>
3.1	Proposed Development Description .....	10
4.	<b>PLANNING HISTORY .....</b>	<b>12</b>
4.1	Subject Site Planning History .....	12
5.	<b>PRE-PLANNING CONSULTATION .....</b>	<b>17</b>
5.1	An Bord Pleanála .....	17
5.2	Kerry County Council .....	18
6.	<b>PLANNING POLICY .....</b>	<b>19</b>
6.1	National Policy & Legislation .....	19
6.1.1	The Department of Housing, Local Government and Heritage (DHLGH) published a Circular letter (MPP 01/2023) – Design Flexibility .....	19
6.1.2	National Planning Framework: Project Ireland 2040 .....	19
6.2	Government Guidelines .....	20
6.2.1	DoEHLG Wind Energy Guidelines 2006 .....	20
6.2.2	Draft Revised Wind Energy Guidelines 2019 .....	20
6.2.3	Department Circular PL5/2017 - Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change .....	21
6.2.4	IWEA Best Practice Guidelines for the Irish Wind Energy Industry 2012 .....	21
6.2.5	IWEA Best Practice Principles in Community Engagement and Community Commitment 2013 .....	22
6.2.6	DCCA Code of Practice for Wind Energy Development Ireland – Guidelines for Community Engagement 2016 .....	22
6.2.7	Commission for Regulation of Utilities: Grid Connection Policy .... <b>Error! Bookmark not defined.</b>	
6.2.8	Renewable Energy Support Scheme (RESS) .....	22
6.3	Regional Policy .....	22
6.3.1	Southern Region Economic and Spatial Strategy .....	23
6.4	Local Policy Context .....	23
6.4.1	Kerry County Development Plan 2022-2028 .....	23
6.4.2	Cork County Development Plan 2022-2028 .....	24
7.	<b>PLANNING ASSESSMENT .....</b>	<b>25</b>
7.1	Principle of Development .....	25
7.1.1	Zoning .....	26
7.2	Design and Layout .....	26
7.2.1	Design Flexibility .....	27
7.2.2	Substation Upgrades .....	28

7.2.3	Grid Connection.....	28
7.3	Impact on Residential Amenity .....	28
7.3.1	Noise.....	29
7.4	Landscape and Visual Assessment.....	29
7.5	Hydrology and Hydrogeology.....	30
7.6	Traffic and Transport .....	31
7.6.1	Site Access.....	31
7.7	Biodiversity and Ornithology .....	32
7.7.1	Appropriate Assessment/NIS .....	32
7.7.2	Biodiversity .....	33
8.	<b>CONCLUSION .....</b>	<b>34</b>

## TABLE OF TABLES

<i>Table 2-1: Historic Environment - Monuments.....</i>	<i>6</i>
<i>Table 2-2: Additional Historic Environment Features.....</i>	<i>7</i>
<i>Table 4-1: Valid Planning Applications.....</i>	<i>13</i>
<i>Table 7-1: Summary of goals and objectives found in the KCDP relevant to the proposed development, relevant Policy numbers, and supporting SDGs. ....</i>	<i>25</i>

## TABLE OF FIGURES

<i>Figure 1: Location Context Map, Source: MKO.....</i>	<i>5</i>
<i>Figure 2: Repowering Areas, Source: MKO QGIS (Kerry County Development Plan 2022-2028) .....</i>	<i>6</i>
<i>Figure 3: Natura 2000 designated sites, Source: NIS as prepared Ecology Ireland Wildlife Consultants Ltd.....</i>	<i>8</i>
<i>Figure 7-1: The ELAR Site Boundary of the proposed development overlaid on the location of the zoning for the Repower Areas. ....</i>	<i>26</i>
<i>Figure 5: Site Layout Key Plan (Dwg no. 211107 - 07), Source MKO.....</i>	<i>27</i>

## APPENDIX

*Appendix 1 – SID Meeting Minutes*

1.

# INTRODUCTION

1.1

## Preamble

MKO have been appointed by our clients Orsted Onshore Ireland Midco Ltd ('Ørsted') to prepare and lodge this Strategic Infrastructure Development ('SID') planning application in accordance with Section 37E of the Planning and Development Act 2000 (as amended) (the 'Act') for permission to decommission the existing 28 no. turbines, replace them with 11 no. wind turbines, and upgrade the associated infrastructure at the Existing Kilgarvan Wind Farm site in the townlands of Inchincoosh, Lettercannon, Inchee, Coomacullen, and Cloonkeen in County Kerry.

The Proposed Development, which will have a potential generating capacity greater than 50 megawatts (MW) will make use of the existing 110kV infrastructure built as part of the Existing Kilgarvan Wind Farm. This infrastructure will continue to connect the Proposed Development to the national electricity grid via the existing 110kV Coomagearahy substation. There will be minor upgrades to the existing 110kV Coomagearahy substation as part of the Proposed Development to ensure that it is in line with current EirGrid specifications.

The planning application which will be submitted to An Bord Pleanála as a Strategic Infrastructure Development (SID), proposes to decommission the existing 28 no. turbines and to construct 11 no. new turbines in their place. The 11 no. turbines will meet the potential generation capacity of greater than 50MW. The application meets the threshold for wind energy set out in the Seventh Schedule of the Planning and Development Act 2000, as amended (being '*An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts*') and is therefore being submitted directly to An Bord Pleanála as a Strategic Infrastructure Development (SID) in accordance with Section 37E of the Planning and Development Act, 2000 as amended. This approach has been confirmed following consultation with the Board under the provisions of Section 37B of the Planning and Development Act 2000 as amended (Case Reference ABP-314798). This Planning Report accompanies the planning application for the proposed 11 no. turbines and associated infrastructure submitted to the Board. The planning application is also accompanied by an Environmental Impact Assessment Report ('EIAR') and a Natura Impact Statement ('NIS').

1.2

## Project Team

The applicant has appointed a comprehensive and experienced design team to prepare the planning application. The full design team is as follows:

- MKO – Planning, Environmental and Ecology Consultants
- Gavin and Doherty Geosolutions Ltd. – Peat and Spoil Management
- Ecology Ireland – Ecology Consultants
- Aquatic Services Unit, UCC – Aquatic Ecology
- Hydro Environmental Services – Flood Risk Specialists
- TNEI Ireland Ltd. – Acoustic Specialists
- Tobar Archaeological Services – Archaeological Consultants
- Alan Lipscombe Traffic and Transport Consultants - Traffic and Transport Consultants
- Ai Bridges Ltd. – Telecommunications Specialists

1.2.1

## Project Team Members MKO

- Gus McCarthy – Company Director
- Brian Keville – Company Director

- > Michael Watson – Environmental Project Director
- > Órla Murphy – Senior Environmental Scientist
- > Niamh McHugh - Environmental Scientist
- > Pamela Harty – Planning Project Director
- > Meabhann Crowe – Senior Planner
- > Áine Bourke – Project Planner
- > Martin Molloy – Planner
- > Ian Rathmell – Graduate Planner
- > Pat Roberts – Principal Ecologist
- > John Hynes – Ecology Director
- > Aoife Joyce – Project Director Ecologist
- > Dervla O’Dowd – Associate Director, Ecology
- > Pádraig Cregg – Principal Ornithologist
- > Owen Cahill – Senior Environmental Engineer
- > Jack Workman – Project Director, Landscape & Visual Team
- > Saoirse Fitzsimmons – Environmental Scientist
- > James Newell – CAD and Information Technology Technician
- > Joseph O’Brien – CAD Technician

2.

## SITE CONTEXT

2.1

### Proposed Development Site Location

The Proposed Development site is located entirely in the administrative area of County Kerry, contiguous to the border of County Cork, approximately 5.5km northeast of the village of Kilgarvan Co. Kerry, and approximately 6km west of Coolea, Co. Cork. It is proposed to continue to access the wind farm site via the existing wind farm entrance off the N22 at Cloonkeen.

Current land-use on the site comprises wind energy in relation to the Existing Kilgarvan Wind Farm, low-intensity agriculture and small areas of coniferous forestry. Land-use in the wider area comprises a mix of agriculture, low density residential areas, commercial forestry and wind energy. The Site Location context is shown in **Figure 1** below.

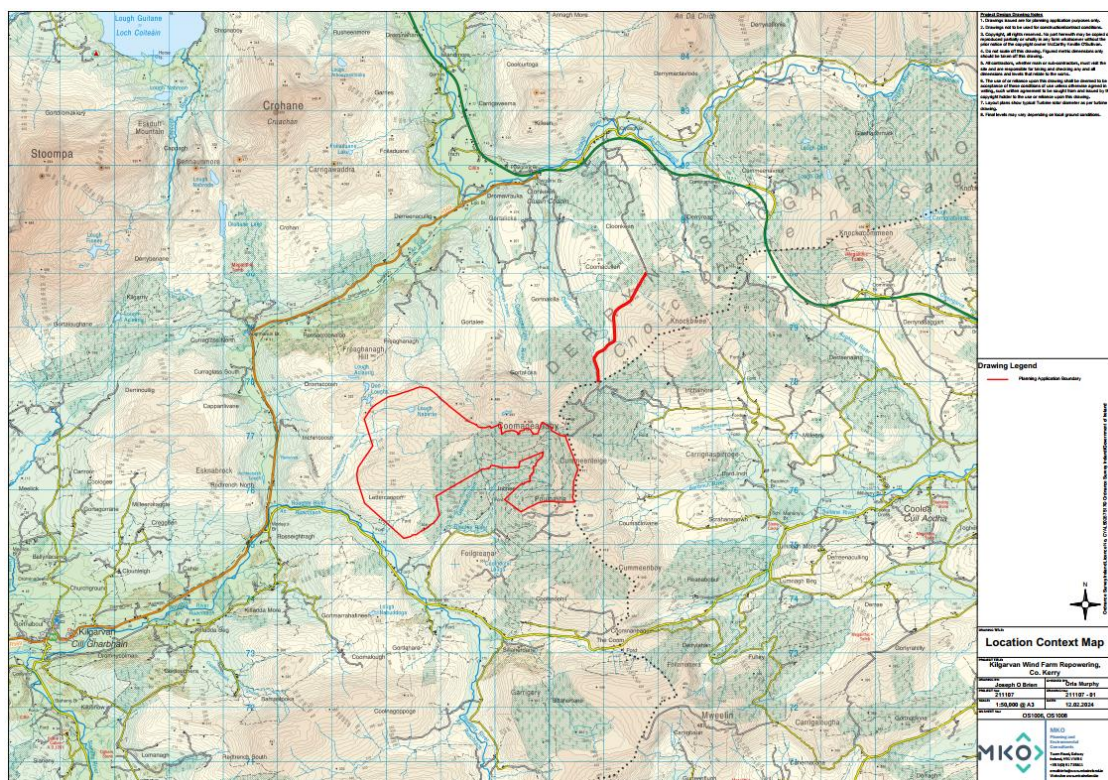


Figure 1: Location Context Map, Source: MKO

The Proposed Development is being brought forward in response to local, national, regional and European policy regarding Ireland's transition to a low-carbon economy and associated climate change policy objectives. The Proposed Development is located within an area designated in the adopted Kerry County Development Plan, 2022-2028 as a 'Repower Area'. This area is indicated on **Figure 2** below.



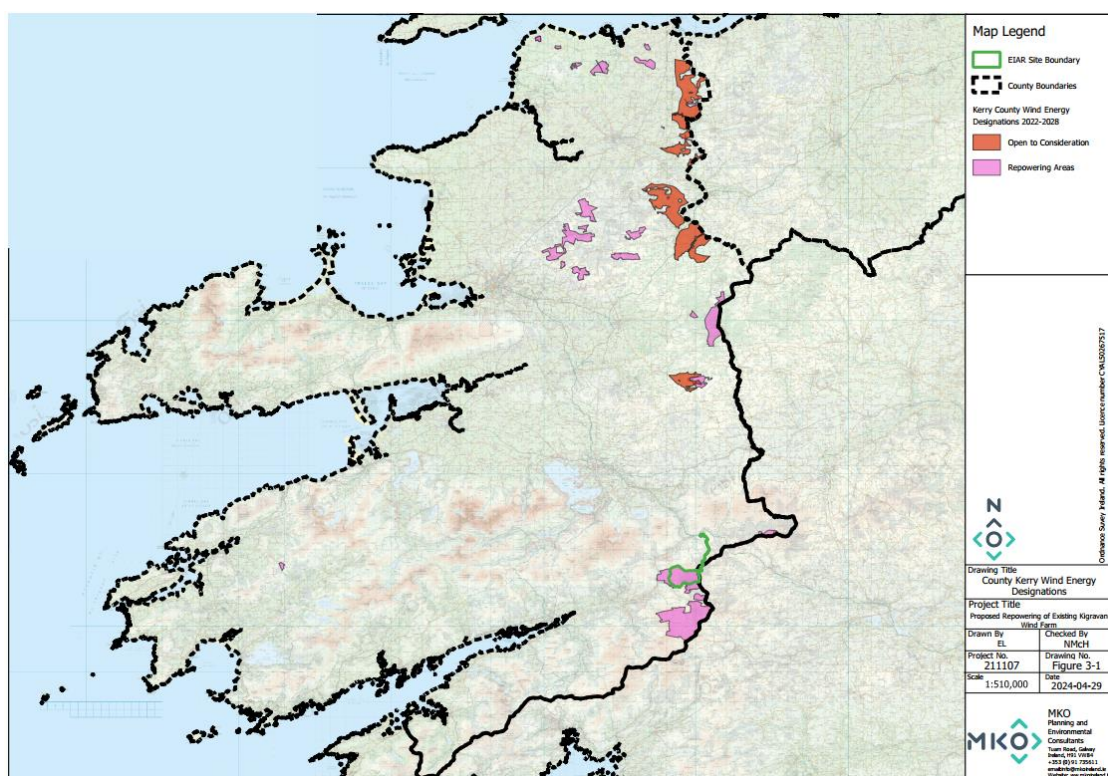


Figure 2: Repowering Areas, Source: MKO QGIS (Kerry County Development Plan 2022-2028)

The townlands in which the Proposed Development is located are Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry.

## 2.2

# Site Context

The subject site is an existing windfarm, which comprises of 28 no. wind turbines, and associated internal tracks and infrastructure. The planning application which will be submitted to An Bord Pleanála, will seek to decommission the existing 28 no. turbines and to construct 11 no. new turbines in their place. The 11 no. turbines will meet the potential generation capacity of greater than 50MW. The application meets the threshold for wind energy set out in the Seventh Schedule of the Planning and Development Act 2000, as amended (being ‘*An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts*’) and is therefore being submitted directly to An Bord Pleanála as a Strategic Infrastructure Development (SID) in accordance with Section 37E of the Planning and Development Act, 2000 as amended. This approach has been confirmed following consultations with the Board under the provisions of Section 37B of the Planning and Development Act 2000 as amended (Case Reference ABP-314798).

## 2.2.1

# Historic Environment

There are 6 no. monuments listed within the subject site boundary as indicated on the table below:

Table 2-1: Historic Environment - Monuments

SMR No.	Class	Townland	ITM E	ITM N	Turbine ID	Distance to nearest turbine (m)
KE085-050	Hut site	Inchincoosh	506731	577332	T7	150



SMR No.	Class	Townland	ITM E	ITM N	Turbine ID	Distance to nearest turbine (m)
KE085-051	Hut site	Inchincosh	506715	577333	T7	165
KE085-052	Hut site	Inchincosh	506689	577334	T7	189
KE086-012	Building	Inchee	508833	576635	T8	405
KE085-053001	Megalithic tomb - unclassified	Lettercannon	507646	575845	T11	238
KE085-053002	Hut site	Lettercannon	507646	575845	T11	238

Three new archaeological / cultural heritage features were noted within the existing Lettercannon section of the Proposed Development. They are located adjacent to existing roads which were built as part of the Lettercannon windfarm. Indicated on the table below:

Table 2-2: Additional Historic Environment Features

CH No.	Class	Townland	ITM E	ITM N	Distance to nearest existing turbine (m)	Distance to nearest proposed turbine (m)
CH 1	Hut / House	Lettercannon	507552	575666	230m to T12 (Lettercannon)	430m to T11
CH 2	Hut site	Lettercannon	507568	575664	230m to T12 (Lettercannon)	430m to T11
CH 3	Hut site	Lettercannon	507555	575881	116m to T12 (Lettercannon)	294m to T11

## 2.2.2

## Ecology

The proposed development site is not located within any Natura 2000 sites, the nearest site being Killarney National Park, Macgillicuddy's Reeks & Caragh River Catchment SAC located within 0.1km of the entrance from the public road at Cloonkeen, 1.6km from the nearest proposed repowering turbine location. A map illustrating the Natura 2000 designated sites is included below.

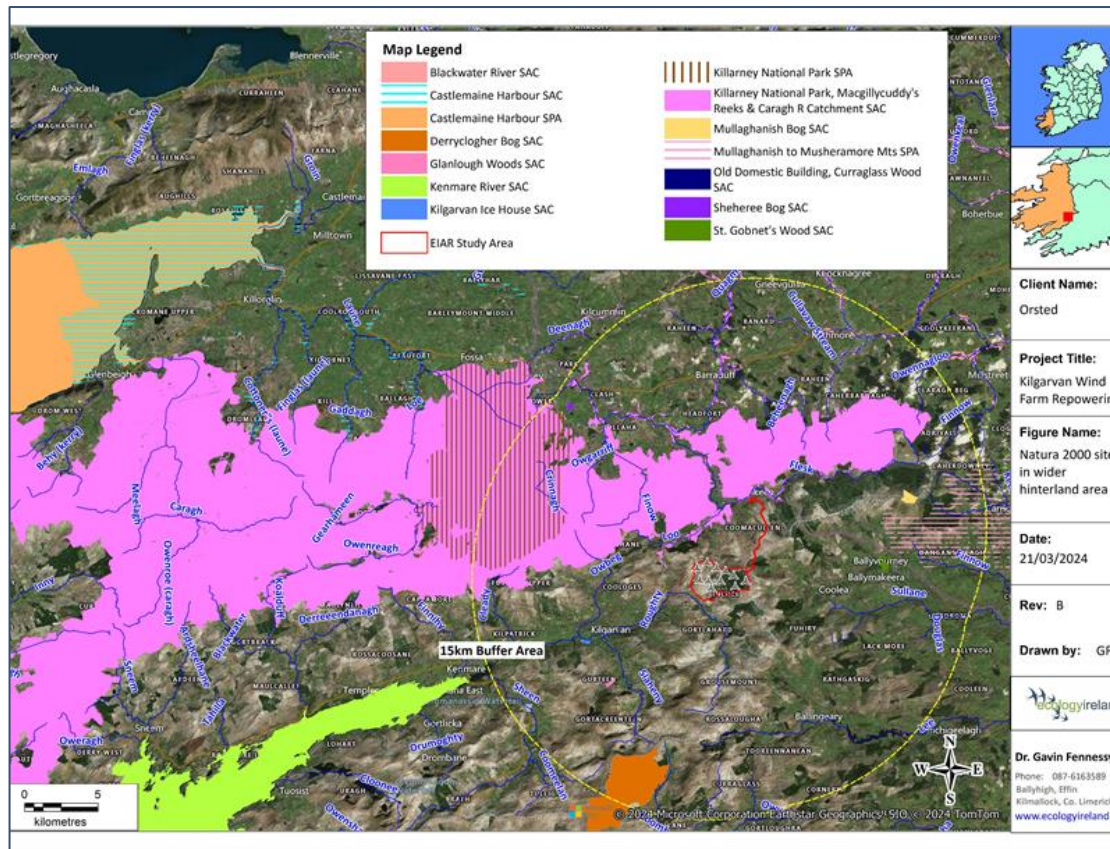


Figure 3: Natura 2000 designated sites, Source: NIS as prepared Ecology Ireland Wildlife Consultants Ltd.

### 2.2.3 Flooding

The topography of the Proposed Development is mountainous with ground elevations sloping to the southwest ranging from ~190 to 500mOD (metres above Ordnance Datum). The hydrology of the Proposed Development site is characterised by a high density of surface water features.

The Proposed Development site has several 1st and 2nd order streams. These natural watercourses originate within the Proposed Development site boundaries and flow downslope before discharging into the Roughty River. In places, the natural drainage is further facilitated by a network of manmade drains. These manmade drains are concentrated within areas of coniferous forestry and along sections of the existing access roads.

Chapter 9 of this EIAR provides further details on the existing drainage features on the Proposed Development site.

### 2.2.4 Landscape

The Proposed Development Site is located on the western slopes of the Derrynasaggart Mountain Range, Co. Kerry, a remote, elevated upland landscape. The Proposed Development site is characterised by mountainous terrain with moderate to steep slopes in places. Landcover comprising blanket bog, forestry and infrastructure of the Existing Kilgarvan Wind Farm is present.

The landscape surrounding the site comprises irregular, undulating topography. The Proposed Development is located in Kerry Landscape Character Area (LCA) 27 and LCA 38. Both of which have been deemed to have 'High' sensitivity to Wind Farm Development due to the majority of these LCAs being designated as a Visually Sensitive Area within the KCDP 2022-28. However, the landscape of the Proposed Development Site and several other areas within these LCAs and the designated

Visually Sensitive Area are designated as 'Potential Repowering Areas' in local planning policy (KCDP). The landscape of the site is therefore well established as an area acceptable for accommodating wind energy and where local planning policy deems repowering developments, such as the Proposed Development, to be acceptable. Two designated Archaeological Landscapes (The Paps and Mangerton) were identified as sensitive landscape receptors located within 6km of the proposed turbines.

The Proposed Development has been strategically designed to makes use of the Existing Kilgarvan Wind Farm infrastructure such as access roads, substation and grid connection with only upgrades and small areas of new infrastructure required. Where possible, this reduces the requirement for new internal site roads or grid infrastructure, therefore reducing the extent of direct Landscape Effects on the site. The landscape value of the site is deemed to be of High value given the location within a designated Visually Sensitive Area and proximity to the Archaeological Landscapes. However, it is relevant that the site of the Proposed Development is currently an existing wind farm development. Considering this factor, as well as the designation of the site as a 'Potential Repowering Area' within the KCDP, the susceptibility of the landscape of the site to the proposed change is Low.

## PROPOSED DEVELOPMENT

### Proposed Development Description

In accordance with Section 37E of the Planning and Development Act 2000 (as amended), Orsted Onshore Ireland Midco Ltd. (Ørsted) gives notice of its intention to make an application to An Bord Pleanála for permission for a period of 10 years for development in the townlands of Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry.

The Proposed Development will consist of:

- i. Removal of 28 no. existing turbines and relevant ancillary infrastructure permitted under Kerry County Council and An Bord Pleanála Planning References; 02/124, 03/2176, 03/2306, 07/1605, 07/4364, Pl. 08.209629, 07/4515, 07/4701, Pl. 08.232259 and 05/1351;
- ii. Erection of 11 no. wind turbines with a blade tip height range from 199.5m to 200m, a hub height range from 118m to 125m and a rotor diameter range from 149m to 163m, along with associated foundations and hard standing areas;
- iii. A thirty-five year operational life from the date of full commissioning of the wind farm;
- iv. Underground electrical 33kV and communication cabling connecting the proposed turbines and meteorological mast to the existing 110kV Coomagearlachy substation in the townland of Inchee;
- v. Upgrade of and the continued use of the existing onsite Coomagearlachy 110kV substation in the townland of Inchee, permitted under Kerry County Council References 07/3648, 04/1648, 06/1143, 06/2660;
- vi. Upgrade of existing tracks, hardstand areas and provision of new site access roads and junctions;
- vii. The extension and reuse of the 1 no. existing borrow pit;
- viii. 2 no. temporary construction compounds;
- ix. Meteorological mast, with a height of 100m and upgrade of existing associated foundation and hard standing area;
- x. Forestry felling;
- xi. Site drainage;
- xii. Biodiversity Enhancement measures;
- xiii. Operational stage site signage; and,
- xiv. All ancillary works and apparatus.

A ten-year planning permission is sought.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in relation to the project and accompany this planning application.

Modern wind turbine generators currently have a typical generating capacity in the 4 to 7 MW range, with the generating capacity continuing to evolve upwards as technology improvements are achieved by the turbine manufacturers. For the purposes of this Planning Report it is assumed that the wind turbine model installed as part of the Proposed Development will have an output of 6.6MW. Therefore, on this basis, the proposed 11 no. wind turbines would have a combined generating capacity of 72.6MW. The actual turbine procured as part of a competitive tender process may have a power output that is marginally lower or greater than the 6.6MW turbine described in the EIAR. Irrespective of the power output of the actual turbine procured, it should be noted that the conclusions of the EIAR and this Planning Report will not be materially affected.

The layout of the Proposed Development has been led by consideration of constraints and facilitators, thereby avoiding the environmentally sensitive parts of the site. The Proposed Development also makes use of as much of the existing infrastructure from the Existing Kilgarvan Wind Farm as possible (i.e., access roads, areas of hardstanding, electrical infrastructure) as a means to allow for fewer

environmental impacts. There will be 17.9 km of existing roadways upgraded and used to facilitate the Proposed Development, with approximately 1.5km of new access roads proposed to be constructed as part of the Proposed Development.

There are 4 no. inhabitable dwellings located within 1 km of the proposed turbine locations, with all 4 no. of those properties belonging to participating landowners.

All elements of the Proposed Development have been assessed as part of this Planning Report and the accompanying EIAR.

## PLANNING HISTORY

### Subject Site Planning History

This Section of the Planning Report sets out the relevant planning history of the Proposed Development site, including all planning applications which overlap or are within the planning application boundary of the current Proposed Development made within the period 2017- April 2023.

A planning search was carried out within the planning application boundary online through Kerry County Council's planning portal for this period, one application was found during this period, as outlined below

- Kerry County Council Pl Ref: 19/1325: the installation of battery arrays, located within container units (18 number units, each 30m2 by c.2.6m tall), a control building (c.160.5m2 by c.6.4m tall) and transformer (c.5m tall). The development will include for ancillary infrastructure including security fencing, lighting, CCTV, internal access roads and drainage. The overall development site is c.1.6ha. The application includes a natura impact statement (NIS).
  - This application was granted 28<sup>th</sup> July 2020, subject to 8 no. conditions.

The Kilgarvan Wind Farm, located to the east of Kilgarvan, in Co. Kerry, is made up of 2 no. windfarm sites, which are in turn made up of smaller windfarm operations and a number of planning applications. These are summarised as follows;

#### Kilgarvan I

The first windfarm, known as Kilgarvan I was granted planning permission in December 2002 and subsequently began to operate in 2006.

This windfarm consists of a total of 4 no. planning applications:

- Pl. Ref: 02/1241 – The development of 17 no. 60m in height wind turbines
- Pl. Ref: 03/2176 - change the turbine hub height from 60m to 80m in the existing planning permission for a wind farm (Pl. Ref: 02/1241)
- Pl. Ref: 03/992176 (Extension of Duration on 03/2176)
- Pl. Ref: 03/2306 – 4 turbine extension to the existing wind farm

#### Kilgarvan II

The second windfarm, known as Kilgarvan II was granted permission under three separate windfarm sites – Inchincoosh, Lettercannon and Sillahertane, and began operation collectively in 2009. These are summarised as follows:

- **Inchincoosh Windfarm:** The Inchincoosh project consists of six Nordex N90 turbines, granted planning permission under Kerry County Council Pl. Ref. 07/1605 and Ref. 07/4364, each with a hub height of 80m and a rotor diameter of 90m. The overall height from ground to blade tip for each turbine is 125m.
- **Lettercannon Windfarm:** The Lettercannon project consists of seven Nordex N90 turbines & associated infrastructure granted planning permission under An Bord Pleanala Ref PL 08. 209629 & Kerry County Council Refs. 07/4515 and Ref. 07/4701, each with a hub height of 80m and a rotor diameter of 90m. The overall height from ground to blade tip for each turbine is 125m.



- **Sillahertane Windfarm:** The Sillahertane project consists of 10 no. 850kW Vestas V52 wind turbines granted planning permission under Kerry County Council Pl Ref 03/1359.
  - This application does not form part of the repowering project, and therefore is not reviewed further in this Report.

Table 4-1: Valid Planning Applications

Planning Reference	Development Description	Applicant	Decision
<b>Kilgarvan I</b>			
02/1241	Construct a windfarm consisting of 17 wind turbines, an electrical substation with control building, 2 no. 50m high meteorological masts, construct and extend existing internal site tracks and associated works - EIS received	Coillte Teoranta And SWS Services Co-Op	Conditional 27/12/2002 30 Conditions
03/2176	Change the turbine hub height from 60m to 80m in the existing planning permission for a wind farm (EIS received)	Coillte Teoranta & SWS Services Co-Op Ltd	Conditional 2 Conditions 22/10/2003
03/992176	The change of turbine hub height from 60m to 80m in the existing planning permission for a wind farm	SWS Natural Resources Ltd.	Extension of Duration  Granted – Expiry 21 <sup>st</sup> October 2018
03/2306	Construct a wind farm extension to planning reg no 1241/02, extension will consist of 4 wind turbines (hub height 80 m, blade diameter 80 m), construction and extension of existing internal site tracks and associated works. EIS received	SWS Group & Coillte	Conditional 15 Conditions 28/10/2003
07/3648	Carry out alteration to an existing electrical substation (planning ref. No. 02/1241) where the alteration is an additional transformer bay and 20kv substation including a control building, power transformer, reactive power compensation system and associated works.	SWS Natural Resources Ltd.	Conditional 1 Condition 13/11/2007
19/1325	The installation of battery arrays, located within container units (18 number units, each 30m2 by c.2.6m tall), a control building (c.160.5m2 by c.6.4m tall) and transformer (c.5m tall). The development will include for ancillary infrastructure including security fencing, lighting, CCTV,	Brookfield renewable Ireland LTD.	Conditional 8 Conditions 28/07/2020

Planning Reference	Development Description	Applicant	Decision
	internal access roads and drainage. The overall development site is c.1.6ha. The application includes a natura impact statement (NIS)		
<b>Kilgarvan II</b>			
<b>Inchincosh</b>			
<b>07/1605</b>	Erect six wind turbines hub height 80m, blade diameter 90m, one 80m high meteorological mast, four borrowpits, construction of internal site tracks and associated works	John O'Donoghue, Helen O'Sullivan And Daniel Quill	Conditional for 5 no. turbines 13 Conditions 02/08/2007  Refused Turbine No. 6.
<b>07/4364</b>	Erect one wind turbine, hub height 80m, blade diameter 90m (as an addition to a five wind turbine development granted permission under planning ref. No. 07/1605) and to construct an internal site track and associated works	John O'Donoghue, Helen O'Sullivan And Daniel Quill	Conditional 12 Conditions 29/01/2008
<b>Lettercannon</b>			
<b>ABP Ref: 08.209629</b> <b>LPA Ref: 03/2508</b>	6 no. 3MW wind turbines, service roadways and control house and 1 no. 60m monitoring mast (temporary) and river crossing (temp.) and associated works	John Dineen	Conditional (Revised) 12 Conditions 27/04/2005
<b>07/4515</b>	Move one wind turbine (T1) as an alteration to a six wind turbine development granted planning permission by An Bord Pleanála (ABP ref pl. 08.209629 and Kerry County Council planning register ref 03/2508). It is proposed to move the turbine approximately 480m to the northeast of its current location	SWS Natural Resources Ltd	Conditional 12 Conditions 13/02/2008
<b>07/4701</b>	Erect one wind turbine (T9), hub height 80m, blade diameter 90m, as an addition to a six wind turbine development granted planning permission by An Bord Pleanála (ABP ref: pl.08.209629 and Kerry County Council planning register ref. 03/2508) and to construct an internal site track and associated works	SWS Natural Resources Ltd	Conditional 12 Conditions 22/02/2008

Planning Reference	Development Description	Applicant	Decision
<b>ABP Ref:</b> <b>P08.232259</b>  <b>LPA Ref: 08/2298</b>	Erect 1 no. permanent meteorological mast of 80 metres in height with internal access road	Inchincoosh Windfarm Ltd.	Conditional (Revised)  5 Conditions  07/07/2009
05/1351	Erect two temporary 75m high meteorological masts for a duration of 3-4 months, the erection of two permanent 75m- high meteorological masts and associated equipment for the purposes of monitoring windspeeds	SWS Natural Resources	Conditional  17 Conditions  31/08/2010
<b>Grid Infrastructure</b>			
04/1648	Construct an overhead transmission line of single circuit 110kv from the windfarm at Inchee and construct a 110kv switching substation. An EIS has been submitted in support of this application.	Coillte Teoranta And South Western Services Co-Op Society	Conditional  10 Conditions  24/02/2005
06/1143	Alteration to 110kv substation (planning ref. No. 04/1648) where the alteration is 1 no. Additional end mast tower (18m high), 1 no. Additional static wire lightening conductor and the re-orientation of site control building as required by ESB national grid	SWS Natural Resources	Conditional  1 Condition  31/05/2006
06/2660	For the alteration to 100kv substation (planning ref no. 04/1648) where the alteration is 1 no. Additional line bay consisting of circuit breaker and associated equipment as required by ESB national grid	ESB National Grid	Conditional  1 Condition  18/10/2006
04/356 – Cork County Council	Construction of 5.8km overhead transmission line of single circuit 110kV	Coillte Teoranta	Granted – Unconditional  12/07/2004
<b>Other Applications</b>			
01/2351	To erect a 30 meter telecommunications hexagonal lattice tower with transmission equipment container	Meteor Mobile Communications	Conditional  13 Conditions  01/11/2006
<b>ABP Ref:</b> <b>PL08.221244</b>  <b>LPA Ref: 06/3727</b>	Retention of development consisting of a 30 metre hexagonal lattice tower with transmission equipment, associated equipment container and previously granted under Planning Ref No. 01/2351	Meteor Mobile Communications Limited	Conditional  2 Conditions  31/05/2007

Planning Reference	Development Description	Applicant	Decision
11/990	Retain and operate an existing 30m hexagonal lattice tower with transmission equipment, equipment container and palisade perimeter fencing as permitted under planning ref no. 06/3727; ABP PL08.221244	Meteor Mobile Communications Limited	Conditional 4 Conditions 26/03/2012
18/496	Retain an existing development at this site. The development consists of an existing 30 metre high telecommunications support structure carrying telecommunications equipment, together with existing equipment container and associated equipment within a fenced compound as previously granted under local authority ref. No. 11/990.	Meteor Mobile Communications Limited	Conditional 3 Conditions 28/09/2018

## PRE-PLANNING CONSULTATION

### An Bord Pleanála

The prospective Applicant engaged with An Bord Pleanála under the provisions Section 37B and 182E of the Planning and Development Act 2000 (as amended), as to whether the proposed Wind Farm Site element of the Proposed Development and, separately, the Grid Connection element of the Proposed Development would be considered Strategic Infrastructure Development (SID).

As two separate requests were issued to ABP under the provisions of both Section 37B and 182E of the Act, the Board issued two separate meeting requests under references ABP 314799-22 and 314798-22. However, as agreed with the prospective Applicant, a single meeting was held to discuss both cases, acknowledging the interrelationship that exists.

The opening SID meeting was held with the Board on the 7<sup>th</sup> of December 2022. Those in attendance were:

- Ciara Kellett, Assistant Director of Planning (Chair).
- Mairead Kenny, Planning Inspectorate.
- Doina Chiforescu, An Bord Pleanála.
- Patrick McMorrough, Orsted.
- Órla Murphy, MKO.
- Áine Bourke, MKO.
- Niamh McHugh, MKO.
- Martin Molloy, MKO.

The design team gave an overview of the Proposed Development – both Wind Farm Site and Grid Connection – in the form of a PowerPoint presentation. The presentation included:

- EU, National and local Policy Context
- Project Context
- Proposed development
- Scoping, pre-application consultation and public consultation
- EIAR
- Landscape Photomontages
- Project Timeline

The prospective Applicant stated its opinion that the proposed Wind Farm Site and Grid Connection would comprise Strategic Infrastructure Development in the meaning of the Act. Discussion followed the PowerPoint presentation and included:

- Grid Connection underground electrical cabling route and rationale
- Location of Grid Connection underground electrical cabling route on private lands
- A single EIAR would be prepared to cover both planning applications
- Dual application approach versus a single submission under Section 37E of the Act
- Stage 2 Appropriate Assessment
- Timelines to submission planning applications
- Assessment of multiple design variations within the EIAR

The prospective Applicant requested to close both consultations with An Bord Pleanála under Section 37E and 182E of the Planning and Development Act 2000 (as amended) on 31<sup>st</sup> March 2023 and 20<sup>th</sup> February 2023 respectively. On 22<sup>nd</sup> May 2023 the Board wrote to the prospective Applicant and confirmed that the S182 A consultation was now closed, and the proposed substation upgrade works would not be considered Strategic Infrastructure Development as defined in the Act. Separately, on

14th August 2023 the Board wrote to the prospective Applicant and confirmed that the S37B consultation was now closed and that the Wind Farm was considered to be Strategic Infrastructure within the meaning of Section 37A of the Act, including that the substation upgrade works could be included as part of this application under Section 37A rather than as a standalone application to the Local Planning Authority. As such any application for approval of the Wind Farm site and substation upgrades should be made directly to An Bord Pleanála.

## 5.2 Kerry County Council

Members of the team and the prospective applicant met with representatives from Kerry County Council on the 1<sup>st</sup> March 2023. Those in attendance were:

- Mike Lynch, KCC
- Cathy Fisher, KCC
- Mike Boyce, KCC
- Mike Connolly, KCC
- Patrick McMorrough, Orsted.
- Órla Murphy, MKO.
- Áine Bourke, MKO.
- Niamh McHugh, MKO.
- Martin Molloy, MKO.

The team gave an overview of the Proposed Development in the form of a PowerPoint presentation which discussed:

- EU, National and Local Planning Policy Context
- Project Context – Site Selection and Location, Site Constraints
- Proposed Development
- Scoping, Pre-Application Consultation & Public Consultation
- Environmental Impact Assessment Report
- Landscape and Photomontages
- Project Timeline

Following the presentation further discussion included the following items:

- First case of repowering within Kerry – The local authority noted that Kilgarvan will be the first repowering application within the county.
- Repowering EU Policy – It was queried by MKO whether the 6 month timeline for a decision on application will be applied as per the Repowering EU policy.
- Decommissioning existing windfarm - Some of the existing wind turbines have a 20-years planning permission which will expire in the next few years. Proposed wind turbines will be more efficient than the existing turbines.
- Length of permission required – A 10 year planning permission is to be requested by the prospective applicant was clarified.
- Mitigation of effects on White Tailed Eagle
- Climate Lifecycle Assessment
- Discharging Conditions on current permissions



## 6. PLANNING POLICY

### 6.1 National Policy & Legislation

#### 6.1.1 The Department of Housing, Local Government and Heritage (DHLGH) published a Circular letter (MPP 01/2023) – Design Flexibility

On the 17th of July 2023 titled ‘RE: An Opinion on Design Flexibility for Maritime Development’ . The circular referred to the Planning and Development, Maritime and Valuation (Amendment) Act 2002 (PDMVA) and the flexibility provisions included in that legislation facilitating planning authorities to consider design flexibility as part of the assessment of planning applications. The circular was issued to An Bord Pleanála and provided specific guidance on the flexibility process and how it applies to Maritime developments (offshore windfarms) under Section 287A of the Planning Act 2000(as amended). At that point the legislation within the PDMVA had not been commenced and no associated regulations had been published.

DHLGH published a circular on the 21st of December 2023 (PL11/2023) titled ‘New design flexibility provisions with regard to certain unconfirmed details as part of the application for planning permission’ and issued to the Directors of Planning services in each local authority and cc’d An Bord Pleanála, Office of the Planning Regulator and others. In parallel to the publication of this circular the relevant section of the PDMVA were commenced and S.I. No. 655 of 2023 - Planning and Development (Amendment) (No.3) Regulations 2023 were also published to facilitate the commencement of the primary legislation.

The discussion surrounding multiple design variations with regards to the Proposed Development took place in the context of the consultations with the Board under Section 37B of the Act, as noted in Section 5.1 above. The Board’s representatives advised that the prospective applicant could submit an application accompanied by an EIAR that assessed options proposed by the applicant, as outlined in the Board’s written record of this meeting on 7<sup>th</sup> of December 2022.

A robust assessment of the turbine options put forward with this application has been included within Chapter 3 Reasonable Alternatives of the EIAR.

#### 6.1.2 National Planning Framework: Project Ireland 2040

The National Planning Framework (NPF), published in February of 2018, forms the top tier of the national planning policy structure and seeks to guide the country to grow and develop in a sustainable manner.

The Framework notes that the population of Ireland is projected to increase by approximately 1 million people by 2040 placing further demand on both built infrastructure, like the energy grid, and the natural environment. In order to strengthen and facilitate more environmentally focused planning at the local level, the NPF states that future planning and development will need to:

*“Tackle Ireland’s higher than average carbon-intensity per capita and enable a national transition to a competitive low carbon, climate resilient and environmentally sustainable economy by 2050, through harnessing our country’s prodigious renewable energy potential.”*

Relevant to the subject development, the **National Strategic Outcome 8** (*Transition to Sustainable Energy*), notes that in creating Ireland’s future energy landscape, new energy systems and transmission

grids will be necessary to enable a more distributed energy generation which connects established and emerging energy sources, i.e. renewables, to major sources of demand. Ireland's national energy policy under **Objective 55** aims to '*promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050*'.

This works simultaneously with an overarching objective of the NPF: to foster a transition toward a low carbon, climate-resilient society, which reflects the policy ethos established at the European level of governance (e.g. climate change and renewable energy targets – Section 2.1). In this regard, one of the key themes of the NPF is the realisation of an Ireland which has a secure and sustainable renewable energy supply and the ability to diversify and adapt to new energy technologies. The NPF emphasises that rural areas have a strong role to play in securing a sustainable renewable energy supply for the country and acknowledges that "*rural areas have significantly contributed to the energy needs of the country and continue to do so*". In this regard, the NPF states:

*"...the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment".*

The NPF acknowledges that greenhouse gas emissions from the energy sector must be reduced by at least 80% by 2050 when compared to 1990 levels while ensuring a secure supply of energy exists. Further detail on the policy context of the NPF can be found in Chapter 2 of the EIAR of this submission.

In regard to the above, it is clear that the provision of repowered renewable energy generation is in line with the aims and objectives of the NPF which seeks to transition to a low carbon economy.

## 6.2 Government Guidelines

### 6.2.1 DoEHLG Wind Energy Guidelines 2006

In June 2006, the then Department of Environment, Heritage and Local Government (DoEHLG) published '*Wind Energy Development Guidelines for Planning Authorities*' (the Guidelines) under Section 28 of the Planning and Development Act, 2000. The aim of these guidelines was to assist the proper planning of wind power projects in appropriate locations around Ireland. Guidelines should be applied practically as each wind project has its own characteristics and defining features and do not replace existing national energy, environmental and planning policy. While the 2006 Guidelines remain the relevant guidelines in place, at the time of lodgement, in accordance with Article 5 of the recent RepowerEU provisions, decision makers (Planning Authorities and An Bord Pleanála) are now bound to make a decision within 6 months of lodgement of such a repowering application. Further context on this policy can be found in Chapter 2 of the EIAR of this submission.

### 6.2.2 Draft Revised Wind Energy Guidelines 2019

The Department of Housing, Planning and Local Government published the '*Draft Wind Energy Guidelines*' (referred to as the draft Guidelines) in December 2019. At time of writing, the guidelines in place remain the 2006 Guidelines pending the Department reviewing submissions and publishing a final version of any revised guidance, however the draft document allows the opportunity to future proof the project in some cases.

The draft Guidelines note that potential impacts of wind energy development proposals on the landscape, including the natural and built environment, must be considered along with the legitimate concerns of local communities in its "*preferred draft approach*". Further context on this policy can be found in Chapter 2 of the EIAR of this submission.

The design of the Proposed Development has taken account of this approach and accordingly, has been developed with those provisions mind (for example in relation to 4 times turbine tip height set back distance from third party sensitive receptors).

At time of writing the draft Guidelines are not yet finalised and have not been adopted. The relevant Wind Energy Guidelines for the purposes of section 28 of the Planning and Development Act 2000, as amended, remain those published in 2006. Notwithstanding this, however, due to the timelines associated with the planning process for renewable energy projects it is possible that an updated version of the draft Guidelines may be finalised during the consideration period for the current Proposed Development. To this end, based on the details available from the draft Guidelines, it is anticipated that the Proposed Development will be capable of adhering to the relevant noise and shadow flicker standards. It should also be noted that the Proposed Development maintains a four times tip height set back between turbines and identified sensitive receptors and furthermore detailed community consultations have been carried out. However, without sight of the final, adopted Guidelines the processes by which the Proposed Development will comply with the same cannot be fully confirmed at this stage.

### 6.2.3 **Department Circular PL5/2017 - Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change**

In 2017, the (then) Department of Housing, Planning, Community, and Local Government issued Circular PL5/2017 to provide an update on the advice contained within previous Departmental Circular PL20-13. Circular PL20-13 advised that local authorities should defer amending their existing Development Plan policies in relation to wind energy and renewable and should instead operate their existing development plan policies and objectives in relation to wind and renewables until the completion of a focused review of the Wind Energy Development Guidelines 2006. The new circular (PL05/2017) reconfirms that this continues to be the advice of the Department.

The Department Circular also sets out the four key aspects of the *preferred draft approach* being developed to address the key aspects of the review of the 2006 Wind Energy Guidelines including noise limits, visual amenity setback, shadow flicker elimination, and community engagement and benefit obligations. The Proposed Development seeks to comply with the preferred draft approach as mentioned above in **Section 6.2.2**. For further information on this circular see Chapter 2 of the EIAR of this submission.

### 6.2.4 **IWEA Best Practice Guidelines for the Irish Wind Energy Industry 2012**

The Irish Wind Energy Association (IWEA) (now Wind Energy Ireland) published updated Wind Energy Best Practice Guidelines for the Irish Wind Industry in 2012. The guidelines aim to encourage and define best practice development in the wind energy industry, acting as a reference document and guide to the main issues relating to wind energy developments, and complementing the Department of the Environment Heritage and Local Government's 'Wind Energy Development Guidelines' (2006). The Proposed Development takes these guidelines into account, bringing high quality design, community engagement, and level of sustainability to ensure that international best practices are applied effectively and constructively. For further information on the context of this policy, see Chapter 2 of the EIAR of this submission.

### 6.2.5 **IWEA Best Practice Principles in Community Engagement and Community Commitment 2013**

IWEA extended its guidance with the publication of this Best Practice in Community Engagement and Commitment in 2013. IWEA and its members support the provision of financial contributions by wind farm operators to local communities and have sought to formulate best practice principles for the provision of a community commitment. The aim of these guidelines is to ensure that the views of local communities are taken into account at all stages of a development and that local communities can share in the benefits.

In line with these guidelines, the applicant has engaged in consultations with the population in the direct vicinity of the Proposed Development through letter drops to the local community. A dedicated community liaison officer has also been appointed to the project with the general public being provided with various contact details (including email address and phone number) to facilitate any queries which may arise.

Further details on the community engagement that has been undertaken as part of the Proposed Development are presented below in the Public Engagement Report with Appendix 2-2 of the EIAR.

### 6.2.6 **DCCAE Code of Practice for Wind Energy Development Ireland – Guidelines for Community Engagement 2016**

In December 2016, the (then) Department of Communications, Climate Action and Environment (DCCAE) issued a Code of Practice for wind energy development in relation to community engagement. The Code of Good Practice is intended to ensure that wind energy development in Ireland is undertaken in adherence with the best industry practices, and with the full engagement of local communities. Community engagement is required through the different stages of a project, from the initial scoping, feasibility and concept stages, right through construction to the operational phase. Further information on the policy context of these guidelines can be found in Chapter 2 of the EIAR of this submission. As with the above IWEA guidelines an extensive process of public consultation has been undertaken in line with these guidelines to ensure the views and concerns of stakeholders have been accounted for and addressed in line with the guidelines.

### 6.2.7 **Renewable Energy Support Scheme (RESS)**

A key part of the Climate Action Plan 2023 is to increase the proportion of renewable electricity to up to 80% by 2030 and a target of 9GW from onshore wind. This objective is driven by introduction of the Renewable Electricity Support Scheme ('RESS') which aims to promote the generation of electricity from renewable sources. The RESS is an auction-based scheme which invites renewable electricity projects to bid for capacity and receive a guaranteed price for the electricity they generate. The Programme for Government commits to holding RESS auctions at frequent intervals throughout the lifetime of the scheme. The Proposed Development would be placed to bid for the next auction, supporting the ambitions of the Climate Action Plan and the legally binding targets under the EU's *Fit for 55* plan. For further information on this policy, the process, and its context see Chapter 2 of the EIAR of this submission.

## 6.3 **Regional Policy**

### 6.3.1 Southern Region Economic and Spatial Strategy

The Southern Regional Assembly adopted its regional Spatial and Economic Strategy (RSES), in January 2020. The RSES supports an increase in the amount of new renewable energy sources in the Region, including provisions for wind energy (both onshore and offshore), in accordance with National policy and the Regional Policy Objectives. In line with the ambitions of the RSES Chapter 5 statement on wind energy, **Regional Policy Objective (RPO) 96: Integrating Renewable Energy Sources, and RPO 99: Renewable Wind Energy**, the Proposed Development would contribute to continuing the levels of renewable energy supply in a manner consistent with the proper planning and sustainable development of the area/region, and to the reduction of Ireland's emissions making it consistent with the provisions of the RSES. Further information and context on the RSES can be found in Chapter 2 of the EIAR of this submission.

## 6.4 Local Policy Context

The Proposed Development and subject site are primarily located within the administrative boundary of Kerry County Council and is, therefore, governed by Kerry's Local Planning Policy. The Local Authority adopted the Kerry County Development Plan 2022-2028 (KCDP) on 4<sup>th</sup> July 2022.

A portion of the access road for the existing wind farm, which is not proposed to be upgraded under this planning application but does fall within the planning application boundary, is located partially within the administrative boundary of County Cork. The Cork County Development Plan 2022-2028 (CCDP) came into effect on 6<sup>th</sup> June 2022.

### 6.4.1 Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028 (KCDP) sets out that 'Climate Action and Renewable Energy' is a principle of the core strategy. The KCDP sets out in Policy **KCDP 3-1** that it is an objective of the Council to "*Promote the Sustainable Development of the County in line with the Strategic Core Principles of the Core Strategy*". It further supports this in **Chapter 12: Energy**, stating in **KCDP 12-1** that the Council seeks to facilitate a sustainable, renewable, and reliable energy supply for the County that respects the existing natural and built heritage and amenity of the county. The provision of sustainable, reliable energy infrastructure is supported in the chapter by **Section 12.3: Transmission Grid** which supports the maintenance, upgrade, and creation of high voltage electrical infrastructure. Further, policy **KCDP 12-6** states that it is the Council's objective to "*facilitate sustainable energy infrastructure provision, so as to provide for the further physical and economic development of the County*".

It is noted that, as an existing wind farm is located on this subject site, the Proposed Development is considered a repowering application. Relating specifically to Repower Areas, Policy **KCDP 12-21** sets out that it is an objective of the Council to facilitate the replace and repowering of energy projects. The KCDP states within section 12.5.4.1.7 that "*For the purposes of this plan and related development objectives, repowering includes wind farm upgrades, renewal, repowering or extension to permitted operational duration.*"

There is, therefore, policy support at local level for the development of renewable energy projects in County Kerry, in accordance with the Kerry County Development Plan 2022-2028. For further context on the KCDP see Chapter 2 of the EIAR of this submission.

An in-depth breakdown of the relevant policy for the Proposed Development is included within Appendix 2-1 of the EIAR.

## Cork County Development Plan 2022-2028

As noted above, a portion of the access road is located adjacent to the administrative boundary of County Cork. While there are no proposed works within County Cork, as the windfarm boundary is adjacent to the administrative boundary, it is considered pertinent to demonstrate the appropriateness of the windfarm that the proposed wind development would be suitable in this area of County Cork.

In relation to the CCDP, while it is only road infrastructure upgrades proposed in County Cork, it is noted that the subject area is designated as “*Open to Consideration*” on the Wind Strategy Map. This is in line with **Objective ET13-5 (b)** which determines that onshore wind energy projects should be focused in areas designated as ‘*Acceptable in Principle*’ and ‘*Open to Consideration*’.

**Objective ET 13-4:** Wind Energy states that “*In order to facilitate increased levels of renewable energy production consistent with national targets on renewable energy and climate change mitigation... the Council will support further development of on-shore wind energy projects including the upgrading, repowering or expansion of existing infrastructure, at appropriate locations within the county...*” (our emphasis added).

While the whole Proposed Development is suitable to be located in an area ‘*Open to Consideration*’ in accordance with policy objectives set out above and **Objective ET13-7**, the specific element of the Proposed Development located in the administrative boundary of County Cork - an existing access road - is not proposed to be altered in this application. Further policy objectives relating to the appropriateness of wind energy in County Cork include **Objective ET13-9: National Wind Energy** - Development of on-shore wind should be designed and developed in line with the ‘Planning Guidelines for Wind Farm Development 2006’ and ‘Draft Wind Energy Development Guidelines 2019’ Guidelines, **Objective ET13-10: Development in line with Best Practice** to Ensure that wind energy developments in County Cork are undertaken in observance with best industry practices.

There is, therefore, policy support at local level for the development of renewable energy projects in County Cork, in accordance with the Cork County Development Plan 2022-2028. For further context on the CCDP please refer to Chapter 2 of the EIAR included with this application.

In summary the Proposed Development will significantly contribute towards continuing to meet sustainable energy targets and objectives at County, Regional and National level. It is considered the principle of development is acceptable and in alignment with these policies. Alongside a high quality of design and public outreach and these criteria are therefore accorded with.



## PLANNING ASSESSMENT

### Principle of Development

The Proposed Development aims to upgrade the current 72MW Kilgarvan wind farm, comprising 28 turbines nearing the end of their lifespan, with Kilgarvan 2 turbines to be decommissioned by 2029. The plan is to replace them with 11 new turbines capable of generating approximately 77MW of power. The repowering of the wind farm supports the KCDP's goals in creating a net climate neutral and resilient county. Chapter 12 of the KCDP relating to Energy lays out key provisions for the roll out of renewable energy and repowering of existing wind farms. Further policy alignment is discussed above in Section 6.1 relating to National Policy, Chapter 2 of the EIAR, and the Policy Alignment Matrix included at Appendix 2-1 of the EIAR. The key policy provisions and goals set out in the KCDP and their associated policy numbers regarding the repowering of wind farms include:

*Table 7-1: Summary of goals and objectives found in the KCDP relevant to the proposed development, relevant Policy numbers, and supporting SDGs.*

<i>General goals and objectives</i>	<i>Related Policies and Sections</i>	<i>Related SDGs</i>
Ensuring a sustainable, stable, and cheap supply of energy	<ul style="list-style-type: none"> <li>➤ Section 2.6.3-4</li> <li>➤ Section 12.1</li> <li>➤ KCDP 13-14</li> <li>➤ KCDP 12-21</li> <li>➤ Section 12.5.4.1.7</li> </ul>	<ul style="list-style-type: none"> <li>➤ 7: Sustainable Energy</li> </ul>
Taking mitigatory and adaptive measure in regard to climate change	<ul style="list-style-type: none"> <li>➤ Section 2.6.3-4</li> <li>➤ KCDP 2-2</li> <li>➤ KCDP 6-5</li> <li>➤ KCDP 12-21</li> </ul>	<ul style="list-style-type: none"> <li>➤ 7: Sustainable Energy,</li> <li>➤ 11: Sustainable Cities and Communities,</li> <li>➤ 12: Responsible Consumption and Production</li> <li>➤ 13: Climate Action.</li> </ul>
Promoting a circular and efficient economy by ensuring the efficient use and reuse resources	<ul style="list-style-type: none"> <li>➤ Section 2.6.1</li> <li>➤ KCDP 6-5</li> <li>➤ KCDP 12-21</li> <li>➤ Section 12.5.4.1.7</li> </ul>	<ul style="list-style-type: none"> <li>➤ 11: Sustainable Cities and Communities,</li> <li>➤ 12: Responsible Consumption and Production</li> </ul>
Protecting the natural environment, heritage, and residential amenity that Kerry is known for	<ul style="list-style-type: none"> <li>➤ KCDP 12-14</li> <li>➤ KCDP 12-19</li> <li>➤ KCDP 12-21</li> </ul>	<ul style="list-style-type: none"> <li>➤ 11: Sustainable Cities and Communities,</li> <li>➤ 13: Climate Action</li> </ul>

The Proposed Development furthers each of these goals and meets the requirements laid out in the KCDP. The repowering of the existing array will increase the generation potential of the wind resource on the site, while also minimizing the associated costs by using existing infrastructure. The site also lies wholly within the boundary of a repowering zone, as discussed below in Section 7.1.1. The reuse of existing infrastructure, including the substation, the 110kv grid connection, and the land itself, supports the goal of fostering a more circular economy and efficient resource usage.

The Proposed Development will continue this high standard of environmental stewardship, as demonstrated in the EIAR, while maximizing generation capabilities. Finally, the increased renewable energy generation will support Kerry's ambitions in mitigating climate change and be wholly in line with the Development Plan zoning (addressed further below). As such, it is considered that the principle of the repowering of the Existing Kilgarvan Wind Farm is wholly acceptable and in line with the provisions set out in the Kerry County Development plan (2022-2028).

## Zoning

The Proposed Development is in a 'Repower Area' within the KCDP 2022-2028 Wind Strategy Map. Policy **KCDP 12-21** relating specifically to Repower Areas sets out that it is an objective of the Council to "(a) Facilitate the sustainable replacement of turbines or repower energy projects in areas shown as 'Repowering areas'...". The proposed site for the turbines is wholly located within a Repower Area, with only ancillary works associated with the access road upgrades being located outside, as can be seen below in **Figure 7-1**. Therefore, we consider the location of the Proposed Development to be acceptable. The extensive existing road network was constructed as part of the Existing Kilgarvan Wind Farm.

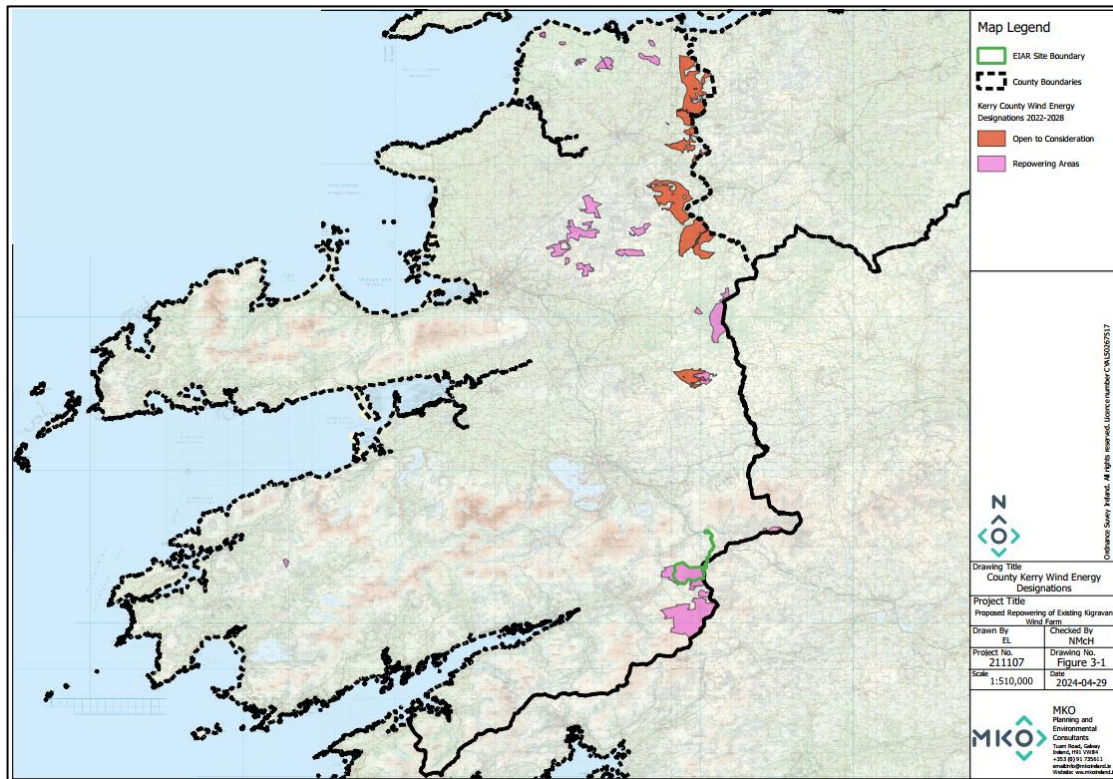


Figure 7-1: The EIAR Site Boundary of the proposed development overlaid on the location of the zoning for the Repower Areas.

## Design and Layout

Throughout the preparation of this scheme, the layout of the Proposed Development has been revised and refined to take account of the findings of all site investigations, which have brought the design from its first initial layout to the current proposed layout. The design process has also taken account of the recommendations and comments of the relevant statutory and non-statutory organisations, the local community and local authorities as detailed in Section 2.5 of Chapter 2 of the EIAR. The proposed repowering development will comprise of the commissioning of the decommissioning of the existing 28 no. wind turbines, and the erection of 11 no. turbines within the existing footprint of the windfarm. The proposed layout has been subject to change and input from all members of the project team to ensure all alternatives have been considered for the turbine layout; the Reasonable Alternatives are discussed within Chapter 3 of the EIAR. The design and the layout of the Proposed Development follows the recommendations and guidelines set out in the 'Wind Energy Development Guidelines' (Department of the Environment, Heritage and Local Government, 2006) (the Guidelines) and the 'Best Practice Guidelines for the Irish Wind Energy Industry' (Irish Wind Energy Association, 2008) in compliance with Policy objective **KCDP 12-18** of the KCDP.

It is proposed that as much of the existing wind farms tracks, roads and cabling will be utilised in the interests of the proper planning and sustainable development of the area. The application also proposes 33kV cabling connecting the proposed turbines and meteorological mast to the existing 110kV Coomagearahy substation. In this case, it was deemed that there was no requirement for alternative grid route options to be considered, as it was deemed more appropriate to re-use the existing 110kV onsite substation and its associated existing connection to the national grid. The existing grid infrastructure is of a standard that it can be re-used with no major upgrades needed, save for some upgrade to the existing substation. As detailed in Chapter 3 of the EIAR, this was deemed the most environmentally sensitive approach as most of the necessary infrastructure is existing and will not require additional groundworks or construction and therefore will reduce potential of environmental impacts.

As with the grid infrastructure, the existing internal tracks will be utilised for the proposed development. There will be 17.9km of the existing road network upgraded as part of the Proposed Development in order to facilitate site access, turbine delivery, construction and maintenance. Such roads must be of a gradient and width sufficient to allow safe movement of equipment and vehicles. It was decided at an early stage during the design process, that the roads belonging to the Existing Kilgarvan Wind Farm would be utilised where possible to facilitate the movement of construction and maintenance vehicles within the Proposed Development, to minimise the potential for environmental impacts. As the overall Proposed Development layout was finalised, the existing road layout was used as a marker for the location of the turbine locations, taking into account the existing infrastructure and site constraints, in order to ensure suitable linkages within the Proposed Development site and reduce the need for the construction of new roads as much as possible.

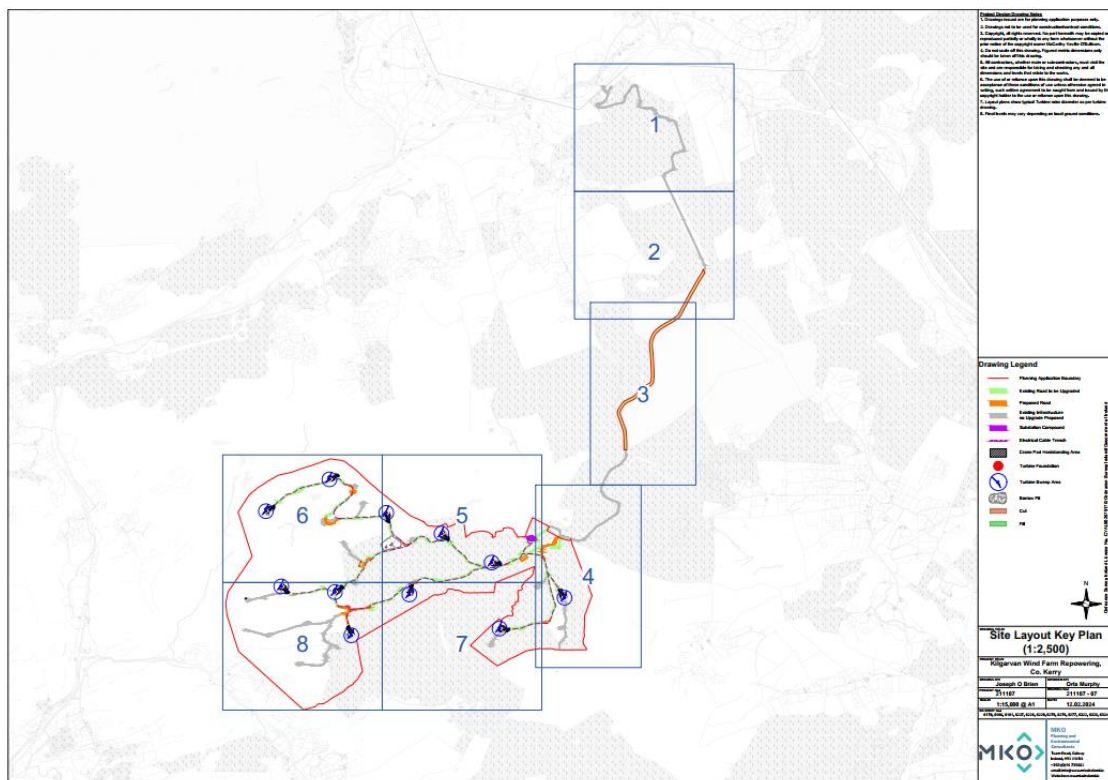


Figure 2: Site Layout Key Plan (Dwg no. 211107 - 07), Source MKO

## 7.2.1

## Design Flexibility

By way of background, a Strategic Infrastructure Development (“SID”) pre-application determination under Section 37B of the Planning and Development Act 2000, as amended (“the Act”), was made by

An Bord Pleanála (“the Board”) in relation to this Proposed Development on 14<sup>th</sup> August 2023 (ABP-314798-22), enclosed within **Appendix 1** of this report. During the SID pre-application consultation process, MKO, on behalf of the applicant, sought consent for a range of dimensions within the application, with the actual turbine within the range to be confirmed post consent. It is the applicant’s intention to apply for a limited range of turbine dimensions comprising:

- a total tip height in the range of 199m minimum to 200m maximum;
- a hub height in the range of 118m minimum to 125m maximum, and
- a rotor diameter in the range of 149m minimum to 163m maximum.

Each turbine will be capable of generating from approximately 6 MW to 7.2 MW, with an overall installed capacity of at least 50MW. This proposed range was stated in our written correspondence to the Board on 7<sup>th</sup> October 2022, discussed at meeting held with the Board’s representatives on 7<sup>th</sup> December 2022 and accepted by the Board, as outlined in their meeting minutes dated 19<sup>th</sup> December 2022 and enclosed within **Appendix 1** of this report.

## 7.2.2 Substation Upgrades

The Proposed Development seeks to upgrade the existing 110kV Coomagearláhy substation within its current footprint to accommodate the increased generation potential of the new turbines proposed in this application and the current EirGrid standards. As part of the pre-application process a separate pre-application meeting was conducted with An Bord Pleanála regarding the proposed works in the existing substation (ref: ABP-314798-22). It was determined that both the application for repowering the wind farm array, and upgrading the substation would constitute SID in the meaning of the Act and ultimately could be submitted to the An Bord Pleanála as the determining authority as a single SID planning application.

The footprint of current substation can be seen above in Figure 7-1. The upgrades of the substation will be contained entirely within the existing footprint, minimizing environmental impacts as discussed in Chapter 3 of the EIAR. The expanded capacity provided will be essential to realising the full generation capacity of the proposed wind farm, and maximizing its ability to provide renewable energy to the wider grid. These works have been considered in the EIAR and NIS as lodged with the application.

## 7.2.3 Grid Connection

The Proposed Development will not require a new grid connection, owing to existing 110kV infrastructure in place for the current wind farm array. This is in line with **KCDP 12-1, 11, 14, 19, and 21** on wind repowering, sustainable land use, and transmission line impact management as discussed above in Section 7.1. It also supports **SDG 12: Responsible Consumption and Production**, by making use of existing resources, and producing more with less.

## 7.3 Impact on Residential Amenities

In relation to Shadow Flicker, it is noted the proposal adheres to the guidance of the Wind Energy Development Guidelines, 2006 (2006 WEDGs) and are discussed further in Chapter 12 and Chapter 5 of the EIAR, respectively.

Specifically in relation to Noise, the assessment carried out as part of the EIAR (Chapter 12) has confirmed that the residual turbine noise levels associated with the Proposed Wind Farm, existing wind farm development and other proposed wind energy development will be within the best practice noise criteria curves recommended in the 2006 WEDGs. Likewise, the residual effect for the operation of the proposed onsite 110kV substation is assessed as **not significant**. Therefore, it is considered that there are no significant noise effects associated with the Proposed Development.



In relation to Shadow Flicker, where exceedances are experienced, suitable mitigation measures are outlined in Chapter 5 of the EIAR which will be employed at the potentially affected properties to ensure that the limits set out in the 2006 WEDGs are not exceeded at any dwelling within the Shadow Flicker Study Area. It is also noted that the proposed wind turbines can be brought in line with the requirements of the Draft Revised Wind Energy Development Guidelines (2019 Draft WEDGs) should they be adopted while this application is in the planning system, through an alteration of the implementation of the mitigation measures outlined.

Furthermore, the proposed turbine locations adhere to the recommended 500m set back distance in the 2006 WEDGs and also the 4 times tip height set-back distance (for non-involved Sensitive Properties) set out for visual amenity purposes, prescribed by the 2019 draft WEDGs.

Overall, the Proposed Development has been designed in compliance with the 2006 WEDGs. In this regard the EIAR submitted with the planning application considers all relevant potential environmental impacts that could arise (Chapter 5 of the 2006 Guidelines), and the design of the Proposed Development has followed the design principles established in Chapter 6 of the WEDGs. The Proposed Development is designed in accordance with the 2006 WEDGs and complies with the relevant guidelines.

### 7.3.1 Noise

Chapter 11 of the EIAR assesses the noise potential of the Proposed Development during the construction, operational and decommissioning phases. The noise assessments were carried out by TNEI Ireland Ltd. TNEI is a specialist energy consultancy with an Acoustics team that has undertaken noise assessments for over 4.5 GW of onshore wind farm developments.

The Chapter assesses the potential noise & vibration impacts at the nearest Noise Sensitive Receptors (NSRs), within c. 3 km of the Proposed Development, during each of the project phases.

This assessment as set out at Chapter 11 of the EIAR concluded that:

- Predictions of wind turbine noise from the Proposed Development have been made in accordance with good practice using three candidate wind turbines. Predicted operational noise levels from the Proposed Development indicate that for noise sensitive receptors neighbouring the Proposed Development, wind turbine noise from the Proposed Development would meet the Site Specific Noise Limits at all Noise Assessment Locations (NAL) and are therefore deemed to be **not significant**.
- The use of Site Specific Noise Limits would ensure that the Proposed Development could operate concurrently with other operational wind farm developments in the area and would also ensure that the Proposed Development's individual contribution could be measured and enforced if required.
- The wind turbine models were chosen in order to allow a representative assessment of the noise impacts. Should the Proposed Development receive consent, the final choice of wind turbine will be subject to a competitive tendering process. The final choice of wind turbine will, however, have to meet the Site-Specific Noise Limits presented in the noise assessment.

It is respectfully put to the Board that the proposed development's noise impact has been robustly assessed and the proposed development the repowering application will be in full accordance with policy 12-23 of the KCDP limiting the potential for an adverse noise impact.

## 7.4 Landscape and Visual Assessment

The Landscape and Visual Impact Assessment (LVIA) considers direct and indirect effects on landscape resources, landscape character and designated landscapes. It examines the nature and extent

of effects on existing views and visual amenity, including residential visual amenity. The effects of the Proposed Development are assessed during the construction, operational and decommissioning phases of the proposal. The LVIA also consider cumulative effects i.e., the incremental effects of the proposal in combination with other plans and/or projects. The full landscape and visual assessment is enclosed within Chapter 13 of the EIAR.

The Proposed Development Site is located on the western slopes of the Derrynasaggart Mountain Range, Co. Kerry, a remote, elevated upland landscape. The landscape surrounding the site comprises irregular, undulating topography. The Proposed Development is located in Kerry LCA 27 and LCA 38. Both of which have been deemed to have 'High' sensitivity to Wind Farm Development due to the majority of these LCAs being designated as a Visually Sensitive Area within the KCDP 2022-28. However, the landscape of the Proposed Development and several other areas within these LCAs and the designated Visually Sensitive Area are designated as 'Potential Repowering Areas' in local planning policy (KCDP). The landscape of the site is therefore well established as an area acceptable for accommodating wind energy and where local planning policy deems repowering developments, such as the Proposed Development, to be acceptable.

Overall, the landscape has been deemed to have a medium sensitivity to wind energy development, considering the current use of the lands for wind generation, the scale of the landscape and the reduction in the no. of turbines on the wind farm.

In conclusion the Proposed Development is viewed as a coherent development, appropriately scaled and visually balanced within a large landscape type where wind energy has already been well established and appropriately accommodated. It is not anticipated that the Proposed Development will cause any significant landscape and visual effects on receptors within the LVIA Study Area.

## 7.5 Hydrology and Hydrogeology

An assessment of the potential likely and significant effects of the Proposed Project (Proposed Wind Farm and Proposed Grid Connection) on water aspects (hydrology and hydrogeology) of the receiving environment was also carried out. Hydro-Environmental Services (HES) was engaged by MKO to carry out an assessment of the potential effects of the proposed repowering of the Kilgarvan Wind Farm on the hydrological and hydrogeological environment.

Due to the nature of wind farm developments, being near surface construction activities, effects on groundwater are generally negligible and surface water is generally the main sensitive receptor assessed during impact assessments. The primary risk to groundwater would be from oil spillage and leakages at turbine foundations or during construction plant refueling. These are common potential impacts to all construction sites (such as road works and industrial sites). These potential contamination sources are to be carefully managed at the site during the construction and operational phases of the development and measures are proposed within the EIAR (Chapter 9) to deal with these potential minor local impacts.

No significant effects to surface water (quality and flows) and groundwater (quality and quantity, and any local groundwater wells) will occur as a result of the Proposed Development provided the proposed mitigation measures are implemented. The EIAR presents proven and effective mitigation measures to mitigate the release of sediment which will reduce the concentration of suspended solids to acceptable levels. The storage and handling of hydrocarbons/chemicals will be carried out using best practice methods which will ensure the protection of surface and groundwater quality. The proposed wind farm drainage system will be designed to slow surface water runoff from the site by providing greater attenuation. This will ensure that the Proposed Development does not alter downstream surface water flows and will not contribute to downstream flooding.

It is therefore respectfully put to the Board that the hydrology of the subject site has been robustly assessed and no significant effects on the water environmental will occur during the construction,



operation or decommissioning of the Proposed Development in accordance with policy objective **KCDP 12-23** of the Kerry County Development Plan 2022-2028.

## 7.6 Traffic and Transport

### 7.6.1 Site Access

During the construction phase, the Proposed Development site will be accessed via the existing site entrance from the N22, previously used for the Existing Kilgarvan Wind Farm. The access junction is located approximately 5.1km north of the Proposed Development site in the townland of Cloonkeen.

There are no upgrades or widening proposed to the existing entrance in order to accommodate the delivery of turbine components as it has been established that the existing entrance is sufficient. This entrance will be used as the sole access point to the Proposed Development by HGVs and all other construction traffic during the construction phase.

Once the Proposed Development has completed its construction phase and is operational, this entrance will continue to be utilised for access into the site by the operational and maintenance personnel. This entrance will also be used in the event of the delivery of a replacement turbine component or other abnormal loads required for the operational maintenance of the wind farm.

### 7.6.2 Abnormal Size Load Delivery

The port of arrival for the wind turbine plant will be Ringaskiddy with the proposed Turbine Delivery Route set out at Section 15.1.2.2 of Chapter 15. An assessment of the turning requirements of the abnormally large loads transporting the turbine components was undertaken at the various pinch points along the TDR. The swept path assessment undertaken for these locations is discussed in Section 15.1.8 of the Chapter. Transportation of large turbine components will be carried out at night when traffic is at its lightest and in consultation with the relevant Roads Authorities and An Garda Síochána with deliveries accompanied by Garda escort.

### 7.6.3 Construction Traffic

The construction phase has been divided into two phases for the assessment as set out in at Section 15.1.4.2 of Chapter 15 of the EIAR, with Phase 1 being for concrete foundation pours and general construction, and Phase 2 being for the removal of existing turbines and general construction. Once these phases are complete turbine delivery will commence. Traffic movements associated with these phases is assessed in Chapter 15 of the EIAR. During the 11 days when the concrete foundations are poured, the effect on the surrounding road network will be negative.

### 7.6.4 Operational Phase: Traffic and Transport

The impacts on the surrounding local highway network will be negligible given that there will be approximately 1 to 2 trips made to the Proposed Development by car or light goods vehicle on any given day. The effects of the maintenance traffic on the surrounding highway network will therefore be imperceptible.

## 7.6.5 Decommissioning

The 11 wind turbines proposed as part of the Proposed Development are expected to have a lifespan of approximately 35 years. Following the end of their useful life, the wind turbines may be replaced with a new set of turbines, subject to planning permission being obtained, or the site may be decommissioned fully. Any impact and consequential effect that occurs during the decommissioning phase will be similar to that which occurs during part of the construction phase when turbines were being erected. The impacts and associated effects will be materially less than during the construction phase as significant ground works are not required to decommission a wind farm. While the actual number of loads that will require to be removed from the site in the event that the Proposed Development is decommissioned has not been determined at this stage, the impact in terms of traffic volumes will be significantly less than during the construction stage.

## 7.6.6 Traffic Management Plan

A preliminary Traffic Management Plan is included at Section 15.1.7 and 15.1.11.5.2 of Chapter 15: Material Assets, of this EIAR. A detailed Traffic Management Plan (TMP) will be finalised and confirmatory detailed provisions in respect of traffic management agreed with the road's authority and An Garda Síochána prior to construction works commencing.

## 7.7 Biodiversity and Ornithology

Ecology Ireland Wildlife Consultants Ltd. were commissioned by Ørsted Onshore Ireland Midco Ltd to assess the impact of the proposed repowering development on biodiversity, ecology and ornithology.

### 7.7.1 Appropriate Assessment/NIS

Ecology Ireland Wildlife Consultants Ltd. were commissioned by Ørsted Onshore Ireland Midco Ltd (Ørsted) to undertake an appraisal of the potential impacts in relation to the proposed repowering of the existing Kilgarvan Wind Farm, Co. Kerry.

The NIS concluded that:

*The AA Screening found that it could not be excluded, on the basis of objective scientific information that the proposed works, individually or in combination with other plans or projects, would have a significant effect on four Natura 2000 sites: Killarney National Park, Macgillycuddy's Reeks & Caragh River Catchment SAC, Old domestic building, Curraglass Wood SAC, Kilgarvan Ice House SAC, Kenmare River SAC, and Mullaghanish to Musheramore Mountains SPA. Therefore, a NIS was required to ascertain whether the proposed works would have an adverse effect on the integrity of the Natura 2000 sites.*

*Best practice environmental control measures and mitigation measures have been identified to minimise the risk of potential impacts arising from water quality deterioration, the spread of invasive species, and all potential impacts to the relevant QI/SCI species such that there will be no risk of adverse effects on these Qualifying Features of Natura 2000 sites within this project's ZoI.*

*It has been objectively concluded that the proposed development will not adversely affect the integrity of a Natura 2000 sites, and there is no reasonable scientific doubt in relation to this conclusion.*

It is respectfully put to the Board that the proposed development has assessed the proposed development robustly for impacts on Natura 2000 sites, therefore the proposed development is

consistent with the provisions of policy **KCDP 12-1** & **KCDP 12-22** facilitating the development renewable energy development whilst seeking to protect and maintain biodiversity.

### 7.7.2

## Biodiversity

Ecology Ireland Wildlife Consultants Ltd were commissioned to write the biodiversity (chapter 6) of the EIAR for the proposed development. The Biodiversity Chapter (Chapter 6) examines potential effects and impact significance during the operational and decommissioning phases of the wind farm at Kilgarvan. The baseline ecological conditions are described through discussion of desktop and field studies carried out to inform this assessment. Cumulative impacts of the proposal in combination with other plans and projects are assessed. Appropriate mitigation measures to avoid, remediate or reduce potential significant negative direct, indirect and cumulative impacts on terrestrial biodiversity receptors are described and the overall residual impacts are assessed.

This Chapter outlines a number of mitigation measures to be put in place to reduce the potential impacts on the biodiversity of the area. Mitigation measures are provided within section 6.6 of the Chapter 6 outlining measures at each stage of development such as the construction phase, operational phase and decommissioning phase.

The mitigation measures described for the proposed repowering of Kilgarvan Wind Farm have been designed to minimise the impact of the development, from the construction of the wind farm infrastructure, through the operational phase and onto decommissioning. The constraints led design approach followed has been effective in identifying and insofar as possible avoiding potential risks of impacts to the receiving environment. The mitigation measures set out in the EIAR are comprehensive and backed by a detailed planning phase CEMP.

It is respectfully put to the board that the impact biodiversity of the surrounding area has been assessed in depth and impacts on biodiversity will be minimised as much as possible in accordance with policy objective **KCDP 12-21** of the Kerry County Development Plan 2022-2028.

## CONCLUSION

The provision of wind energy developments such as the one proposed is strongly supported by International, National, Regional and Local policies and guidelines aimed at achieving the transition to a low carbon and climate resilient economy, increasing renewable energy generation, and enhancing energy security. Specifically, the Proposed Project will contribute to achieving the target of generating 9GW of electricity from onshore wind and reducing GHG emissions by 80% by 2030 as set out in the CAP.

The project aligns with National Strategic Outcomes and Objectives outlined in the National Planning Framework, particularly Objective 55, which seeks to promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

It is re-iterated for clarity that the Proposed Project is consistent with the KCDP which acknowledges the importance of renewable energy in reducing anthropogenic greenhouse gas emissions and the contribution of renewable energy in achieving national and EU target net zero greenhouse gas emissions by 2050.

Furthermore, the Proposed Project is located in an area classified as 'Repower Area' in the KCDP which for the purposes of the plan and related development objectives, repowering includes wind farm upgrades, renewal, repowering or extension to permitted operational duration. In this regard it is reiterated that the Proposed Project has been subject to a rigorous design process informed by comprehensive planning and environmental assessments and surveys, which have collectively concluded that the proposal is in line with the proper planning and sustainable development of the area. Specifically, there are no significant environmental impacts associated with the Proposed Project during either the construction, operational or decommissioning phases of the development nor will the Proposed Project have any significant effects on any European Sites (as assessed within the accompanying Natura Impact Statement).

Having regard to the key points set out in this Report, it is respectfully requested that the Board consider the relevant international, national and regional planning context that applies to the Proposed Development, and grants permission for the Proposed Wind Farm which is the subject of this application.

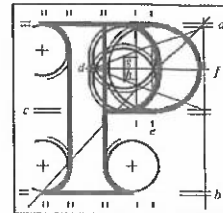


## **APPENDIX 1**

***SID MEETING MINUTES WITH AN  
BORD PLEANALA***

**Our Case Number:** ABP-314798-22

**Your Reference:** Ørsted Onshore Ireland Midco Limited (Ørsted)



**An  
Bord  
Pleanála**

MKO  
Planning & Environmental Consultants  
Tuam Road  
Galway  
Co. Galway  
H91 VW84

**Date:** 19th December 2022

**Re:** Repowering of the existing Kilgarvan Wind Farm. Provision of approximately 11 wind turbines and all associated works.  
Townlands of Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry and Inchamore, Co. Cork

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the first meeting of the 7<sup>th</sup> December, 2022.

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

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

Yours faithfully,

Doina Chiforescu  
Executive Officer  
Direct Line: 01-8737133

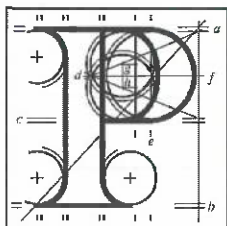
PC07

<b>Teil</b>	<b>Tel</b>	(01) 858 8100
<b>Glaao Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
<b>Ríomhphost</b>	<b>Email</b>	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902







An  
Bord  
Pleanála

## Record of Meeting ABP-314798-22 and ABP-314799-22 1<sup>st</sup> meeting

<b>Description</b>	<p><b>ABP-314798-22</b> – Repowering of the existing Kilgarvan Wind Farm. Provision of approximately 11 wind turbines and all associated works at townlands of Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry and Inchamore, Co. Cork</p> <p>ABP-314799-22– Proposed upgrades to the existing 110kV Coomagearlahy substation at the Kilgarvan Wind Farm at Coomagearlahy, Inchee, Co. Kerry</p>		
<b>Case Type</b>	Pre-application Consultation		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	1 <sup>st</sup> Meeting		
<b>Venue</b>	Virtually by Microsoft Teams		
<b>Date</b>	7/12/2022	<b>Time</b>	11:00am – 11:55am

### Representing An Bord Pleanála

Ciara Kellett, Assistant Director of Planning (Chair)

Mairead Kenny, Senior Planning Inspector

Doina Chiforescu, Executive Officer

<b>Representing the Prospective Applicant</b>
Aine Bourke – MKO
Órla Murphy – MKO
Niamh McHugh – MKO
Patrick McMorrough – Applicant – Ørsted Onshore Ireland Midco Ltd.( Ørsted)

## **Introduction:**

The Board referred to the letter received from the prospective applicant on the 11<sup>th</sup> October 2022, requesting pre-application consultations and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters that it wished to receive advice on from the Board. It was noted that two separate pre-application consultations have been submitted by the prospective applicant, pursuant to section 182E and section 37B of the Planning and Development Act, 2000, as amended. Both cases will be discussed at the instant meeting.

The Board mentioned the following general procedures in relation to the pre-application consultation process:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- The Board will serve notice at the conclusion of the process as to the strategic infrastructure status of the proposed development. It may form a preliminary view at an early stage in the process on the matter.
- A further meeting or meetings may be held in respect of the proposed development.
- Further information may be requested by the Board and public consultations may also be directed by the Board.

- The Board may hold consultations in respect of the proposed development with other bodies.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.

### **Presentation by the prospective applicant:**

The prospective applicant opened its presentation by giving some background information into the applicant company Ørsted Onshore Ireland Midco Ltd (Ørsted).

The two proposed developments are:

1. **ABP-314798-22** – Repowering of the existing Kilgarvan Wind farm development under section 37B of the Planning and Development Act 2000, as amended.
2. **ABP-314799-22** – Proposed upgrades to the existing 110kV Coomagearlahy substation at the Kilgarvan Wind Farm under section 182E of the Planning and Development Act 2000, as amended.

### **Proposed Wind Farm Development (ABP - 314798-22)**

The proposed wind farm development involves decommissioning of the existing 28 no. turbines and replacing them with 11 no. new turbines, up to 200m tip height. The proposed wind farm is located within the footprint of the existing Kilgarvan Wind Farm, which is made up of 2 no. wind farms – Kilgarvan I and Kilgarvan II. A total of 34 turbines were granted permission, with 28 being built. The site is within the townlands of Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry and Inchamore Co. Cork. The site is located approximately 5.5km northeast of Kilgarvan Town in Co. Kerry and 6km west of Coolea in Co. Cork. The site is accessed from the N22, using existing access points and roads.

The prospective applicant referenced a number of EU and national policy documents which support and encourage the development of renewable energy sources and replacement of fossil fuels.

From a local policy context the prospective applicant stated that the Kerry County Development Plan 2022-2028 (KCDP), is currently subject to a Draft Ministerial Direction relating to energy policies but this does not directly affect this proposal in principle. The site is located in a Repower Area zone which is not impacted by the Draft Ministerial Direction. Cork County Development Plan 2022 – 2028 is also subject to Ministerial Direction not relating to policies affecting this proposal. The only development proposed within Cork will be road upgrade works.

As noted above the site is designated as being located within a repower area in the KCDP. There is, therefore, policy support at local level for such development. In relation to the Cork County Development Plan 2022-2028 (CCDP), while it is only road infrastructure upgrades proposed in County Cork, it is noted that the subject area is designated as “Open to Consideration” in the Wind Strategy Map.

The prospective applicant presented a drawing indicating the detailed site constraints analysis, including buffer zones from residential dwellings, watercourses, designated sites and other constraints.

The prospective applicant said that scoping was carried out and a scoping document, providing details of the proposed development, was prepared and circulated to prescribed statutory bodies in July 2022. A follow up scoping letter was issued on 9th November 2022 and responses were received including from An Taisce, the Department of Agriculture, Food and the Marine, the Department of Defence, the HSE and Inland Fisheries Ireland. Responses were also received from Kerry County Council Environment Department, Kerry Airport and Cork County Council Roads Department.

The prospective applicant said that pre-application consultations were requested with both Cork and Kerry County Councils. Cork County Council issued a written pre-application response note on 23rd November 2022 and they advised that the development is considered acceptable at this point. A meeting with Kerry County Council is anticipated in early January 2023.

In relation to the public consultation, the prospective applicant appointed a Community Liaison Officer (CLO) at an early stage to introduce the proposal to the community and to provide an interface for addressing any queries or concerns .

The proposed chapter headings to be included in the EIAR were presented.

The prospective applicant presented a map which detailed preliminary viewpoint locations and a Zone of Theoretical Visibility. A cumulative impact drawing was presented.

In relation to the project timelines the prospective applicant highlighted that in Q2 2018, the ecological and ornithological studies began on the study area, and in Q1 2021 the environmental and planning consultants were appointed. In Q1 2022 detailed environmental and engineering studies began and initial site layouts were designed.

It is the prospective applicant's current intention to lodge a planning application in Q1 2023.

#### Grid Connection (ABP - 314799-22)

The existing on-site Coomagearlahy 110kV substation is located within the existing Kilgarvan Wind Farm site, in the townland of Inchee, Co. Kerry. It is not located proximate to a road or any residential development and is only accessible via the existing private wind farm access roads.

The prospective applicant consider that the connection to the national grid already exists and is not proposed to be altered in any way, remaining via the existing Coomagearlahy 110kV substation. The upgrade works to the existing substation at Coomagearlahy and the repowering to the existing wind farm, will be developed alongside each other in the future. These works are required to extend the capacity of the existing substation to cater for the proposed Repowering of the Kilgarvan Wind Farm, will be located within the existing substation footprint and requires the existing 110kV Coomagearlahy substation to be upgraded only.

It is the prospective applicant's opinion that the proposed upgrade works to the existing on-site substation do not fall within the scope of SID as set out under Section 182A of the Act.

## Discussion

The following matters were discussed:

- The prospective applicant considers that the proposed upgrade works to the existing on-site substation do not fall within the scope of SID as set out under Section 182A of the Act. The connection to the national grid already exists and is not proposed to be altered in any way, remaining via the existing Coomagearlahy 110kV substation.
- The Board's representatives offered a preliminary opinion that the proposed electrical work does not constitute SID, but noted that the ultimate decision is a matter for the Board.
- The Board's representatives stated their preliminary opinion is that the proposed development of repowering the existing Kilgarvan Wind farm development would constitute SID but noted that the ultimate decision is a matter for the Board.
- If the Board confirm that the substation works do not constitute SID, the option of incorporating both the windfarm development and the substation upgrade projects into one planning application was discussed. The Board's representatives noted that this approach had been adopted in other cases. An amendment to the development description to provide that it is clear that works to the substation are included in the windfarm application (assuming that the Board determine that this development is SID) will be required. This amendment would be made before the request for closure of the section 37A pre-application case. If this option is pursued the submitted application would be accompanied by an EIAR that covered both project elements.
- In response to a query on the matter, the prospective applicant said that the Ministerial Directive relevant to the KCDP is currently in draft form and more details will be supplied to the Board. The applicant noted that it is mainly relating to the areas that are open for consideration for windfarm development and not to the area of the existing windfarm.

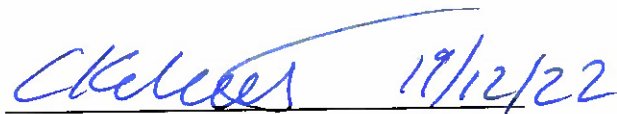
- The Board's representatives requested the prospective applicant to provide further information relating to the planning history of the other two re-power applications. Any future application should also address the Derryadd judgement.
- Regarding the potential significant landscape and visual effects, the Board's representatives drew attention to the protected views along the N22. The Board's representatives also indicated that the LVIA section of the EIAR may benefit from a robust written justification for additional visual impacts which may result. The selection of viewpoints should be robustly defended and consideration should be given to some of the recreational assets in the area including the forest to the west and walking routes in the area. The Board's representatives requested that A3 photomontages be included with the application.
- The Board's representatives noted the importance of cumulative impact assessment and referred to a live planning application.
- In response to a query on the matter, the prospective applicant said that a NIS is needed.
- The Board's representatives advised that formal contact with NPWS should be requested and noted the importance of this consultation.
- Regarding the site entrance the Board's representatives advised the applicant to consider its suitability to cater for the proposed development.
- The Board's representatives noted that the provisions relating to design options for Seventh Schedule SID projects contained in the Planning and Development Maritime and Valuation (Amendment) Act, 2022 have not to date been commenced.
- The Board's representatives advised that the prospective applicant could submit an application accompanied by an EIAR that assessed options proposed by the applicant.



- The Board's representatives said the same record will be issued for both cases. Closure for the S182E pre-application case could be requested once the record of meeting is received from the Board.

## **Conclusion**

The record of the meeting will issue to the prospective applicant, and it will then be a matter for the prospective applicant to submit any comments on this if it wishes to do so. It will be a matter for the prospective applicant to revert to the Board if it requires a further meeting or if it wishes to close the pre-application consultation process.



**Ciara Kellett**

**Assistant Director of Planning**

