

# Record Of Meeting

An Bord Pleanála



|                                   |   |        |  |
|-----------------------------------|---|--------|--|
| <b>Case Reference/Description</b> | 19.PC0209<br>Wind Farm at Cloncreen, County Offaly. |        |  |
| <b>Case Type:</b>                 | Pre-app consultation                                |        |  |
| <b>Meeting:</b>                   | Second  |        |  |
| <b>Date:</b>                      | 18 <sup>th</sup> May, 2016                          | 11a.m. |  |
| <b>Location:</b>                  | Board's offices                                     |        |  |
| <b>Chairperson:</b>               | Anne Marie O'Connor                                 |        |  |

## Attendees:

### Representing An Bord Pleanála

Anne Marie O'Connor – Assistant Director of Planning

Stephen O'Sullivan – Senior Planning Inspector

Marcella Doyle – Senior Executive Officer

Kieran Somers – Executive Officer

### Representing Prospective Applicant

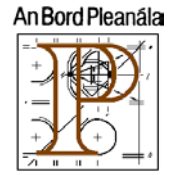
Sean Creedon, Project Manager, Bord na Mona

Brendan Connolly, Business Development Manager, Bord na Mona

Jimmy Green, Planner, McCarthy Keville O'Sullivan

Michael Watson, EIS Co-ordinator, McCarthy Keville O'Sullivan

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The Board referred to its previous meeting with the prospective applicant held on the 18<sup>th</sup> November, 2015 and the record of this meeting. The Board noted that the prospective applicant had forwarded some written comments on the record of this meeting which are on file. The prospective applicant said these were essentially points of clarification.

The Board's representatives advised the prospective applicant that it has had a meeting with the SID division of the Board since the time of the previous meeting. The Board's representatives also met with representatives from Offaly County Council on the 17<sup>th</sup> May, 2016.

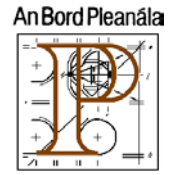
## **Presentation by the prospective applicant:**

The prospective applicant provided the Board with an update in respect of the proposed development. It said that the proposed development is now for 21 turbines on the subject site and referred to the proposed layout. The prospective applicant outlined details such as the road network and site access points for the proposed development.

The prospective applicant said it had referred to two options for the proposed substation on site at the time of its previous meeting with the Board. It noted that the location for one of these has been moved to the eastern boundary of the site. The other option remains on the southern side of the site. The EIS will address both options. There will also be other elements such as a permanent meteorological mast, a contractor's compound, underground connection routes, a borrow pit, storage compound and passing bays.

The prospective applicant advised the Board that significant discussions have taken place with Offaly County Council in respect of proposed haul routes. Such routes will be subject to agreements with the local authority and third parties. Letters of consent will be lodged with the planning application. Noting this, the Board advised that traffic impacts arising from construction traffic should be robustly addressed in the planning application. The Board said all scenarios should be considered and alternatives fully described. In the event that the northern site access is required, the Board advised that a robust rationale should be set out in the application/ EIS.

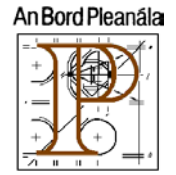
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Having regard to issues raised at the previous meeting of 18<sup>th</sup> November, 2015, the prospective applicant addressed these as follows:

- With respect to potential impacts on the Grand Canal and its walking route, the prospective applicant said that these will be addressed in the planning application documents, in particular by way of photomontages and route screening analysis.
- In relation to the proposed amendments to the Wind Farm Guidelines, the prospective applicant said it is cognisant of these and will future-proof the application as best as possible.
- In relation to the drainage design for the subject site, the prospective applicant noted that there is an existing drainage system and this will be utilised as much as is feasible. It confirmed that no new discharge points from the subject site will be created.
- With respect to the matter of separation distance, the prospective applicant said that minimum distance between any individual turbine and a residential dwelling is in excess of 700 metres.
- With regard to the National Parks and Wildlife Service (NPWS), the prospective applicant is awaiting additional feedback from this body. Responding to the Board's query, the prospective applicant indicated that Stage 2 Assessment (production of an NIS) is considered to be likely.
- In respect of the proximity of the proposed development to County Kildare, the prospective applicant noted that proposed grid connections and haul routes do not impact on Kildare. The only haul route impact which occurs outside the jurisdiction of Offaly County Council is at Junction 5 of the M6 which is within the boundaries of Westmeath County Council.
- With regard to the quarry which is on site, the prospective applicant confirmed that this will be included in the formal planning application. Noting this, the Board advised that this should be fully assessed in the planning application. The prospective applicant advised that geotechnical surveys have been carried out.

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## **Public consultations:**

The prospective applicant said that the second round of public consultations has now been completed. It advised that public information sessions were held over a 3-day period and attended by 64 parties. House-to-house visits have also been conducted and an information booklet sent out. The prospective applicant said that the community engagement forum includes local representatives.

With respect to its recent meeting with Offaly County Council (held on the 13<sup>th</sup> May, 2016), the prospective applicant said that all information was presented to the local authority, including photomontages. It reported that the main issues raised by the local authority in respect of the proposed development were cumulative impacts, risk of flooding, the new EIA Directive and potential impacts on water bodies.

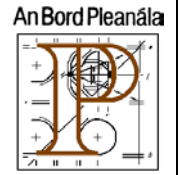
Having regard to scoping, the prospective applicant said that the original scoping document was issued to the relevant bodies in September 2015. The revised scoping document was issued to the same bodies in April 2016. The prospective applicant said that it received responses from most of the bodies concerned. The issues raised by these bodies for consideration in the EIS included baseline surveys and impact assessment, including ecological surveys, visual impact, drainage, noise and shadow flicker and construction methodology.

The Board enquired as to whether there would be any in-stream works involved in the proposed development. The prospective applicant replied that there would not be. It added that surface water discharges would not be changing as a result of the proposed development. Responding to the Board's query, the prospective applicant said that there may not be a need for surface water discharge licence. Currently this licence is operated by the EPA.

## **Update on assessments:**

The prospective applicant advised that photomontages will be presented as part of the planning application. These will be from 22 locations. The prospective applicant showed the Board's representatives the types of photomontages which will be included with the planning application. Noting these, the Board reminded the prospective applicant that worse-case scenarios should also be included.

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The prospective applicant advised that baseline data in respect of noise has now been completed. It said the closest residential dwelling not involved in the development to a turbine is 750 metres. Noting this, the Board said that the key issue as regards noise is cumulative impacts having regard to existing and permitted developments in the area.

In relation to archaeological matters, the prospective applicant noted the presence of materials of interest on site. It said that Bord na Mona has a code of practice regarding this. The prospective applicant advised that mitigation measures will be in place with respect to peat extraction. In relation to geology, the prospective applicant said that exercises such as peat probing have been conducted. The prospective applicant also confirmed that a stand-alone flood risk assessment will be included as part of the planning application.

With respect to ecology, the prospective applicant said that several seasons of bird surveys have been conducted and that, subsequently, there is a large amount of data compiled in relation to the subject site. It said that the subject site is not close to any Special Protection Areas, nor are there any Annex I Habitats. It reported that all relevant baseline assessments are now generally complete.

## **Strategic Infrastructure Development:**

The prospective applicant reiterated its view that the proposed development would constitute strategic infrastructure development. The proposed development is for 21 turbines with a combined output of 63 megawatts. The prospective applicant indicated that following receipt of the Board's record of the instant meeting, it would most likely then be requesting formal closure to the pre-application consultation process.

## **Board queries:**

The Board noted that impacts on birds is an important consideration in respect of such planning applications and it reminded the prospective applicant that it should be cognisant of matters such as interconnectivity of designated sites in this regard.

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The Board noted that the relevant wind farm guidelines recommend a regular layout in respect of such open peatland sites. The prospective applicant said that the subject site is compact and that the proposed layout represents a geometric layout. It added that the cumulative impact assessment, and photomontages, would include Mount Lucas.

With respect to the matters of noise and shadow flicker, the prospective applicant confirmed to the Board that the issue of how curtailment will operate will be addressed in the formal planning application.

Responding to the Board's query, the prospective applicant also confirmed that there will be public access to the site and that there may be a connection between the subject site and the Mount Lucas site. The prospective applicant said that a wider network of amenity uses would be possible as peat extraction ceases and rehabilitation works are completed.

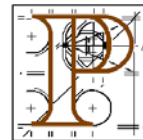
The Board said that it did not foresee the need for further meetings in respect of this particular pre-application consultation case; however, it advised that the prospective applicant may wish to delay the request to formally close the process until it is really to submit the application.

## **Procedures:**

Procedures in relation to the making of a formal planning application to the Board were given to the prospective applicant as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37A(4)(a) of the Planning and Development Act, 2000 as amended.
- The application must be made by way of full completion of an application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 37E of the Planning and Development Act, 2000, as amended.
- 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

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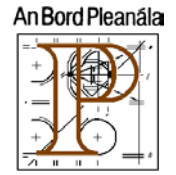
accordance with the protocols set out in the Planning and Development Regulations, 2001-2011 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board. The Board can give advice as regards the positioning of site notices.

- 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 would 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 County Manager 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

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

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

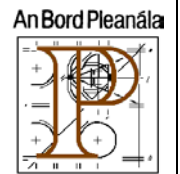
## **Conclusion:**

With regard to the Edenderry Power Station, the Board advised the prospective applicant to ensure that there are no Seveso sites within the vicinity of the proposed development. The Board indicated that certain procedures would have to be initiated if there was a Seveso site in close proximity, including with respect to public notices and liaison with the Health and Safety Authority.

The Board indicated to the prospective applicant that it may request it to include Kildare County Council and Westmeath County Council as prescribed bodies to be notified of the planning application.



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The Board also advised the prospective applicant that there may or may not be an oral hearing convened in respect of the proposed development. The Board reminded the prospective applicant that it should not rely on the holding of an oral hearing, particularly with regard to addressing any deficiencies in the planning application.

Responding to the prospective applicant's query, the Board advised that the employment by it of a consultant ecologist, or other such professional, to assist the Board is decided on case-by-case basis.

The Board said that the record of the instant meeting will issue to the prospective applicant as soon as practicable. It will then be a matter for the prospective applicant to advise the Board as to when it will be seeking formal closure to the process.

The meeting concluded at 12.40p.m.

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**Anne Marie O'Connor**  
**Assistant Director of Planning**