



An
Bord
Pleanála

Record of Meeting ABP-303194-18 1st meeting

Case Reference / Description	ABP-303194-18 110kV electricity substation as part of a proposed wind farm at Knockardugar, Co. Laois.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	1 st		
Date	13/06/19	Start Time	11 a.m.
Location	Parnell Room	End Time	11.40 a.m.
Chairperson	Anne Marie O'Connor	Executive Officer	Kieran Somers

Attendees		
Representing An Bord Pleanála		
Staff Member	Email Address	Phone
Anne Marie O'Connor, Assistant Director of Planning		
Niall Haverty, Senior Planning Inspector		
Ellen Morrin, Senior Administrative Officer		
Kieran Somers, Executive Officer		

Representing the Prospective Applicant		
James Carville, Pinewood Wind Limited		
Gavin Daly, Galettech Energy Services		
John Kenny, Legal Advisor		

The meeting commenced at 11 a.m.

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 it wished to receive advice on from the Board.

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

- 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 said that the proposed development is as per its pre-application consultation letter of December 2018 and reiterated its opinion that the proposed 110kV electricity substation would not constitute SID; however, the prospective applicant noted recent decisions by the Board in this regard whereby proposed loop-in/loop-out connections have been determined as strategic infrastructure.
- Following the Board's invitation, the prospective applicant recapped on the nature and extent of the proposed development which proposes to connect into the Laois-Kilkenny Reinforcement overhead line which has an extant planning permission. The site location for the proposed substation was identified and the prospective applicant emphasised the efficiency benefits of connecting into the consented overhead line. The proposed wind farm, which the substation is proposed to serve, was also alluded to; currently this is the subject of two separate appeals to the Board (case reference numbers PL 11.248518 (proposed 11 wind turbines and associated development in County Laois) and PL10.248392 (proposed site access tracks, cabling and site drainage works in County Kilkenny)).

- The prospective applicant stated that discussions have taken place between itself and representatives of Eirgrid. It also confirmed to the Board that an EIS and NIS was submitted with respect to the proposed windfarm development which are currently on appeal.

Proper planning and sustainable development matters:

The Board referred to the main issues which it considered would be pertinent in the event of a planning application being made; these were as follows:

- Archaeology
- Visual impacts and impacts on the surrounding landscape
- Ecological impacts, including potential impacts on designated sites.
- Impacts on watercourses and fisheries
- Impacts on residential amenities
- Noise
- Construction traffic routes
- Bats and birds

Other matters:

- In response to the Board's query on the matter, the prospective applicant said that the alternative connection at Ballyragget County Kilkenny was no longer being considered as the instant proposed connection represents the more preferred option.
- With respect to the matter of EIA and cumulative effects arising from the instant proposed development and proposed wind farm, the Board advised the prospective applicant to be mindful that all data is up-to-date and also takes account of any policy changes which have occurred in the interim. The prospective applicant was also advised to be mindful of any implications arising from the revised EIA Directive.
- The Board noted the fact that an NIS was produced in respect of the proposed wind farm and, in response to the prospective applicant's query on

the matter, said it imagined that a Stage 2 Appropriate Assessment would also be required for the proposed substation. The Board also said that in-combination effects with the proposed wind farm should be assessed in any such NIS.

- In response to the prospective applicant's query, the Board said that its preliminary opinion was that the proposed development would constitute strategic infrastructure.
- With regard to plans and particulars to be lodged as part of any planning application, the Board advised the prospective applicant that a schedule of proposed monitoring and mitigation measures should also be included as a stand-alone appendix/document.
- The Board provided the prospective applicant with a preliminary list of prescribed bodies which it considered relevant to any planning application. A finalised list will be included with the Board's formal determination letter in the event of it deciding that the proposed development is SID.
- The prospective applicant confirmed for the record that consultations have taken place between it and representatives of the National Parks and Wildlife Service (NPWS).

Application procedures:

Procedures for the making of a planning application to it were set out by the Board as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant from the Board.
- The application must be made by way of full completion of an application form to the Board.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper. A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2018 must also be erected. The date of the

erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.

- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard, the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:

Planning Authority – 5 hard copies and 2 electronic copies.

An Bord Pleanála – 3 hard copies and 7 electronic copies.

- The Board also requires the prospective applicant to provide a stand-alone website containing all of the application documentation. The address of this website is to be included in the public notice.
- The public notice of the application is to indicate that the application documentation will be available for public inspection after the elapsment of at least 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.
- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. It was agreed that the prospective applicant could advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times could be communicated at that stage.

- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice.
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). 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 depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the elapsment of the period for the public to make submissions. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, copies of the actual newspaper notices as published and the site notice.
- The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition, it was pointed out that the legislation also enables the Board direct payment of costs or a contribution towards same to the planning authority and third parties.
- The Board also referred to the requirements with regard to the EIAR portal which must be complied with prior to the lodging of the planning application.

The sequencing of the making of the application was summarised as follows:

- Publish newspaper notices.
- Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
- Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

Conclusion:

The Board advised the prospective applicant to await the written record of the instant meeting prior to requesting formal closure to the pre-application consultation process. Such a request must be made in writing and, upon receipt, the reporting inspector will complete his report and recommendation and the file will be forwarded to the Board for SID determination. The Board advised the prospective applicant that this final stage of the process might take approximately four weeks.

The record of the instant meeting will issue in the meantime and the prospective applicant can submit any comments it may have on this prior to or at the time of a further meeting.

The meeting concluded at 11.40 a.m.

Anne Marie O'Connor
Assistant Director of Planning