



An
Bord
Pleanála

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