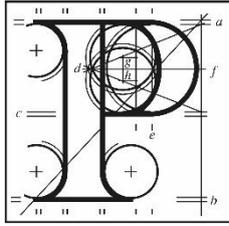


Appendix 1-2

Copy of ABP correspondence

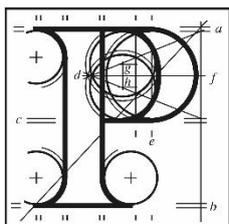


An
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Description of Documents Relating to ABP-306727-20

**Proposed wind farm consisting of 12 4.2
MW turbines and all other associated
development works – Townlands of
Tullamore, Ballyline West, Dromlivaun
and Coolkeragh, Co. Kerry**

Record 1	Record of 1 st pre-application consultation meeting held with the prospective applicant on the 30 th April 2020
Record 2	Record of 2 nd pre-application consultation meeting held with the prospective applicant on the 07 th July 2020
Letter 1	Notification letter issued to prospective applicant stating that the proposed development is SID.
Letter 2	Notification letter issued to Kerry County Council stating that the proposed development is SID.



An
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Record of Meeting ABP-306727-20 1st meeting

Case Reference / Description	ABP-306727-20 Proposed windfarm and substation, Shronowen, County Kerry.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	1 st		
Date	30/04/20	Time	11 am – 12 pm

Representing An Bord Pleanála
Rachel Kenny, Director of Planning (Chair)
Patricia Calleary, Senior Planning Inspector
Rob Mac Giollarnáth, Executive Officer r.macgiollarnath@pleanala.ie
Representing the prospective Applicant
Alexander Kelly Project Manager EMPower
Marc McLoughlin Chief Operations Officer EMPower
Caitríona Fox Environmental Consultant Malachy Walsh & Partners

Introduction:

The Board referred to the letter received from the prospective applicant 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. 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 any legal proceedings.

Presentation by the prospective applicant:

- **Introduction and description** – The proposed development is for the development of a wind farm (Shronowen Wind Farm), consisting of 12 turbines, at a site 6 kms north of Listowel and 5 kms south of Ballylongford in County Kerry. The site is primarily across a peatland site where some excavation of peat occurs on a non-commercial basis. There is also a proposed 110 kV sub-station (within the site boundaries) with loop-in connection to the national grid. The proposed output of the wind farm is 50.4 MW. The prospective applicant currently has projects in excess of 300 MW operating in Ireland.

- **Site location and layout** –The location was chosen having considered environmental issues and also having regard to wind availability and noting environmental constraints including sensitive receptors. The area itself is one that is designated as being ‘open for consideration’ in the relevant County Development Plan. The layout had regard to the turbary rights/cutting areas on the site. Agreements have been put in place with landholders and turbary rights holders.
- **Environmental issues** –Regarding an EIAR, the baseline studies have been completed and impact studies are ongoing. Bird survey work has been carried out for an 18-month period and so far no issues have been arisen.
- **Public consultation** – An initial meeting was held with local people in September 2019 and a follow up meeting was proposed because of the COVID-19 situation. A community benefit fund is proposed as part of the project in which funding will be dispersed over the lifetime of the project to benefit householders and to fund community projects. The public feedback so far has been largely positive.
- **Connection to Electricity network** – A sub-station is proposed on site and there are two current options regarding connection to the electricity network. The first proposal is a loop-in connection with an existing 110kV line passing directly to the east of the site. The second proposal would connect near to a proposed solar farm at Drombeg (approximately 2.5 kms to the south of the current project). The applicant is due to meet with Eirgrid shortly to discuss the grid connection.
- **Draft Wind Energy Development Guidelines** – The proposed development would be in compliance with the draft guidelines and noise emissions have been considered.
- **Overall benefit of the project** – The proposed project aligns with the National Planning Framework Objectives and would significantly contribute to Ireland’s goal of sourcing 70% of electricity from renewables by 2030. The project itself would increase Ireland’s generation from wind energy by 1.6% and would result in approximately 75,000 tonnes CO₂ being abated annually.

Discussion:

The following matters were discussed:

- The issue of peat on the site was raised with regard to the depths, the amount of same and any potential slippage. The prospective applicant submitted that they had regard to the depth of peat in selecting areas for the actual turbines and any area that was greater than 4 metres in depth was avoided. Some of the peat areas had been cut away and there was potential to store any excess peat on site. They will revert as to the actual volume of peat that would be excavated as part of the project.
- On behalf of the Board it was stated that although the prospective applicant had clearly indicated that the development could come within the statutory parameters relating to strategic infrastructure there had been no reference to the relevant regional spatial strategy and it would be advisable to refer to same in any follow-up meeting.
- On behalf of the Board, a preliminary view that the proposed development would constitute strategic infrastructure was expressed, though as in all cases, the final view would be a matter for the Board to decide.
- In response to the prospective applicant's query around progressing both the proposed electricity grid connections, the Board's representatives stated that it would be strongly advisable to assess the environmental impacts relating to both options separately but the assessments and findings could be set out within one EIAR as part of the application to the Board.
- In response to a query on a slight reduction of power output, the Board's representatives advised that if the total power output was to fall under 50 MW then the application for the wind farm should be made to the planning authority in the first instance. Where a 110kV grid connection is nonetheless proposed, the Boards representatives expressed its preliminary view that the application would be required to be made to the Board under Section 182A of the PDA 2000, as amended.

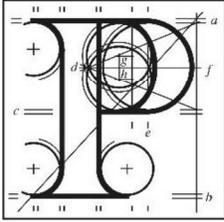
- If the power output proposed is greater than 50MW and a 110kV grid connection is proposed, the Board's representatives stated its preliminary view that the application would constitute SID but under two different sections of the Act (Section 37A for the windfarm development and Section 182A for the 110kV grid connection). In this regard, it was stated that the Board are currently reviewing this matter of a SID application under two sections of the Act, and would provide further guidance to the prospective applicant in due course. The prospective applicant stated its view that one application would be required to be submitted for both the windfarm and the grid connection elements, while referring to both applicable sections of the Act.

Conclusion:

The record of the instant meeting will issue. The prospective applicant can then respond with their own comments on issues raised in the record. It may be that a further meeting will be held to clarify and to develop issues.

Rachel Kenny

Director of Planning



An
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Record of Meeting ABP-306727-20 2nd meeting

Case Reference / Description	ABP-306727-20 Proposed windfarm (Shronowen) and electricity substation, County Kerry.		
Case Type	Pre-application consultation		
1st/2nd/3rd Meeting	2 nd		
Date	07/07/20	Time	11 am – 12 pm

Representing An Bord Pleanála
Rachel Kenny, Director of Planning (Chair)
Patricia Calleary, Senior Planning Inspector
Rob Mac Giollarnáth, Executive Officer r.macgiollarnath@pleanala.ie
Representing the prospective Applicant
Alexander Kelly EMP Group
Marc McLoughlin EMP Group
Ken Fitzgerald MWP
Paddy Curran MWP

Introduction:

The Board referred to the letter received from the prospective applicant requesting pre-application consultations and advised the prospective applicant that the 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. 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 any legal proceedings.

Presentation by the prospective applicant:

The prospective applicant gave a brief re-cap of the proposed development. It is proposed to develop a windfarm consisting of 12 turbines with a MW capacity of 50.4. The preferred electrical connection would be the provision of a sub-station on site and to connect with an existing 110kV that runs through the site boundary of the proposed application. There is another possible connection 2.5 kms away at Drombeg (part of a solar energy development).

Discussion:

The following matters were discussed:

- a) Submission of proposed application as one application
- b) Noise in the context of the existing windfarm guidelines
- c) Peat management
- d) Other issues

a) Submission of proposed application as one application

It is the intention of the proposed applicant to submit the application as one application (i.e. both the wind turbines and the electrical sub-station) pursuant to section 37(e) of the Planning and Development Act as amended. They were of the opinion that this approach had been used in other similar applications. The prospective applicant stated that the proposed sub-station was an integral part of the proposed development. The prospective applicant contended that the decision of whether a sub-station should be applied for in its own right appeared to depend on the definition of 'transmission' and whether it was a 'loop in/loop out' connection. The prospective applicant had not yet sought a formal legal opinion regarding this matter but intended to do so. In lodging an application it would have regard to similar precedent cases.

On behalf of the Board's representatives it was stated that it was open to the prospective applicant to make one application but would do so at its own risk. It would be advisable to seek a legal opinion regarding this approach. While precedent could be seen as a good rationale for the basis of making one application it was important not to rely on this as justification for making one application. In making one application the prospective applicant should outline the rationale/justification for taking such an approach. A number of cases were outlined that could be useful for the prospective applicant to look at for information purposes:

- 303930 – 110kV substation and grid connection to serve a Solar Farm determined under S.182A, and 304651 for the Solar Farm which was decided on appeal by the Board.
- 301619 – Windfarm decided on appeal by the Board, and 304789 110kV grid connection deemed not to be SID by the Board.
- 303293 – 110kV grid connection that the Board decided was development which fell within the scope of S182A. This grid connection will serve a

windfarm that was submitted as a normal planning application and not appealed to the Board (TCC Reg. Ref. 11510251).

Post Meeting Note on this matter:

The issue was given further consideration. The Board is happy to consider the proposed development collectively under one application, ie. under Section 37(e) of the Planning and Development Act, 2000, as amended, subject to the applicant's justification for same. The Board will be happy to assist in providing a review (without prejudice) of the prospective applicant's public notice, in due course.

b) Noise in the context of existing windfarm guidelines

The prospective applicant contended that the proposed application would be compliant with both the current and draft windfarm guidelines. A question was asked of the Board which centres on what guidance the Board would adopt if the guidelines were finalised after the application was lodged and if the prospective applicant would be afforded an opportunity to address the matter by way of further information, should this scenario arise.

On behalf of the Board's representatives it was stated that if guidelines were finalised during the currency of an application then those guidelines would apply to their assessment. The current guidelines are quite old and arising from the Balz court case it was clear that regard must be had to more up-to-date scientific studies. Reference was also made to the publication 'The assessment & rating of noise from wind farms (ETSU-R-97)', though it was noted that this guidance is not recent. Generally there would be an opportunity to address issues that arise during the currency of an application by way of oral hearing and or an opportunity to submit further information. The prospective applicant should address all issues in any application and put their best case forward.

c) Peat Management

On behalf of the prospective applicant it was stated that they intended to avoid areas of deep peat as far as possible in constructing the windfarm but it would not be possible to avoid these areas altogether. The prospective applicant had investigated related issues such as peat depth, location of turbines, drainage issues and had engaged in design mitigation in relation to peat management issues. In this regard

suitable areas had been identified for the deposition of excavated peat and for the location of hard-standing areas. The site is a flat topography and therefore had no real slope stability risk.

On behalf of the Board's representatives it was stated that it was noted that it was a semi-active peat site. A robust peat management plan dealing with peat management issues including the details of peat excavation volumes and the management of the peat as well as methodologies.

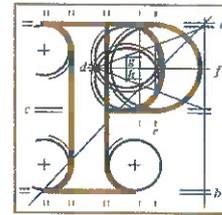
d) Other Matters

On behalf of the Board's representatives it was stated that it would appear that there were a number of wind turbines in the area and that the prospective applicant should lodge a map detailing the location of wind turbines in the area as part of an application. In relation to a query from the prospective applicant around a reduced number of hard copies of the application, the Board's representatives responded by stating that the normal practice of lodging three paper copies of an application would apply, however, prescribed bodies can elect to receive electronic copies of the application.

Conclusion:

The record of the meeting will issue. The prospective applicant can then respond with their own comments on issues raised in the record. The prospective applicant may seek to have a further meeting held to clarify and to develop issues.

Rachel Kenny
Director of Planning



Alexander Kelly
EMPower
2 Dublin Landings
North Wall Quay
North Dock
Dublin
D01 V4A3

Date: 25th September 2020

Re: Proposed wind farm consisting of 12 4.2 MW turbines and all other associated development works.
Townlands of Tullamore, Ballyline West, Dromlivaun and Coolkeragh, Co. Kerry.

Dear Sir,

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

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

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

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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

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

Yours faithfully,



Kieran Somers
Executive Officer
Direct Line: 01-873 7250

PC09

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Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

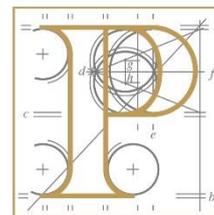
ABP-306727-20

The following is a schedule of prescribed bodies considered relevant by the Board:

- Minister for Housing, Local Government and Heritage
- Minister for Culture, Heritage and the Gaeltacht (DAU)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport

- Kerry County Council
- Limerick County Council
- Clare County Council
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Health & Safety Authority
- Office of Public Works

Our Case Number: ABP-306727-20



An
Bord
Pleanála

Alexander Kelly
EMPower
2 Dublin Landings
North Wall Quay
North Dock
Dublin
D01 V4A3

Date: 25th September 2020

Re: Proposed wind farm consisting of 12 4.2 MW turbines and all other associated development works.
Townlands of Tullamore, Ballyline West, Dromlivaun and Coolkeragh, Co. Kerry.

Dear Sir,

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

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

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

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

Yours faithfully,

Kieran Somers
Executive Officer
Direct Line: 01-873 7250

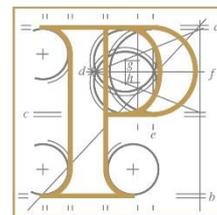
PC09

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D01 V902 D01 V902

Our Case Number: ABP-306727-20



An
Bord
Pleanála

Kerry County Council
Planning Department
County Buildings
Rathass
Tralee
Co. Kerry

Date: 28th September 2020

Re: Proposed wind farm consisting of 12 4.2 MW turbines and all other associated development works.
Townlands of Tullamore, Ballyline West, Dromlivaun and Coolkeragh, Co. Kerry.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation. Please be advised that following consideration of the issues raised during the consultation process the Board is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a) and (b) of the Planning and Development Act, 2000 as amended. Accordingly, the Board decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Act. Any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

A copy of the documentation relating to the Board's pre-application file is enclosed for your information including a copy of the written record of the pre-application consultation meetings between An Bord Pleanála and the prospective applicant. A copy of the pre-application consultation file can be made available for public inspection at this stage and must be associated with any application file documentation when such an application is made. In this regard please note that the Board has directed the prospective applicant to include a statement in the public notices of any planning application indicating that the application will be made available for public inspection at the offices of the local authority (as well as the offices of the Board) and on a stand alone website. The Board would therefore be obliged if you could make the necessary arrangements in this regard following receipt of the copies of any application documentation from the prospective applicant. Please note that the public will have the right to make submissions/observations on the application only to An Bord Pleanála and within a time limit which will be specified in the public notices (copies of same will accompany the application documentation) and the public should be alerted to this fact when inspecting the file. It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.

The Board will also separately communicate with you when any application is lodged indicating the date by which the planning authority may lodge its report on the application under section 37(E)(4) of the Act.

Teil	Tel	(01) 858 8100
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
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Thank you for your co-operation in this matter.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

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,

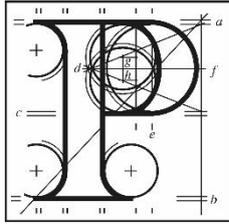
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Executive Officer
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PC10

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An
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Inspector's Report

ABP-306727-20

Development	Proposed wind farm consisting of 12 4.2 MW turbines, connection to the electricity grid infrastructure and all other associated development works.
Location	Townlands of Tullamore, Ballyline West, Dromlivaun and Coolkeragh, Co. Kerry.
Planning Authority	Kerry County Council
Applicant(s)	Shronowen Wind Farm Ltd.
Type of Application	Pre-application Consultation.
Date of Site Inspection	25 th June 2020.
Inspector	Patricia Calleary

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1.0 Site Location and Description

- 1.1. The proposed windfarm site is in a rural location in the townlands of Tullamore, Ballyline West, Dromlivaun and Coolkeragh in north Co. Kerry. It is located on the east side of the R552 Regional Road, approximately 4km southeast of Ballylongford village and 6km north of Listowel town. The site is primarily situated across a relatively flat peatland site where some excavation of peat occurs on a non-commercial basis. There is also a permitted 110 kV sub-station within the site boundaries with a loop-in connection to the national electricity grid infrastructure.

2.0 Proposed Development

- 2.1. The proposal, referred to as Shronowen Wind Farm, is for a windfarm development with a power output of 50.4 MW. It would comprise 12 no. 4.2 MW turbines, each with a hub height of 82m, 136m rotor diameter and an overall tip height of 150m. In addition, it would include permanent meteorological masts, hardstand areas, underground cabling, a substation and associated control building, onsite new and upgraded access tracks, watercourse crossings, parking and welfare facilities. The proposal includes a 110kV grid connection to the grid infrastructure.
- 2.2. Other associated development works are stated to include a new/upgraded site access, localised widening along the turbine delivery route, a temporary construction site compound, conifer felling, drainage proposals, as well as sediment and erosion control measures.

3.0 Legislative Provisions

- 3.1. The Board is asked to decide if the proposal is or is not Strategic Infrastructure Development as defined by Section 37A of the Planning and Development Planning Act 2000, as amended (hereinafter referred to as 'The Act').
- 3.2. Strategic Infrastructure is defined in the Seventh Schedule of the Act and Class 1 includes the following category of development: *'an installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50MW'*.

3.3. Section 37A (2) of the Act requires that any development specified in the Seventh Schedule should be made to the Board, if the proposed development falls within one or more of the following:

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate;

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate;

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

4.0 **Prospective Applicant's Case**

4.1. The prospective applicant provided an outline of the proposal together with details of environmental issues encountered to date and a broad outline of public consultation undertaken. Two connection options to the electricity grid infrastructure are being progressed. The first option is a loop-in connection with an existing 110kV line passing directly to the east of the site. The second option would involve a connection to a proposed solar farm at Drombeg (approximately 2.5 kms to the south of the current project site). The prospective applicant states that they are due to meet with Eirgrid to discuss the grid connection and following this, the optimum grid connection proposal would be progressed and brought forward to the planning application stage.

4.2. It is the prospective applicant's case that the proposed development, having a total output of 50.4MW, would exceed the stated threshold of 50MW set for Class 1 (Energy Infrastructure) of the Seventh Schedule of the Act and would also fall within subsections (a) and (b) of section 37A (2). Consequently, it is their contention that the proposal would constitute Strategic Infrastructure Development within the meaning of Section 37A of Act.

5.0 Pre-Application Consultations

- 5.1. Two meetings were held between the prospective applicant and the Board's representatives. The details of the pre-application consultations are as set out in the records of both meetings, which are held on the Board's file. In relation to the issue around the two components of the proposal, namely the windfarm and the electricity grid connection, the Board's representatives stated that the Board would be satisfied to consider the proposed development collectively under one application, i.e. under Section 37E of the Act (rather than requiring a separate approval application for the electricity transmission element / grid connection under Section 182A), subject to a justification for same being provided with the planning application.
- 5.2. The application site is situated in an area designated as being 'open for consideration' to windfarm developments, based on the provisions of the Kerry County Council Renewable Energy Strategy, 2012 and the Kerry County Development Plan 2015-2021.

6.0 Assessment

6.1. Section 37A (1) – Is the development specified in the Seventh Schedule of the Act?

- 6.1.1. Based on the information submitted by the prospective applicant through the consultation process, the proposed development would include 12 turbines, each with a power output of 4.2 MW, and hence would provide a total power output of 50.4MW. The proposed development would exceed the 50MW threshold of the Seventh Schedule development under Class 1 (Energy Infrastructure). Therefore, the proposed development satisfies Section 37A(1) of the Act.

6.2. Section 37A (2) - Does the proposed development specified in the Seventh Schedule fall within one or more of the paragraphs referred to as (a), (b) and (c) and outlined below?

(a) – Strategic Economic or Social Importance to the State or Region

- 6.2.1. The prospective applicant's case is that the proposal satisfies the conditions under 37A(2)(a) of the Act in that it would make an investment of in excess of €50 million in

renewable energy infrastructure and would produce enough electricity to service 33,000 households with clean, indigenous power. It would also provide a fund of 2€/MWh to the local community as well as the opportunity for residents to invest in the wind farm. Additionally, the project is estimated to provide 85 direct local jobs during the construction phase and 20 highly-skilled jobs during the 25-year operational phase. The prospective applicant states that Shronowen Wind Farm would contribute to Ireland's national and EU energy targets, as outlined in the National Energy and Climate Plan (2021-2030). According to this plan, renewables are intended to account for 70% of Ireland's electricity consumption by 2030, with wind accounting for the majority. On that basis, it is submitted that the proposal would make a meaningful contribution to the objectives of the National Planning Framework (Project Ireland 2040) (NPF). The proposed substation for Shronowen Wind Farm would provide for a 110kV loop-in connection to the existing 110kV line. As a 110kV node, it is submitted that this infrastructure would contribute to Ireland's national transmission system capacity and can therefore be considered of strategic and social importance to the State.

- 6.2.2. I concur with the prospective applicant's points presented throughout the pre-application consultations and summarised above and I am satisfied that the development would comply with the condition set out in section 37A(2)(a) of the Act.

(b) - Fulfilment of Objectives in the National Planning Framework or in any regional spatial and economic strategy

- 6.2.3. It is submitted by the prospective applicant that the proposed development would contribute to the objectives of the NPF broadly based on its contribution to the National Energy and Climate Plan (2021-2030). Having reviewed the NPF, I note the following relevant National Policy Objectives (NPOs):

- NPO 54: Reduce our carbon footprint by integrating climate change action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions;
- NPO 55: Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

- 6.2.4. In their submission to the Board, the prospective applicant did not specifically refer to the Regional Spatial and Economic Strategy (RSES) for the southern region in which the proposed windfarm would be based. The RSES for this region recognises and supports opportunities for onshore wind energy as a major source of renewable energy. Regional Policy Objective (RPO) 99 (Renewable Wind Energy) contained in the RSES is an objective to support the sustainable development of both renewable wind energy and related grid infrastructure at appropriate locations in the region in compliance with the national Wind Energy Development Guidelines (2006).
- 6.2.5. Having regard to the above, I am satisfied that the development, in addition to contributing to renewable energy targets of the National Energy and Climate Plan (2021-2030), would meet relevant national policy objectives including NPO 54 and NPO 55 of the NPF. I am also satisfied that the proposed development would serve to fulfil the relevant regional policy objectives including RPO 99 of the RSES for the Southern Regional Assembly. The development would therefore satisfy the requirement set out in section 37A(2)(b) of the Act.

(c) - Significant effect on the area of more than one planning authority.

- 6.2.6. The site is fully contained within the area of one planning authority; Kerry County Council. While the haul route has potential to traverse parts of Counties Clare and Limerick for a temporary period during construction, I am not of the opinion that the development would have any **significant** effect on the planning authority area of Limerick and Clare or any other planning authority area outside of Kerry. Accordingly, I am not of the opinion that the proposal would come within the scope of this requirement to be considered as complying with section 37A(2)(c) of the Act.

7.0 Conclusion

- 7.1. Based on the above assessment, it can be concluded that the proposed development would exceed the threshold set out in the Seventh Schedule of the Planning and Development Act 2000, as amended and therefore satisfies Section 37A(1) of the Act.
- 7.2. It can also be concluded that the development is of strategic importance by reference to the requirements of Section 37A(2)(a) and Section 37A(2)(b) of the Act.

8.0 Recommendation

- 8.1. I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 37(B)(4) of the Planning and Development Act 2000, as amended, stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development within the meaning of Section 37A of the Act for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the size, scale and location of the proposed windfarm and related development, it is considered that the proposed development comprising the development of a 12 turbine windfarm with associated infrastructure (including a 110 kV grid connection) and site works within the townlands of Tullamore, Ballyline West, Dromlivaun and Coolkeragh, County Kerry constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in Section 37A(1) of the Act.
- 9.2. The proposed development is also considered to be of strategic importance by reference to the requirements of Section 37A(2)(a) and 37A(2)(b) of the Planning and Development Act 2000, as amended. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under Section 37E of the Act.

Note 1: Prescribed Bodies

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

- Minister for Housing, Local Government and Heritage
- Minister for Culture, Heritage and the Gaeltacht (DAU)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Limerick County Council
- Clare County Council
- Irish Water

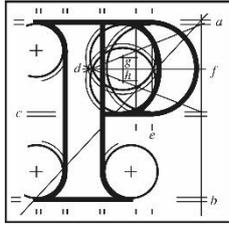
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Health & Safety Authority
- Office of Public Works

Further notifications should also be made, where deemed appropriate.

Note 2: The prospective applicant should be advised to submit a separate document (to the EIAR) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.

Patricia Calleary
Senior Planning Inspector

18th September 2020



An
Bord
Pleanála

Board Direction
BD-006525-20
ABP-306727-20

At a meeting held on 23/09/2020, the Board considered the documents and submissions on file generally and the report of the Inspector, in relation to the proposed development comprising the development of a 12-turbine windfarm with associated infrastructure (including a 110kV grid connection) and site works within the townlands of Tullamore, Ballyline West, Dromlivaun and Coolkeragh, County Kerry.

The Board determined, in accordance with the Inspector's reasoning and recommendation, that the proposed development constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in Section 37A(1) of the Act. The proposed development is also considered to be of strategic importance by reference to the requirements of Section 37A(2)(a) and 37A(2)(b) of the Planning and Development Act 2000, as amended. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under Section 37E of the Act.

Board Member:

Date: 23/09/2020

Dave Walsh